
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: ANDREW TAIT, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: ERECTION OF DWELLING HOUSE AND GARAGE (INCORPORATING ORIGINAL SAWMILL STRUCTURE) (FULL PLANNING PERMISSION) SITE TO SE OF CRANNACH HOUSE, CAMBUS O MAY

REFERENCE: 08/359/CP

APPLICANT: MR ALEXANDER REID

DATE CALLED-IN: 31 OCTOBER 2008

RECOMMENDATION: APPROVAL SUBJECT TO SECTION 75 AGREEMENT AND CONDITIONS



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site lies on the south side of the A93 at Cambus O May opposite a bus stop at the entrance to the Forestry Commission car park (figs 1 & 2). An existing little used access leaves the A93 and descends down to a former sawmill and piggery where a large single dwelling is proposed on what is effectively a brownfield site. Lying between the A93/Deeside Way and the River Dee the site forms part of a wider area used for sawmill activities adjacent an area to the west where the CNPA granted planning permission for a cheese making dairy in 2009 (see fig 9) which is yet to be constructed. The site for the house is set down below the road level in front of the Culsten Burn and would effectively be set into an embankment.
2. The general character of the site is regenerating birch woodland that has not been subject to recent management. The wider area includes a number of remains of the former sawmill as well as a scattering of machinery. The site for the house itself includes a stone built section of the old sawmill with a more modern addition to the west that has been used as a piggery. An old mill lade runs down the side of the buildings and was presumably used to power the sawmill. Part of the house would be sited on an open area immediately to the east of the existing buildings. The stone built former boiler house (fig. 6) of the sawmill would be incorporated into the new house.



Fig. 2-Site entrance on opposite side of road from bus stop



Fig. 3- Site entrance crossing Deeside Way



Fig.4- Site access track



Fig. 5- Former sawmill, site for house in foreground



Fig. 6- Boiler house (to be retained) with former piggery to left



Fig.7 –Piggery building to be removed



Fig.8 – View of site looking south over buildings towards River Dee

3. The access to the site would be direct from the A 93 crossing the Deeside Way (see figs 3 & 9 layout).

4. A number of trees would be removed to accommodate the development and while no formal Environmental Impact Assessment is required the applicant has produced an Environmental Assessment Report to support the application given the proximity of the River Dee Special Area of Conservation (SAC). Consideration has been given to otter, freshwater pearl mussels and salmon as the qualifying interests of the River Dee SAC. The report also covers such issues as woodland management, impact and mitigation upon the SAC and landscape. While a number of birch trees are to be lost additional planting of well over 200 trees is proposed for this application, the neighbouring approved dairy site and the surrounding area.
5. The proposal has been submitted with a full range of supporting information including business plan that related to the dairy business, site investigation report flood risk assessment and supporting planning report.
6. The house is intended for the applicant from where he would run the cheese making dairy. The house would also be used for marketing and entertaining visiting clients.



