
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: PROPOSED HOLIDAY CHALET AND STORAGE BUILDING, WESTERTON, GLENBUCHAT, STRATHDON (FULL PP)

REFERENCE: 07/488/CP

APPLICANT: ALF SORENSON, SCOTSPORT TRAVEL

DATE CALLED-IN: 28th DECEMBER 2007

RECOMMENDATION: APPROVAL

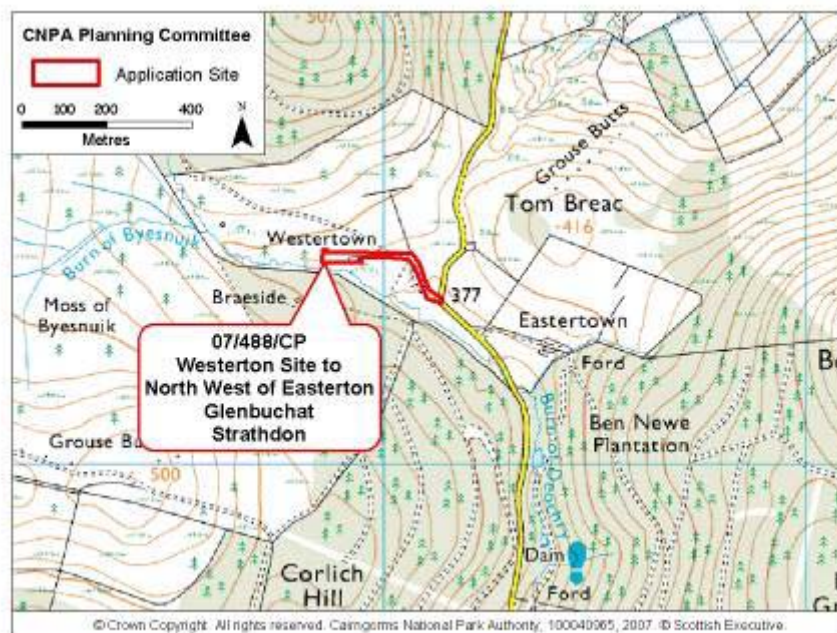


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site lies to the west of a minor road between the A944 in Strathdon and Belnacraig in Glen Buchat (see figure 1). The application site lies immediately next to a ruin, adjacent to a grass track that rises towards woodland and veers back towards the road further north. The site is part of a wider gap between two areas of forestry above a burn that drains from Hill of Cummerton to the west. The immediate area of the site is characterised by rough grazing. There are a small number of trees next to the site (see figs 2&3).
2. This application was considered by the CNPA Planning Committee on 30 May in Ballater. The Committee decided to carry out a site visit because of concerns about the choice of the site and its visibility in the area. Other concerns were raised about the interpretation of the Aberdeenshire Local Plan and Sustainability.
3. What is proposed is a simple timber building on a narrow plan form with a living room and kitchen on the ground floor and two bedrooms in the roofspace (see fig 4). The roof would be finished in corrugated steel in a red colour that will imitate a rusty finish; a small store building is also proposed adjacent to the main building, this would use the same materials. The intention is that the facility would be holiday accommodation for a company known as Scotsport and is proposed at the centre of land they use for their sporting clients. A letter has been attached at the back of this report pointing out that Scotsport has been involved in deer management and culling on land the company owns at Westerton Woods as well as being a stalking and shooting tenant of Glenfiddich and Cabrach Estates. The letter points out that more clients are requiring self catering accommodation in the area. The intention is that the timber chalet would serve this purpose and be part of the sporting business. Additional information has been submitted since the 30 May committee and is attached at the back of the report. This points out that the buildings will be used both for management of the ground/game larder and holiday lets. The company has sporting lets on more than 70,000 acres within 10 miles of the site and in total rights to 150, 000 acres of land including Tillypronie/Dinnet and Invercauld. Land at Glenbuchat will support shooting for 16 weeks per year, but this would be likely to be in combination with shoots in other areas.
4. With regard to sustainability additional information points out that the design utilises materials that are sustainable with a timber

frame and timber cladding. Larch will be used which negates the requirement for paintwork and will fade naturally. The additional information also points out the potential for ground source/air source heat pumps is being investigated as part of the proposal. The building will also have high insulation values. The site has been chosen by the applicant to balance a number of characteristics including a feeling of remoteness with good views to be enjoyed by clients while still being near the road. The idea was also to keep the building low down as opposed to on a hillside and the newly planted trees will provide screening from the road. In addition, clients will be on the doorstep for their stalking venue.



