

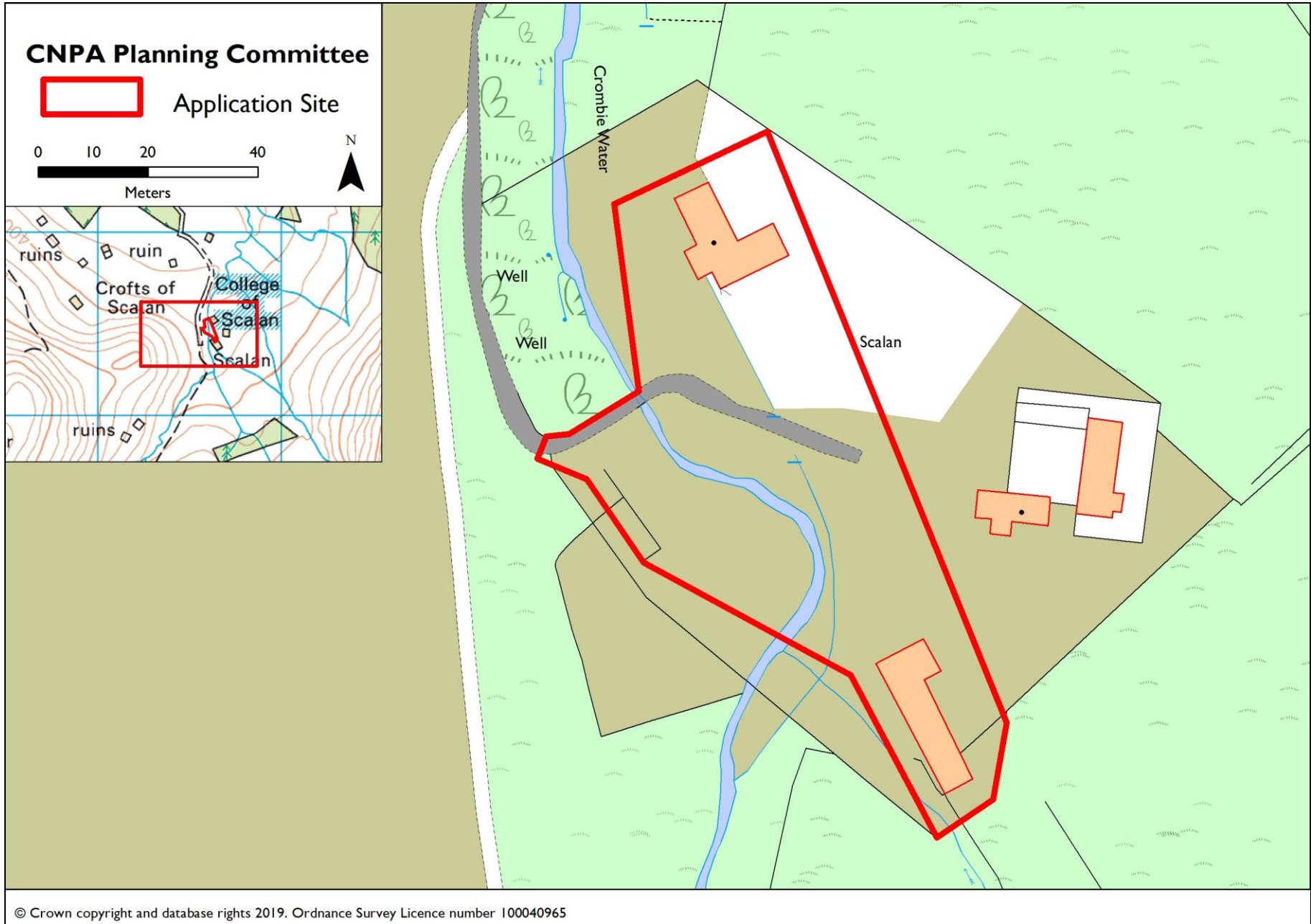
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## CAIRNGORMS NATIONAL PARK AUTHORITY

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<b>DEVELOPMENT PROPOSED:</b>	
Restoration and repair of mill buildings including formation of access paths and one car parking space at Scalan North And South Mill Chapeltown, Ballindalloch, Moray, AB37 9JS	
<b>REFERENCE:</b>	2019/0005/DET and 2019/0018/LBC
<b>APPLICANT:</b>	Crown Estate Scotland ( Interim Management)
<b>DATE CALLED-IN:</b>	8 January 2019
<b>RECOMMENDATION:</b>	Approve Subject to Conditions
<b>CASE OFFICER:</b>	Stephanie Wade, Planning Officer

