
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND ADJOINING ALLT BEAG, DALRACHNEY ROAD, CARRBRIDGE

REFERENCE: 03/008/CP

APPLICANT: MR. R. GRAHAM, 110 TRYST PARK, EDINBURGH

DATE CALLED-IN: 12 SEPTEMBER 2003

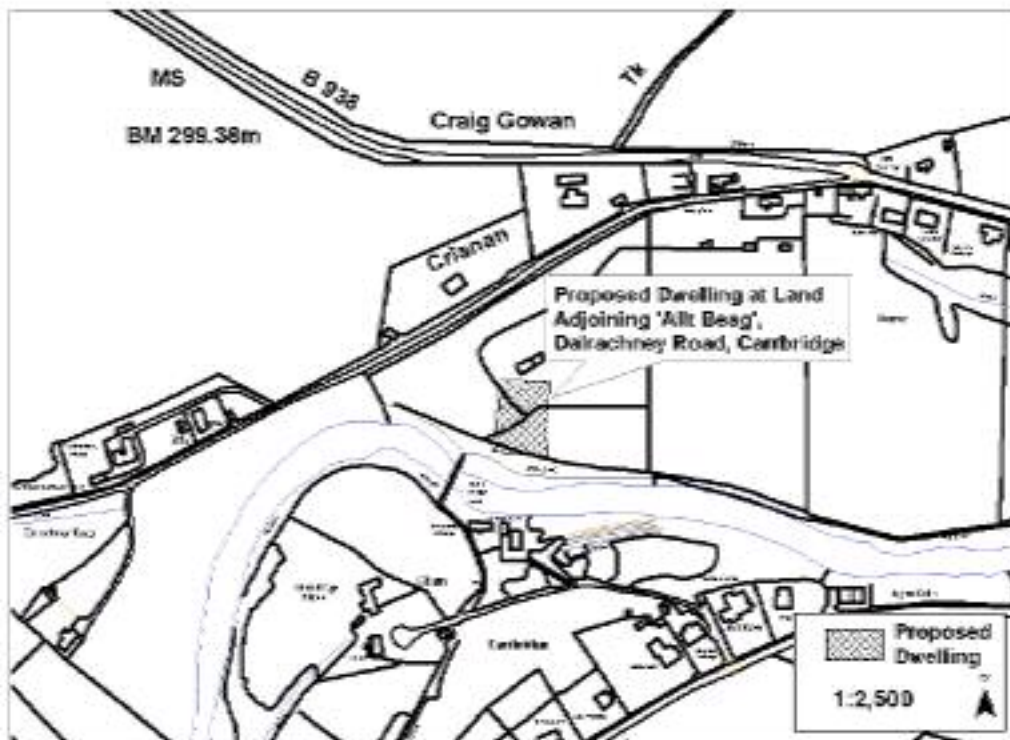


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site to which this application relates is located at Carrbridge on the south side of Dalrachney Road adjacent to the River Dulnain (See Fig. 1 above). The area of ground delineated on the submitted plans consists of rough, but basically flat crofting land which forms part of the flood plain on the north side of the River Dulnain. The flood plain extends to the east and the whole area is sited at a lower level to Dalrachney Road and the A938 to the north (See Fig. 2 and Fig. 3 below). On the river bank to the immediate south side of the site boundaries, there is a footpath which leads to a footbridge across the river at Ellan. To the west of the site and on the same side of the river is a new timber clad dwellinghouse known as “Allt Beag”. This house is accessed from Dalrachney Road. There are several houses positioned in a linear pattern along Dalrachney Road.
2. The application has been submitted in outline format. The site plan and the application forms indicate an “L-shaped” three-bedroomed single storey house positioned centrally within the plot, which is sized at 50m by 43.5m. Access to the site is shown utilising the existing access from Dalrachney Road to the adjacent property “Allt Beag”.



Fig. 2 – Site looking South West from Dalrachney Road



Fig. 3 - Site looking East from Dalrachney Road

3. The crofting lands at this location have been the subject of some development pressure in the last few years. In November 1999, Members of the Badenoch and Strathspey Area Committee of the Highland Council, decided to grant planning permission, against officer recommendation, for the erection of two dwellinghouses. One of these houses is “Allt Beag”, the other is sited further to the south-west and is the subject of a condition restricting the occupancy to a person solely or last employed in the locality in agriculture. A third house exists in a position further towards the railway line. That property was the subject of a planning approval for refurbishment in 1999. There are therefore three houses located on this croft at present.