Fig 2 View towards site showing access through gate from public road



Fig 3 View of site (between ruin and trees) looking towards public road



Fig 4 Elevations and plans for chalet and outbuilding

DEVELOPMENT PLAN CONTEXT

5. The **Aberdeen and Aberdeenshire Structure Plan 2001-2016, Policy 19 (Wildlife, Landscape and Land Resources)** concludes that development which would have an adverse effect on

regional/local designations, including Areas of Landscape Significance, will only be permitted where it can be demonstrated that any damaging impact is considered acceptable overall or there is a public interest which outweighs the conservation interest.

6. In the **Finalised Aberdeenshire Local Plan** there are a number of relevant planning policies. The site lies within an **Area of Landscape Significance (Policy ENV\5B)**. Development within such an area 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.
7. **Policy Emp\9 Tourist Facilities and Accommodation** considers that new or improved tourist facilities and accommodation will be approved, in principle, if they respect the character, amenity and scale of development in the surrounding area; they are reasonably accessible by public transport where available, cycling and on foot, or would deliver major improvements to public transport services in scale with the development; they are well related to existing settlements and avoid dispersed patterns of development, unless the developer has demonstrated a locational requirement based on the need to be near the specific tourist interest being exploited, and that the facility will not damage those interests. The background justification for the policy accepts that facilities for participation sports requiring unimpeded access to open country will normally be accepted on appropriate sites in the countryside. However, tourism must not destroy those very qualities that bring tourists to the area in the first place.
8. **Policy ENV\19 Archaeological Sites and Ancient Monuments** ascertains that development which would have an adverse effect on archaeological sites of either national or local importance will be refused unless: there are imperative reasons of overriding public interest; and there is no alternative site for the development.
9. When development is approved, **Policy ENV\19** states satisfactory steps must be taken to mitigate adverse impacts, at the developer's expense. Similarly, when development is approved and the preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development.

10. Other policies include **EMP\10 Sports, Leisure and Recreation** where participation sports and recreational activity facilities requiring unimpeded access to remote open countryside will be approved in principle, if they respect the character and amenity of the surrounding area. **GEN\2 The Layout, Siting and Design of New Development** states that new development will be approved in principle if, it respects existing natural and built features on or about the site which are worthy of retention and the characteristics of landscape in which it will be situated.

Cairngorms National Park Plan 2007

11. The recently approved **Cairngorms National Park Plan 2007** highlights the importance of the '**Economy and Employment**' within the Park as well as '**Enjoying and Understanding the Park**'. Under **Strategic Objective (a)** the plan encourages the 'creation of conditions conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location'. The Plan also details the strategic objectives for the '**Enjoyment and Understanding of the Park**' includes the promotion and management of outdoor access, recreation and visitor services, all of which are seen as an integral part of developing a sustainable approach to tourism, in line with the European Charter for Sustainable Tourism. **Strategic Objective (f)** under '**Sustainable Tourism**' states the importance of 'developing and managing a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park'.

CONSULTATIONS

12. **Aberdeenshire Council Roads** have considered the application and have no objections subject to planning conditions on visibility, off street parking for two vehicles, first 5 metres of the access to be fully serviced, surface water drainage not to run onto public road.
13. **Aberdeenshire Council Policy Observations** The policy section of Aberdeenshire Council has looked at the proposal and considers that there is a locational requirement in this case and no significant conflicts with the policy in principle. The concern relates to the design of the building which is out of character with the area, has an urban look and not acceptable on this basis. However, the Policy Officer would recommend approval if the design was more sympathetic to the surrounding area. The

proposal is only considered to be a policy departure if the design is approved and not a building for this purpose in principle.

