

**REPRESENTATIONS ON  
ORIGINAL OUTLINE  
PROPOSAL**

# COMMUNITY COUNCIL

Cairngorms National  
Park Authority  
27 NOV 2007  
REC'D W

**THE NETHYBRIDGE AND VICINITY COMMUNITY COUNCIL**

November 24, 2007


Mr. Andrew Tate  
CNPA, Planning Officer  
Albert Hall  
Station Square  
Ballater  
AB35 5QB

Dear Mr. Tate,

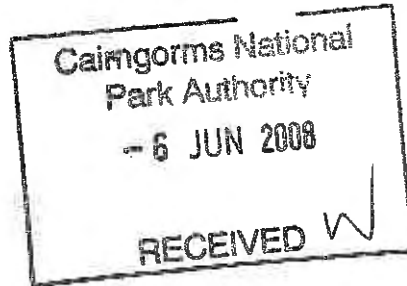
Subsequent to our recent telephone conversation I am writing in regard to the application made by Mr. and Mrs R. Dunn for outline planning permission on a site near the Duack Burn. Please be advised that the Nethy Bridge Community Council endorses this application and would urge the CNPA Planning Department to grant them permission to build a residence on the site.

Thank you for your attention and consideration.

Sincerely

  
Richard Renton  
Chairman, NBVCC

**Nethy Bridge and Vicinity Community Council**



'Inchtomach',  
Nethy Bridge,  
Inverness-shire,  
PH25 3EB.  
2<sup>nd</sup> June '08

Planning Department,  
Cairngorms National Park Authority,  
Albert Memorial Hall,  
Station Square,  
BALLATER  
AB35 5QB

**Planning Application 07/408/CP**

Dear Andrew,  
Many thanks for the documents regarding the proposed house of Mr Ronnie Dunn in Nethy Bridge. This is a house which the Community Council does not object to being build and as such we therefore support the application.

A dark, rectangular redacted area containing a signature.

Sandy McCook,  
Chairman

**SUPPORTING STATEMENT &  
LETTERS OF SUPPORT**

**OUTLINE PLANNING APPLICATION  
ERECTION OF DWELLINGHOUSE  
LAND TO THE WEST OF DUACK LODGE, NETHYBRIDGE  
MR & MRS R DUNN**

**SUPPORTING PLANNING STATEMENT**

**1. Introduction**

- 1.1 This statement is submitted in support of an outline planning application by Mr & Mrs R Dunn to erect a dwellinghouse on land to the west of Duack Lodge, Nethybridge.
- 1.2 The site, which extends to some 0.25 hectares, is located immediately to the west of Duack Lodge. It is bounded to the north by a disused railwayline, to the west by Rothiemoon Road and to the south by the B970.
- 1.3 The application site was purchased some 15 years ago by Mr & Mrs Dunn. They owned and occupied Duack Lodge for 22 years until 2004.
- 1.4 The site is woodland, containing approximately 150 trees and was planted as commercial forestry by the previous owners. In recognition of the amenity value of the woodland to the setting of Nethybridge, a Tree Preservation Order (TPO) was confirmed by The Highland Council in November 2006. This also includes a substantial number of trees on either side of the application site.
- 1.5 Although this application is in outline only, the vision for the site is of a high quality small, single dwelling built to the highest energy saving standards and of a design and finish which is sensitive and sympathetic to its woodland setting and nearby existing dwellings. Should the use of timber be considered a suitable external material, the applicant is keen to use locally sourced wood in the construction process. Every aspect of the project will be based on the principles of sustainability to ensure that the impact of the dwelling on the environment is minimised. A woodland management scheme is proposed to ensure the future proper management and care of this presently unmanaged area of woodland. This would also address measures to enhance the biodiversity value of the site.
- 1.6 Whilst the construction of a dwelling on the site would inevitably involve some tree loss, the extent of the TPO, the levels associated with the application site and the proposed location of the house, are such that the overall integrity and amenity value of the TPO is unlikely to be affected. Furthermore, and crucially, neither the trees likely to be lost or the dwelling house would be visible from the main approaches to the east and west of the site on the B970. This is due to the screening effect of the extensive tree cover to both east and west of the application site. Indeed, the proposed house is likely to be partially visible from only two other houses, to the west across Rothiemoon Road.

- 1.7 A number of trees have already been felled under license from the Forestry Commission, and it is in this area that the house is proposed to be located.

