

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: FIONA OLDROYD
(PLANNING SUPPORT OFFICER,
DEVELOPMENT MANAGEMENT)**

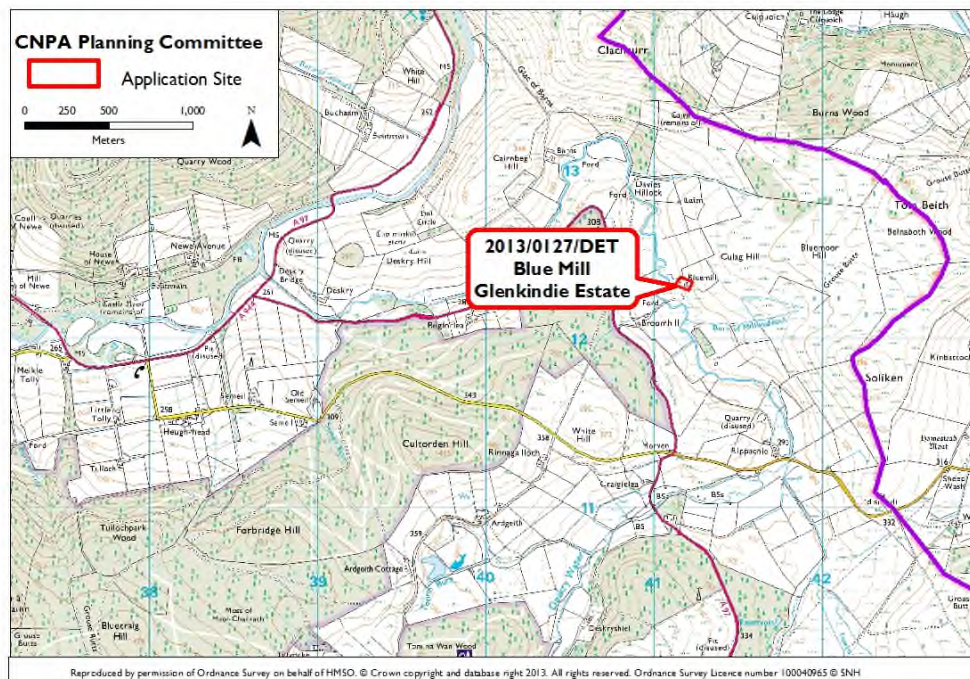
DEVELOPMENT PROPOSED: ERECTION OF DWELLINGHOUSE INCLUDING DEMOLITION OF DERELICT COTTAGE AND STORE AND ERECTION OF FOOTBRIDGE AT DERELICT COTTAGE AT BLUE MILL, GLENKINDIE ESTATE

REFERENCE: 2013/0127/DET

APPLICANT: FROGMORE (SCOTLAND) LTD

DATE CALLED-IN: 28 APRIL 2013

RECOMMENDATION: APPROVE WITH CONDITIONS



Grid reference: 341172 E 812350 N

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site is located on Tom Beith hill on the eastern edge of Glenkindie Estate, Strathdon. The site comprises a derelict steading and farmhouse within an area of open pasture, a small stand of trees to the north and the Deskry Water to the south.
2. The site is accessible from an existing track off of the A97 Dinnet to Strathdon road measuring approximately 1/3 of a mile crossing the Deskry Water via a ford. The existing buildings date from the late 18th century and are in poor condition with no roof.



Figure 2: Context of Bluemill from south west showing existing access



Figure 4: Existing Steading



Figure 5: Existing Cottage

3. Full planning permission is sought to erect an estate dwelling on the site of the steading, using parts of the existing structure. The existing stonework is to be conserved and extended in a contemporary design finished with granite, oak and larch. The roof is a natural slate pitched roof. The dwelling would be approximately 33m in length, 24m in width and 9.5m in height. It comprises 4 bedrooms with en-suite facilities, kitchen, dining room, drawing room, gym, gun room, garage and car port within two floors.
4. A Design Statement has been provided to show the mixture of contemporary and traditional design proposed. The house has been designed using an environmental approach to include passive solar gain, solar water heating panels, heat recovery ventilation, minimisation of heat loss and the use of recycled and recyclable materials.



