
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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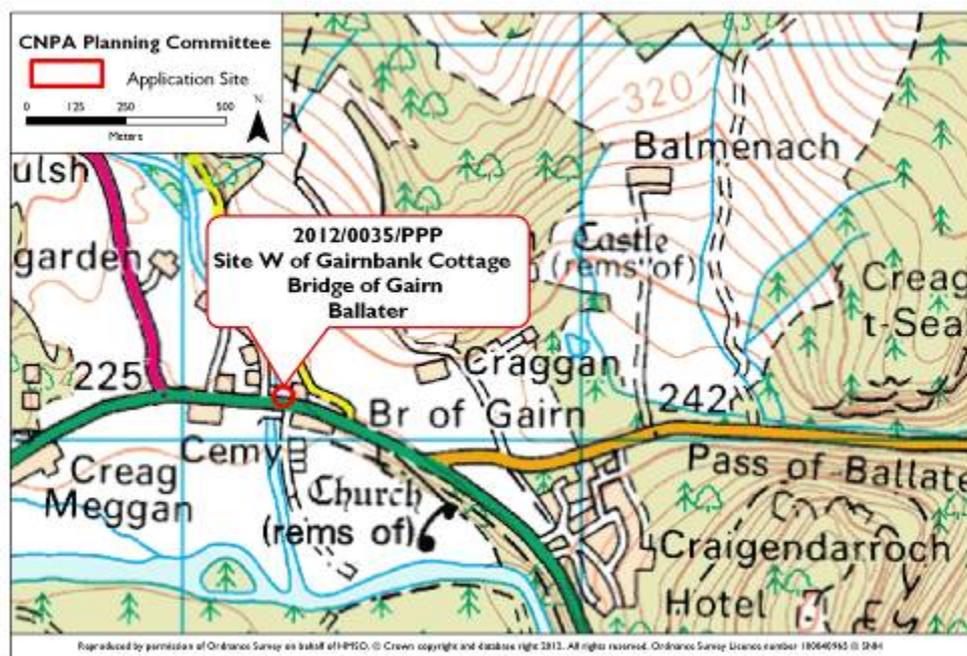
DEVELOPMENT PROPOSED: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLINGHOUSE ON A SITE TO THE WEST OF GAIRNBANK COTTAGE, BRIDGE OF GAIRN, BALLATER

REFERENCE: 2012/0035/PPP

APPLICANT: MR. MORRIS JONES, C/O GERRY ROBB ARCHITECTURAL DESIGN SERVICES, ABOYNE

DATE CALLED-IN: 2 MARCH 2012

RECOMMENDATION : REFUSE



Grid reference : 335258 797109

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission in principle is sought in this application for the erection of a dwellinghouse on land which is located to the west of Gairnbank Cottage at Bridge of Gairn, which is on the A93 public road a short distance¹ to the north west of Ballater. The proposed site lies adjacent to the River Gairn, with the western area of the site sloping sharply down towards the river. The A93 forms the southern boundary, while Gairnbank Cottage is located to the east. The garden ground associated with that property also extends around the northern area of the site, at a significantly increased ground level. The proposed development site is terraced in three levels, with the lowest level adjacent to River Gairn.
2. As is the norm with an application for planning permission in principle, the details submitted in support of the proposal are limited. However, the application documentation includes a site plan. The plan shows the footprint of what is identified as a one and a half storey dwelling house, in a central position on the site, which would appear to straddle two of the different terraced levels. A disused, relatively narrow access point off the A93 is identified to serve the proposed new dwellinghouse. The application form indicates that the access would not involve any new or altered vehicular access arrangements. A parking and turning area, measuring approximately 7.6 metres x 7.6 metres, is proposed adjacent to the new dwelling house. The development of this space would necessitate the felling of substantial mature conifer trees which currently form a prominent feature in this area of the proposed site.



Fig. 2 : Proposed site plan



Fig. 3 : Proposed site



Fig. 4 : Proposed access off A93

¹ Approximately 1.5 km.

3. Private drainage arrangements are proposed to serve the new dwellinghouse. An engineers report has been submitted in support of the proposal, which refers to there currently being a septic tank within the identified site boundaries which serves Gairnbank Cottage and the adjacent dwelling attached dwelling (Gairnbank House). The details in the engineers report suggest that it would be appropriate to replace the existing septic tank with a suitable treatment plant, which would serve the existing properties and the proposed new dwellinghouse. The site plan identifies the position of the proposed new treatment plant on the lower terrace in the north western area of the site. A private water supply is proposed to serve the new dwelling.
4. No further information has been submitted in support of the proposal, in terms of background information on the need for a dwelling house at this location. Neither has any case been advanced to suggest compliance with any specific housing policies in the Cairngorms National Park Local Plan.

