
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: CONSTRUCTION OF ACCESS ROAD AND FORMATION OF 9 HOUSE PLOTS, LAND BETWEEN DALRACHNEY LODGE HOTEL AND A938, CARRBRIDGE, INVERNESS-SHIRE (FULL PLANNING PERMISSION)

REFERENCE: 04/593/CP

APPLICANT: AW LAING LIMITED

DATE CALLED-IN: 30 DECEMBER 2004

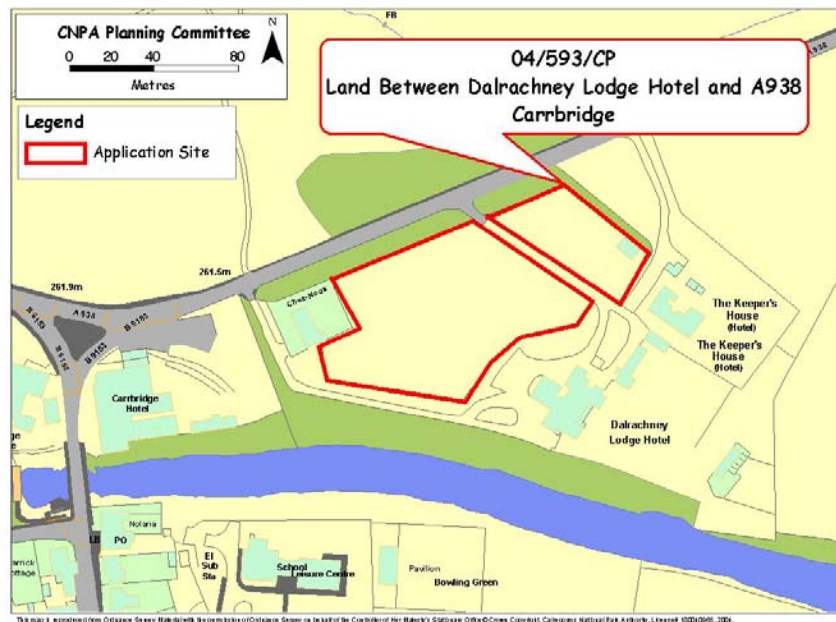


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located on the edge of Carrbridge to the north of the Dalrachney Lodge Hotel. The ground is undulating and has been used for grazing. To the north west of the site is a strip of mature trees with a footpath, which in turn borders the A938. To the north east is a housing development site for 14 houses which is nearing completion. To the south east are the grounds of the Dalrachney Lodge Hotel and the River Dulnain.
2. The site is accessed from a lane leading onto the A938 within a street lighting area of the 30 mph speed limit zone. The lane, which is now primarily an access to the hotel effectively splits the development site into two sections (as shown by Fig 1) with a small area for two house plots and a larger area for seven plots. The two plots would be accessed directly from the access road and a cul-de-sac would be formed to access the seven. The plots are indicated on plan for single detached houses with garages. Three plots along the north western boundary are adjacent to mature trees, the rear footprints of these houses are shown as being a minimum of 15 metres away from the trees, the footprints of the garages are shown as being 8 metres from the boundary of the treed area. The southern boundary of the site backs onto the traditional tree lined access for the hotel, which lies above the banks of the River Dulnain. This currently forms the main access to the hotel for guests. It should be noted that this application is for the formation of a standard 5.5 metre wide access road and the principle of house plots as marked out on the plans. Further full planning applications would be required for individual houses on the site.

DEVELOPMENT PLAN CONTEXT

3. **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 H5 Affordable Housing** considers that the Council will identify areas where there is a demonstrable need for affordable housing and mechanisms will be used to secure developer contribution where justified. Affordable housing secured as part of a larger development should not be of a significantly higher density, or lower quality **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).