## **2. Planning History**

- 2.1 Although two previous applications for a single dwelling were refused in 1992 and 1993, the Council indicated that it was minded to approve a third application submitted in 1994 subject to the conclusion of a Section 50 Agreement. In reaching this decision, Members were of the opinion that a house on the site would ensure better management of the trees. The Section 50 Agreement was not concluded and the application was eventually entered as withdrawn from the Planning Register. The principle of development on the site has therefore been considered acceptable to the Council.

## **3. Development Plan**

- 3.1 The Development Plan for the area comprises The Highland Structure Plan 2001 and the Badenoch and Strathspey Local Plan, adopted in 1997.
- 3.2 The proposal is consistent with the terms of the Structure Plan which directs development to existing settlements. The application site is located within the built up area of the village.
- 3.3 The proposal accords with the adopted Local Plan in that it is consistent with the objectives set out in Chapter 4. In this respect the scale and form of development is compatible with the village character (and also with the immediately surrounding area), it will not affect the setting of the village and will not adversely affect an area of amenity woodland. In terms of the references to infill development, the proposal is wholly consistent with requirements relating to scale, plot size and spacing between properties.
- 3.4 The adopted Local Plan designates the site as Amenity Woodland. As already noted, the location of the proposed dwelling will not impact on the overall integrity and amenity value of the woodland.

## **4. Material Considerations**

- 4.1 The Cairngorms National Park Deposit Local Plan (June 2007) represents emerging policy and is a material planning consideration.
- 4.2 The first aim of the National Park is to conserve and enhance the cultural and natural heritage of the area. To this end Policy 1 of the Deposit Local Plan notes that development which does not compromise the aims of the Park or the overall integrity of the area will be permitted. The proposed dwelling, which will be sited, designed and constructed of materials which make a positive contribution to the environment, is entirely consistent with this key aim.



- 4.3 The proposed house also reflects the principles of sustainable development outlined in Chapter 5. As noted above, the project will be guided by sustainability considerations and will make a positive contribution to sustainable design. In this respect, the proposal accords with the terms of Policy 17 – Sustainable Development and Policy 18 – Design Standards for New Development. In recognising the benefits of good and innovative design, the proposed dwelling will accord with the Plan's aim to raise design standards.
- 4.4 The proposals map for Nethybridge shows the settlement boundary drawn tight up against the back of Duack Lodge to exclude its rear garden and the application site to the west. It is considered that this boundary is illogical in that the back garden of the existing house is an integral part of the dwelling (and as such should be included within the settlement boundary) and that the natural, logical and defensible settlement boundary in this area is the disused railway line. An objection reflecting these concerns has been made to the Deposit Local Plan.
- 4.5 The proposal also accords with the sustainable principles of SPP1: The Planning System and SPP3: Planning for Housing. The site is located immediately adjacent to a bus route and within easy walking distance of the centre of Nethybridge with its shops, community and other facilities.

## 5. Other Information

- 5.1 A tree constraints survey has been undertaken which confirms that with a few notable exceptions, the majority of the trees on site are not of outstanding quality. The survey does note however that as an arboricultural feature, the trees collectively are a significant feature. It is intended that any unavoidable tree loss be kept to an absolute minimum and retention of the higher quality trees be made a priority. It is understood that provision of an Impact Assessment, Tree Protection Plan and Method Statement may be required.
- 5.2 Due to site levels, the distance of the proposed house plot from the road and the significant amount of tree cover on either side of the site, it is effectively screened to view from the road and from Duack Lodge. A substantial area of birch on the northern boundary serves to screen the site from the property to the north.
- 5.3 It is proposed that access to the site will be from Rothiemoon Road by way of a clearly formed track created by the previous owners. This is indeed the first point of access on the east side of Rothiemoon Road.
- 5.3 On a personal note, it should be noted that this application is not made by someone moving into the area but by a family who have lived and worked in the National Park for the last 25 years. Through their long established business interests in the restaurant and external catering trades, Mr & Mrs Dunn have offered employment opportunities to a considerable number of local people over many years. Mr & Mrs Dunn continue to play an active role in support of local community life and have no wish to leave the village in which they and their family have lived and worked for so long.