Figure 3: Proposed estate house from south west



Figure 4: South elevation



Figure 5: West elevation



Figure 6: East elevation

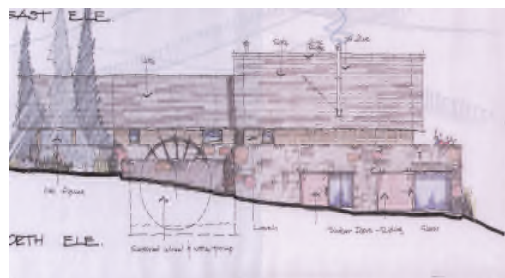


Figure 7: North elevation

5. A supporting statement has also been submitted to explain the rationale for the development which relates to erecting a house for sale, with the profits reinvested into this sporting estate. This also explains why the applicants do not wish the new house to be tied to the estate.
6. Provision of parking for two cars is provided in a car port incorporated in the dwelling. Surface and foul drainage provision include a septic tank and soakaway system with certification of arrangements awaited at the time of writing. Drinking water will be provided via a private supply.
7. A bridge would be constructed to cross the Deskry Water at the existing ford. The bridge is to be approximately 6.7m across with a width of 3.5m of timber decking and a handrail of 1.1m in height. The existing track would be upgraded either side of the bridge to a width of 3m from the A97 to the house for a distance of approximately 1km.
8. A Landscaping Strategy Plan has been submitted in support of the application and provides details of a wider investment and maintenance programme across the estate. This includes sensitive measures to improve and enhance the surrounding moorland, woodland, grassland, buildings, field boundaries and waterway. Measures include reinstatement of drystone dykes and fences, indigenous tree planting and other land management practices.
9. The applicant has submitted a business case for the proposed development. It states that *'the dwelling would be for sale on the open market and the proceeds of sale would be fed back into the Estate, directly enabling the regeneration of the southern side of the Estate, south of Deskry Water'*.

Planning History

10. The site has various previous applications with a complex history. An application for outline planning permission for a replacement house for existing disused farmhouse and outbuildings at Bluemill Farm was submitted in 2005 (05/205/CP). The application was subsequently withdrawn as it was not in accordance with the Development Plan at the time, prior to adoption of the Cairngorms National Park Local Plan.
11. An application for full planning permission for the erection of a dwellinghouse and proposed bridge (09/263/CP) was delegated to officers to approved by the Committee on 15th October 2010 subject to a S75 agreement covering various matters including that the sale, lease or any other form of disposal of the proposed estate house separate from the estate was restricted. The S75 agreement did not reach completion given a legal complexity arising from any granted planning permission being tied to the whole estate which is under the ownership of two individuals. The application was withdrawn on 8th June 2011.

12. The proposed dwelling in the current application (2013/0127/DET) is identical to the withdrawn application (09/263/CP). However the application boundary has been reduced to exclude the demolition of the derelict dwellings at Broomhill, to the south of Bluemill which may provide suitable habitat for bats.

DEVELOPMENT PLAN CONTEXT

National policy

13. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. SPP emphasises the core principles of the planning system, highlighting the key role of development management to 'operate in support of the Government's central purpose of increasing sustainable economic growth'.
14. **SPP** includes broad 'subject policies' which may apply to the proposed development including Landscape and Natural Heritage, Economic Development and Rural Development. Of particular relevance to this application, paragraph 45 states that 'authorities should...take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.'
15. **SPP** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan 2012-2017

16. The Cairngorms National Park Partnership Plan 2012-2017 sets out the vision and overarching strategy for managing the park at a time of limited financial resources. The Plan provides the strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together, benefitting people and place.
17. The long-term outcomes of the Park Partnership Plan address the interaction of three characteristics of the Park as an internationally important area for nature conservation, a fragile rural economy and an internationally known tourism destination. The interdependence and successful delivery of these outcomes is at the heart of the National Park.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

18. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265> All policies of the Plan apply to new development and the following paragraphs refer to the key policies which are applicable to the site.
19. Policy 5 - Biodiversity: This policy aims to protect any habitats or species identified in the Cairngorms Local- or UK- Biodiversity Action Plan or Scottish Biodiversity List by permitting development only where it can be demonstrated that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species or where significant harm or disturbance to the ecological function is unavoidable and appropriate compensatory measures are provided.
20. Policy 6 – Landscape: There will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular, the setting of the proposed development. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance and all adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.
21. Policy 16 – Design Standards for Development: This policy identifies the requirements for development to include principles of sustainable development. This includes, where appropriate, design which minimises the effect of development on climate change; reflects traditional pattern and character in the local area; uses materials and landscape that will complement its setting; sustainable use of resources; enables recycling; reduces travel; protects the amenity of neighbouring properties and is in accordance with the design standards set out in the Sustainable Design Guide.
22. Policy 22 – Housing Development outside Settlements: For housing outside new settlements (of which is not affordable), development will be permitted where the accommodation is for a worker in an occupation appropriate to the rural location. In particular this could be the requirement for the presence of an on-site worker to provide 24-hour supervision to a rural business; where there is no suitable alternative residential accommodation available including reuse and conversion of other buildings on site; and the proposed dwelling is within the immediate vicinity of the worker's place of employment. Alternatively, this policy will permit development where the dwelling is for a retiring farmer or crofter, on land managed by them for at least the previous ten years, or for a person retiring from another rural business, where their previous accommodation is required for the new main operator of the farm,

croft or rural business. Development will also be supported if the development is sited on rural brownfield land.

23. Policy 23 – Replacement Houses: There will be a presumption against the replacement of an existing house with a new house unless: the existing house is demonstrated to be structurally unsound or incapable of rehabilitation; the existing house is not a listed building; the new house is located to incorporate the footprint of the original house, unless an alternative adjacent site would minimise any negative environmental, social or economic effects of the development; the existing house has been vacant for at least ten years.
24. Policy 25 – Business Development: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, is located within an allocated site identified on the proposals' map. Alternatively, other business opportunities will be supported where the proposal supports the vitality and viability of a farm, croft or other businesses in a rural location; or is complementary to that current rural business activity; or it promotes diversification within that business; or creates new small scale development which supports the local economy.
25. Policy 27 – Conversion and Reuse of Existing Traditional and Vernacular Buildings: Development proposals for the conversion of existing traditional and vernacular buildings will be permitted where the building is redundant for its original use, and it can be demonstrated that it is unlikely to have a commercial or economic future in its current form. The proposal must also be designed to maintain the style and character of the original building in terms of form, scale, materials and detailing.
26. Other planning policies relating to water resources, servicing and developer contributions also apply here.

Supplementary Planning Guidance

27. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

28. The Sustainable Design Guide highlights the need to conserve and enhance the distinctive character and the innate special qualities of the Park. The Guide promotes a sustainable design approach using four key sustainable design principles:
 1. Conserving and enhancing the character of the Cairngorms National Park;
 2. Using resources efficiently;
 3. Minimising the environmental impact of development; and
 4. Enhancing the viability of the Cairngorms National Park communities.

The guidance has at its core the traditional approach to design which aims to 'deliver buildings which provide a resource-efficient, comfortable and flexible living environment' whilst welcoming 'innovation in both design and use of material in keeping with its setting in the National Park'.

Conversion and Reuse of Existing Traditional and Vernacular Buildings

29. This supplementary guidance provides additional information relating to Policy 27 of the Local Plan (2010) and is to be read in conjunction with the Sustainable Design Guide. General principles of design are provided to encourage sympathetic conversion of existing buildings through conservation and enhancement of existing style and character.
30. Also relevant is supplementary guidance on Natural Heritage