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## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The site is located within the Braes of Glenlivet to the south of Chapelton, and is accessed via an existing agricultural track approximately 1km from the car park at the Carrachs.
2. Scaln takes the form of a farmhouse and steading complex located within the Glenlivet Estate. The site comprises a former Roman Catholic Seminary originally built in 1767, the guise of a farmhouse (Category A listed building); North Mill, a later 19<sup>th</sup> Century L-plan mill which contains a threshing machine that is considered extremely rare as one of the oldest surviving in situ threshing machines in Scotland (Category A listed building) a South Mill, an early 20<sup>th</sup> century, rectangular plan mill and byre (Category B listed building) and a former bothy adjacent to the Seminary building. Collectively they are considered to have group value in that they evidence the historical and social development of Scaln from the 18<sup>th</sup> Century to the early 20<sup>th</sup> Century.
3. The building complex is bound by post and wire fencing, separating it from the adjacent, enclosed grassland, with the Ladder Hills beyond to the east. There are no residential neighbouring properties within the immediate area of the site, with the nearest residential property being over 500 metres (as the crow flies) from the application site. Within the site there are a number of dispersed trees with the main band of trees located within the north-eastern site corner, adjacent to the Seminary building. The Crombie Burn runs through the site entering near the south-eastern site corner and exiting the site on the north-western site boundary. Two lades from the Burn serve the south and north mills.
4. The Crombie Burn forms part of the River Spey Special Area of Conservation (SAC) designated for otter, Atlantic salmon, sea lamprey and freshwater pearl mussel interests. SNH has advised that freshwater pearl mussel and sea lamprey are not present in this part of the catchment. A Habitats Regulations Assessment has been undertaken by CNPA. The site also lies within close proximity to the Ladder Hills SAC designated for its Alpine and subalpine heaths, Blanket bog and Dry heaths.

### **Proposal**

5. The drawings and documents associated with these applications are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PL28FKSI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Site Location Plan	18020 001 Rev.B	14/11/2018	15/01/2019
Existing Site Plan	18020 100 Rev.C	05/09/2018	15/01/2019
North Mill Straw Barn Plans and	18020 106 Rev.C	05/09/2019	15/01/2019

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<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Internal Elevations			
North Mill Corn Store Plans and Internal Elevations	18020 108 Rev.C	05/09/2018	15/01/2019
North Mill Stables Plans and Internal Elevations	18020 109 Rev.C	05/09/2018	15/01/2019
North Mill, Mill Wheel and Wheel Pit Plans and Internal Elevations	108020 110 Rev.C	05/09/2018	15/01/2019
North Mill Existing and Proposed North Elevations	18020 111 Rev.B	05/09/2018	15/01/2019
North Mill Existing and Proposed South Elevations	18020 112 Rev.B	05/09/2018	15/01/2019
North Mill Existing and Proposed East and West Elevations	18020 113 Rev.B	05/09/2018	15/01/2019
North Mill Ground Floor Plan	18020 102 Rev.D	05/09/2018	15/01/2019
North Mill First Floor Plan	18020 103 Rev.D	05/09/2018	15/01/2019
Existing North Mill Roof Plan	18020 104 Re.C	05/09/2018	15/01/2019
North Mill Cart Shed and Hay Loft Plans and Internal Elevations	18020 105 Rev.C	05/09/2018	15/01/2019
South Mill Floor and Roof Plans	18020 151 Rev.C	05/09/2018	15/01/2019
South Mill Loading Area Plans and Elevations	18020 152 Rev.C	05/09/2018	15/01/2019
South Mill Threshing Machine Plans and Elevations	18020 153 Rev.C	05/09/2018	15/01/2019
South Mill Stables Plan and Elevations	18020 154 Rev.C	05/09/2018	15/01/2019
South Mill Stables Plans and Elevations	18020 155 Rev.C	05/09/2018	15/01/2019
South Mill Existing and Proposed West Elevations	18020 156 Rev.C	05/09/2018	15/01/2019
South Mill Existing and Proposed East Elevations	18020 157 Rev.C	05/09/2018	15/01/2019
South Mill Existing and Proposed North and South Elevations	18020 158 Rev.C	05/09/2018	15/01/2019
South Mill Window Schedule	18020.901 Rev.B	05/12/2018	15/01/2019
North Mill Window Schedule	18020.902 Rev.B	05/12/2018	15/01/2019
South Mill Door Schedule	18020.903 Rev.B	05/12/2018	15/01/2019
North Mill Door Schedule	18020.904 Rev.B	05/12/2018	15/01/2019
C41 Repairing and Conserving Masonry Report	18020.905 Rev.A	05/12/2018	15/01/2019
Z21 Mortars Report	18020.906 Rev.A	05/12/2018	15/01/2019
H62 Natural Slating Report	18020.907 Rev.A	05/12/2018	15/01/2019
M60 Painting Report	18020.908 Rev.A	03/12/2018	15/01/2019
H71 Lead Sheet Coverings and Flashings Report	18020.909 Rev.A	03/12/2018	15/01/2019
L10 Existing Windows, Doors and Roof Lights Report	18020.910 Rev.A	05/12/2018	15/01/2019
R10 Rainwater Pipework	18020.911	05/12/2018	15/01/2019