## 6. Conclusions

- 6.1 This statement argues that with careful siting, it should be possible to construct a small dwelling house, of the highest quality design and materials which is sensitive to its setting and which will not impact on overall amenity value of the TPO or erode the high quality of the environment in this part of Nethybridge. As noted above, it is intended that any unavoidable tree loss be kept to an absolute minimum and retention of the higher quality trees be made a priority.
- 6.2 The Council, in an earlier decision, had already decided that a house on the site would ensure the future management of the woodland, thereby accepting the principle of a house on this site. It is the applicant's intention to prepare a scheme which will ensure the future careful management of the woodland and the enhancement of its biodiversity value.
- 6.3 Located within the boundary of Nethybridge and only a short distance by foot from the village centre, the proposal represents sustainable development which accords with the sustainability objectives of the current development plan, Scottish Government policy guidance and the objectives of the emerging Cairngorms National Park Local Plan.
- 6.4 In summary, it is considered that a small, sensitively designed and innovative dwelling is an acceptable form of development which will not detract from the setting of Nethybridge and will allow Mr & Mrs Dunn to remain in the community to which they have contributed so much for so long.

# Joyce Hartley Chartered Town Planner

Don McKee (FAO Andrew Tait)  
Head of Planning  
Cairngorms National Park Authority  
Ground Floor  
Albert Memorial Hall  
Station Square  
Ballater  
Aberdeenshire AB35 5QB

21<sup>st</sup> May 2008

Dear Sir

**07/408/CP – Planning Application for Erection of House at land 20 metres north west of Duack Lodge, Nethy Bridge for Mr & Mrs R Dunn**

I refer to previous correspondence in connection with the above and now submit the following and attached additional information. This should be read in conjunction with the Supporting Planning Statement which accompanied the planning application.

**1.0 Tree Constraints Survey and Arboricultural Impact Assessment (by Jacqueline Waring, Inverness Tree Services)**

The initial Tree Constraints Survey notes that although collectively the trees are an important arboricultural feature, the majority of trees are not of outstanding quality.

An Arboricultural Impact Assessment was undertaken following the preparation of plans showing an indicative layout. This notes that the house shown in the indicative plans can be located in a sunken area of the site which will be heavily camouflaged from beyond by existing tree cover.

The pine dense rising ground in the southernmost part of the site which is most visible from the B970 will remain untouched and the pine covered character of the rest of the site will be retained.

In addition to the five trees which would require to be removed to build the house, two in the area of the proposed access would require measures to protect root systems.

(We note that this is achieved routinely and successfully elsewhere within an area where building in close proximity to trees is commonplace. The architect for the project has extensive experience of working with houses in very close proximity to mature tree roots and suggests root protection in the site entrance should be a cellular confinement system with a no fines fill.)

## **2.0 Indicative House and Layout Plans (by Paul Devlin, Chartered Architect)**

These show how a house could be accommodated on the site with minimal tree loss (five for the house). The intention informing the layout has been to afford priority to tree cover and to locate a house within a heavily wooded setting. The indicative design takes its form from the numerous Edwardian villas that are set within extensive garden ground in the villages of Strathspey and reflects the design and appearance of adjacent traditional properties.

It is proposed to construct the house in the sunken part of the site. The 3D visualisations show the relationship of the proposed house to surrounding properties and demonstrate that its visual impact will be minimal from the main road and surrounding properties.

## **3.0 Wildlife Observations 2008 (Report by Dr A M Jones, Wildlife Consultant)**

This report presents a detailed account of existing wildlife interests on the site. Although it is frequented by a number of difference species of bird and mammals, the report notes that current wildlife interest of this site is modest compared with other pine stands in Strathspey. Crucially, the site is not covered by a natural heritage designation and development of the scale proposed presents no threat to European Protected Species or species on the Scottish Biodiversity List or species identified in the Cairngorms Local Biodiversity Action Plan as key Cairngorms Woodland species. The report highlights scope for ensuring minimum adverse impact on biodiversity and opportunities to enhance the natural heritage interest of the site.

## **4.0 Letters of Objection**

A number of letters of objection have been received. These are grouped into topics and addressed as follows:

### **Lack of detail in application**

Although the application is in outline only at this stage, the applicants have commissioned extensive survey work to show how a house could be accommodated on the site with minimal tree loss and minimal visual impact.

### **Concern over tree loss**

Any previous tree felling has been legal. The indicative plans and arboricultural impact assessment demonstrate that a house in the position shown is possible with minimal tree loss – as little as five to seven trees over the entire TPO which contains about 200 trees in total. The applicants have demonstrated the feasibility of constructing a dwelling which will not affect the overall integrity of the TPO and are prepared to enter into a Section 75 agreement to secure the proper management of this valued woodland.

