
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF NEW DWELLINGHOUSE,
AT LAND ADJACENT TO TIGH NA BEA,
DUTHIL, BY CARRBRIDGE

REFERENCE: 04/468/CP

APPLICANT: MR & MRS S PALMER, PER ERIK
LUNDBERG, PILGRIM COTTAGE,
WARDLAW RD., KIRKHILL, INVERNESS
IV5 7NB

DATE CALLED-IN: 8TH OCTOBER, 2004

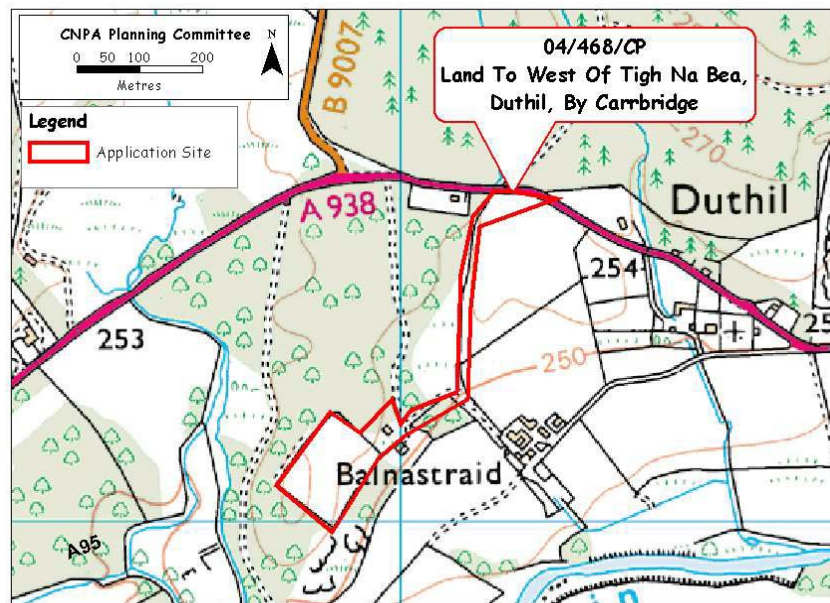


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. **This application was the subject of a site visit by members of the Planning Committee on 5 September where the house site, access options and a nearby site allocated by the Badenoch and Strathspey Local Plan were all carefully looked at by members. This report is essentially the same report as originally submitted with one of two changes as a result of additional information/representations set down in bold type.**
2. This is a full planning proposal for the erection of a new house on an area of agricultural land, rough grazing, bordered to the north and west by an area of birch woodland. Access to the site follows in part an old track, but will also involve the creation of a new 3m wide roadway, over a length of over 200 metres from the public road at Duthil to the north (the main A938 Carrbridge to Dulnain Bridge road). The junction with the public road is on the inside of a bend and new visibility splays will be created with the setting back of the fencing from the field edge and some excavation of the roadside field area down to road level. The new access road with passing places crosses agricultural land and a small ditch. The positioning of the house is on lower ground than the remainder of the field, and the house has established woodland on two of its boundaries. The access track will pass through part of the woodland. There is another small cottage (Tigh na Bea) to the east of the application site (now owned by the applicants), but the main concentrations of houses are some distance to the northeast, around the main road.
3. About half of the proposed house footprint has 2 floors of accommodation with the remainder having a floored loft. Although there is only one bedroom on the ground floor, there are 6 other rooms plus a courtyard. A garage, garden store and wood store are also included. A covered veranda area projects around almost 2 sides of the house. The finishing materials for the house will be off-white wet dash render, oak finish UPVC windows, grey concrete roof tiles / natural slate with traditional curved profile metal sheeting to the veranda roof. Amended drawings have been negotiated and a sustainability statement was requested. Design changes including the introduction of a gable have been submitted, together with a range of details on the sustainability of the building, the applicants have committed to a renewable energy source (probably wind turbine) and high levels of insulation for the building. Percolation test details have been submitted, as have details on the private water supply. Natural slate is now confirmed for the roof.
4. The Badenoch and Strathspey Local Plan allocation map in this area is difficult to interpret. However, close analysis has shown that the site is located in a small zone that is allocated by the Local Plan as a 'General Countryside Area'.