14. **Aberdeenshire Council Environmental Services** note that a private water supply is proposed. The applicant should supply information relating to the quality and quantity of the private water supply including information to ensure that the water supplies of no other nearby properties would be detrimentally affected.
15. **Aberdeenshire Council Planning Gain** has negotiated a contribution towards affordable housing.
16. **Aberdeenshire Council Archaeology** note that while part of the application site lies on the site of an enclosure and small building of probable 18th century date, it does avoid the main remains of the Croft of Westerton, all of which are recorded in the Aberdeenshire Sites and Monuments Record. However, while the Archaeology Service has no particular objection regarding this application it is recommended that a survey is undertaken prior to work commencing to record surviving features and an archaeological watching brief is undertaken during any ground breaking work.
17. **SEPA** has no comment to make on the application.
18. **CNPA Sustainable Tourism Officer** comments that the tourism database currently only lists 2 self-catering establishments in Strathdon. The proposal is therefore unlikely to have a negative impact on existing accommodation businesses and would add to the tourist capacity of the area, which is to be welcomed. There is a preference for ensuring that tourism accommodation is accessible by public transport and within easy reach of other businesses. However, it is recognised that in such a rural part of the Park this is not always practical.
19. **CNPA Visitor Services and Recreation Group (VSRG)** note that there is a locked gate at the start of the access track to the site. VSRG question whether it could be a condition of the development that the gate is unlocked or modified to allow access for cyclists, horse-riders and walkers in line with the legislation in the Scottish Outdoor Access Code.

REPRESENTATIONS

20. The Chairman of **Donside Community Council** comments (see back of report) that there is no representative on the Community Council for the area in which the site is located. The view has been sought of a committee member of the Association of Cairngorm Communities who lives in the neighbouring community of Corgarff. The reply notes that there is already a wooden building nearby and the location is quite secluded and out of the way. The respondent can see no objection. The Chairman of Donside Community Council hopes these comments are of assistance.

APPRAISAL

21. The proposal raises a number of issues. The first part of the appraisal will consider the principle of the tourist accommodation proposed at this site then a discussion of more detailed design issues will follow. The report will conclude by covering technical issues.

Principle

22. The key determinant of the principle of the development in this location is the Aberdeenshire Local Plan and the Cairngorms National Park Plan. It is to be noted that Aberdeenshire Council Planning Gain Officer has negotiated a contribution to affordable housing and the recommendation at the end of the report is subject to this..
23. The key policy in the Aberdeenshire Local Plan is PolicyEMP\9 which is supportive of new and improved tourist facilities (inc accommodation) in principle if they meet a range of criteria. In terms of whether the proposal is generally in scale, character and protects the amenity of the area I am of the view that the proposal complies with this policy. What is proposed is of a modest scale and form and the simple timber structures would appear to accord with the character of the area which is predominantly commercial forestry and rough grazing. The only other building in view from the site is a holiday chalet with a timber finish and the residential amenity of that property would be unaffected by this proposal. Policy Env/5B of the plan relates to the area of landscape significance in which the site is located. However, given the modest scale and design of the development I am of the view that the proposal is acceptable under the terms of this policy.