DEVELOPMENT PLAN CONTEXT

4. Policy G2 (Design for Sustainability) of the Highland Structure Plan sets out general criteria, in relation to sustainability objectives, against which developments will be assessed. These include the extent to which a development is affected by significant risk from natural hazards, including flooding, and its impact on resources such as habitats, landscape and freshwater systems. Policy L4 (Landscape Character) states that, in the consideration of development proposals, there will be regard to the desirability of maintaining and enhancing present landscape character.
5. In the Badenoch and Strathspey Local Plan, Policy 2.4.12 states that there will be a presumption against any building development within flood risk areas, except where it is considered essential to continued agricultural use of the land. Policy 2.5.1 states that land considered important to the continued viability of farms, crofts or the local agricultural economy will be safeguarded. Policy 5.5.4 states that further to the recent provision of a new footbridge at Ellan, as part of a countryside scheme, the Council are continuing to reinstate riverside footpaths. Policy 5.5.5 states that footpaths throughout the village will be safeguarded and access agreements with landowners in respect of the provision of new paths, including alongside the river, will be pursued. Policy

5.5.6 states that there will be a presumption against development on land adjoining the village which supports important rural land uses, is at risk to flooding/erosion by river action, contributes to the village's setting, or is uneconomic to service.

CONSULTATIONS

6. The planning officers of The Highland Council have advised, under delegated powers, that the proposed dwelling lies in an area where the adopted local plan presumes against new development. On grounds of visual impact and effect on the setting of the village alone, the proposal is contrary to the provisions of the local plan. They also state that the Area Roads and Community Works Manager has previously expressed concern about the impact of further housing development on the public road network leading to the site. Due to the single track status of the road and its poor junction, in terms of angle, vertical alignment and visibility, with the A938, they feel that the proposal is likely to be unacceptable on road safety grounds. In addition, they have stated that the submitted plans indicate a narrow corridor between the application site and the boundary of "Allt Beag". This corridor has been offered by the owner of "Allt Beag" as a diversion for a riverside path which ran along the north bank of the river from the Ellan Bridge. There has been considerable local concern about the closure of this path as it was a well used walking route and a claimed right of way. The presence of the diverted route in a narrow corridor between two house curtilages might lead to pressure for closure or further diversion proposals, further inconveniencing path users. Finally, the planning officers have stated that there is a public sewer within reasonable distance of the site but the application proposes a septic tank and soakaway for the disposal of sewage. This would seem contrary to good planning practice, which points to development in sewered areas being directed to sites which can connect to the public sewer without access problems or excess capital or operating costs.
7. The Highland Council Archaeology Unit have stated that no archaeological condition is required.
8. The Highland Council Building Standards Co-ordinator has advised that an inspection of a trial hole on this site, was carried out at the time when the River Dulnain was at its lowest level but that if the test were carried out at the seasonally highest level, the water table level would not prevent an infiltration system from operating. He therefore has no adverse comments to make regarding the subsoil ground conditions at the site, subject to the design of the system being considered at the time of an application for Building Warrant.
9. SEPA have no objections to the surface water drainage proposals. With regard to foul drainage they have no objections to the use of a septic tank draining to a soakaway, provided that there is no public sewer within reasonable distance and the system complies with the Building Regulations.
10. The Carrbridge Community Council have stated that it is their understanding that most people would like to keep this area of land as a green area. They also understand that the principle for all new builds is to connect to the mains

for foul drainage. They are concerned about the precedent for more housing the application may set, particularly, in relation to the potential to increase the use of the junction of Dalrachney Road and the A938. They also add that following the problems with the footpath after the most recent development at “Allt Beag”, which have not been fully concluded to the satisfaction of the village, they would be concerned about this situation arising again.