4. The sites are allocated by the **Badenoch and Strathspey Local Plan** as for **Commerce/Tourism Policy 5.2.3** considers that 0.8 hectares of land comprising part of the Dalrachney Lodge Policies, could accommodate a limited number of self-catering units, subject to adequate set back and retention of trees. **Policy 5.5.3** considers that important woodland and trees will be protected throughout the village, the policy points out that significant groups exist by Dalrachney Lodge. **Policy 2.1.1 of the Badenoch and Strathspey Local Plan** considers that in areas of housing stress agreements with owners of private land will be sought to ensure that an appropriate proportion of plots or dwellings therein are available in perpetuity as low cost accommodation for local persons.

CONSULTATIONS

5. **Highland Council Area Roads Manager** has no objection in principle, subject to a range of conditions relating to visibility splays, radii of site access, parking and manoeuvring space, and hard surfaces to plots for first 6 metres from the adjacent footway edge strip.
6. **The Area Roads Manager** also considers that the existing (western) access to the hotel should be stopped up for highway safety reasons. In addition, the applicant should be required to upgrade the existing footway along the northern boundary of the Carrbridge Hotel.
7. **Highland Council Forestry Officer** notes that the Local Plan identifies the trees around Dalrachney Lodge as a significant grouping to be safeguarded. The trees contribute to the setting of the hotel and screen existing development and points out that the trees along the northern boundary of the existing traditional drive to the hotel are within 15 metres of plots 5 and 6. The response also points out that there is a Norway spruce and one mature Douglas fir within 20 metres of the footprint of plot 9. Upgrading of the access could result in the removal of these trees. Subsequently, a further response has been received that agrees with the idea of placing a Tree Preservation Order on all of the trees around the perimeter of the site. Some concern is still raised regarding the proximity of the Douglas Fir and Norway Spruce to the upgraded access.
8. **Highland Council Area Housing Manager** requests that the Park Authority should consider the provision of affordable housing to be included in the developers proposal. The developer should be required to provide two service plots at an affordable price or two completed dwellings through a housing association.

9. **SEPA** note that that foul drainage will be discharged to a public sewer and that surface water will be to separate clean soakaways.
10. The **CNPA's Housing Policy Officer** notes that there is an affordable housing scheme proposed on the site of the former Ecclefechan Bistro site in Carrbridge. This private housing site behind the Lodge could assist in providing a different type of housing. It would have been useful to try and achieve some affordable housing on this site, but notes the affordable housing policy of the Highland Structure Plan is only activated at 10 houses. The question is asked whether this site and that adjacent has been phased to avoid the need for affordable housing.

REPRESENTATIONS

11. **Carrbridge Community Council** have no objection to the development, but urge the Park to ask the developers to incorporate 3 plots to be used for affordable housing. Perhaps in the form of RHOG serviced sites. The community have carried out a housing survey of the village's requirements and 19 self-build plots were required. The main concern at this time is the overall number of houses being, or about to be built in the village. A range of representations have been received from the **applicant and agent**, with particular regard to access issues and the effects of such a development upon the operation of the hotel, these are attached at the back of the report. There are no third party objections to the proposal.

APPRAISAL

12. The key issues relating to this application are the principle of the loss of the land allocated for tourism/commercial use, and the provision of affordable housing. The acceptability of residential development with regard to access and the treed surroundings of the site must also be considered.
13. As noted in the Development Plan Context section of this report the site is currently allocated for commercial/tourism use and mention is made that the site could be used to accommodate holiday chalets. In 1990 the Dalrachney Lodge owners submitted an outline application for eight self-catering lodges on the site, this proposal was subsequently approved with reference made to the upgrading of the access. In a letter submitted by the applicants the plan looked viable in a boom period for tourism in the area. Obviously, this application was before the 1997 Local Plan and the old approval held by the applicants was largely why the site was allocated by the Local Plan for commerce/tourism. This planning permission has long since expired, and was never progressed due to economic reasons and a general downturn in tourism. With regard to additional accommodation

Dalrachney Lodge has a planning application for a holiday letting use in the kennels area of the Lodge and this is progressing with a new design submission to Highland Council. The letter attached at the back of the report sets down justifications as to why the proposal would be of benefit to the area.