DEVELOPMENT PLAN CONTEXT

National policy

5. **Scottish Planning Policy² (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

² February 2010

7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include housing, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. Housing : SPP encourages the planning system to enable the development of well designed, energy efficient, good quality housing in sustainable locations.
10. Rural Development: policies should promote economic activity and diversification in rural areas, and encourage the efficient use of land. All new development should respond to the specific local character of the location and seek to achieve high design and environmental standards, particularly in relation to energy efficiency.
11. Landscape and natural heritage : The Scottish Planning Policy document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
12. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

Strategic Policies

Cairngorms National Park Plan (2007)

13. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas

and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

14. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them.

Structure Plan Policy

North East Together Structure Plan - Aberdeen & Aberdeenshire Structure Plan Structure Plan 2001 -2016 (NEST)

15. Section 3.18 of the Structure Plan directs new development towards towns and villages and encourages meeting market demand in existing settlements in preference to isolated development in the open countryside.
16. **Policy 11 General Housing Considerations** requires that developments are well sited and properly designed to fit their surroundings. **Policy 12** of NEST, entitled House Building in the Countryside Beyond the Green Belt states that there will be a presumption against house building in such areas except
 - (a) rehabilitation or extension of an existing house; or
 - (b) replacement on the same site of the largely intact house; or
 - (c) a new house which is essential to the efficient operation of an enterprise, which is itself appropriate to the countryside.

Policy 12 also includes the caveat that "all such development must be of the highest quality particularly in terms of siting, scale, design and materials.

17. **Policy 19** of **NEST** refers to Wildlife, Landscape and Land Resources and outside of designated sites it is the general policy that "all new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Design concerns are further expressed in **Policy 20** relating to the Built Heritage and Archaeology, with section 4.12 highlighting the fact that national trends towards standard forms of construction can threaten the distinctive character of the North East and emphasising that good design has an important contribution to make towards achieving sustainable development.
18. **Policy 21 Design** seeks a constant improvement in the general standards of design. Measures to improve design standards include reference to energy efficient designs, thermally efficient buildings, habitat enhancement and the use of sustainable materials.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

19. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
20. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
21. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
22. Policy 1 – Natura 2000 sites : the policy applies to all Natura 2000 sites. Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where (a) there are no alternative solutions and (b) there are imperative reasons of overriding public interest.
23. Policy 4 – Protected Species : Development which would have an adverse effect on any European Protected Species will not be permitted unless :
 - (a) There are public health, public safety or other imperative reasons of overriding public interest; and
 - (b) There is no satisfactory alternative solution; and
 - (c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
24. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

25. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - protect the amenity enjoyed by neighbouring properties;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
26. Policy 18 – Developer Contributions : Development which gives rise to a need to increase or improve public services, facilities or infrastructure, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements.
27. Policy 21 – Housing Development in Rural Groups: Proposals for new housing as part of an existing group of 3 or more occupied dwellings will be permitted where the proposal reinforces and enhances the character of the group.
28. Policy 22 – Housing developments outside Settlements : the policy is intended to allow for the development of affordable and essential housing outside settlements and building groups and to maintain thriving rural communities. Under the heading of ‘Other housing outside settlements’³ the policy indicates that such housing will only be permitted where –
- (a) The accommodation is for a worker in an occupation appropriate to the rural location; and
 - The presence of the worker on site is essential in order to provide 24 hour supervision of the rural business;
 - There is no suitable alternative residential accommodation available, including reuse and conversion of other buildings on the site; and
 - The proposed dwelling is within the immediate vicinity of the worker’s place of employment;
- Or
- (b) the dwelling is for a retiring farmer or crofter, on land managed by them for at least 10 years, or for a person retiring from another rural business, where their previous accommodation is required for the new operator of the farm, croft or business.

³ This refers to all housing, other than ‘affordable’.

Supplementary Planning Guidance

29. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

30. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
31. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Housing Development in Rural Building Groups SPG

32. This sets out general criteria which any proposal must satisfactorily demonstrate, including that an existing group is cohesive and well-connected, and a clear recognised relationship exists between the dwellings through either built form or landscape feature.

Developer Contributions SPG

33. The SPG on **Developer Contributions** sets out the framework for the provision of contributions per development. It sets out various payment mechanisms and states that the applicant may opt to remit the full amount due prior to the issuing of the planning permission. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required.