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Mortar Analysis Report	3312		15/01/2019
Lighting Design Report	Version 1.0	04/12/2018	15/01/2019
Supporting Statement	18020 2.1 V.1	05/12/2018	15/01/2019
Site Plan Archaeology Photo Locations	18020 190 Rev.A		04/04/2019
North Mill Archaeology Photo Locations	18020 191 Rev.A		04/04/2019
South Mill Archaeology Photo Locations	18020 192 Rev.A		04/04/2019
Scalan North Archaeology Photographs			04/04/2019
North Mill Archaeology Photographs			04/04/2019
South Mill Archaeology Photographs			04/04/2019
Landscape Archaeology Photographs			04/04/2019
Map Regression			04/04/2019
Scalan South Archaeology Photographs			05/04/2019

*\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.*

6. Two applications have been submitted for full planning permission and listed building consent for the restoration and repair of the North and South Mill buildings together with the formation of access paths and a car parking space within the site grounds. This report covers both applications with individual recommendations at the end of the report for the two decision notices.
  
7. The site at present is open to members of the general public to visit on a public walking route and manned by volunteer guides on an occasional basis. It is understood that these two applications have been submitted to improve accessibility around the site and the buildings to members of the general public and to improve public understanding and engagement whilst visiting the site.
  
8. The works comprises a number of elements as follows:
  - a) North Mill- proposed renovation of external fabric of the building including repair work to existing windows, roof lights, doors, roof covering and stonework. Repair work to the walls is proposed in lime mortar and any replacement materials will be replaced on a like for like basis to the existing. A section of the northern roofslope covering is proposed to be removed and re-slated. Internally, the clay, timber boarded and cobbled floors are proposed to be repaired and refurbished together with minor repair work to the internal partitions of the building. A barn owl box is proposed to be installed within the roof void of the building with access from the eastern elevation gable end. The waterwheel is proposed to be brought back into working order for manned demonstration use with refurbishment work proposed for the timber wheel paddles, the installation of a new sluice and the repair of the metal chute.

A glass safety panel is proposed to be installed within the gear room of the waterwheel in the interests of public safety. Internal lighting is proposed to be installed within the waterwheel and wheelpit area, the gear cupboard and the corn barn on the ground floor and within the hay loft, void over stables and straw barn and within the threshing machinery room. The lighting units are proposed to be run by electricity generated from the water wheel.

- b) South Mill- proposed renovation of external fabric of the building including repair work to existing windows, roof lights, roof ventilators, doors and stonework. Cast iron rainwater goods are proposed to be restored and the existing corrugated roof sheeting is proposed to be retained. Internally, the existing timber and cobble floors are proposed to be refurbished together with minor repair work to the internal building elements including partitions, joists and doors. The existing iron water wheel on the western elevation is proposed to be cleaned for display purposes and fitted with an internal pin to prevent its use.
  - c) Access- proposed creation of a single 6m x 3.6m car parking space on the eastern side of the existing access track within the site and adjacent to the northern elevation of the building ruins. The proposed parking space will be created by installing a grasscrete grid on levelled ground and infilling and seeding it. A 1.5m wide pedestrian footpath is also proposed to be created within the site providing an access path around the north mill building and adjoining the north elevation of the South Mill with the existing site footpath. The proposed footpath is to be formed in grasscrete grid with infilling and seeding. The stone slabs over the north lade on the existing access path are proposed to be re-bedded.
  - d) North Lade- the existing north lade is proposed to be reinstated by removing the excess vegetation, silt and material within the lade to reinstate its original 600mm width and 750mm depth. The silt removed during the works will be stored on the side of the lade to form banking. The lade is proposed to be brought back into working order to power the North Mill Water wheel. No works are proposed to the south lade.
9. During the consideration of the application, additional information was sought by CNPA officers and consultees to allow for a more informed assessment of the proposal. The applicant's agent provided further written justification to queries raised by the consultees. This explains that the site will continue to be managed and maintained by the Crown Estate Scotland in association with the Scaln Association and the site will be open to visitors as it currently is but the barns will only be open for group bookings and when volunteers are available. The barns will therefore not be open daily. Interpretation material is proposed to form a separate application for consent. Regarding the existing track from Carrach's car park to the site, the agent confirms that there will be minor repair work to this including the infilling of pot holes. In addition to this the agent has provided proposed external paint colours of red and black for the external timber work and confirmed that the threshing machine is not proposed to be restored as part of the application.
10. The agent has also requested that a Pollution Control Measures statement document is included as a post determination condition. This document sets out how the environmental interests on the area will be protected, including the Crombie Burn as part of the River Spey SAC.

