
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 CHURCH PLACE,
DULNAIN BRIDGE

REFERENCE: 04/486/CP

APPLICANT: TRUSTEES OF NIALL CALTHORPES
1959 DISCRETIONARY SETTLEMENT,
c/o FPD SAVILLS, 55 YORK PLACE,
PERTH PH2 8EH

DATE CALLED-IN: 22ND OCTOBER 2004

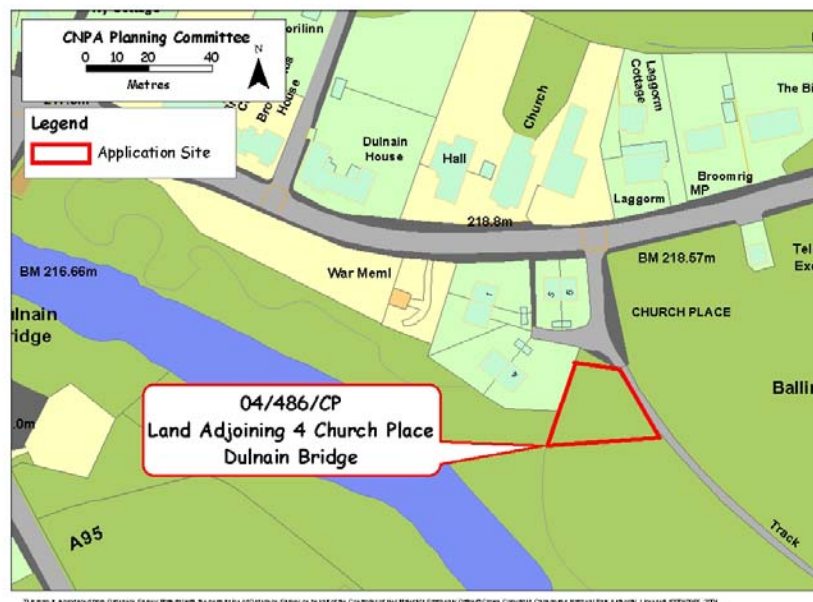


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application is for outline permission for the erection of a dwelling house in an area of ground that lies adjacent to a group of houses at Church Place, off the A938 at the eastern end of the settlement of Dulnain Bridge. The creation of six car parking spaces to facilitate Church Place residents and also other users of the adjacent woodland area is also proposed in a separate area of land. The area of ground associated with the proposed housing site is approximately 0.07ha (0.172 acres). It is surrounded by woodland primarily of exotic origins (sitka spruce) to the south-west, south and east and the area is accessed via a private track adjoining the eastern boundary of the site that leads to the woodland area beyond. The proposed housing site includes some mature trees, primarily along its western and south-western periphery, together with an area of open ground adjacent to the access track. The majority of the area in which the car parking spaces are proposed is open ground where some tree felling has occurred. It is backed by mature coniferous trees. The areas of the proposed site and car parking bays appear to be used at present for informal play and minor wood cutting activity. There was also evidence of some discarded rubbish in the vicinity at the time of a site visit. A short distance to the south of the site the land slopes steeply down towards the River Dulnain. The development proposal also involves upgrading of the existing access track. The lands that are the subject of this application are part of Muckrach Estate.



Fig. 2 : Proposed site (I) and also showing existing access track with views northwards to housing in Church Place.

2. A similar planning application was submitted to Highland Council in July 2003 for a house on this site, but was withdrawn due to a number of unresolved issues regarding the access road and the provision of parking spaces for the existing housing. This current application was submitted with a view to addressing such issues.

3. The initial site layout submitted as part of this current application included a six bay car parking area to the north-east of the proposed dwelling house site, on the eastern side of the access track, close to its junction with the public road and opposite the existing residential properties in Church Place. The car parking area was proposed in an area of natural woodland, and the proposed works would necessitate extensive tree felling and also the demolition of an existing dry stone dyke that forms the boundary with the access track. As will be detailed in subsequent sections of this report that proposal raised a number of concerns, and was therefore amended in a submission made by the agents on 5th August 2005.
4. As the application is for outline planning permission it does not include any elevation drawings of the proposed dwelling house. However, details on the application form indicate that the dwelling would have an external finish of brickwork or harling, with slate roofing. The development is proposed to connect to the public sewer.