Natural Heritage SPG

34. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Section 5.0 of the Natural Heritage SPG sets out the information that applicants are expected to provide in support of their development proposals. This includes a description of the natural heritage on the site and where relevant in the surrounding area, an assessment of any effect on the natural heritage, and in the event of adverse effects details of mitigation or compensation measures are also required.

CONSULTATIONS

35. **SEPA** : The proposal was considered by SEPA in relation to flood risk. It is noted in the consultation response that part of the application site lies adjacent to the 1 in 200 year flood envelope of the Indicative River and Coastal Flood Map (Scotland) and as such may be at medium to high risk of flooding. Reference is also made to details provided on the indicative site plan, including existing ground levels. The response from SEPA concludes that as the River Gairn is at a considerably lower level and the site is elevated out of the flood plain, there is no objection to the proposal on flood risk grounds.
36. **Scottish Natural Heritage (SNH)** : The consultation response from SNH notes that the proposed site lies adjacent to the River Gairn which forms part of the River Dee Special Area of Conservation (SAC) which is designated for its freshwater pearl mussels, Atlantic salmon and otter. SNH advise that the information which has been submitted is insufficient to determine whether the proposal will have a significant effect on freshwater pearl mussel and Atlantic salmon. It is suggested that further information is required to establish whether or not the construction of the proposed dwellinghouse and sewage treatment plant require any in-river work to be undertaken, including the use of machinery. SNH advise that in the absence of this information the proposal could raise natural heritage issues of national interest and consequently object to the proposal until such further information is obtained.
37. SNH also make reference to otter, as a qualifying interest of the River Dee SAC. Although it is not considered that there would be an adverse affect on site integrity, it is nonetheless advised that an otter survey should be carried out in order to inform whether a European Protected Species license would be required. The consultation response from SNH concludes with a reminder that in the event of the planning authority intending to grant planning permission against the advice provided, it will be necessary to notify Scottish Ministers.
38. **Aberdeenshire Council's Environmental Health Officer** : The response notes that a connection to an existing private water supply is proposed and it is requested that information is provided 'at the next planning stage' to demonstrate the suitability of the supply in terms of quality and quantity. The Environmental Health Officer also requires the applicant to demonstrate that the proposed private water supply is sufficient to service the proposals without detriment to existing users.
39. **Aberdeenshire Council Roads Service** : The Roads Service objects to the development proposal on the grounds of insufficient visibility⁴ and road safety. The consultation response notes that the development proposes to use an existing access, which is unused at present. The narrow access, between existing gate posts, would restrict easy manoeuvring to and from the A93 public road. Visibility to the west is restricted by a combination of the gate post, a roadside fence, a telegraph pole and the parapet of the Bridge of Gairn.

⁴⁴ Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of 2.4 metres by 160 metres would be required.

Visibility to the east is also restricted by a gate post and a roadside fence. Regular use of this unimproved access would be detrimental to road safety.

40. **Aberdeenshire Council Planning Gain Service** : The Planning Gain Service assessed the proposal and recommend in the event of the granting of planning permission that a financial contribution is required towards affordable housing provision and secondary education.
41. **Ballater and Crathie Community Council** : The submission from the Community Council expresses three points of concern in relation to the development proposal –
- The proposed site is located on a main road with traffic approaching the village of Ballater at speed and there is concern that the development could aggravate road safety problems;
 - The area has significant pedestrian activity, including pedestrians crossing the road at this location as part of the popular Seven Bridges Walk; and
 - There is concern about the potential visual impact of a new dwelling at this location and the impression which visitors to Ballater may have on their approach to the village. It is however acknowledged that there would be a need to see more details of architectural design in order to comment further on this point.

REPRESENTATIONS

42. The development proposal was advertised in the Deeside Piper on 17th February 2012. Seven representations have been received, all of which raise concerns regarding the proposed development. Full copies of all representations are contained in Appendix I. Issues of concern which has been raised by representees include :
- Bridge of Gairn currently consists of a small number of traditional built houses and the proposed new dwelling would “alter the current outlook of the hamlet”;
 - The proposed access to the site is on a dangerous stretch of road, where visibility is restricted;
 - The potential impact of the development on the wildlife and trees on the site and the wildlife in the adjacent river;
 - The potential impact of the development on otters in the River Gairn;
 - Land ownership concerns and reference to the area identified on the site plan as ‘existing vehicle access’ being on a mutually owned area of land;
 - The unused state of the existing access and its restricted width;
 - Access and turning areas would require the removal of several trees;
 - Inaccuracies regarding the number of septic tanks and soakaways stated as being within the site;
 - Concerns regarding potential overlooking and overshadowing of the private garden ground of the neighbouring property;
 - The impact of the new access arrangements on existing off road parking provision which serves existing properties;
 - The insufficiency of the existing water supply to serve an additional property;

- Potential flood risk concerns;
- Failure to show existing tree locations and species on the submitted plans;
- Construction challenges presented by the steepness and location of the proposed site;
- The historical context of existing properties in the vicinity of the Bridge of Gairn and concerns regarding the aesthetic incompatibility of a new dwelling; and
- References to the unfortunate history of road traffic accidents at the Bridge of Gairn and its proximity to the proposed entrance to the site.