11. Plans of the proposals are included within **Appendix I**.

## History

12. The most recent planning history for the site relates to application reference 10/178/CP for the repair and alteration of Scalán Cottage which gained conditional consent on 7<sup>th</sup> January 2011.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

13. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### Planning Guidance

14. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	

Policy 9	Cultural Heritage Non-Statutory Guidance	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	

## **CONSULTATIONS**

15. A summary of the main issues raised by consultees now follows:
  
16. **Scottish Natural Heritage (SNH)** was consulted in relation to the impacts upon the designated sites and protected species and initially provided an interim response summarising that there are natural interests of national and international importance on the site, however they consider that the protected species will not be adversely affected by the proposed works subject to the mitigation measures outlined in the ecological survey being undertaken. Consideration of the implications for the River Spey Special Area of Conservation (SAC) by SNH is to be provided in a follow up response.
  
17. SNH subsequently provided a full response following a site visit to Scalan. The original ecological comments remained unchanged with additional mitigation measures requested by way of further Species Protection Plans. Regarding the River Spey Area of Conservation, SNH consider that the proposal is likely to have a significant effect on Atlantic salmon and otter and consequently note that CNPA is required to carry out an appropriate assessment. SNH conclude that the proposed work is very low key and by following good practices and limiting instream work to between June – September the plans will not adversely affect site integrity of the SAC. SEPA have also confirmed to SNH that this activity would be covered by General Binding Rules and does not require SEPA authorisation.
  
18. **Historic Environment Scotland (HES)** commented to advise that they welcome the repair and reuse of these interesting and important buildings; however they recommended that the external paint colours were agreed during the progression of the application rather than as part of a post determination condition. They also recommended that higher profile is given to the North Mill threshing machine and that a scheme of its conservation is outlined.
  
19. Following the submission of additional details from the agent regarding paint colours and the threshing machine works, HES confirmed they are content with the proposed colours and the confirmation from the agent that the threshing machine is not to be restored as part of the project.
  
20. **Moray Council Transport Team** has no objections to the proposal.
  
21. **Aberdeenshire Council Archaeology Service** initially commented on the application to request the inclusion of a Level 1 Standing Buildings Survey as a post determination condition and informative. Following the submission of this information during the application progression, the Archaeology Service has provided a further response to confirm that the additional information satisfies this requirement and confirms that a post determination condition is therefore no longer required.



22. **Moray Council Contaminated Land Section** has no objections to the proposal.
23. **Moray Council Environmental Health Section** has no objection to the proposal.
24. **CNPA Ecologist** welcomes the mitigation proposed to retain protected species on site in the longer term and requires the development to be undertaken in accordance with the mitigation measures and recommendations of the supporting Ecological Report submitted with the application. These measures include providing CNPA with a copy of the necessary SNH License for bat disturbance and the submission of an updated species protection plan for bats following the results of the further survey work. In addition to this, the Officer requires the submission of an ECoW Scope of Works, pre-construction protected species surveys and species protection plans for otter and water vole.
25. A Habitat Regulations Appraisal has been carried out in the view of the potential for the development to impact upon Natura sites with regard to the River Spey SAC. This is attached at **Appendix 2**. The HRA concludes that there will be no adverse effect on the site integrity of the Spey SAC resulting from this proposal subject to mitigation measures including Species Protection Plans and a Pollution Prevention Plan.
26. **CNPA Landscape Advisor** noted that the site is within the Braes of Glen Livet landscape character and is part of a strong landscape character surrounded by hills including the Ladder Hills which provide a strong sense of containment and a pronounced sense of seclusion. The Officer noted the outstanding level of historical significance the subject building group has regarding preserving the Catholic faith in 19<sup>th</sup> Century Scotland and its agricultural interest. The Officer welcomed the aspirations of the proposal to repair and conserve the Mill buildings however requested further clarity to be provided within the submission of a Construction Method Statement and a more detailed Landscape Plan.

## REPRESENTATIONS

27. The applications have been advertised and one letter of representation has been received from the Architectural Heritage Society of Scotland (AHSS). The full response can be found at **Appendix 3** and a summary of their comments is provided below:
28. **The Architectural Heritage Society of Scotland (AHSS)** commented in relation to the Listed Building application noting the Society's general support of any initiative aimed at retaining historic buildings in use in an appropriate and complementary manner and stating that they commend the submitted proposals as an exemplary project to conserve an important group of historic agricultural buildings and improve public access. They positively consider the proposal's conservation of a large amount of the original mill machinery and waterwheel, together with the reinstatement of the lade and working watermill and the level of significance given to the preservation and interpretation of the historic graffiti. The Society concludes their support for the proposal.