### **Visibility and overlooking**

It is anticipated that a small part of the proposed house may be very slightly visible from the upstairs windows of the property known as Birchfield. This property is at such a distance and separated from the application site by dense woodland, the line of the former railway, dense shrubbery and outbuildings associated with Birchfield, that any impact will be minimal.

Similarly it is anticipated that the proposed house will not be visible from any of the main rooms of Feorag and Feorag Cottage and that at over 30 metres distance, any impact will also be minimal.

### **Wildlife and Biodiversity**

See attached report from Dr A M Jones.

## **5.0 National Park Aims**

In deciding to 'call in' the application, the National Park Authority determined that the application raises a planning issue of 'general significance' to the park aims. It notes that development is proposed on a prominent site, identified as amenity woodland and covered by a TPO and as such raises issues in relation to the Natural and Cultural Heritage of the Park.

Whilst the woodland is a prominent feature within Nethybridge, the location of the proposed dwelling in a sunken area set well back from the road is not. As noted in the Supporting Planning Statement and demonstrated in the indicative plans, the dwellinghouse will not be visible from the main approaches to the east and west of the site on the B970. The development site can therefore not be considered as 'prominent'.

The indicative plans demonstrate that a house can be designed to complement and enhance the landscape character of its setting and to reflect the existing built heritage and form of Nethybridge, in line with the strategic objectives of the National Park Plan for landscape, built and historic environment. The proposed dwelling will respect entirely the existing built form and layout of development in this part of Nethybridge and will be designed to meet high standards of water and energy efficiency.

The extensive survey work commissioned by the applicants at this outline stage in the planning process confirms that it will be possible to build a house at the location shown without impact on the natural and cultural heritage of the Park.

## **6.0 Other Considerations**

The application site is well within the existing built up area of Nethybridge and at a time when there is an acute shortage of building land, focuses development within a settlement. The proposed house will occupy a very small proportion of the overall site and will not detract from the setting or amenity of nearby properties.



Neither SEPA or the Highland Council Area Roads Manager have offered any objection to the proposal.

As noted in the Supporting Statement, the Highland Council was minded to approve a previous planning application for the site, subject to a Section 50 agreement to ensure better management of the trees.

The applicants are very aware of the amenity value of the woodland and its importance to the setting of Nethybridge and are anxious to ensure its future by entering into a section 75 agreement to ensure its long term management and to enhance its biodiversity value.

On a personal note, the application for a house is made by a family who have lived and worked in the area for the last 25 years. Mr & Mrs Dunn have over the years, offered employment opportunities to a considerable number of local people and continue to play a very active role in support of the local economy and community. This is not an application for a second home or a holiday home – it is an application from a family who continue to provide local employment opportunities through their restaurant and catering business in Aviemore and who wish to remain in the community to which they have contributed so much for so long.

It should also be noted that at the time of writing, although five letters of objection have been received, one records no objection in principle and 10 offer their support for the proposal including the Nethybridge and Vicinity Community Council who endorse the application and urge the National Park Authority to grant permission.

We would be grateful for your support for this application and for the opportunity to address the Planning Committee when the application is presented for consideration.

Yours faithfully

Joyce Hartley

Enc:

- 1) Tree Constraints Assessment, Inverness Tree Services, 30 August 2007
- 2) Arboricultural Impact Assessment, Jacqueline Waring, 3 April 2008
- 3) Duack, Nethybridge, Wildlife Observations 2008, Report by Gus Jones, BSc PhD, 19 May 2008

105 Kettilstoun Mains, Linlithgow, West Lothian EH49 6SJ

## SUMMARY

### 1 Quality and character of trees on site

Individually, and with a few notable exceptions, the majority of trees on site are not of outstanding quality. Tree cover on site has woodland characteristics, many trees having a drawn-up form, suffering suppression and with markedly asymmetric crowns. Elevations on site, particularly the roadside bank, do lend a degree of prominence to the trees however, which are characteristic of their local environment and well worth retention. As an arboricultural feature, tree cover on this site would warrant a collective grade A classification.

### 2 Re possible development

An easily accessible, relatively open area exists just off the current access road. This would be the obvious location for any house building. The erection of even a single dwelling, however, would certainly involve the removal of a quantity of trees. 3541, 3542, 3543 and a number of trees extending up the bankside towards the road (3544 to 3570 approx) would need their retainability assessed alongside detailed plans. Development may also be constrained by the belt of Birch woodland situated just across the rear boundary of the site and the very large, A category Pine, 3535.