APPRAISAL

43. Issues to consider in the assessment of the development proposal include the principle of development of this nature, compliance with planning policy, site specific matters, traffic and road safety matters, impacts on natural heritage features, landscape impacts and the relationship of the proposed new dwelling house with existing properties in the vicinity.

Principle

44. The proposed site is quite a distance outside the settlement area of Ballater and is effectively a countryside location. While the principle of housing is acceptable in countryside locations, this is subject to compliance with relevant housing policies. In this instance, it is necessary to consider whether or not the proposal should be assessed under CNP Local Plan Policy 21 – Housing development in rural building groups or Policy 22 – Housing development outside settlements. Given the proximity of the proposed site to existing properties in the vicinity, including Gairnbank Cottage and Gairnbank House immediately to the east, another residential property (Willowbank) a short distance to the south east on the opposite side of the road, as well as three further residential properties existing to the west of the River Gairn,⁵ it is reasonable to consider the proposal in the context of Policy 21 – Housing development in rural building groups. The policy applies to existing rural building groups which comprise three or more dwellings and where the proposal for a new house would not add more than one third to the existing size of the group. At a basic level of assessment, it could be considered that the principle of a new dwelling within the existing group is acceptable, at least in numeric terms.



Fig. 4 – existing houses in the vicinity of the proposed site

⁵ The Old Smiddy, North Balgairn Steading and Balgairn.

45. However, in addition to fulfilling numeric requirements, developments within rural building groups are expected to reinforce and enhance the character of the group and should not detract from the landscape setting. In accordance with guidance in the SPG on 'Housing development in rural building groups' any proposals for development within such groups must demonstrate that it is connected to the existing group through integration with the existing built form, settlement pattern and landscape features. The details provided on the site plan which has been submitted in support of the proposal for planning permission in principle fail to demonstrate this.
46. The existing pattern of development in the area is characterised by traditional stone built properties sited close to the public road or alternatively set back further and accessed by access tracks off the public road, as in the case of the Old Smiddy and North Balgairn Steading which lie to the west of the River Gairn. The proposed new dwelling would result in the imposition of a new structure in a location which deviates from the building line established by Gairnbank Cottage and Gairnbank House to the east. Due to the significant fall in ground levels from east to west across the proposed site, it would also be impossible to undertake construction without the need for significant alterations to the existing landform, with the most likely approach involving substantial filling. Not only would this increase the prominence of a new dwelling on the site, it would also be out of character with the siting of most of the traditional properties in the vicinity, which appear to have been sited in accordance with the natural landforms, rather than by undertaking significant cutting or filling. The alterations necessary to facilitate development on the proposed site would also result in the loss of existing vegetation on the site, such as the mature conifers in the eastern corner of the site.

Traffic safety

47. Reference has been made in paragraph 2 to the access arrangements to serve the proposed site. The access point does not appear to have been in use for quite some time and evidence on the ground shows that the area of ground immediately inside the existing gate (which is identified on the site plan as part of the new access drive) is currently in use as a parking area which serves the existing residential properties immediately to the east. Reference has also been made in various letters of representation to land ownership issues in relation to the existing mutual parking area. Notwithstanding the ownership issues, which are essentially a civil matter, the proposed access arrangements give rise to fundamental concerns in relation to traffic and road safety. The advice from Aberdeenshire Council's Roads Service is clear – the Service objects to the access arrangements due to inadequate visibility and the inability to satisfactorily undertake manoeuvres to and from the A93 public road, and it is concluded that the proposed access arrangements would be detrimental to road safety. In addition to the specialist advice from the Roads Service, similar road safety concerns have been raised in the response from Ballater and Crathie Community Council, as well as in a number of representations.