## APPRAISAL

29. The following is a joint report for Planning Application (2019/0005/DET) and Listed Building Consent application (2019/0018/LBC).

### Principle

30. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 (adopted Local Plan) makes provision for the principle of refurbishing and reusing the existing building stock with policy criterion 3.3 supporting the reuse of redundant buildings where the works maintain the style and character of the original building in terms of form, scale, materials and detailing.
31. **Policy 9:** Cultural Heritage of the adopted Local Plan aims to conserve and enhance the rich cultural heritage of the National Park by making sure that development makes appropriate contributions to the historic environment and its significance. Criterion 9.1 of the policy requires the layout, design, materials, scale, siting and use of the development to be appropriate to the character and appearance of the heritage asset and its setting.
32. The proposal looks to help conserve the historic fabric and significance of the heritage assets by re-using and refurbishing the two mill buildings. As such, the principle of development is considered to be acceptable.

### Design and Cultural Heritage

33. The proposal must be considered under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 due to the works affecting two listed buildings. In particular, under section 59 the Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the listed buildings or their settings or any features or special architectural interest which they possess.
34. The Scottish Planning Policy Framework (SPP) offers guidance regarding the determination of development proposals affecting heritage assets within Paragraph 141 whereby changes to listed buildings should be managed to protect their special interest whilst enabling them to remain in active use and emphasis is also placed on the statutory duty identified within Section 14(2) of the Listed Building Act. Paragraph 141 of the SPP also identifies that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.
35. The Historic Environment Scotland Policy Statement (June 2016) is also a material consideration with paragraph 3.45 being of particular relevance stating “where a proposal protects or enhances the special interest of the building, for example through the like-for-like replacement of a window or door which is beyond repair or the reinstatement of important detailing, consent should normally be granted.” These national recommendations are also reflected within Policy 9: Cultural Heritage of the National Park’s own Local Plan.

36. Scalan North Mill is a Category A listed, late 19th Century building which has significant historical importance in regard to: the threshing machine within the building which is identified as being extremely rare as one of the oldest surviving in situ threshing machines in Scotland; and in regard to the extensive graffiti dating from 1874 on all of the internal timberwork. The South Mill is a Category B listed, early 20th Century mill and byre and the surviving fabric and features, including a wheel with lade and timber stalls, clearly indicate how the building historically functioned. Both buildings remain largely unaltered and are important surviving examples of the industrialisation of farming practices in Scotland. The buildings also played a critical role as part of the Scalan building group and the 18th Century Catholic faith preservation in Scotland. The setting of the buildings as a small group of isolated farm buildings, informally arranged in a remote highland, upper moorland valley in the Braes of Glenlivet, has not been subject to change since the early 20th Century. The building group evidence the historical, social and agricultural development of Scalan from the 18th Century to the early 20th Century and it is therefore important that any development proposal preserves the site's significance.
37. The proposed works look to help preserve the historic fabric and integrity of the mill buildings whilst increasing public engagement and interpretation of the Scalan site through providing better site accessibility. The materials proposed to be used in the works are considered to be appropriate, traditional and in keeping with the materials, finishes and designs of the existing buildings. Historic Environment Scotland (HES) and The Archaeological Heritage Society of Scotland both welcome this development to repair and reuse these buildings. HES suggested the agreement of the proposed external paint colours prior to determination. Following the agent's subsequent submission of this information, HES has confirmed the acceptability of the proposed colours. The Aberdeenshire Council Archaeological Service requested the inclusion of a Level I Building Survey as a post determination condition. The agent provided further information to demonstrate that this level of survey recording has already been captured within the application supporting information. The archaeologist has subsequently withdrawn her request.
38. Taking the above into account, the works are not considered to cause serious detriment to the character of the buildings and their designation qualities. The works proposed are in the interest of the public benefit helping to preserve the buildings in the longer term and improving public engagement with the designated site. The historic character and architectural interest of the listed buildings are considered to be safeguarded and the proposed works are considered to comply with the statutory duty set out under Section 59 of the Planning (Listed Buildings and Conservations Areas) (Scotland) Act 1997 (as amended) together with the considerations of paragraph 141 of the SPP and policies 3: Sustainable Design and 9: Cultural Heritage of the adopted Local Plan.

## Environmental Impacts

39. **Policy 4:** Natural Heritage of the adopted Local Plan seeks to ensure that there is no adverse impact on the integrity of designated sites, nor upon protected species or biodiversity from development proposals.