11. The Area Roads and Community Works Manager for The Highland Council has stated that the Dalrachney Road, including its junction with the A938, is in a considerably less than satisfactory condition and is not considered suitable to accommodate regular additional traffic. Furthermore, the site in question would appear to lie within the flood plain of the River Dulnain and any dwelling is therefore likely to be susceptible to flooding.

REPRESENTATIONS

12. The application was advertised as a development not in accordance with the development plan, by The Highland Council, on 11 September 2003. A total of 4 letters of representation have been received. A summary of the matters raised include:-

- *The site occupies a part of a local natural beauty spot and a further house would further detract from the scenic value of the area which forms part of the National Park.*
- *Another house would further detract from the quality of the riverside walk and further limit access to the River Dulnain.*
- *There are concerns about the existing house (“Allt Beag”) and its effect on the area.*
- *To permit the proposal would set a precedent for further development of adjacent areas.*
- *Current planning policy restricts development of the area.*
- *There is only an agricultural servitude right of access along the access track to serve a number of the croft lots. Access for an additional dwellinghouse represents an intensification of usage not prescribed in the title deeds. The applicant would therefore need to prove they have a right of access over this track.*
- *The lay-by at the top of the access is for the use of the owner of “Allt Beag” only.*
- *To access the track from Dalrachney Road requires a three point turn including a reversing manoeuvre onto the road. Any proposals to form a turning circle would not be permitted on land within the control of “Allt Beag”.*

13. Copies of these letters are attached for the consideration of the Committee.

APPRAISAL

14. There are several material planning considerations to examine in the determination of this proposal. The first relates to the adopted land use planning policy, for the area of land where the proposed site is located, as contained in the Badenoch & Strathspey Local Plan. The site is within a wider area, which extends along the river to the east and west, designated under Policy 5.5.6. (Settlement Edges). This policy states that there will be a presumption against development on land adjoining the village which supports important rural land uses, is at risk to flooding, contributes to the village's setting or is uneconomic to service. In this instance, the land in question is crofting land, which also forms part of the flood plain of the River Dulnain. It also represents a natural area which contributes to the landscape setting of the village.
15. In relation to the status of the land as crofting land, it is the case that crofting is an important rural land use. The owner of the land was successful in gaining planning permission for two other houses on the croft in 1999, both of which have been built. However, at the time, the Crofters Commission did not accept, as claimed by the applicant, that there was a case for approving the sale of house plots to the long term viability of the croft. It would therefore seem that the sale of a third plot to the current applicant could not be justified in these terms. With regard to the flooding issue, information from an engineer has not been sought. However, the site is positioned within the area marked on the local plan as being liable to flood risk and The Highland Council Area Roads and Community Works Manager has stated that any dwelling here is likely to be susceptible to flooding. Taking the precautionary principle in circumstances such as this is the approach favoured in planning policy.
16. Finally, with regard to this policy, it is the case that the site forms part of a larger "green" area along the north side of the river at this location. The building of "Allt Beag", adjacent to the proposed house, has set, to a degree, a precedent for housing here, but it is positioned in the narrow western corner of the protected area which extends and expands eastwards. The proposed house encroaches eastwards, further into the protected area, and while it would have a detrimental visual impact in itself, the precedent that would be set for further development would be significant. Further residential development gradually eroding this natural riverside area, close to the settlement edge, would be significantly detrimental to the character and appearance of the area, and the visual and landscape setting of Carrbridge. As such, in these respects, the proposal, fails to comply with statutory development plan requirements, as contained in Policies G2 and L4 of the Highland Structure Plan and Policies 5.5.6, 2.4.12 and 2.5.1 of the Badenoch & Strathspey Local Plan. It also fails to meet the terms of the aims of the National Park in relation to the conservation and enhancement of the natural heritage of the area.
17. The issue of access to the site from the A938 via the single track Dalrachney Road, is a concern. The Highland Council Area Roads and Community Manager, has stated that, Dalrachney Road, including its junction with the A938, is in a considerably less than satisfactory condition and is not

considered suitable to accommodate regular additional traffic. He is therefore, unable to recommend approval of the application. This view is consistent with previous recommendations given at the time of the applications for the two other houses that have been built nearby. The introduction of another house can only exacerbate an already unsatisfactory situation, particularly when you considered that the poor alignment and visibility at the junction of Dalrachney Road and the A938. Minor improvements to the road, as required by conditions of the previous consents, have not overcome the fundamental defects and there seems no scope for further minor improvement measures. To permit the proposal would go against the recommendation of the Area Roads Manager and as such be detrimental to road safety.