Fig.9- Site Layout showing approved dairy (left) and proposed house



Fig.10 3-D drawing of proposed house, incorporating boiler house

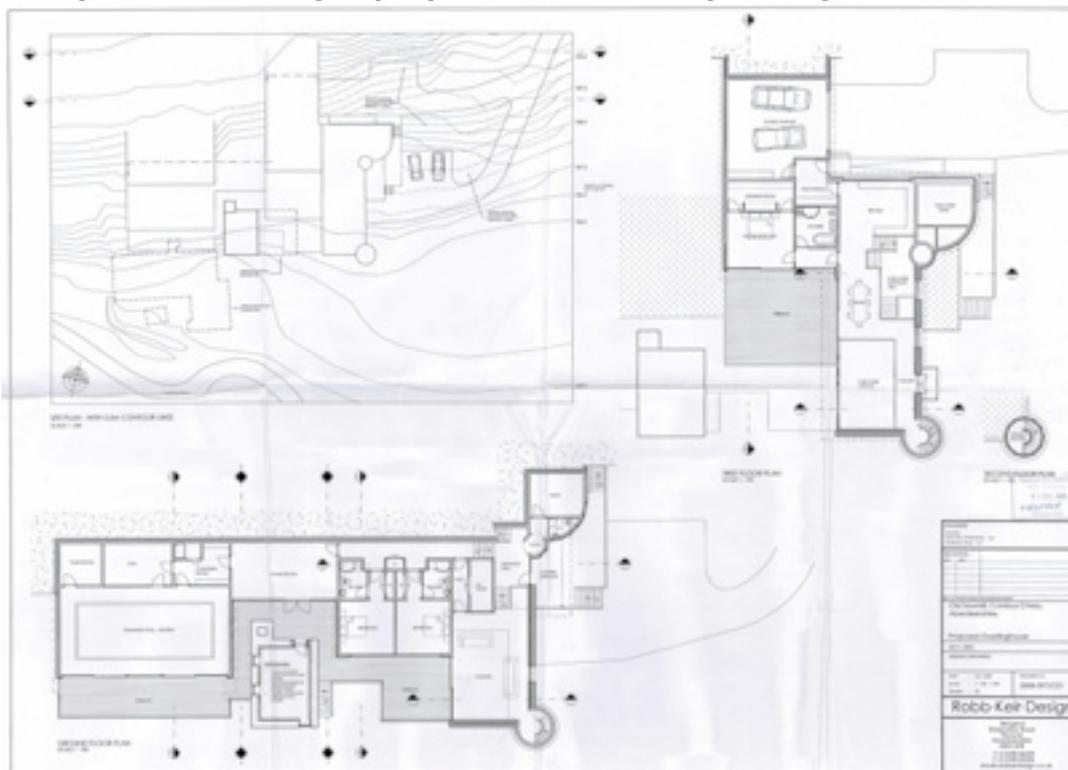


Fig. 11- Site and Floor Plan

7. A contemporary design is proposed for the house which would be constructed in a range of materials including re-used stone, timber and significant elements of south facing glazing (see fig 10). The front glazed elevation faces south and the rear elevation facing the Deeside Way and A93 would be set into an embankment. The roof is designed as a green roof to minimise any visual impact from the A93 and Deeside Way.

8. Accommodation is spread over two floors with a total of three bedrooms and a range of ancillary facilities including games room, gym, changing rooms and a swimming pool as well as the normal facilities of kitchen, dining room etc... The stone two storey section of the sawmill will be retained as a centrepiece of the new build being used to house a woodchip boiler system. The south east corner of the proposed house at its highest point includes a viewing gallery in the form of a tower. The detailed siting for the house has changed slightly during the planning process to ensure that the floor levels are above levels of potential flood risk.

DEVELOPMENT PLAN CONTEXT

National Guidance

9. **Scottish Planning Policy (2010)** contains a range of relevant guidance with relevance to the proposal With regard to Development Management SPP emphasises that development management is a key part of the planning system and should operate in support of the Scottish Government's central purpose of increasing sustainable economic growth. Under 'Housing' from paragraph 66 onwards the guidance notes that the Scottish Government is committed to increasing the supply of new homes and that the planning system should contribute to raising the rate of new housebuilding. The planning system should enable the development of well designed, energy efficient and good quality housing in sustainable locations. In terms of the location and design of new development the guidance notes that the siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials.
10. Para 80 notes that redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites at para 84 the guidance notes that the majority of housing requirements will be met within or adjacent existing settlements. Authorities should also set out circumstances in which new housing outside settlements may be appropriate.
11. Under paragraph 92 Rural Development the SPP notes that the planning system has a significant role in supporting sustainable economic growth in rural areas. The guidance notes that development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural business or would support the formation of new businesses by providing funding. Opportunities to replace run down housing and steadings, and to provide limited new housing along with converted rehabilitated buildings should be supported where the new development is designed to fit in with the landscape setting and will result in a cohesive grouping. Modernisation and steading conversion should not be constrained within the original footprint or height limit unless there are compelling design or conservation reasons for doing so.

12. Under Landscape and Natural Heritage para 125 considers Scotland's landscape and natural heritage as being internationally renowned and important, underpinning significant industries such as the food, drink and tourism industries, which are a key component of the high environmental quality. Planning authorities should take a broader approach to landscape and natural heritage taking into account ecosystems and natural processes. Sites designated as SAC's are among an EU suite of sites designated for their conservation importance. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain.

Aberdeenshire Local Plan June 2006 contains a range of relevant policies.