DEVELOPMENT PLAN CONTEXT

5. The **Highland Structure Plan 2001** states that policies for “housing development aim to steer demand to appropriate locations within existing settlements.”
6. Settlement policy objectives are discussed in more detail in the **Badenoch and Strathspey Local Plan 1997**, where the attractiveness of smaller settlement centres for house building is identified. It is stated that although a balanced population structure and good mix of accommodation would help to consolidate a basic range of services and facilities in such centres, “inappropriate scale or siting of development must be controlled.”
7. In relation to general conservation objectives in existing communities, the **Local Plan** highlights the need to achieve a balance between maintaining the social and economic viability of settlements and conservation of the environment. The Plan advises that expanding communities must relate well to their landscape setting and the adjoining countryside. Particular reference is made to the need to safeguard ancient and long-established woodland of semi-natural origin, although alongside this aspiration it is also stated “this should not preclude in exceptional circumstances limited encroachment into forest areas where settlements are otherwise tightly constrained.”
8. In terms of specific policies relating to the proposed site, it is located within the general settlement area of Dulnain Bridge, but lies outside the areas identified for development in the **Local Plan**. The land is allocated as an Amenity / Woodland area, which extends to cover a significant area to the south and east, known as Ballincomb Wood. In accordance with this land use allocation, section 4.10.1 of the Plan

highlights the policy of the Council to “safeguard remaining woodland and important groups of trees and encourage management necessary to secure varying age structure and species.” The plantations at Ballintomb are mentioned as being of significance.

9. In the assessment of the proposed development reference should be had to Section 4.6.3 of the **Local Plan** which states that in the interest of safeguarding the character of established residential areas, there will be a presumption against further infill housing, including sub-division of existing plots, where development would involve – inappropriate scale, design or orientation; inadequate plot size or spacing between properties; breaching established building lines; felling significant trees; loss of privacy or amenity to neighbouring occupiers; or substandard access.

CONSULTATIONS

10. The **Area Roads and Community Works Manager** of Highland Council was consulted on the proposed development and advised that his comments remain essentially the same as for the previous similar application submitted, but later withdrawn, in 2003. In the course of the earlier application, a number of conditions were recommended to be attached in the event of a grant of planning permission. The conditions included a requirement to upgrade the existing access road, the necessity to provide and maintain adequate visibility splays at each side of the access road with its junction with the public road, and the provision of at least 2 no. car parking spaces within the curtilage of the proposed structure, to be provided in a manner that would allow each vehicle to enter and leave the site independently in forward gear.
11. The comments received from the **Area Roads and Community Works Manager** in connection with the current application refer to the fact that car parking provision is now included and stating that there is no objection to such, provided that it is built to a suitable standard, to the satisfaction of the Planning Authority in consultation with the Roads Authority.
12. The **Visitor Services and Recreation Group** of the CNPA examined the proposal, particularly in the context of its impact on access provision in the vicinity. The response referred to the fact that there is no evidence of the proposed site being used for leisure or access, with the only path in the area being on the existing access track that forms the eastern boundary of the proposed site. VSRG conclude in their report that the development proposal does not appear to be of general significance to the aims of the National Park in relation to access and visitor services “as long as this access track is maintained open and free from obstruction.”

13. A detailed response was also received from the **Natural Resources Group** of the CNPA, noting that the proposed dwelling house site is located in an area of exotic plantation. It is considered that the development of a dwelling in this area would have very limited impact on natural resources interests given the nature of the plantation, and also the fact that significant tree felling has already taken place on the site.
14. **NRG** raised greater concerns in relation to the original location in which the six car parking spaces were proposed i.e. in a woodland area close to the junction of the access lane with the public road. The proposed location was described as an area of “more native woodland” and the comments highlight the fact that the proposed development in this woodland area would have the potential to impact on the integrity of this natural resource through tree felling and increased disturbance. It was suggested by the **Natural Resources Group** that the impact would be significantly reduced in the event of the proposed car parking area being relocated.

REPRESENTATIONS

15. A letter of representation organised by Mr. Mark Adler of Church Place and signed by four other residents of Church Place was received raising concerns regarding the proposed car parking provision associated with development. The letter states that the residents currently have “space to park upwards of eight cars but if current proposals go ahead this would be reduced to six” and refer to the fact that there are six houses in the area.



Figs. 3 & 4: informal car parking alongside access track and also to the north of proposed dwelling house site, adjacent to Church Place.

16. Further to receipt of the amended proposal to relocate the proposed car parking area away from the natural woodland, Mr. Adler was forwarded a copy of the amended site layout plan and he was invited to comment on behalf of himself and the other signatories of the original letter. Although to date a written response has not been received, a telephone conversation was conducted with Mr. Adler on 11th August 2005, in which he outlined the residents original concerns, namely the potential loss of the use of areas of ground in the vicinity of the access

track which has for quite some time been used informally for the parking of vehicles associated with existing properties in Church Place. Upon further discussion of the development proposal and the fact that the identified site boundaries of the proposed dwelling house site and the proposed car parking provision did not include the area used for informal car parking provision, Mr. Adler confirmed that he had no particular objection to the proposal and undertook to verify this in writing.