DEVELOPMENT PLAN CONTEXT

5. **Highland Structure Plan (approved March 2001) Policy H3** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. **Policy L4 Landscape Character**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy G2 Design for Sustainability** lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources).
6. **The Badenoch and Strathspey Local Plan (September 1997) Policy 2.1.2.1 for General Countryside Areas**, considers that single houses outwith recognised settlements will normally be acceptable subject to a) the suitability of access; b) availability of essential services; c) generous spacing from adjoining development to ensure appropriate standards of amenity and privacy; and d) concurrence with the principles of good siting, design and appropriate landscaping.
7. The generality of development plan policy in the wider area beyond the site is the Restricted Countryside Area, although there is a larger **Policy 2.1.2.1, General Countryside Area** to the west of Duthil. In the Duthil settlement plan the site is just off the allocations map. To the north east of Balnastraid (applicant's current house 160 metres to the east of the site) is an area that is allocated in the Local Plan for housing development and is understood to be in the ownership of the applicant. Part of the allocated area has already been developed from an access opposite a property known as the Glebe on the north side of the A938. However, a larger area remains undeveloped. **Policy 5.11.1 of the Local Plan** identifies the area as allocated for 11 houses in total in clusters suggesting traditional design, set back at the foot of the escarpment and orientated to the south. This is subject to adequate drainage. The absence of a drainage system for these plots is currently the main constraint preventing the site from coming forward.
8. **The Preliminary Consultative Draft of the Cairngorms National Park Local Plan** has been produced and is currently at the printers. With regard to Duthill the Local Plan does not specifically zone areas of housing as did the Badenoch and Strathspey Local Plan. However, the plan does recognise that this small settlement will be able to absorb a number of single house developments; any proposals should reflect the existing house positions and spacing/density/scale.

CONSULTATIONS

9. **Highland Council**, under their delegation to officers, has commented that the precise Local Plan policy designation for this site is difficult to interpret. In pre-application advice the designation identified was General Countryside Area. The site was seen as screened with the existing woodland, and the house design was well broken down into smaller elements. Access is not the most favoured route, but seems to be due to land ownership difficulties. The existing access to Tigh na Bea is seen to be sub-standard, and should perhaps be replaced by the proposed new access (this would require a Section 75 Agreement). The new access involves some visual intrusion. **Highland Council Building Control** has received copies of the percolation tests and considers the results acceptable.
10. **SEPA** has no comment to make on foul drainage measures given that Highland Council Building Control have received satisfactory percolation tests. In relation to surface water drainage SEPA are happy to see ponds installed as they can address habitat enhancement issues as well as water quality, some information has been passed onto the applicants regarding the design and management of SUDS ponds.
11. **Highland Council Area Roads Manager** advice is that an upgraded version of the existing access presently serving development north east of Balnastraid would be best for this development and any future development in the immediate area from a highways point of view. For a single house only, suitable access could also be obtained by a connection to the existing track west of the site presently serving Milton of Duthil. It is recognised that considerable engineering works may be required for either of these options. However, the arrangement proposed could provide some road safety benefit by closing off a clearly dangerous existing access and by enhancing forward visibility on the main A938 public road.
12. **CNPA's Natural Resources Group** note that the access track passes through a woodland area, and for landscape and woodland integrity reasons, damage to standing trees should be avoided and any tree felling to facilitate the work should be kept to the minimum required for the track itself. **Further consultation with the Natural Resource Group has identified that the area of meadow to be lost as a result of the access track is not significant in natural heritage terms.**
13. **The Highland Council Archaeologist has been consulted with regard to the issue of a Roman Road in the vicinity of the site. The Archaeologist has been directly contacted by a local resident concerned about this issue. From the description given it would seem that the road lies to the south of the application area- it may well be the route of a mediaeval road running from Duthill towards the site of a mill shown on the 19th Century Ordnance Survey Map.**

However, the road is unlikely to be Roman as there is as yet no accepted evidence for a settled Roman presence in the Highlands. In either case the route, and access along the route, does not appear to be impacted by the proposed development.