13. **Policy Env 1** relates to International Nature Conservation Sites (of which the Dee SAC is one). The policy considers that development likely to have a significant impact on a site designated or proposed under the habitats or birds directive and not directly connected with or necessary to the conservation management of the site, must be the subject of an appropriate assessment for the implications for the site's conservation objectives. It will then only be permitted where the assessment indicates that: it will not adversely affect the integrity of the site; OR there are no alternative solutions; AND there are imperative reasons of over-riding public interest, including those of a social or economic nature. Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological or geomorphological interest.
14. **Policy Gen\1 Sustainability Principles** considers that development will be assessed against sustainability indicators and seeks demonstration from proposals that they are concerned with the long term sustainable use and management of land, well related to existing settlements, reduce the need to travel in private cars, protects and enhances any valuable natural resources, does not damage cultural heritage resources, does not impact negatively on the character of the area, is efficient in terms of energy use, does not prejudice future development patterns, reduces the production of waste.
15. **Policy Gen\2 Layout Siting and Design of New Development** considers that new development will be approved in principle if: a) it can be laid out successfully into the site; b) its scale massing density are appropriate; c) it respects existing natural and built features; d) it respects the characteristics of the landscape; e) it has an environmentally friendly layout; f) respects important public views.
16. **Policy Hou\4 New Housing in the Countryside Part 1** Erection of New Housing considers 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 itself is 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 workers place of employment; AND e) it conforms with appendix I.

Cairngorms National Park Plan 2007

17. The Cairngorms National Park Plan includes strategic objectives under conserving and enhancing which seek to ensure that distinctive landscapes across the park are maintained and enhanced and that development complements and enhances the landscape character of the Park. Objectives also seek to conserve the condition and diversity of habitats and species present throughout the Park through a landscape approach to habitat networks; to ensure that all designated nature conservation sites are in favourable condition; and to ensure populations of species given special protection under nature conservation legislation are stable or increasing Strategic objectives for economy and employment include objective a) which seeks to create conditions conducive to business growth and investment that are consistent with the special qualities of the Park. On housing objective c) seeks to improve the physical quality, energy efficiency and sustainable design of housing.

Cairngorms National Park Local Plan Post Inquiry Modifications May 2010 (NOTE: While not yet adopted the policies of the plan are a significant material consideration in determining proposals)

18. **Policy 1 Natura 2000** sites considers that development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. **Policy 2 National National Heritage Designations** considers that development that would adversely affect the National Park will only be permitted where it has been demonstrated that: b) the objectives of designation and the overall integrity of the designated area would not be compromised and b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and that mitigation is provided.
19. **Policy 4 Protected Species** considers that development that would have an adverse effect on any European Protected Species will not be permitted unless there are public health, public safety or other imperative public interest reasons and there is no alternative satisfactory solution and that the development will not be detrimental to the maintenance of the population of that species concerned.
20. **Policy 5 Biodiversity** considers that development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan , UK Plan, or Scottish Biodiversity list will only be permitted where

the developer can demonstrate to the satisfaction of the planning authority that the need and justification for the development outweighs the contribution of the area of habitat or species and that significant harm to the ecological integrity of the habitat or species is avoided, minimised or where unavoidable compensatory and/or management measures are provided.

21. **Policy 6 Landscape** considers that 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 will only be permitted where any significant adverse effects are clearly outweighed by social or economic benefits of national importance and all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting layout etc...
22. **Policy 8 Archaeology** considers that there will be a presumption in favour of preserving in situ Scheduled Ancient Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting.
23. **Policy 11 The Local and Wider Cultural Heritage of the Park** considers that there will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance or its setting.
24. **Policy 12 Water Resources** considers that there will be a presumption against development which does not meet criteria to minimise the use of abstracted water, does not result in deterioration of current ecological status, treats surface water in accordance with SUDS Manual requirements has no significant adverse impact upon existing water and wastewater supplies. The policy notes that in relation to flooding there will be a presumption against development that does not meet the following criteria: is free from significant risk of flooding; not increase flooding elsewhere, not add to the area of land that requires flood prevention measures, does not affect the functional flood plain.
25. **Policy 22 Housing Developments Outside Settlements** notes that developments of housing outside of settlements will be permitted where: a) the accommodation is for a worker in an occupation appropriate to the rural location: and –the presence of the worker on site is essential in order to provide 24 hour supervision of the rural business: and –there is no suitable alternative residential accommodation available including re-use and conversion of other buildings on site: and the proposed dwelling is within the immediate vicinity of the workers place of employment: or b) The dwelling is for a retiring farmer of crofter, on land managed by them for at least the previous 10 years or for a person retiring from other rural business, where their previous accommodation is required for the new main operator of the farm, croft or rural business. Where relevant such proposals will be secured through planning condition or legal agreement; or c) the development is sited on rural brownfield land.