14. I have also raised the issue as to whether housing close to the Lodge site would affect the attractiveness and viability of the existing hotel use. The applicants took advice on this issue some time ago with regard to the holiday lodges and how buildings on the site would affect the viability of the hotel. Consultants considered that this would not be a significant issue. The applicant is keen to continue his hotel business and does not consider that there would be any particular detriment from housing being located nearby. In addition, the applicant considers that any housing on the site would be of high quality and of a similar design to the 14 newly constructed houses to the east of the site.
15. With regard to the loss of the commercial tourist allocation of the site I have consulted our own Local Plan's Team who consider that any commercial proposal for the site would have been likely to have come forward by now if it was viable, and had no particular concern with housing at the site providing the scheme delivered some affordable housing. This view is illustrated by the decisions of the applicants themselves who sought consent for lodges, but now consider such a scheme un-viable on this particular site. In addition, I am mindful of the wording of the Local Plan, which states that the site "could accommodate a limited number of self catering units". In my view the emphasis here is weak and leaves avenues open for alternative forms of development such as residential.
16. While I am convinced of the case for the loss of this old allocation in principle, I am mindful that this results in the loss of a commercial site for the village, which could in theory provide limited employment. I am also mindful that the 14-house site to the east of this application is nearing completion without any affordable housing provision. The Planning Committee will note that the Community Council and Highland Council Housing Manager considers that affordable housing should ideally be delivered through this scheme. The Highland Council policy on affordable housing generally seeks 25% affordable provision on sites of 10 units or more. While recognising that the current application is for 9 houses I am of the view that for 3 key reasons affordable housing should be delivered by this scheme. Reason 1 is that in my view the site, could, in theory be developed at a higher density resulting in more than 9 plots (and meaning that the Highland Council Affordable Housing Policy would be activated). Reason 2 is that the site to the east for 14 houses by the same developer includes no affordable housing. The 3rd reason is that given the loss of commercial land that could have provided limited employment benefits for the community, the development of the site should contribute more than just private housing to the community of Carrbridge. In

negotiation with the developer I have expressed the view that I would be likely to recommend refusal of the application because of the three reasons mentioned above if no affordable plots are included. This has resulted in the developer committing to three affordable house plots on the site, which can be secured by planning condition. A condition is adequate at this stage as the application only relates to the formation of plots and not the actual houses. These will be the subjects of future (full) planning applications. Given the weak case for the retention of the allocation in the Local Plan set against the potential benefits of the scheme to deliver affordable plots in line with the wishes of the Community Council I am minded to accept the principle of residential development on the site.

17. There are some issues with regard to access to the site. The Area Roads Manager has pointed out that small alterations need to be made to the radii at the entrance to the site; the scheme has been revised to incorporate these comments. Other requirements are dealt with by the proposed conditions at the end of the report. However, there is one area of contention. This relates to the existing traditional (western) access to the Hotel. The access runs along a tree-lined avenue from the entrance to the hotel above the River Dulnain onto the A938. The Area Roads Manager has stipulated that this entrance should be stopped up, apart from pedestrian access. The sole access to the hotel would then be via the upgraded access to the housing area, along the line of the existing secondary access to the hotel.
18. The applicants have deep concern with this approach and have met with Area Roads Representative at the site. The main concern is that this would effectively isolate the hotel from the A938 frontage and as a result could well have a significant effect upon trade. The main issue would appear to be visibility for exiting vehicles and that occupants of the new houses could drive from the new houses, round the hotel grounds and then out through this western access point of the hotel. The applicant is more than happy to put in place a one-way scheme for the western driveway with no access out onto the A938 for either hotel guests, or residents of the houses. With regard to this it is difficult to see why residents of the new houses would want to take access through the hotel grounds (across some un-tarmaced ground) when a much shorter route is available from their own access directly, onto the A938. In addition, there is no visual connection between the two accesses when viewed from the A938, so drivers would be unlikely to make the assumption that they can do a loop between the two access points.
19. In addition to the viability arguments with regard to retaining the western access driveway, there is long historic precedent for its use as the stone walls and mature tree lined avenue running up to the hotel would tend to indicate that this was the oldest, and original access, which leads directly to the main door of the Lodge. The applicant has provided more detail with regard to the cultural and historic use of the

access as it was used by Queen Victoria when staying at the lodge and there is documentary evidence to support this. A gun cart used by King George V while staying at the lodge is in Fochabers Museum.