REPRESENTATIONS

14. Five letters of representation have been received (attached), one of these from the applicants' agent, and 2 from the same person. The points raised include the loss of agricultural land, intrusion into the quality landscape here, where previous proposals to plant up with trees were resisted by locals. Also there is the potential threat of this application, and the new access, setting the precedent for other housing proposals in the area. The applicants' agent has commented that the land has not been actively managed in recent years and the land is not of the highest quality. The Local Plan is claimed to support isolated rural dwellings, and this proposal would be located to minimise the visibility of the development. Mounding would be created to provide screening to the nearby house at Tigh na Bea. It should be noted that the applicants now own Tigh na Bea which was formerly the house belonging to the nearest objector (Mr Flanagan).
15. **Further representations have been received and are attached at the back of the report. The applicant's agent has provided a summary of the access options, which is also attached at the back of the report.**

APPRAISAL

16. The main issues to consider on this application are the principle of a new house in this location, the physical impact of the development (including access road) on the environment and the design and layout of the house.
17. While the Local Plan allocation map is difficult to interpret in this area, a detailed analysis has shown that the site does in fact lie within a small area allocated in green on the zoning map of the plan. This means that under the current plan the site is located in a General Countryside Area and subject to Policy 2.1.2.1. This policy finds single houses outwith settlements acceptable providing there is acceptable access, servicing and spacing from adjoining development as well as adequate privacy for neighbours and concurrence with the principles of good siting and design. Given this, the principle of the house can be considered acceptable providing it meets these detailed criteria.

18. There is an existing access track to the house known as Tigh na Bea that it would make sense for this proposal to utilise. However, it is understood that vehicle access along this route would be unlikely to be consented to by the estate, or access may perhaps be offered at too high a price. Also the tracks exit onto the A 938 is not considered by the Area Roads Manager to be safe. Another alternative access would be to utilise some form of extended access from the housing that has already been developed to the northeast. However, this is considered not to be an option due to ransom strips, engineering operations due to changes in level would also be considerable and could result in the road running along the top of an escarpment. Given this, in order to develop the new house site it is proposed to create a new access. Because the new junction with the public road is on the inside of a bend, visibility splays would be achieved by setting back the roadside fence with excavations to ensure visibility over an appropriate distance. The whole access involves a considerable amount of work and I did have some concerns regarding the visual impact of the track. However, having walked the route proposed, the track is either close to a field boundary, or through woodland and follows a topography, and in part the line of a old track which makes it difficult to see from public viewpoints.
19. It is recognised that there would be some visual impact from the A938 as a result of level changes, however, the area to be excavated would appear to be of little natural heritage value and this would be a safer access to the site than the existing access track to the west. Latest drawings show the excavations required not to be as significant as first thought. Provided that any level changes are contoured and do not use straight lines I have no objection to the scheme. The Area Roads Manager considers that it would be beneficial to have the existing access to Tigh na Bea closed off. However, the land is outside of the control of the applicant, being owned by the local estate. The applicant was always willing to allow the occupant of Tigh na Bea to use the new track for safety reasons. However, this house is now in the ownership of the applicant. This means that a planning condition can be applied to ensure that both the proposed house and Tigh na Bea use the new access rather than the less safe access resulting in improved highway safety.
20. In dealing with this proposal I have to question the amount of work that is being undertaken in terms of the length of the access and the excavations required for visibility to access a single house application. It has to be recognised that this route would also provide a good access opportunity for the sites allocated for around 11 houses just to the north of Balnastraid by the Local Plan. One obvious access route would be the upgrading of the access to the east serving existing houses, however the applicants unwillingness to utilise this approach may well be because potential ransom strips and as mentioned previously this route would require significant engineering operations. While this may be in the applicants mind I would point out that this

housing allocation is under review by the Local Plan and the outcome of this may influence the applicants decision on this particular project. While this is a concern with regard to the access track, this particular application must be considered on its individual merits and because of the general lack of visual intrusion caused by the length of track, taken together with road safety improvements it is my view that the access is suitable for what is proposed by this application.