CONSULTATIONS

26. **Scottish Natural Heritage (SNH)** has considered the proposal in detail. SNH objects to the proposal because of the potential for siltation to enter the Culsten Burn and be washed into the River Dee (SAC). The burn forms part of the River Dee designated for its populations of Atlantic salmon, freshwater pearl mussel and otter. The objection can be considered removed provided all works are carried out in accordance with a method statement designed to prevent any silt entering the adjacent watercourse during construction and that no works take place 2 hours before or after dawn/dusk or during the hours of darkness to prevent potential for disturbance to otter.
27. **SNH** was subsequently consulted on proposals to reinstate a water wheel on the mill lade to provide electricity to the house. SNH objected to this element because of concerns about the effects of the proposal upon freshwater pearl mussel and salmon par. SNH concluded that this element of the proposal would be likely to result in a significant effect upon the qualifying interests of the River Dee and an appropriate assessment would be required once the applicant submits the relevant surveys of the burn.
28. **SNH** provided further advice on the woodland assessment and management proposals. A number of birch and sycamore trees are to be felled which would have an impact upon the landscape. However, a selection of native species is proposed to be planted to create woodland glades. SNH would recommend that the planting plan includes wych elm which is a locally important biodiversity action plan species. SNH endorse the retention of fallen trees and deadwood as outlined in the Environmental Assessment.
29. **SNH** recommend that tree felling where trees may contain nests is carried out outside of the bird breeding season (1 March-31 August) and that this is made a condition of planning consent.
30. **SEPA** has commented with regard to the flood risk assessment provided. SEPA has objected to the proposal based on the flood risk assessment due to lack of certain information contained within it. Specific information was sought with regard to the flow estimates for the Culsten Burn and that all cross sectional extracts used in the hydraulic model are supplied. The Revised Flood Risk Assessment together with amended site plans have enabled SEPA to remove its objection subject to a planning condition which requires that finished floor levels of the new development are set no lower than 188.0AOD.
31. **Aberdeenshire Council Flood Prevention Unit** note that the applicant has provided a comprehensive flood risk assessment (FRA) and are pleased to see that a range of sensitivity analyses have been carried out on the model. The revised flood risk assessment is considered acceptable providing that finished

floor levels are not below 187.5 AOD. A statement on who will be responsible for surface water drainage infrastructure will be required.

32. **Aberdeenshire Council Environmental Health** has no objection to the proposal.
33. **Aberdeenshire Council Archaeology** has no objection subject to a planning condition requiring a standing buildings survey.
34. **Aberdeenshire Council Contaminated Land** note that the site is within the boundary of a former sawmill. A phase II site investigation report has been requested and has been carried out. Final comments awaited and will be reported at the meeting.
35. **Aberdeenshire Council Roads** has no objection to the application subject to a conditions covering: max gradient of 1 in 20 for first 5 metres edge of public road, access not to be surfaced with loose material for at least the first 11 metres. Half barriers to be erected on the Deeside Way, off street parking for 2 cars and visibility splays measuring 2.4 by 215 metres to be formed either side of the vehicular access.
36. **Aberdeenshire Council Planning Gain Co-ordinator** has negotiated a planning contribution towards public art and affordable housing. This will be likely to be received by upfront payment prior to any decision notice being despatched. Otherwise a Section 75 Agreement would be required to cover the payment.
37. **CNPA Heritage and Land Management (Ecology)** Care should be taken to avoid the introduction of non-native species to the site. It is recommended that the applicant considers the potential for incorporating nesting opportunities for bats, swifts, house martins and barn owls. The planting plan should include trees such as sessile oak, hazel and aspen and wych elm. All species must be of local origin. With regard to the reed bed system it is essential that aquatic or marginal plant species are appropriate to the area and sourced from a reputable supplier. The ponds must be designed so that water does not flow directly from these areas into the mill lade or burn. A method statement should be required for these features including any scenario with regard to flooding of the beds. The beds should not be stocked with fish. Concerns are raised regarding potential impacts from the mill lade if it is to be reinstated to provide power in that it could have negative impacts upon the SAC.
38. **CNPA Heritage and Land Management (Landscape)** Comments that the green roof should not be purely sedum, such planting is not appropriate for this area. A grass roof reflecting the vegetation of the area would be more appropriate and have biodiversity benefits. A full planting plan will be required including planting locations, densities and size of trees and shrubs as well as maintenance specifications. Aspen should form a significant element of the planting mix. All trees within the development area, marked for retention, should be fully protected and any works under the canopies of the trees should be carried out in accordance with British Standards.