20. Overall, while there are clear highways benefits to closing the access to outgoing traffic there is perhaps less justification for in-bound traffic where a one-way system can be operated. Conversely, there are business and cultural reasons for retaining the access as in only. I would rarely recommend departing from the recommendation of the Area Roads Manager, but in this case consider that there is sufficient justification. In my view, the stopping up of this access for in-bound traffic could have severe consequences for the tourism business use of the hotel (the applicant estimates that 35 % of trade is from passing business) and would lead me to revisit the issue in paragraph 14 regarding the effects of the housing development upon the viability of the commercial use of the hotel. In addition, the Roads response talks about the removal of a potential interference with the free flow of traffic close to the A938/B9153 junction and not the removal of an existing safety problem (the applicant notes that in his many years of running the hotel he has no knowledge of an accident at the junction of the western access with the A938). The imposition of a one-way operating system could be achieved by condition using physical barriers and/or signage. This would be an improvement upon the current situation. The Area Roads Team have been informed that this is my view, but wish to maintain their objection should the western driveway not be completely stopped up to vehicular traffic. I have invited a Roads representative to address the committee should they wish to do so.
21. One other key issue relates to trees around the site. The rear boundaries of the houses indicated are 15 metres from a tree belt around the site, some concern has been raised that these trees could come under threat as a result of the development. With regard to this proposal it is important to note that the application does not set the footprint of the buildings, and each plot would be subject to a further application where this issue could be further assessed. The distance of the buildings shown on the plan more that ensures that there would be no interference with the root systems of the trees. Concern is drawn that the upgraded access to the site could result in the loss of two particular, significant trees. However, the applicant has undertaken to retain these. In addition, it should be noted that this access should have been upgraded by now as part of a planning condition on the 14 house development to the east, the details of this upgraded access have already been agreed under this condition and only result in the removal of 3 small trees (one of which is dead) within the visibility splay.

22. Concern is raised that future residents could provide pressure for removal of the trees. However, in relation to such issues anyone purchasing the plots would obviously be aware of the proximity of the trees and should take this into account in their purchase. In addition, they are not on land, which would be owned by the eventual occupiers so the land on which the trees grow would not be transferred to the individual occupiers of the houses. However, one option would be to consider placing a Tree Preservation Order on all the trees within the Dalrachney grouping. I am of the view that the trees are of adequate amenity value to justify this. The tree lined western access as discussed above also has some historic as well as amenity value. In addition to this, the Local Plan recognises that the trees are an important group which should be safeguarded, but there is no formal mechanism for their protection, any trees on land in private ownership could be felled in this location without the need for any permission (although a felling licence may be required dependent on the amount to be felled). Given this, and while in my view the development is acceptable there is a strong case for protection of the trees as suggested by the Local Plan, and the safeguarding of the trees would provide some ready made screening for the future development of the site. This approach meets with the agreement of Highland Council's Forestry Officer.
23. In conclusion, the analysis of the proposal results in a two-fold recommendation, part A of which is to recommend approval of the scheme, with part B that the possibility of Tree Preservation Order should be investigated for the grouping of trees around Dalrachney Lodge. They will be protected in the short term by the imposition of a condition upon this consent while the technical and administrative aspects of placing a TPO are investigated.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

24. In general terms the proposal would have little effect upon the natural and cultural heritage, the important amenity and cultural value of the trees at this key entrance point to Carrbridge will be enhanced by the placing of a TPO. This will conserve the trees but also make sure that there is new plantings should any need to be removed in future.

Promote Sustainable Use of Natural Resources

25. The scheme provides housing within the village and within walking distance of its facilities, thereby reducing the need for reliance on the car to access a range of facilities. The scheme would also result in improvements to the footpath at the front of the Carrbridge Hotel.