21. The house is large but the site is partially sheltered by the existing woodland on two of the boundaries. The house design is basically rectangular in shape with a central courtyard, and with the southern most side at one and three quarters storey in height. The front south facing elevation is basically symmetrical in design with a gable and dormers either side, but on other elevations there is a very mixed range of window openings both in position and size. Two-grassed spoil heaps are to be created to the east of the new house between the new house and the existing property of Tigh na Bea. The scale of the new house is quite different from the existing property of Tigh na Bea, but is located some 45 metres away. The site is very well screened by birch woodland, but is significantly far away from the woodland not to cause damage. The dwelling would be almost invisible from surrounding viewpoints, consequently the siting is considered acceptable.
22. Some concern has been expressed to the applicant regarding the slightly over complex design of the building and some changes have been made including the introduction of a front gable in natural stone, together with the introduction of a stone panel on another flank elevation and the rationalisation of windows. Given that the site is so well screened as to be practically invisible from public viewpoints I have concentrated upon the environmental design ethics of the building rather than aesthetics. The walls will be of timber frame construction with warmcell insulation fibre. The timber will be FSC and Scottish sourced. The roof was to be finished in concrete roof tiles but will now be finished in natural slate. A decking forms a verandah around the building and will be formed from a timber like material that is made from recycled plastic.
23. The water for the site will be from a borehole, which has been tested, the heating system will be geothermal from boreholes. It is intended to have small wind turbine supplying electricity to the house either by a single pole structure or by a turbine attached to the house; the use of solar panels is also being investigated. While these elements are not fixed at the moment a planning condition will be used to ensure that energy is from a sustainable source, a separate wind turbine would be the subject of a future application. It is understood that the applicants have now purchased the house (Tigh na Bea) nearest to the site, which was formerly owned by the closest objector, and hope that any wind turbine would also be able to provide electricity for this house.

24. The applicants have also decided to incorporate wildlife friendly features as part of the plan, which contributes towards biodiversity in the area. Part of the roof is designed for incorporation of bat boxes and an owl box is proposed on the east gable of the house. SNH and Highland Wildlife Park have provided advice on these issues. A SUDS pond will also provide additional wildlife enhancement opportunities.
25. While the house is not of itself of the highest design standards in terms of aesthetics, the applicants have gone a long way in showing how a new build standard type house can incorporate a range of sustainable design features. Overall, while I have raised concerns about the relationship between the single house and the long access required for it, the track is carefully designed to minimise landscape impact. The house is sensitively sited and minimises its impact upon resource use and promotes natural heritage, contributing strongly to the first aim of the National Park, the proposal also results in a safer access to the A938 for an existing house. The principal of a house in a General Countryside Area is acceptable and the details of the proposal provide a range of positive benefits with regard to park aims, hence my recommendation of approval.
26. **Members have had a detailed look at the site, its access options and the nearby site allocated for a further 11 houses. As noted by the Development Plan Context section of this report the 11-house site is not allocated by the Consultative Draft of the CNPA Local Plan. While the existing local plan is still the Local Plan for the area some limited weight can be attached to this new approach. I have always been of the view that the 11-house site is separate issue from this single house application and its access track. However, the main area of concern from objectors to the proposal seems to be with regard to the allocated site and the potential for the new access track to service this land rather than just the single house being applied for here. The fact that the CNPA Local Plan does not zone this area for housing may be of some comfort for objectors, although it must be recognised that this plan will still have to undergo consultation with the local community and a range of interested bodies.**
27. **With regard to access issues a range of options were looked at during the site visit. In planning terms the neatest solution would be for the proposal to utilise the existing access to Tigh-na-Bea, this would involve the least additional construction works for access purposes and would perhaps be the most acceptable solution for nearby objectors. However, the Area Roads Manager has concerns with this route and would not recommend approval of such an approach as shown by his consultation response. The agent's summary of the access route options (attached at the back of the report) states that this (yellow) access would have to be considerably upgraded resulting in a loss of birch trees that are entered into the ESA scheme. However, I would point out that**

