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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: MARY GRIER, PLANNING OFFICER,  
DEVELOPMENT CONTROL**

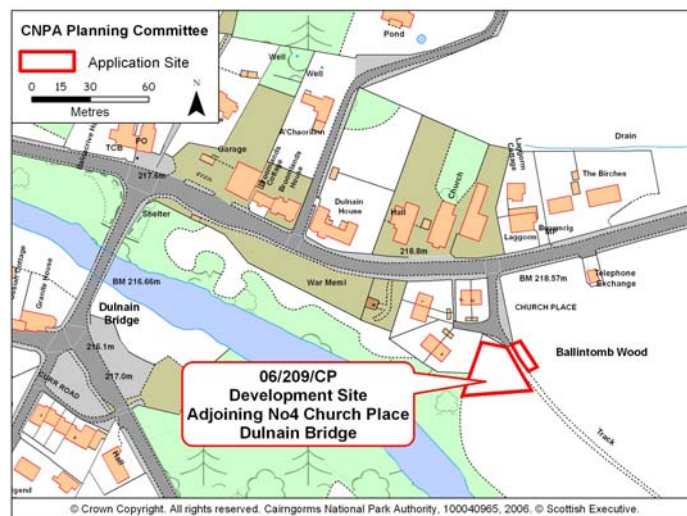
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**DEVELOPMENT PROPOSED: OUTLINE PERMISSION FOR THE ERECTION OF TWO DWELLING HOUSES (SEMI DETACHED), UPGRADING OF ACCESS AND FORMATION OF CAR PARKING, ON LAND ADJOINING NO.4 CHURCH PLACE, DULNAIN BRIDGE**

**REFERENCE: 06/209/CP**

**APPLICANT: TRUSTEES OF NIALL CALTHORPES  
1959 DISCRETIONARY SETTLEMENT,  
c/o SAVILLS (L&P) LTD, 55 YORK  
PLACE, PERTH, PH2 8EH**

**DATE CALLED-IN: 16<sup>TH</sup> JUNE 2006**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The application is for outline permission for the erection of two dwelling houses, of semi detached form, 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 opposite the site. The area of ground associated with the proposed housing site is approximately 0.07ha (0.17 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. A short distance to the south of the site the land slopes steeply down towards the River Dulnain. The lands that are the subject of this application are part of Muckrach Estate.
2. To the south of the proposed site the access track continues through the existing woodland and terminates approximately 210 metres to the south east of the subject site. The termination point is set high above the A95 trunk road and a pedestrian access route leads down an embankment from the termination of the track onto the A95. Prior to the development of the section of the A95 which by passes Dulnain Bridge, the track served properties known as Ballintomb Cottage, Broombank and Pine Ridge. Those properties are now served by a new opening directly off the diverted A95.



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



**Fig. 3 : Termination of vehicular access track; pedestrian access onto A95.**

3. Members will recall that an application seeking outline permission for one dwelling house on the site came before the CNPA's Planning Committee for decision in December 2005 (CNPA planning ref. no. 04/486/CP refers). The dwelling house was proposed as an affordable house, and the proposal also involved the provision of 6 car parking spaces opposite the site. The Planning Committee resolved to approve the development with conditions, subject to the completion of a Section 75 Agreement to ensure the retention of the proposed development as an affordable housing unit via a Registered Social Housing Landlord.
4. In the case of the previous application on the site, the decision to propose the development at Church Place as an affordable plot had been taken by the applicants in the expectation that the housing unit would be considered as satisfying the affordable housing requirement associated with another application at Waulkmill, Dulnain Bridge,<sup>1</sup> on Muckrach Estate lands. Permission was sought in the application for the 'formation of an access road and sewage pumping station and subdivision of land to form 10 house plots.' Highland Council resolved to approve the application in January 2006 (planning ref. no. 04/00118/BS refers)<sup>2</sup> conditional upon the delivery of two affordable housing plots. It was also indicated that an off-site solution would be considered. This current application has therefore been submitted in an effort to secure permission for two dwelling houses to meet the requirement. The above details are provided for information purposes only and any determination made by another Planning Authority in relation to a different site should not influence the decision made by the CNPA on this current development proposal.
5. The applicants do not propose to develop the two affordable properties on the proposed site, but instead to "gift the site to the Highland Council for Social Housing at nil value." The authorised agents for

<sup>1</sup> Land to the rear of Rose Cottage on the western (Carrbridge) approach to Dulnain Bridge.