40. The main likely environmental impacts from this development relate to the potential discharges (for example silt) to the Crombie Burn which forms part of the River Spey SAC and also the potential impact on the protected species which occupy or use the site. In addition there is a need to ensure that any new landscape scheme ensures that biodiversity is promoted and supported within the site.
41. An ecological survey with mitigation measures has been submitted in support of the application and has been reviewed by the National Park's Ecologist and SNH. Regarding the impact on protected species, it is considered that sufficient information has been provided to demonstrate that any impacts on the ecological interests of the site can be satisfactorily mitigated by both working practices and by measures outlined in the survey report, which includes the obtainment of a licence from SNH, a copy of which is recommended by the CNPA Ecologist to be submitted to the Authority as part of a post determination condition prior to the commencement of any works. A post determination condition is also recommended requiring the works to be undertaken in accordance with the mitigation measures outlined in the applicant's ecological survey and mitigation report together with the submission of an Ecological Clerk of Works Scope of Works report. Following the site visit, additional signs of further protected species were identified on site and further species protection plans are subsequently requested by the CNPA Ecologist and by SNH as post determination conditions.
42. It is acknowledged that the proposal to reinstate the lade and water wheel may have an impact on the adjacent burns which form part of the River Spey SAC. These burns are important for Atlantic Salmon. A Habitats Regulations Assessment has been undertaken by CNPA and the Assessment confirms that there will be no adverse effect on the site integrity of the Spey SAC resulting from this proposal subject to mitigation measures. SNH have reviewed the application details and conclude that the proposed work is very low key and by following good practices and limiting instream work to between June – September, the plans will not adversely affect site integrity of the SAC.
43. Given the previous agricultural use of the site and the works proposed to the lade, Policy 10: Resources of the adopted Local Plan is also relevant in respect of environmental impacts. The National Park's Ecologist requested the submission of a Pollution Prevention Plan to be submitted to safeguard the water quality of the Crombie Burn as part of a Construction Environmental Management Plan. The agent has subsequently confirmed that the works will be undertaken in accordance with the Working by Water Guidelines best practice document. Moray Council Contaminated Land Section and Environmental Health Section both have no objections to the proposal.
44. The proposal will have an environmental impact, however, measures will be undertaken to ensure these impacts are appropriately mitigated against or compensated for and in the longer term these impacts are considered to have a negligible effect in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

## Landscape and Amenity Impacts

45. **Policy 5:** Landscape of the adopted Local Plan presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. Furthermore, although Scalan is not included in Historic Environment Scotland's inventory of designated landscapes and gardens, it does form part of a landscape of historic significance. The National Park's Landscape Officer notes that the group of buildings at Scalan are an integral part of the surrounding landscape character and add significantly to the visual and experiential qualities of this relatively remote area.
46. In this case, the proposed works are considered to enhance the landscape by sympathetically renovating the buildings which are important in the landscape. Furthermore, the proposals offer the opportunity to enhance both the setting of the buildings and the wider landscape if a good quality landscape setting is achieved and maintained. This is readily achievable through retention of trees within the site and careful attention to the formation of a new parking space and the pedestrian footpath.
47. Landscape information submitted to date indicates that this can be achieved, although further details/ refinement is required to ensure all points of detail raised by consultees is reflected in the final detailed scheme. The pedestrian path and parking bay are proposed to be constructed of Grasscrete. Grasscrete is considered to be a suitable surface in this location. However, clarification is required on the type of grasscrete proposed as a plastic grid system would be visually least intrusive compared to its concrete equivalent. Planning conditions are therefore recommended to be attached to any subsequent decision notice requesting the submission of a Construction Method Statement and a more detailed Landscape Plan.
48. In these circumstances, the proposed development is considered to comply with Policy 5: Landscape.
49. Finally in respect of impact on residential amenity within the immediate vicinity, it is considered that the development is sufficiently distant from any other properties so as to ensure ready compliance with the requirements of Policy 3: Sustainable Design of the adopted Local Plan. This policy seeks to ensure that development protects the amenity currently enjoyed by neighbours.

## Access

50. Policy 3: Sustainable Design of the adopted Local Plan sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and include an appropriate means of access, egress and space for off-street parking. All development is required to be consistent with the Core Paths Plan.
51. As noted earlier, the site is located within the Braes of Glenlivet to the south of Chapelton, and is accessed via an existing agricultural track approximately 1km from the car park at the Carrachs. The site is accessed on foot by the adjacent public right of way Core Path reference number GT2: the Braes Heritage Trail. The proposal is

considered to accord with the objectives of the Core Paths Plan as it helps to conserve the Park's cultural heritage and encourages people to enjoy it in a responsible way. The inclusion of a 'reduced access' parking bay within the scheme is proposed to make the site more accessible to a wider amount of users. The agent has confirmed that the existing car parking at Carrachs and site access by foot are to be maintained with the proposed single parking space only being used for visitors who have accessibility issues. It is also understood that the existing track between Carrachs car park and the site is to be the subject of minor work which fall within the parameters of repair. Moray Council Transport Team have considered the details of the application and have no objections to the scheme as presented. The National Park's Landscape Officer has requested the submission of a Transport Management Plan as a post determination condition to confirm the operation and management of the transport and parking arrangements relating to the proposal.