24. Two remaining criteria of Policy EMP\9 relate to the proposal being well related to public transport and being well related to existing settlements and not giving rise to dispersed development. In one sense the proposal does not appear at first hand to meet these criteria given the relative isolation of the site. However, the policy does accept there can be locational requirements for some facilities based on the need to be near a particular tourist interest. This is pointed out in the justification for the policy which considers that facilities for participation sports and other recreational activities requiring unimpeded access to remote open country will normally be accepted on appropriate open sites in the countryside. It appears from the plan that the locational justification can relate to accommodation as well as facilities. Consequently, and a concern raised by members is whether the locational requirement is fulfilled by this proposal to an extent that would justify the development on a site that is not close to existing infrastructure/facilities.
25. The accommodation is sited where the proposer has a sporting interest so it would appear logical to site the accommodation in the area where that interest occurs. However, the ground in the ownership of the applicant is at the site is relatively limited in sporting terms and would not on its own justify the locational requirement. To reinforce the locational issue the applicant in his letter points out that he has sporting lets on more than 70,000 acres within 10 miles of the site. This in my view provides sufficient justification for the proposal. I am of the view that the proposal accords with this policy and this is confirmed by the view of Aberdeenshire Council's own policy section who feel that the proposal is acceptable in principle under the terms of Policy EMP\9. The general design of the building indicates a holiday use rather than a full-time permanent dwelling. What is perhaps more problematic is how the justification is converted into a planning approval. My earlier recommendation included a planning condition that the building was not sold separately from the land owned by the client. As mentioned the land owned is not on its own a justification for the proposal but the land in the area equating to something like 70,000 acres that the applicant has sporting rights to manage does, in my view, provide a justification. One way to tie the building to the business would be a legal agreement that the building is tied to the business interest (the 70,000 or 150,000 acres) but this is impractical and could require a number of landowners whose land the applicant uses for sporting purposes to sign up to a legal agreement. This would be impractical and unmanageable in that the sporting leases could change on a regular basis requiring any planning

agreement to be correspondingly amended. While not perfect the suggested condition is considered a suitable compromise. While not providing a full link between the whole of the business and the buildings it does ensure that the building and the land in the applicant's ownership cannot be sold separately and is only used in connection with the business and not as a free standing holiday let, the condition has been adjusted to reflect this. If members feel there is insufficient justification for the accommodation at this location or that the condition does not offer adequate protection then the proposal should be refused.

26. There may be concerns about the precedent that such a development would set but I would imagine there are no other commercial sporting companies in the area running a business of this scale without an existing lodge whether it be a traditional sporting lodge or other type of accommodation. While I am of the view that a single chalet is acceptable at the site the proposal does not provide justification for other chalets, the single isolated nature of the proposed building (as was the case with the former farm at the site) forms part of the justification as to why the building is acceptable to the character of this location.
27. The National Park Plan places an emphasis upon sustainable tourism and I am of the view that the proposal meets this emphasis without prejudicing the natural and cultural heritage aim of the Park. It is noted that the CNPA Sustainable Tourism Officer has no objection to the proposal.

Detailed Siting and Design

28. The siting of the buildings was the subject of pre-application discussion with CNPA officers. The design is intended to reflect a traditional sporting bothy (and outbuilding) with simple form and timber materials with a corrugated roof. Concern has been raised by Aberdeenshire Council Policy Section that the proposal is out of character with the area and has an urban look. I do not agree with this view and consider that the basic, rustic style reflects the buildings proposed use and is in character with this countryside location. In terms of siting it was important to note that the ruins of the former farm of Westerton have been avoided and Aberdeenshire Council Archaeologist has no objection to the proposal subject to a survey then watching brief for ground works. The setting of Westerton including the ruins and nearby trees do provide a reference and existing context in the landscape for the building. This to some extent negates the isolation of the building.

29. There is a track which gives access to the site and beyond which may be used by walkers. Because of this, I am recommending a condition that this remains unimpeded during construction and use of the sporting accommodation. The track in question is effectively a grass track and the plans show that this will remain the case with occasional mowing when required. This track would be likely to be churned up during construction but re-landscaping can be covered by a landscaping condition. In the course of dealing with this application it has been noted that the access gate at the start of the track leading up to and beyond the development site is locked. This is a track shown on the OS map that loops back round onto the main road. The level of usage of the track is not known. The National Park Visitor Services and Recreation Group has requested that a condition be recommended that the lock is removed from the gate to allow access along the track. I am of the view that such a suggestion meets the strategic objectives of the National Park Plan in terms of encouraging people to enjoy outdoor recreation. The Park Plan is a material consideration and provides justification for a planning condition to improve access. An appropriate condition has been attached at the end of the report. I have mentioned this to the agent for the application who accepts the reasoning behind this.

Technical Issues

30. Foul drainage will be to a septic tank/soakaway and there is ample land within the development area to allow for this. SEPA has no comment on the proposal. Aberdeenshire Roads have looked at the application and recommend a number of conditions which are achievable at the site.