CONSULTATIONS

31. **Donside Community Council** were consulted but returned no comments to the application.
32. **Aberdeenshire Council Roads** have no objection to the proposal providing the visibility splays are adequate and included in conditions attached to any planning permission granted.
33. **Aberdeenshire Council Environmental Health** have no objection to the proposal providing information relating to the new private water supply is submitted to the Planning Authority prior to occupation of the proposal.
34. **Aberdeenshire Council Planning Gain team** have assessed the impact of the development upon local services and amenities and concluded upon a suitable level of contribution which relates to affordable housing and education.
35. **SEPA** have responded to the consultation and have no objection to the proposal on the grounds of flood risk. SEPA acknowledged the risk of flooding to a part of the access track between the river and house which was subsequently considered by Aberdeenshire Council Flood Prevention Unit as the appropriate Authority.
36. **Scottish Natural Heritage** were consulted on the proposal but have no formal comment on the proposal, in line with the service agreement.
37. **Aberdeenshire Council Flood Prevention Unit** highlighted concerns for the requirement of emergency vehicular access to the site in response to possible flooding events. Following discussions with the applicant the Flood Prevention Unit recommends that such access plans be approved by the CNPA and Flood Prevention Unit prior to any works being undertaken, in addition to details of the design and construction methods for the bridge and

access track being covered by any conditions attached to any planning permission granted.

38. **CNPA Ecology** have responded to the consultation with various recommendations. There is an area of unimproved grassland to be protected during the upgrade of the access track and construction. Evidence of protected otters were identified on site and various mitigation measures are proposed during construction to minimise any potential impact.
39. **CNPA Landscape** had no adverse comments to the previous application.

REPRESENTATIONS

40. The application was advertised in the Deeside Piper on 19th April 2013. No representations have been received.

APPRAISAL

41. In determination of 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.
42. In principle, the addition of the proposed dwelling raises no particular policy issues. Key policies of the adopted Cairngorms National Park Plan 2010 include Policy 22: Housing Development Outside Settlements and Policy 25: Business Development which supports both development on brownfield land and the vitality of rural businesses. Consequently, the proposal to erect a new house on the site of former buildings complies with Policy 22 subject to details of design, siting, servicing and environmental impacts being satisfactory. These matters of detail will now be considered.

Environmental Issues

43. There are no objections from SNH or CNPA Ecologist in relation to any environmental issues in the area. Evidence of otter has been identified at various points of the Deskry Water. However, it is expected that there will be no negative impact providing measures are taken at the construction stage to protect any otter in the area which can be covered by an appropriate planning conditions.

Siting and Design

44. In consideration of the design of the proposed house, pre-application discussions were held between the applicant and CNPA prior to the submission of the previous application, now withdrawn (09/263/CP). The proposed development is of the same design as previously considered. It is considered to be of a high standard of design. The proposal incorporates a traditional and contemporary design utilising the structurally sound walls of the existing derelict steading within the existing footprint of previous development in accordance with both Policy 22: Housing Development outside Settlements and Policy 23: Replacement Houses.
45. As set out in Policy 16: Design Standards for Development, the proposed development utilises sustainable methods of design and will use materials from the demolished cottage where practical.
46. Finally the siting of the new house is considered to be appropriate in this landscape, utilising a previously developed site with potential to provide a good setting through careful landscaping.

Technical Issues

47. Aberdeenshire Council's Flood Prevention Unit had raised concerns regarding the requirement for an emergency access to the site in the event of a 1 in 200 year flood event. This issue has been explored and can be addressed by conditions attached to any planning permission granted. Otherwise the site can be satisfactorily serviced and accessed subject to appropriate planning conditions and agreement on developer contributions.

Conclusion

48. In these overall circumstances this application is considered to comply fully with Local Plan policies and is recommended for approval subject to appropriate planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

49. The conversion and redevelopment of existing buildings, in a sensitive manner in respect of the original character of the building, would make a positive contribution towards conserving and enhancing the natural and cultural heritage of the Park.
50. All aspects of the development are largely within the footprint of the existing, disused structures. The physical impact of the proposal would not encroach into any undeveloped areas.

Promote Sustainable Use of Natural Resources

51. The majority of the development would occur through alteration of the existing steading structure and the general rehabilitation of a formally disused building can generally be viewed as sustainable. The requirement for new material is minimised through the use of existing structures.

Promote Understanding and Enjoyment of the Area

52. The proposed house relates to a traditional sporting estate, including stalking, fishing and shooting. Provision of a new house could help support the commercial activities of the estate with as noted by the applicants, any potential profits from the future sale of the house to be reinvested into the estate which could help support the enjoyment of users of the estate. As the design is appropriate is not considered to have any adverse effect on the wider enjoyment of this area.