<sup>2</sup> The planning application was notified to the CNPA and discussed at the meeting of 23<sup>rd</sup> April 2004. CNPA planning ref. no. 04/196/CP refers. The application was not called in.

Muckrach Estate have also indicated a willingness to enter into a Section 75 planning agreement to this effect. An indicative site layout has been included in this application for outline permission in order to demonstrate the possible position of the dwelling houses and associated driveways / hard standing areas on site relative to the existing trees. The layout originally submitted with the application showed a semi detached block positioned towards the northern end of the site, oriented on a north – south axis. The layout showed driveways / hard standing areas located to the front (north) of each of the dwelling houses, with access intended to be taken directly from informal communal access area at Church Place. The position of the dwelling houses would necessitate the loss of at least 7 trees, while the remainder of each of the plots to the rear of the dwellings would allow for the retention of much of the remainder of existing trees on the site. The original site layout also included the provision of a communal car parking area (6 car parking spaces proposed in an area measuring 15 metres x 5 metres), primarily intended for use by residents of Church Place, located on the opposite side of the existing track to the east of the main part of the site.

6. Further to concerns raised by residents of neighbouring properties (which will be detailed in subsequent section of this report), particularly with regard to the potential loss of their informal car parking arrangement, a revised site layout plan was submitted to the CNPA on 30<sup>th</sup> June 2006.<sup>3</sup> The revised indicative plan shows the two proposed dwelling houses in a more central position within the overall site, essentially located to the rear of the majority of existing individual trees on the site. Individual access points off the existing laneway are proposed, with the northern most plot served by access in the north eastern corner, while the access and car parking area for the property on the southern site is positioned in the south eastern corner. The proposed communal car parking area on the opposite side of the existing forest track remains in the same position as that originally proposed.
7. As the application is for outline planning permission it does not include any elevation drawings of the proposed dwelling house. However, details on the site layout plan indicate that the dwellings would be two storey three bedroom properties. Details on the application form indicate that the external finish would be 'harled brick' under a slate roof covering. A timber fence is proposed as the means of enclosure on the northern, southern and eastern boundaries. The development is proposed to connect to the public sewer and public water supply.
8. Supporting documentation submitted with this application included a copy of a letter from Michael Hamilton, Area Housing Manager with Highland Council which describes the proposal to provide the site at

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<sup>3</sup> The Agents have indicated that a copy of the revised site layout plan has been forwarded to the objectors.

Church Place for the provision of a semi detached block, as a means of compliance with the Section 75 Agreement for the provision of affordable housing in connection with the Waulkmill development in Dulnain Bridge. The transfer of the proposed Church Place site to Highland Council at nil value is also referred to and it is stated that “the Housing Service is in agreement with this and the site is in a suitable location.”

## DEVELOPMENT PLAN CONTEXT

9. The **Highland Structure Plan 2001** states that policies for “housing development aim to steer demand to appropriate locations within existing settlements.”
10. 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.”
11. 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.”
12. 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 Ballintomb 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.
13. 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.

14. For information purposes only : the Consultation Draft of the Cairngorms National Park Local Plan includes the subject site within the settlement boundary of Dulnain Bridge. The proposed site is identified as being in General Policy Area 2. Development will “only be permitted in such areas where it is demonstrated that there is no alternative and that the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.”

## CONSULTATIONS

15. The **Area Roads and Community Works Manager** of Highland Council was consulted on the proposed development and the response recommends that a number of conditions are attached in the event of the granting of planning permission. The stipulated conditions include a requirement to upgrade the existing access road to a standard suitable for adoption<sup>4</sup>, 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 each of the proposed properties, to be provided in a manner that would allow each vehicle to enter and leave the site independently in forward gear.
16. Prior to the submission of this current application, the applicants agent engaged in discussions with representatives of the Area Roads and Community Works division. The comments of that section at the time referred to the proposed provision of 6 no. communal car parking spaces opposite the site, stating that there was no problem in principle with this. It was however advised that either the access track may need to be widened or the depth of the car parking area increased to enable cars to readily enter and leave the parking area.
17. In a consultation response from the CNPA’s **Economic and Social Development Group**, the Housing Policy Officer welcomes the

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<sup>4</sup> Although required to be upgraded to a standard suitable for adoption, the report from the Area Roads and Community Works division of Highland Council notes that “the upgraded access road will not be considered to formal adoption and will therefore require to be the subject of a suitable management and maintenance agreement to the satisfaction of Highland Council.”

provision of two affordable housing units and refers to having discussed the proposal with Michael Hamilton, Area Housing Manager with Highland Council, who holds a similar view.