Promote Understanding and Enjoyment of the Area

26. The proposal has little direct relevance to this aim. However, the placing of a Tree Preservation Order on the site's surroundings will help ensure the enjoyment of the mature trees in the area.

Promote Sustainable Economic and Social Development of the Area

27. The proposal results in the loss of an area allocated by the Local Plan for tourism and commerce and I am of the view that if this land was to be brought forward for such a use it would have happened by now. Indeed, the applicants point out that the only reason that the site is allocated for such a use is because they hold a historic (but now outdated) permission for holiday chalets on the site. The resulting development will provide 3 affordable houses to the benefit of the economic and social development of the area.

RECOMMENDATION

28. That Members of the Committee support a recommendation to:
- A. GRANT FULL PLANNING PERMISSION** for the formation of access road and 9 house plots between Dalrachney House Hotel and A 938.
 - B. Investigate placing a TREE PRESERVATION ORDER** on all trees within the boundaries of the site and the grounds of the Dalrachney Lodge Hotel.
1. The development to which this permission relates must be begun within five years from the date of this permission.
 2. Visibility splays shall be provided and maintained at the site access. These splays are triangles of ground bounded by the first 4.5 metres along the centreline of the access (the x dimension) and the nearside edge of the main road (the y dimension) measured 90 metres in each direction from the intersection of the access with the main road. Within the visibility splay nothing shall obscure visibility between a drivers eye height of 1.0 metre positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension.
 3. The vehicular access to each house plot shall be hard surfaced for a distance of at least 6 metres measured from the nearside edge of the adjacent carriageway and thereafter shall be no greater than 10%.
 4. Parking and manoeuvring for at least two cars shall be provided within the curtilage of each property such that vehicles can enter and leave each site independently.

5. Prior to the commencement of operations on the site in connection with this permission a detailed statement of the design and layout principles to be employed in the development of the site, specifying building lines, orientations, footprints of houses and existing and proposed site levels and the external materials colours and finishes to be used shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.
6. Three plots on the approved layout plan No 01A shall be reserved for affordable housing units, as defined in Highland Structure Plan 2001 and Scottish Executive Planning Advice Note 74 (Affordable Housing), and shall be carried out in association with a Registered Social Landlord. The private plots hereby approved shall not be occupied until construction has commenced on the three affordable plots.
7. No trees on the perimeter of the site, or within the grounds of the Dalrachney Lodge Hotel shall be felled without the prior written permission of the Cairngorms National Park Authority acting as Planning Authority.
8. Prior to the commencement of any development on the site a scheme for footway improvements along the northern footway line of the Carrbridge Hotel at the junction of the A938 with the B9153 shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council Area Roads Manager. The footway scheme shall be completed prior to the first occupation of the houses hereby approved, unless otherwise agreed in writing.
9. Prior to the commencement of the development hereby approved a scheme for one way working to provide entry only access from the A 938 to the western access of the Dalrachney Lodge Hotel shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The scheme shall be brought into operation prior to the commencement of development of any houses on the approved plots.
10. Prior to the commencement of the development hereby approved a scheme for a new footpath connection between the south western cul-de-sac of the access road and the footpath along the northern perimeter of the site shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The agreed scheme shall be implemented prior to the first occupation of any houses on the approved plots.
11. The access road shall be completed to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council Area Roads Manager prior to the commencement of the development of any of the 9 house plots hereby approved.

12. That no development shall commence on this site until trees marked for retention on the approved plans, have been protected by chestnut paling fencing erected around the extremities of the crowns of these trees to the satisfaction of the Planning Authority in consultation with Highland Council Forestry Officer, and in accordance with BS5837, Trees in Relation to Construction.

DETERMINATION BACKGROUND

The main reason for the delay in determining this application has been regard to negotiating an element of affordable housing on the scheme, together with discussions on the loss of the tourism allocation of the site and discussions in relation to trees/access and visibility splays.

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18 August 2005