given the track would only serve 2 houses there would be no requirement for a significant upgrade of the track. I have similar concerns to the Area Roads Manager and still recommend in favour of the new access (green) as it could be ensured that the existing cottage Tigh-na-Bea uses the new access to improve highway safety. Despite this, the Planning Committee can make the decision that the proposal should utilise the existing access and that improved visibility splays are provided where possible. This could be achieved by planning condition, although the applicant would require the co-operation of the estate.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. In terms of natural heritage the proposal would have little long term landscape impact. The dwelling is well screened from public views. However, it is recognised that there would be some impact upon the agricultural field in landscape terms. However, if engineered in a careful manner the boundary of the road would heal over time resulting in little substantive change. A full set of detailed cross section drawings have very recently been received and indicate the works along the A938 to be less significant than was at first thought.
29. The proposal includes a range of features intended to promote natural heritage including bat and owl boxes, it is also the applicants intention to create a small pond as part of the surface water drainage system which will be managed for wildlife as will the remainder of the applicants land down to the River Spey.

Promote Sustainable Use of Natural Resources

30. For a single house development the proposal contributes strongly to this aim with ground sourced heating and the intention of a renewable energy supply, which will be ensured by condition.

Promote Understanding and Enjoyment of the Area

31. Over the time of the application being negotiated the applicants have bought the house known as Tigh na Bea which was a second home, it will now be used for holiday lets which will contribute towards enjoyment of the area for tourists.

Promote Sustainable Economic and Social Development of the Area

32. The proposal results in a new house for the applicants and will result in a safer access, which can be utilised by Tigh na Bea. This house will now be used by the applicants for a holiday letting business, resulting in an economic use rather than a house used as a second home.

RECOMMENDATION

33. That Members of the Committee support a recommendation to **GRANT Full Planning Permission** for a new dwelling house on land adjacent to Tigh na Bea, Duthil, Carrbridge, subject to the following conditions:
1. The development to which this permission relates must be begun within 5 years of the date of this decision notice.
 2. The development shall be landscaped and maintained in accordance with a scheme, which shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall include a phasing programme for implementation and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure: -
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Cairngorms National Park Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
 3. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the Cairngorms National Park Authority acting as Planning Authority before any work commences on site.
 4. Prior to work starting on the proposed house the access shall be formed generally in accordance with the submitted drawing No 192/06 Rev A dated 7 June 2005. Construction for at least the first 6 metres measured from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on a 60mm Dense Basecourse on a minimum thickness of 350mm Type 1 sub base, all on a sound formation. Thereafter construction, including passing places shall consist of a minimum 350 mm thick Type 1 sub base on a sound formation, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council Area Roads Manager.

5. Prior to the commencement of the development hereby approved detailed specifications for the access track (including cross sections) at points to be agreed by the Cairngorms National Park Authority acting as Planning Authority shall be submitted for prior approval. The track shall then be constructed in accordance with the approved details.
6. The dwelling hereby approved shall be supplied by electricity from a renewable energy source unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.
7. The dwelling hereby approved and the existing cottage to the east of the site known as Tigh na Bea shall only be accessed by vehicle from the newly constructed access from the A938, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council Area Roads Manager.
8. Detailed drawings showing the locations of bat boxes and an owl box shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The agreed boxes shall be fixed in position within 2 years of the commencement of the development unless otherwise agreed by the Cairngorms National Park Authority acting as Planning Authority.

Determination Background

Length of time taken to determine essentially because of difficulties of interpreting Local Plan map, additional information required, sustainability statement, percolation tests, cross section drawings for access and additional benefits negotiated such as renewable energy supply, revised design to front elevation. Last amendments received 4 July 2004. **In addition members of the Planning Committee have made a detailed site visit.**

Andrew Tait

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3 October 2005