### 3 Ground levels

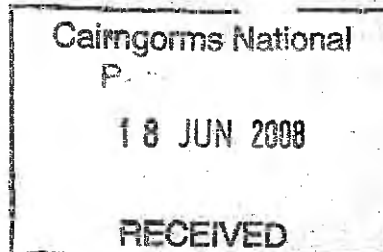
Levels on site are of concern. It would seem that some cutting-in to the existing sloping ground would be unavoidable. This would leave many trees elevated still further in relation to potential building, with increased HBs due to their perceived increase in height. We would recommend a re-evaluation with this issue in mind once development plans have been drawn up.

### 4 Access road

A fair number of trees are situated in close proximity to the existing access road. Should this road need to be substantially altered or widened, such works could have implications for these trees and their RPAs.



Andrew Tait  
Cairngorms National Park Authority  
Albert Memorial Hall  
Station Square  
Ballater  
Aberdeenshire  
AB35 5QB



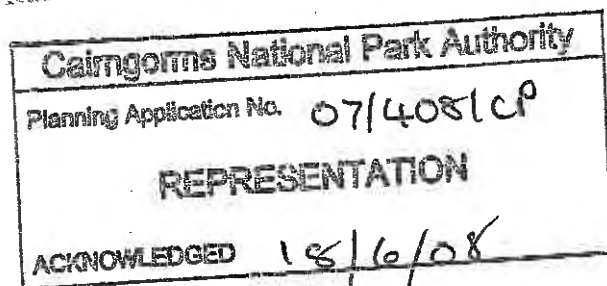
12<sup>th</sup> June 2008

Planning Application Ref. 07/408/CP  
Application for erection of a house on land 20 meters north west of Duck Lodge, Nethy  
Bridge.

Dear Sir,

I would like to express my support for this planning application which I feel would be an  
asset to Nethy Bridge.  
It should perhaps be kept in mind that the dwelling would be a home for a family who have  
lived and worked in this area for many years and plan to continue to do so and is not a  
holiday home or investment property.  
The village needs this sort of housing built singly and in sympathy with it's surroundings  
rather than large scale developments.  
Provided due care is taken with design I see no reason why this new house construction  
should not be allowed

Yours sincerely,  
Gillianne & David Clegg  
Craiggowrie  
Nethy Bridge  
Inverness-shire  
PH25 3DR





Cairngorms National  
Park Authority

15 MAY 2008

RECEIVED

Mondhuie Lodge  
Nethy Bridge  
Inverness-shire  
PH25 3DF

10<sup>th</sup> May 2008

Cairngorm National Park Authority  
Ground Floor  
Albert Memorial Hall  
Station Road  
Ballater  
AB35 5QB

Cairngorms National Park Authority

Planning Application No.

071408/cp

REPRESENTATION

ACKNOWLEDGED

15 May 08

Dear Sir

We are writing with reference to the planning application on land behind Duack Lodge, Nethy Bridge, Inverness-shire.

Mr Ronnie Dunn and his family have lived a long time in Nethy Bridge and we have known them as neighbours, friends and through business for thirty years.

He is respected throughout the Spey Valley and as someone who has lived locally and wishes to develop on his own ground within the village we are fully in favour and support this.

Yours truly,



Cairngorms National  
Park Authority  
15 MAY 2008  
RECEIVED

Waterside  
Nethy Bridge  
Inverness-shire  
PH25 3DW  
10<sup>th</sup> May

F.O.A. Andrew Tait  
Cairngorm National Park Authority  
Ground Floor  
Albert Memorial Hall,  
Station Square  
Ballater  
AB35 5QB

**07/408/CP – Planning application for erection of a house at land 20 meters north west of Duack Lodge, Nethybridge. For Mr and Mrs Dunn**

Dear Mr Tait

Ronnie Dunn has asked me to write to you on his behalf, in relation to the above planning request in Nethy Bridge.

I have known Ronnie and his wife Chris for several years, both as a teacher of their children and as a friend in the village. Ronnie has been very supportive of the school and the local community in general and I would be delighted if their plan for a family home at Duack Lodge was to be successful.

Yours truly,



H. Edge

Cairngorms National Park Authority  
Planning Application No. 07/408/CP  
REPRESENTATION  
ACKNOWLEDGED 15 May 08