39. **Ballater and Crathie Community Council** made a range of comments with regard to the dairy proposal. This response raised one point with regard to the house which considers that the plans are not clear with regard to the water wheel and whether it is to be turned by water from the burn to the old mill lade. This could also affect water-flow for salmon and supplies for cattle, no flow quantities are provided in the papers. Reference is also made to the cultural history of the old sawmill. Letters are attached at the back of the report.

APPRAISAL

40. This appraisal section of the report will first consider the principles of the development proposed and how it 'fits' with planning policy and the aims of the Cairngorms National Park. Subsequently, natural and cultural heritage issues will be considered followed by more detailed design, access and technical issues such as flood risk highways and drainage.

Principle

41. The proposal has been submitted after pre-application discussions with Aberdeenshire Council and the CNPA. The house is proposed for the owner/operator of a cheese dairy which currently operates from Craigmyle at Torphins. The CNPA granted permission for a dairy adjacent to this site in 2009 which is not yet constructed. The house proposed here is intended for the owner/operator of the dairy. A range of information is provided with this application and the proposal for the dairy was found to have a robust business plan. Indeed, the current operation at Torphins is beyond capacity hence the new business premises being sought. This application for a house is based upon the need for the operator to be close to the site and carry out 24 hour supervision of the business and the dairy herd which will provide milk for the longer maturing, more specialised cheeses. A letter is attached at the back of the report setting out the need for the house in this location and the operational requirements of the dairy which result in the need for the owner/operator to live nearby.
42. The key planning policy test is whether the proposal meets the detailed requirements of Aberdeenshire Local Plan Policy Hou\4 "Employment Development in the Countryside" and the spirit of SPP15 which provides general guidance on rural development. The scheme must also accord with the principles of the Cairngorms National Park Plan. Importantly, the Cairngorms National Park Local Plan Post Inquiry Modifications are now a key material consideration as this document represents the CNPA's own latest thinking on planning policy with regard to housing in the countryside.
43. The general strategy of the Aberdeenshire Local Plan is to meet housing needs within settlements or on sites allocated for housing on the edge of settlements. However, policy Hou\4 New Housing in the Countryside exists with the

recognition that there can be specific agricultural or business needs for a rural house location. Housing will normally only be approved if it is for a full time worker in an enterprise appropriate to the countryside and that the presence of that worker is essential on site for the operation of the enterprise. While the proposal involves an element of conversion (boiler house) the majority represents new build so it must be considered under the terms of this policy. There would appear to be a need for a worker on or close to the site due to the heavily temperature and atmospheric control measures required for cheese production. In addition, a small herd of cows will be managed adjacent to the site. Currently, the applicant is not running the cheese operation on a day to day basis but employs staff to do so. However, it is understood that once the new dairy is constructed the applicant will be the main operator of the business on a day to day basis. The proposal is slightly unusual in that some planning authorities would require the business to be up and running for a period of time before a house can be justified. However, it is clear that the business is up and running and successful but just not from the adjacent site proposed for the dairy. In any case, while it may be the practice to wait until a business is running for a period of time before granting permission for associated housing, the Aberdeenshire policy does not strictly require this so it cannot be insisted upon.