52. On this basis, subject to the appropriate planning condition being imposed, the applications are considered to comply with Policy 3: Sustainable Design in relation to its requirement for development to include an appropriate means of access.

## **Flood Risk**

53. Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that all development is free from a significant risk of flooding, does not increase the risk of flooding elsewhere nor add to the area of land that requires floor prevention measures or affect the ability of the functional floor plain to store or move flood waters.
54. As the site lies within a flood risk area as identified on SEPA's map, it is therefore essential to consider the potential risks from flooding to both the site and other receptors in the area as required by policy. The proposal does not introduce any new structures within the site that would impede the existing flood management and the proposal is therefore not considered to increase flood risk elsewhere subject to no changes being made to the existing embankments along the Crombie Burn nor any significant changes to ground levels on the site. It is acknowledged that works are proposed to the North Lade, however the works are proposed to reinstate the original lade width and depth and it is therefore considered that this does not introduce any additional flooding impact from the existing impact previously established on site. In addition, correspondence with SEPA to SNH confirms that SNH that this activity would be covered by General Binding Rules and does not require SEPA authorisation.
55. Whilst there is an existing risk of flooding at the site itself, the vulnerability of the proposed use is classed as low, and access to the site should not be affected by flooding. On this basis, the proposal is considered to comply with the policy requirements of Policy 10.

## **CONCLUSION**

56. The proposed development involves the refurbishment and repair of two listed mill buildings together with the installation of a pedestrian footpath and a single parking

space within the site to improve public accessibility and engagement with the site. It will sensitively bring the Listed Buildings of architectural and historical importance back into a good state of repair to help conserve the longevity of these heritage assets in the public interest. Sufficient information has now been submitted by the agent to demonstrate that the development can proceed without harm to the environment or landscape subject to final details/ refinement being agreed which will require a number of suspensive planning conditions to be attached to any subsequent decision notice. There are no adverse environmental impacts subject to appropriate mitigation measures being implemented.

57. In these overall circumstances the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park. There are no other material considerations which would warrant the refusal of planning permission nor listed building consent. Approval is therefore recommended subject to appropriate planning conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to grant FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT for the Restoration and repair of mill buildings including formation of access paths and one car parking space at Scalan, North and South Mill, Chapelton, Ballindalloch, Moray, AB37 9JS subject to the following conditions:**

*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions relating to Full Planning Permission reference 2019/0005/DET

- 1. No development shall commence on site until a Construction Method Statement, covering all construction and other works, is submitted to and approved in writing by the Cairngorm National Park Authority acting as Planning Authority. Thereafter, the development shall be implemented in accordance with those approved details.**

**Reason:** To ensure that construction methods will not have an adverse impact on the setting of the listed buildings, the landscape features and the ecological quality of this designated area by reducing and mitigating the environmental impacts of the proposal to a satisfactory level in accordance with Policy 4: Natural Heritage, Policy 5: Landscape, Policy 9: Cultural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

- 2. No development shall commence on site until an Environmental Clerk of Works is appointed and a schedule of reporting has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This will include, but shall not be limited to, roles and responsibilities, resourcing, reporting mechanisms and monitoring requirements (preconstruction, during construction/ planting and post construction/ planting). Thereafter the development shall be monitored**

**and managed by the Environmental Clerk of Works in accordance with the approved schedule of reporting.**

**Reason:** To ensure that there is an accurate account of applied working methods in accordance with the requirements of Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

3. Prior to the commencement of the works relating to the North Lade reinstatement for the development, hereby permitted, Species Protection Plans for Otter and Water Vole shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

**Reason:** In accordance with the statutory consultation advisories from Scottish Natural Heritage and the Cairngorms National Park Authority Ecologist following the assessment of the River Spey SAC qualifying interests of Otter within the Habitats Regulation Assessment and following the onsite visit which evidenced Water Vole within the area. The species protection plans will therefore help to secure the strict protection of European Protected Species and Ecological Interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015.

4. The development shall not be undertaken other than in strict accordance with the mitigation measures (Section 5) set out in the Bat Survey and Mitigation Report dated 24 October 2018, prepared by Direct Ecology.

**Reason:** The site is associated with a number of European protected species and the development is only considered to be acceptable subject to mitigation measures being undertaken to secure the strict protection of European Protected Species and ecological interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015.