31. The proposed water supply is to be from a private source. Aberdeenshire Environmental Health have advised that investigations will need to be carried out with regard to the quality and quantity of the proposed supply. Any investigation will include an aspect that needs to ensure that any existing users of the supply are unaffected. A condition is recommended to achieve this.

Conclusion

32. Overall, this is a modest well designed proposal that will contribute to the applicant's sporting business in the area. The siting of the buildings is considered appropriate, conserves archaeological features and the investigation to be carried out by planning condition may harvest more cultural heritage information about the site than is currently available. In addition no local objections have been raised regarding the proposal.

Conserve and Enhance the Natural and Cultural Heritage of the Area

33. The buildings have no effect on the natural heritage of the area and avoid the cultural heritage value of the former farm of Westerton. The design reflects the character of the area and is considered appropriate to the site.

Promote Sustainable Use of Natural Resources

34. There is no information regarding sourcing of materials. However, the accommodation will enable sporting clients to stay close to the areas in which they are carrying out their activity. This may, overall, reduce car journeys for the applicant's business.

Promote Understanding and Enjoyment

35. The proposal will help to promote understanding and enjoyment for visitors involved in traditional sporting activities in the area. In addition, a condition is recommended to ensure that other countryside users can gain access to the track leading up to and beyond the site.

Promote Sustainable Economic and Social Development

36. The proposal will provide accommodation for a company that brings a significant number of visitors to the area. The proposal will aid in the continuing operation of their business. The proposal

will make a small financial contribution towards affordable housing in the area.

RECOMMENDATION

37. That Members of the Planning Committee resolve to **GRANT** Full Planning Permission for the erection of a holiday chalet and storage building at Westerton, Glenbuchat, Strathdon, subject to the following:
- A. Financial contribution towards affordable housing.**
 - B. The following conditions**
 - 1. The development to which this permission relates must be begun within five years from the date of this permission.
 - 2. The proposed buildings shall only be used as holiday accommodation in connection with the sporting business and shall not be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation shall exceed one month. Occupation shall be restricted to use by persons requiring to stay in the are for purposes in connection with the traditional sporting business. The buildings shall not be sold separately from the landholding unless otherwise agreed in writing by the CNPA acting as Planning Authority.
 - 3. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
 - 4. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the

further approval of the CNPA acting as Planning Authority before any work commences on site.

5. Prior to the commencement of the development an archaeological survey of existing features shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with Aberdeenshire Council Archaeological Service.
6. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the CNPA acting as planning authority, during any ground working and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of reference for the watching brief will be supplied by Aberdeenshire Council Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the CNPA acting as planning authority and to Aberdeenshire Council Archaeological Service in writing not less than 14 days before the development commences.
7. Off street parking for 2 cars shall be provided within the site and surfaced with hardstanding materials. The parking spaces shall be ready for use prior to the first use of the building and shall be retained thereafter.
8. Visibility splays to be formed measuring 2.4 by 90 metres shall be formed on either side of the proposed vehicular access and thereafter kept free of all permanent obstructions above the adjacent carriageway level. The visibility splays shall be in place prior to work commencing on the site.
9. The development shall ensure that no surface water is discharged onto the public road.
10. Prior to the commencement of the development hereby approved a report shall be submitted to the CNPA acting as planning authority in consultation with Aberdeenshire Council Environmental Health regarding the quality and quantity of the private water supply. Aberdeenshire Council Environmental Health will obtain samples of the water supply with the costs of this activity to be borne by the developer. The report shall give full postal addresses of all users whether, residential, commercial or agricultural and provide information to show that the proposal has no detriment to existing users.

11. Prior to the commencement of the development hereby approved the locked gate which allows access along a track to the site shall be unlocked to enable use of the track to walkers, cyclists and riders unless otherwise agreed by the CNPA acting as Planning Authority. Information shall be submitted to the CNPA acting as Planning Authority indicating how construction will take place without impeding access along the track.

12. Final foul drainage proposals shall be submitted to and approved by the CNPA acting as Planning Authority prior to the commencement of the development hereby approved. The approved foul drainage system shall be in place and ready for use prior to the first occupation of the accommodation.

Andrew Tait 14 August 2008

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.