APPRAISAL

17. The issues relating to this proposal are the principle of a development on the edge of the settlement on land allocated as Amenity / Woodland, the impact of creating a new house site in a predominantly woodland area, and the implications of the proposals for improvements to the Church Place access road.
18. In terms of the land use allocation, a dwelling house on the proposed site would not appear to be immediately compatible with the Amenity / Woodland allocation. However, as has been detailed in para. 7 of this report, the Local Plan does not necessarily preclude development on Amenity / Woodland, with an intimation that some limited encroachment into forest areas may be considered, especially where there are exceptional circumstances and where settlements are otherwise tightly constrained. In the case of this current application no exceptional circumstances have been put forward to justify the proposed development of a dwelling house. The application appears to be made on behalf of the trustees of a deceased landowner as part of the settlement of his estate. Despite the apparent lack of justification for the principle of a residential property on the proposed site it is considered necessary in this assessment to take into account the physical condition of the land in question, and in particular to consider whether or not its current state contributes to the value, enjoyment or visual amenity of the surrounding lands allocated for Amenity / Woodland use, and whether or not a dwelling house in this location would be a positive addition, likely to result in the improvement of the visual quality of the area.



Figs. 5 & 6 : Extent of clearance, tree felling and tree damage at the proposed site.

19. Although this current application must be judged on its own merits, it is perhaps necessary to have regard to the previous application made on the site in 2003. The history file indicates an acceptance on the part of Highland Council of the principle of the proposed development on the subject site, subject to the resolution of a number of infrastructural issues including achievement of sight distances and the upgrading of the access track to adoptable standards. The concerns raised by the residents of Church Place regarding the potential loss of car parking provision was also an issue which required to be resolved. A planning report contained in the history file states that "some erosion of woodland cover is inevitable if the village is to grow and develop" and also notes that several of the Local Plan housing land allocations are on existing woodland. The report notes that although the proposed site forms part of Ballintomb Wood, "its situation lends itself to being treated distinct from the bulk of the wood, sitting as it does between the track through the woods and the top of the steep river bank slope."
20. In terms of the principle of the currently proposed development, it is possible to construct cases both for and against. Certainly on the basis of the provisions of the Development Plan alone, the proposal would appear to be contrary to policies applicable to the site. However, having regard to the relatively unobtrusive location of the proposed site adjacent to a built up area of the village and due to the particular physical attributes of this site which separate it from the wider woodland area of Ballintomb, it is possible that these factors could be taken to constitute material considerations.
21. It is also considered necessary to examine the potential benefits likely to accrue from the development proposal. As detailed in para. 18 of this report, a dwelling house on the subject site could represent an opportunity for the visual enhancement of the immediate area. In addition, access provision would be improved due to the proposed upgrading of the existing access track from its junction with the public road to the site entrance. The infrastructural improvements include the creation of adequate visibility splays at the junction of the access track and the public road. The works proposed would therefore be of benefit, providing increased safety for all users of the existing track, including those using the junction to access the wider woodland area and the residents of the adjacent group of dwelling houses known as Church Place. The creation of the proposed six car parking spaces is also considered to be of benefit to users of the area, and contrary to the concerns raised by residents of Church Place regarding the loss of car parking provision, the proposal would in fact provide formal car parking available for their use, as opposed to a reliance on the informal arrangement which appears to have developed over time alongside the existing access track, on land which the residents of Church Place do not own or have any control over.

22. In relation to the proposed car parking provision, it should be noted that in a request issued to the agents to consider relocating the car parking area in order to avoid the loss of natural woodland and significant disturbance to the natural resources of the area, specific reference was made to the need to relocate an existing vehicular gate on the access track, to a position south of the car parking area in order to ensure unrestricted access for residents of Church Place, and indeed for other potential users. The amended site layout plan submitted to the CNPA on 5th August 2005 shows compliance with this. Also on the subject of car parking provision for residents of Church Place, it is worth noting that four out of the six houses at Church Place have the benefit of driveways (either directly off the public road or from the access track) providing on site car parking provision, although admittedly this is quite limited in size at a number of the properties. The residents desire therefore to ensure the availability of adequate car parking provision in the vicinity without the necessity of encroaching on the public road is understandable. The proposal would achieve this as in addition to providing a dedicated car parking area, the proposed upgrading of the access road could assist and encourage the parking of vehicles in a more systematic manner than occurs at present along the eastern side of the access track.
23. Whereas the site layout plan originally submitted with this current application indicated the proposed car parking area in a position which would result in the loss of native woodland and would cause unacceptable disturbance to the natural resources of the area, in addition to creating an adverse visual impact particularly from the public road passing through the village, the amended site layout plan recently submitted eradicates this difficulty. Overall, taking into account the relatively unobtrusive position of the proposed site and its location adjacent to the built up area of Dulnain Bridge, the physical characteristics that distinguish the proposed site from the remainder of Ballintomb Woods, the potential to improve the visual quality of this particular area, the improved road safety aspects of the existing access lane and sight distances available at its junction with the public road, the minimisation of tree felling necessary to facilitate the proposed development and the fact that the proposal would not hinder any existing access provision in the area, it is considered that on balance the proposal is acceptable and the benefits to be accrued from a development of this nature at the proposed location would be likely to outweigh the loss of an area of land identified as Amenity / Woodland which has little natural heritage value in its present state.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