5. Prior to the installation of the landscaping works, pedestrian footpath and car parking space for the development, hereby permitted, a Landscape Plan shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and the works shall be implemented in accordance with the approved details thereafter. The details of the Landscape Plan shall include but not be limited to the following information:
  - a) Material finishes of new and repaired surfaces works including the pedestrian access path and the parking bay, to include seeding species mix;
  - b) The retained and proposed planting beyond that identified in the tree survey;
  - c) Details of new and existing fencing; and
  - d) Tree survey and plan including details of any proposed felling, retention and if necessary, new planting.



The landscaping scheme shall be carried out in accordance with the approved drawing not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

**Reason:** To ensure the retention of an appropriate landscape setting for these listed buildings and to ensure that any new landscaping works are sympathetic to and complement the listed buildings setting in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

6. Prior to the commencement of the works relating to the North Lade reinstatement for the development, hereby permitted, a Pollution Prevention Plan to safeguard the water quality of the Crombie Burn shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure that environmental impacts of the development are reduced and mitigated to safeguard the water quality of the Crombie Burn in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

7. Prior to the installation and first use of the car parking space of the development, hereby permitted, a Transport Management Plan shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be implemented and maintained in accordance with the approved Transport Management Plan.

**Reason:** In the interest of highway safety to ensure that the transport operation and management of the approved development is mitigated at an appropriate level to the approved operations in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

8. Notwithstanding what is shown on the approved drawings and supporting information, the paint colours for the external timberwork for the development hereby permitted, shall be either coloured RAL 0304040 Red or RAL 0002000 Black unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority and shall be retained thereafter in accordance with the approved colours.

**Reason:** To ensure these elements of the scheme are sympathetic and complement their setting of the designated heritage assets in accordance with Policy 3: Sustainable Design and Policy 9: Cultural

Heritage of the Cairngorms National Park Local Development Plan  
2015.

**Informatives**

1. The development hereby approved must commence within three years of the date of this decision notice. If it has not commenced within this period, then this planning permission consent shall lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. The person undertaking the development is reminded that pre-construction survey work to check for nesting birds should take place between April and August inclusive.
4. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

**Conditions relating to Listed Building Consent reference 2019/0018/LBC**

- 1. No works shall commence on site until a Construction Method Statement, covering all works, is submitted to and approved in writing by the Cairngorm National Park Authority acting as Planning Authority. Thereafter, the works shall be implemented in accordance with those approved details.**

**Reason:** To ensure that construction methods will not have an adverse impact on the setting of the listed buildings, the landscape features and the ecological quality of this designated area by reducing and mitigating the environmental impacts of the proposal to a satisfactory level in accordance with Policy 4: Natural Heritage, Policy 5: Landscape, Policy 9: Cultural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

- 2. No works shall commence on site until an Environmental Clerk of Works is appointed and a schedule of reporting has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This will include, but shall not be limited to, roles and responsibilities, resourcing, reporting mechanisms and monitoring requirements (preconstruction, during construction/ planting and post construction/ planting). Thereafter the works shall be monitored and managed by the Environmental Clerk of Works in accordance with the approved schedule of reporting.**

**Reason:** To ensure that there is an accurate account of applied working methods in accordance with the requirements of Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

- 3. Prior to the commencement of the works relating to the North Lade reinstatement for the works, hereby permitted, Species Protection Plans for Otter and Water Vole shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.**

**Reason:** In accordance with the statutory consultation advisories from Scottish Natural Heritage and the Cairngorms National Park Authority Ecologist following the assessment of the River Spey SAC qualifying interests of Otter within the Habitats Regulation Assessment and following the onsite visit which evidenced Water Vole within the area. The species protection plans will therefore help to secure the strict protection of European Protected Species and Ecological Interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015.

4. The works shall not be undertaken other than in strict accordance with the mitigation measures (Section 5) set out in the Bat Survey and Mitigation Report dated 24 October 2018, prepared by Direct Ecology.

**Reason:** The site is associated with a number of European protected species and the work is only considered to be acceptable subject to mitigation measures being undertaken to secure the strict protection of European Protected Species and ecological interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015.

5. Notwithstanding what is shown on the approved drawings and supporting information, the paint colours for the external timberwork for the development hereby permitted, shall be either coloured RAL 0304040 Red or RAL 0002000 Black unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority and shall be retained thereafter in accordance with the approved colours.

**Reason:** To ensure these elements of the scheme are sympathetic and complement their setting of the designated heritage assets in accordance with Policy 3: Sustainable Design and Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

## Informatives

1. The works hereby approved must commence within three years of the date of this decision notice. If it has not commenced within this period, then this listed building consent shall lapse.
2. The person undertaking the work is required to give the Planning Authority prior written notification of the date on which it is intended to commence the works. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. The person undertaking the work is reminded that pre-construction survey work to check for nesting birds should take place between April and August inclusive.
4. Following completion of the works, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be

carried out in phases, then a notice of completion should be submitted at the completion of each phase.

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.