44. Scottish Planning Policy 15 Rural Development has been superseded by a single consolidated Scottish Planning Policy document. Both of these documents steered planning authorities to a more relaxed approach to housing in rural areas, particularly where it is associated with business proposals as is the case here. This is seen as contributing to the Scottish Government's central purpose of sustainable economic growth. The proposal clearly complies with this guidance.
45. The CNPA Local Plan is now an important consideration in the determination of such a proposal and embodies the aims of the National Park and the Strategic Objectives of the Park Plan. Policy 22 Housing Outside Settlements includes similar criteria to that of the Aberdeenshire Local Plan. However, there is one key difference in that criteria c) of the CNPA Plan recognises that new housing development outside of settlements on brownfield land can be considered supportable. The site is clearly a brown field site having a former industrial use, being vacant and being in an untidy state. This criteria of the policy complies with Scottish Planning Policy which places an emphasis upon the redevelopment of brownfield land in rural areas.
46. The above analysis leaves a dilemma in planning terms not about whether the proposed house is supportable but whether that support should be restricted by tying the proposed house to the dairy business. The Aberdeenshire policy approach would provide some justification for this. However, if the proposal was granted on the basis of the brownfield land argument under the CNP Local Plan there would be no justification for tying the house to the dairy. In this case, it is recommended that the house is tied to the approved dairy business. The key reason for this is that despite the brownfield argument the proposal for this house has been presented under the terms of a business case justification and a need for the applicant to be at the site. While there is no suggestion that this would happen there is potential that the dairy and the house could be built then

the house sold off resulting in the need for another house at the site from which to operate the dairy. The wider area is birch woodland which the applicant has undertaken as part of these planning proposals to positively manage for conservation purposes. Because of these natural heritage constraints there is little room at the dairy or adjacent for any future house proposal that would not be detrimental to the conservation management of woodland. Because of this, the house should be tied to the business in this instance by Section 75 legal agreement. To show that there is a clear commitment to the business progressing on this site an element of this agreement would require that the dairy is constructed prior to commencement of works on the house. The applicant has agreed to this approach and is clearly in need of new business premises because of the production pressures at the Torphins site.

Natural and Cultural Heritage

47. While the site itself is not covered by any natural heritage designations the edge of the site is approximately 10 metres from the River Dee Special Area of Conservation (SAC) at the Culsten Burn. Scottish Natural Heritage provides statutory advice on this and considers that the proposal has potential for significant impacts upon otter, freshwater pearl mussel and Atlantic salmon. This results in an objection from SNH. However, it is pointed out that providing the recommended mitigation in the form of a construction method statement and limiting hours of construction are applied to any consent by planning conditions then this objection can be considered removed as the proposal would not be likely to result in any significant effects upon the interests of the SAC. One key area of concern for SNH related to the use of the mill lade for a water wheel to provide power for the house. This resulted in further objection from SNH and concerns from the CNPA Ecologist and the Community Council. SNH considered that taking water into the lade (from the Culsten Burn) which is currently dry could have an effect upon salmon reds and fresh water pearl mussel. Further surveys would be required as well as an appropriate assessment. Because of these concerns the plans to re use the mill lade for hydro power have been shelved and are no longer part of the proposal. The recommendations of SNH have been incorporated at the end of the report so the objection can be considered as removed. This ensures that the proposal complies with Policy Env\1 International Conservation Sites of the Aberdeenshire Local Plan and Policy I Natura Sites of the CNP Plan.
48. Advice on other natural heritage issues is supplied by the CNPA Heritage and Land Management Group. While there is no objection, there is some concern about tree loss, subsequent landscape impact and the exact species proposed for planting. There will be some tree loss. However, the proposal comes with a landscape and woodland management plan. There is some concern from both CNPA and SNH advisors that additional species of aspen, wych elm and sessile oak should be included in the planting plan and that details should be provided of the locations densities and size of trees to be planted. Protection measures for existing trees during construction will need to be set out. These are all reasonable requests that can be dealt with by planning conditions attached at the end of the report.

49. Requests have been made by the CNPA Ecologist regarding the potential of the proposal to increase biodiversity and planning conditions are attached to seek provision of additional nesting/roosting opportunities within the design of the building.
50. There are important cultural heritage aspects to this site that have recently been referenced in a book on local history. The mill formerly manufactured bobbins made of birch, a tree which is abundant around the site. However, the industry collapsed when bobbins started to be made of plastic. The majority of the buildings have been removed or altered and a later piggery building is evident to the west of the mill area. However, the key stone built element which was the boiler house with chimney is retained by the proposal and will effectively be used as a modern boiler house for a new wood chip boiler. Aberdeenshire Council Archaeologist has asked for a survey of any buildings to be removed and this is covered by planning condition. Given the cultural heritage interest at the site a planning conditions requires interpretation of the former use of the area. This interpretation could easily be located close to the Deeside Way.