24. The proposed dwelling house site and the proposed car parking area are situated in proximity to exotic plantations, where tree felling has already taken place. Given the nature of the woodland immediately adjacent to the site and physical differing characteristics of the proposed development site from the wider area of Ballintomb Woods, it is not considered to have a significant impact on the natural heritage of the area.

Promote Sustainable Use of Natural Resources

25. As the application is for outline permission no detailed drawings of the proposed dwelling house have been provided and it is not therefore possible to assess whether or not the proposal would involve the sustainable use of Natural Resources.

Promote Understanding and Enjoyment of the Area

26. The proposed development would not hinder access to the woodland area, and it has the potential to visually enhance this particular area which is currently in an unkempt state. It is therefore considered to have the potential to enhance the enjoyment of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

27. The proposal for a new house here is based on the potential to “round off” this small grouping of houses in an established rural community, where limited expansion could be supported for the betterment of the social and economic future of the community.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant outline planning permission for the construction of a dwelling house, the upgrading of the current access and the provision of car parking on land adjacent to Church Place, Dulnain Bridge, subject to the following conditions -

1. The existing access road shall be upgraded to a standard suitable for adoption by the Roads Authority prior to the commencement of any building operations on the proposed dwelling house site. Prior to the commencement of development, detailed specifications for the

- upgrading of the access road shall be submitted for the agreement of the Planning Authority in consultation with the Roads Authority.
2. The proposed car parking area shall be developed to a suitable standard details of which shall be submitted for the agreement of the Planning Authority in consultation with the Roads Authority prior to the commencement of any development.
 3. The proposed car parking area shall be provided for the use of residents of Church Place and shall be maintained free from obstruction. No access gates or other means of restricting access shall be placed between the Church Place area and the proposed car parking area.
 4. Visibility splays shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by the first 2.5 metres along the centreline of the access road (x dimension) and the nearside edge of the main road (y dimension) measured in either direction from the intersection with the access road. In an easterly direction the y dimension shall measure 90 metres and in a westerly direction 70 metres. No operations shall commence on the dwelling house site until the above detailed roads requirements have been met.
 5. Within the visibility splays required as per condition no. 2 nothing shall obscure visibility between the driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metres anywhere along the y dimension.
 6. Any gates that are provided on the subject site shall open into the proposed dwelling house site only.
 7. An application for approval of reserved matters shall include a site layout plan showing
 - a. the proposed dwelling located in a position that would minimise the loss of existing trees on the site;
 - b. the provision of parking and manoeuvring for at least 2 no. vehicles within the curtilage of the dwelling house such that each vehicle may enter and leave the site independently in forward gear.
 8. An application for approval of reserved matters shall include comprehensive details of the siting, design, external treatment of, and means of access to the dwelling house, and the landscaping of the dwelling house site and the separate car parking area. For the avoidance of doubt "landscaping" includes the treatment of all surfaces whether with soft or hard materials, and all boundary enclosures and treatments.
 9. No water shall discharge onto the public road.

10. The proposed dwelling house shall connect to the public sewer.
11. The proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall be a maximum of 2 storeys in design, and shall incorporate the use of external materials that visually compliment existing properties in the vicinity as well as taking account of the proposed woodland setting.
12. An application for approval of reserved matters shall be accompanied by a detailed tree survey and landscaping plan indicating the position of all trees within and adjacent to the proposed development areas, and specifying the ages, heights, species and branch spread of all the trees, and also identifying the exact number and location of trees to be retained or felled.

Determination background :

The application was called in by the Cairngorms National Park Authority in October 2004. Due to the volume and complexity of applications with the CNPA at that time, in conjunction with limited staff resources, it was unfortunately not possible to progress this until more recent times.

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18th August 2005