Promote Sustainable Economic and Social Development of the Area

53. The future sale of the proposed dwelling would allow reinvestment into the Estate and in turn will promote economic and social development of a traditional sporting Estate. The construction of the new buildings would potentially support the local economy by providing construction work whilst provision of new housing supports social development in the area.

RECOMMENDATION

That Members of the Committee support a recommendation to grant full planning permission to erect a dwellinghouse including demolition of derelict cottage and store and erection of footbridge at derelict cottage at Blue Mill, Glenkindie Estate subject to:

- (a) The developer entering into an appropriate agreement regarding developer contributions**
- (b) The developer providing satisfactory certification to demonstrate that ground conditions are suitable for disposal of septic tank effluent , and**
- (c) the following planning conditions:**

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Prior to the commencement of any development on site, details of satisfactory access for emergency vehicles during a flood event to be submitted and approved by the Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation with Aberdeenshire Flood Prevention Unit. Thereafter any physical/agreed works shall be retained and implemented in accordance with the approved details before occupation of the house hereby approved.

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

3. Prior to the commencement of any development on site, detailed design and construction method statements for the bridge and access track shall be submitted to 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. The works shall thereafter be implemented in accordance with the approved details before occupation of the house hereby approved.

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 in accordance with Local Plan policies.

4. Work on site shall be carried out in accordance with the following requirements.
- Construction shall be limited to between 8am and 6pm, or 2 hours after sunrise to 2 hours before sunset, whichever is the later.
 - Construction workers to be given a briefing on otter and the procedure to follow should an otter be present on site.
 - All open drains and holes shall be covered when not in use to prevent otters becoming trapped.
 - A pre-construction mammal survey is required if works are not initiated within 6 months of the date of the ecological survey (19th February 2013).

Reason: To ensure there are no adverse environmental impacts in accordance with Local Plan policy

5. The development hereby approved shall be undertaken in accordance with the following requirement before the house hereby approved is occupied:
- The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - The first 5m of driveway (measured from edge of road or back of footway) to be fully paved unless otherwise agreed with the CNPA acting as Planning Authority.
 - Off-street parking for 3 cars, surfaced in hard standing materials to be provided within the site.

Prior to commencement of development, visibility splays, measuring 2.4m by 160m shall be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level throughout the lifetime of this consent.

Reason: To ensure the site is satisfactorily serviced in accordance with Local Plan Policies

6. Full details of the water supply are to be provided to the CNPA acting as Planning Authority in consultation with Aberdeenshire Council's Environmental Health Service prior to occupation of the proposals. The proposed water supply shall be subject to adequate treatment to ensure conformity with The Private Water Supplied (Scotland) Regulations 2006, prior to occupancy of the proposals and the supply shall be installed in accordance with the approved details before occupation of the house hereby approved.

Reason: To ensure the site is satisfactorily serviced in accordance with Local Plan Policies

7. The house hereby approved shall not be occupied until the foul drainage arrangements have been implemented in accordance with the approved details.

Reason: To ensure the site is satisfactorily serviced in accordance with Local Plan Policies.

8. No work shall commence on any water features until details have been submitted to and approved by the CNPA acting as Planning Authority to illustrate planting and fish stocking proposals which should reflect the requirement for native species. Any works shall thereafter be implemented in accordance with the approved details.

Reason: To ensure there are no adverse environmental impacts in accordance with Local Plan policy.

9. No work shall commence on site until a detailed landscape scheme has been submitted to and approved by the CNPA acting as Planning Authority. The landscape scheme shall be thereafter be implemented in accordance with the approved details in the first planting season following occupation or completion, whichever is the sooner, of the house hereby approved.

Reason: In the interests of visual and landscape amenity in accordance with Local Plan policies.

10. Before work commences on the construction of the house hereby approved details of the finishes of the house (by way of samples or brochures) shall be submitted to and approved by the CNPA acting as Planning Authority. The works shall thereafter be completed in accordance with the approved details.

Reason: In the interests of visual and landscape amenity in accordance with Local Plan policies.

Fiona Oldroyd

planning@cairngorms.co.uk

04 July 2013

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.