Design and Access

51. The design of the house incorporates the old boiler house and involves the demolition of the later piggery buildings. Overall, the design is considered to be of a very high quality that has been carefully designed with the site in mind. The building is set into an embankment which limits visibility from the A93 or the Deeside Way. A green roof is proposed which should further help the house to blend into the landscape. The south facing elevation is heavily glazed to take good advantage of available solar gain. The material for the dwelling will be a combination of granite, re-used from the site where possible with untreated timber boarding.

Technical Issues

52. The application raises a number of technical issues, the key one relating to flood risk. SEPA requested a Flood Risk Assessment (FRA) and this was supplied to both SEPA and Aberdeenshire Council Flood Prevention Unit. While generally satisfied with the findings of the FRA both bodies sought further information regarding the methodologies behind the FRA. An amended FRA was provided and SEPA and Aberdeenshire Council are happy with this provided a condition requires that finished floor levels are not below 188.0 AOD (N). A statement on who would be responsible for the SUDS system is also required by planning condition.
53. Aberdeenshire Council Roads have no objection to the proposal provided that suggested conditions are met. An element of the visibility splay requirements is on land outside of the ownership of the applicant. However, letters have been received from the neighbouring landowner stating that they are happy for the splays to be formed and maintained over land in their ownership.

54. Foul drainage is to be to a package treatment plant then to a reed bed system, a sustainable form of drainage that is encouraged by SEPA. Surface water drainage will be to soakaways. Water will be sourced from the public supply. There are no objections from any of the relevant agencies about these proposed arrangements.
55. A phase 2 contamination survey has been carried out by the applicant that includes measures to deal with contamination at the site. A final response is awaited from the Council's Contamination Unit and an update will be provided at the meeting.

Conclusion

56. The application is considered an innovative and positive proposal which meets planning policy and the aims of the National Park by providing an interesting modern design solution while retaining the key cultural heritage feature on the site in the form of the old engine house. The new house will enable the applicant to run the nearby proposed dairy business and elements of the planning agreement will ensure that this is constructed prior to the house to illustrate the clear commitment to the dairy business.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

57. The proposal has been submitted with a range of environmental information including woodland management plans and a site investigation report. The proposal has been carefully assessed and there are no significant effects upon natural or cultural heritage. SNH have assessed the implications of the proposal for the River Dee SAC and these are found to be acceptable subject to planning conditions. There will be some loss of trees but a number of replacements of native origin are proposed, some additional species have been recommended and this will be reflected in planning conditions. The proposal may have potential to provide nesting/roosting opportunities for a number of species. In terms of cultural heritage the old boiler house and chimney will be retained as part of the design of the house and. The latest proposals to address the concerns about potential flooding have resulted in a design solution which gives a greater level of separation to the old boiler house than was previously the case.

Promote Sustainable Use of Natural Resources

58. The proposal results in a strong connection between local land use and what will be marketed as a local food product with the house being intended for the applicant as manager of the dairy. The house provides an innovative design solution based upon sustainability. The house was to be powered by a small scale hydro scheme by reinstating the mill lade. However, this became complicated because of concerns about natural heritage issues. However, a small hydro

scheme is a proposal that the applicant may come back to in the future if permission is granted for the house. The house will be heated by a wood chip boiler, located in the old boiler house. The site is close to a bus stop on the A93.

Promote Understanding and Enjoyment

59. The site is adjacent to the Deeside Way which is a well known recreational route used by residents and tourists. The building has been carefully designed to limit visibility from this route including the provision of a green roof.

Promote Sustainable Economic and Social Development

60. The house is intended to enable effective management of the neighbouring dairy. The provision of the house will help in the management of the dairy which in turn has a strong synergy with the adjacent Crannach Bakery and the new smokery at Dinnet. The combination of these businesses and their interactions will emphasise local food production and consumption in the Park.

RECOMMENDATION

61. That the Planning Committee support a recommendation to **GRANT** Full Planning Permission for the erection of a house, site to the south east of Crannach House, The Old Sawmill, Cambus O May, Ballater subject to the following:

A. Section 75 Agreement to tie house to business, not to be sold separately, occupant to be mainly or solely employed in dairy business and dairy to be completed prior to work commencing on house proposed by this application.