18. Some of the consultees and representees have expressed their concern about the effect the proposed development would have on the existing footpaths in the vicinity. It is the case that there has been concern about the effect the new house at “Allt Beag” has had on the riverside walks. The siting of another house, separated from “Allt Beag” by a narrow strip of land, which would seem to indicate, an alternative footpath route, does cause concern. The whole area along the river here is subject to Policies 5.5.4. and 5.5.5. in the local plan. These policies aim to reinstate and safeguard existing footpaths through the village. Although, there is no direct conflict, in terms of the proposed site boundaries, with the existing footpath along the river, the presence of a house and the possible further diversion of the route, will adversely affect the quality and character of the walk and further inconvenience users. It may also lead to pressure to close off the route. As such, the proposal would contravene the aims of the National Park which seek to promote understanding and enjoyment, including in the form of recreation, of the special qualities of the area by the public, and be contrary to Policies 5.5.4. and 5.5.5. of the statutory local plan.
19. Finally, there is the issue of drainage. The applicant proposes the use of a septic tank and soakaway system for the disposal of foul water. Although, the evidence suggests that the ground conditions are capable of accommodating such a system, SEPA have stated that they would not object to a septic tank but only if a public sewer was not available at a reasonable distance. It is the case that there is a public sewer located within a reasonable distance, near to the line of Dalrachney Road. However, to connect would need pumping uphill and also possibly wayleaves. This may therefore be prohibitive. It therefore seems that the proposal is contrary to good planning practice, which, in the interests of public health, points to development in sewered areas being directed to sites which can connect to the public sewer without access problems or excess capital or operating costs.
20. To conclude, the proposal fails to comply with planning policy and good planning practice in several respects. In doing so it provides conflict with the aims of the National Park and it therefore cannot be supported.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Refuse Outline Planning Permission for the Erection of a Dwellinghouse, at land adjacent to Allt Beag, Dalrachney Road, Carrbridge, for the following reasons:-

- i) The proposal represents the development of a dwellinghouse in a location which is designated, in the Badenoch and Strathspey Local Plan, as an area on the Carrbridge settlement edge, where there is a presumption against development because the area supports important rural land issues, is at risk from flooding or erosion from river action, contributes to the village's setting or is uneconomic to service. There is no operational justification for approval of a third new property on the croft, and the site is located on the flood plain of the River Dulnain. The introduction of a dwellinghouse would also have a negative visual impact and would act as a precedent for further residential development in the area. This would be significantly detrimental to the character and appearance of the area, and the visual and landscape setting of this side of Carrbridge. As such the proposal is contrary to Highland Structure Plan Policies G2 and L4, Badenoch and Strathspey Local Plan Policies 2.4.12, 2.5.1. and 5.5.6, and the aims of the Cairngorms National Park.
- ii) The proposal will result in a intensification in the use of Dalrachney Road and its junction with the A938. Dalrachney Road is single track with inadequate passing places and its junction with the A938 has sub-standard geometry and limited visibility. To permit the proposal would therefore be detrimental to road and public safety.
- iii) The siting of a dwellinghouse, as proposed, with a narrow strip of land between its west boundary and the east boundary of the adjacent house site, may result in pressure to close off the existing riverside footpath at this location or create a further diversion of the route. This, and the very presence of a another house in this location, would adversely effect the quality and character of this walk and further inconvenience footpath users. As such the proposal is contrary to Badenoch and Strathspey Local Plan Policies 5.5.4. and 5.5.5, and the aims of the Cairngorms National Park.
- iv) The development proposes the use of a septic tank and soakaway system for the disposal of foul water, in an area where there is a public sewer within a reasonable distance of the site. To connect to this sewer, would require pumping uphill and possibly wayleaves, and therefore this may be prohibitive. As such, to permit the proposed house with a private system of drainage, would be contrary to good planning practice, which, in the interests of public health, directs development in sewered areas to areas where connections to the public system can be made, without access problems or excess capital or operating costs.

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