Natural heritage issues

48. Paragraphs 36 and 37 contain details of the advice received from Scottish Natural Heritage. Concerns are raised regarding the potential impact of the development proposal on the qualifying features of the River Dee SAC, particularly freshwater pearl mussels and Atlantic salmon. Any in river work that might be required in association with the construction of a dwelling house or the installation of the proposed treatment plant on the lower western slopes of the site, close to the banks of the River Gairn could potentially impact on the qualifying features. The absence of information on this matter could lead to the conclusion that the proposals are insufficient to demonstrate compliance with Local Plan Policy 1 – Natura 2000 sites and also fails to demonstrate that the proposal would conserve and enhance the natural heritage of the area, as required by the first aim of the National Park. The lack of relevant information on natural heritage aspects also indicates a lack of adherence to the CNP's Natural Heritage SPG, which is clear in setting out the expectations on information to support development proposals.
49. In the event that the development proposal was acceptable in all other respects, it may be considered appropriate to investigate the proposed construction practises in more detail. However, as there are several other issues which all point towards the unacceptability of the development proposal, it was not considered appropriate to request additional information on this point alone. The same situation pertains in relation to the otter survey which was suggested by SNH. Requests for additional details of this nature would be likely to result in the applicants incurring additional costs, which might at best only resolve one aspect of a multitude of concerns associated with the development proposal.

Conclusion

50. In summary, the proposal for the development of a dwelling house on steeply sloping land which is effectively garden ground, fails to accord with Local Plan Policy 21 – Housing development in rural building groups and with the associated Supplementary Planning Guidance on the same topic. The introduction of a new dwelling in this location would be discordant with the nature and character of the existing building group. The access arrangements are unacceptable and would result in a situation which would be detrimental to road safety. The proposal may also have the potential to adversely impact on the natural heritage of the area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

51. The limited information which has been submitted in support of the planning application fails to provide sufficient detail on potential construction activities and their impact on European Protected Species or on qualifying interests for which the adjacent River Dee Special Area of Conservation has been designated. The proposed development would also result in the loss of existing trees and vegetation on the subject site. The development would not conserve or enhance the natural heritage of the area.

Promote Sustainable Use of Natural Resources

52. No information has been submitted to demonstrate that the development proposal would assist in promoting this aim.

Promote Understanding and Enjoyment of the Area

53. The proposed siting of a new dwelling house in an inappropriate and prominent location, adjacent to the one of the main approach roads to the settlement of Ballater, would not assist in promoting this aim.

Promote Sustainable Economic and Social Development of the Area

54. The development of a new dwelling house at this location has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc. and would tend to promote reliance upon the private car. There is no evidence to suggest that it would make a positive contribution to the achievement of this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to : REFUSE planning permission in principle for the erection of a dwellinghouse on a site to the west of Gairnbank Cottage, Bridge of Gairn, Ballater for the following reasons :

1. The erection of a dwelling house on the subject site would fail to integrate with the existing built form and settlement pattern in the vicinity. It would also necessitate significant alterations to ground levels on the site and in conjunction with the loss of existing vegetation, the required works would have a cumulative adverse impact on the landscape features of the area. As such, the development fails to comply with Policy 21 (Housing development in rural building groups) of the Cairngorms National Park Local Plan (2010) or with the associated Supplementary Planning Guidance – Housing Development in Rural Building Groups.
2. The proposed access arrangements would fail to provide the required visibility requirements for access onto the public road and would also hinder easy manoeuvres to and from the public road. The access arrangements would be detrimental to road safety.
3. The development would result in the imposition of a new dwelling in an inappropriate and obtrusive location, which would significantly alter the existing landform in this location. The development would fail to complement and enhance the landscape character of the Park and therefore fails to comply with Policy 6 (Landscape) of the Cairngorms National Park Local Plan (2010).

4. The lack of any supporting information relating to natural heritage is contrary to the requirements of CNP Supplementary Planning Guidance on 'Natural Heritage'. In the absence of this information it cannot be established that the proposal would not adversely impact qualifying interests of the adjacent River Dee SAC. It has also not been demonstrated that the proposal would not have an adverse impact on European Protected Species (otters in this specific case). As such the development cannot be considered to comply with Policy 1 (Natura 2000 sites) and Policy 4 (Protected Species) of the Cairngorms National Park Local Plan (2010).

5. Due to the adverse landscape impacts and potentially adverse natural heritage impacts arising from the development, it would not accord with the first aim of the National Park which includes conserving and enhancing the natural heritage of the area. It would also fail to comply with the strategic objectives expressed in the Cairngorms National Park Plan (2007), which includes a requirement that development complements and enhances the landscape character of the Park.

6. The identified site area encompasses land on which services currently exist to serve residential properties in the vicinity, including existing septic tanks and car parking areas. Insufficient solutions have been presented in the application to ensure that the requirements of CNP Local Plan Policy 16 (Design Standards for Development) would be met, particularly in relation to protecting the amenity enjoyed by neighbouring properties.

Mary Grier
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19 April 2012

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