B. Financial contribution to affordable housing and public art.

C. Final response from Aberdeenshire Council Contaminated Land Unit.

D. The following conditions.

- I. 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 the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the CNPA acting as planning authority; such a scheme to include protection measures for all trees to be retained and the planting of native species of where possible local origin. Species shall include wych elm, sessile oak and aspen in addition to those indicated by the woodland management plan accompanying the application. The proposed woodland management and landscaping shall be carried out in the first planting season (November-March) after the completion of the development unless otherwise agreed in writing by the CNPA acting as planning authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing with the CNPA acting as planning authority.**

Reason: To ensure that the development is satisfactorily landscaped and assimilated into its surroundings.

3. **Prior to the commencement of above ground construction works samples of external timber, window frame, roofing and external wall materials shall be submitted to and approved by the CNPA acting as planning authority. As part of this condition a detailed specification for the green roof shall be submitted to and approved by the CNPA.**

Reason: To ensure that the detailed finishing materials are appropriate for the building and its setting.

4. **No part of the development hereby approved shall be brought into use until a detailed plan indicating methods and location of all surface water and foul drainage infrastructures (including who will be responsible for maintenance) has been submitted to and approved by the CNPA acting as planning authority. The measures shall be in place prior to the development first being brought into use.**

Reason: To ensure that adequate drainage measures are in place prior to the development being brought into use.

5. **During construction works (including groundworks) no works shall take place 2 hours before or after dawn/dusk or during the hours of darkness.**

Reason: To prevent any potential disturbance to otters.

6. **A detailed construction method statement shall be submitted to and approved by the CNPA acting as planning authority. The statement shall provide measures to ensure that no silt, spoil, soil or debris shall enter the Culsten Burn. The statement shall also identify any**

areas for storage of materials, spoil, chemicals, fuels or on site toilet facilities. The statement shall include nomination of an environmental advisor to ensure the protection of the site environment during construction. Construction shall be carried out strictly in accordance with the approved statement.

Reason: To prevent any silt of debris entering the Culsten Burn.

7. The access to the A93 shall be widened to 4.0 metres with 5.0m bellmouth radii.

Reason: To ensure that the site has adequate access to the public road.

8. The access shall have a maximum gradient of 1 in 20 for the first 5 metres from the edge of the public road carriageway within the site.

Reason: To ensure that the site has safe and adequate access.

9. The access with the public road shall not be surfaced in loose material, i.e. at least the first 11 metres to be fully paved, to the south of the Deeside Way.

Reason: To prevent loose debris being brought onto the public road.

10. Prior to the first use of the development hereby approved half barriers are to be erected on the Deeside Way in accordance with the requirements of Aberdeenshire Council Roads and CNPA Access Officer.

Reason: To ensure a safe junction arrangement between the access road and the Deeside Way.

11. Visibility splays, measuring 2.4 metres by 215 metres shall be formed on the verge of the public road at a location to be agreed with Aberdeenshire Council Roads and constructed in accordance with Aberdeenshire Council's standards for road construction and adoption. Splays to be in place prior to the development first being occupied.

Reason: To ensure adequate visibility for vehicles exiting the site.

12. 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.

13. Tree felling shall be carried out outside of the bird breeding season (1 March-31 August) unless otherwise agreed in writing by the CNPA acting as planning authority.

Reason: To prevent disturbance to nesting birds.

14. Finished floor levels of the development shall be set no lower than 188.0m AOD (N).

Reason: In accordance with the advice of SEPA and Aberdeenshire Council Flood Prevention Unit with regard to potential flooding issues.

15. Prior to any works commencing, the developer shall secure the implementation of an archaeological standing building survey level 1 of the extant structures, to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by Aberdeenshire Council Archaeology service on behalf of the planning authority. The name of the archaeological organisation retained by the developer shall be given to the planning authority and Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local sites and monuments records upon completion.

Reason: To ensure that a record is made of archaeological features at the site.

16. A plan for the interpretation of the former use of the site shall be submitted to and agreed in writing by the CNPA acting as planning authority. The agreed interpretation shall be placed on site in a position to be agreed by the CNPA prior to the first occupation of the house.

Reason: In the interests of promoting understanding and enjoyment of the special qualities of the area.

17. This consent does not include any permission for a micro-hydro scheme.

Reason: For the avoidance of doubt.

ADVICE NOTES

1. All works within the limits of the public road to be carried out in accordance with the requirements of Aberdeenshire Council Transport and Infrastructure, and application should be made for a road opening permit prior to the commencement of works. For information and application forms telephone 01569 768455.
2. The CNPA would advise that any reed bed/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.
3. 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.

Andrew Tait
15 June 2010
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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.