18. 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 describes the track (alongside the eastern boundary of the subject site) which leads into the woods being very popular locally, providing one of the few quiet walking opportunities in the village. It is stated that the existing route through the woods could be part of a core path within the community in the future, possibly facilitating an eventual link to a riverside walk. In conclusion it is stated that there are “no major concerns from an access perspective” as “long as access to and from the woods is retained for both walking and cycling.”
19. In the course of the previous application on the subject site a detailed response was received from the **Natural Resources Group** of the CNPA as it existed at that time, which noted that the proposed site is located in an area of exotic plantation. The response 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.
20. **Dalnain Bridge Community Council** was consulted on the proposal and at the time of preparing this report a consultation response had not been received. However, a representative of the Community Council, in a telephone conversation on 21<sup>st</sup> July 2006, welcomed affordable housing provision in Dalnain Bridge. The Community Council representative also expressed a preference for the provision of affordable housing which would be available to buy, rather than to let, stating that there were many young local families trying to get on the property ladder.
21. It is expected that a written response to this effect will be forthcoming prior to the planning committee meeting at which this application is presented for determination and in the event of receipt of this, correspondence will be copied to Members at the meeting.

## REPRESENTATIONS

22. Two letters of representation have been received in respect of the development proposal. Mrs. S. Wallace of Church Place expressed her deep concern about the proposal in a letter dated 19<sup>th</sup> June 2006. Whilst she objects to the increase from the one house in the previous application to two houses in this current proposal, the majority of the concerns raised relate to access and car parking arrangements. It is

stated that the access to the objectors house enters onto the proposed access route to the new houses and there is no provision for paving to walk on; "the new car park area is now in a completely new place to which was originally proposed"; if parking her car in her garden, reversing out would be "directly in line with the entrances to the new houses"; the entrances to the proposed new properties are considered to affect her privacy; and finally concern is expressed at the location of the six proposed car parking spaces which Mrs. Wallace considers "is no where near enough" and concern is raised about safety issues due to increased traffic and pedestrians.

23. The second letter of objection, dated 19<sup>th</sup> June 2006, comes from Mr. and Mrs. L. Middleton, also of Church Place who state that they write to express their own concerns and also to support their neighbour, Mrs. Wallace. Similar concerns are expressed as in the above detailed submission, including reference to the increase from one dwelling house to two units and reference to "the car park now in an entirely different place to the original plan." Comments are made in relation to the entrances to the proposed new dwelling houses which the objectors consider would cause difficulties being in an area which is used by existing residents to reverse vehicles out from their properties. The proposed six car parking spaces are described as 'completely inadequate' and reference is made to there being room for at least 8 cars at present. Reference is also made to the need for "pavements over to the new car park to protect people's safety.

#### **APPLICANTS RESPONSE TO REPRESENTEEES**

24. A letter was forwarded from Savills, as representatives of the applicants, to each of the objectors (and copied to the CNPA), and was accompanied by a revised site layout plan, as referred to in para. 6 of this report showing the proposed dwelling houses in a different position on the site, and identifying the access points to each of the proposed properties being taken from the existing track, as opposed to directly from Church Place. The letter makes reference to the proposed housing being intended to provide affordable accommodation for local workers and their families. Reference was also made to the necessity to relocate the car parking spaces from the location at which they were originally proposed in the previous application on the site. It is also stated that the "provision of additional car parking for the residents of Church Place was proposed and agreed between the estate and residents as a gesture of goodwill and the estate is under no obligation to provide additional parking." The car parking issue is further clarified in a statement that "it is anticipated that the areas currently used for parking will remain, therefore allowing six spaces in addition to those already in use."





**Figs. 5 & 6: informal car parking alongside access track and also to the north of proposed site, adjacent to Church Place.**

## APPRAISAL

25. 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.
26. 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. 11 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. It is relevant at this stage to refer to the previous resolution of the CNPA Planning Committee to approve one dwelling house on the same land, subject to a Section 75 Agreement to ensure that the property was used for affordable housing purposes (CNPA planning ref. no. 04/486/CP). In determining that application a number of factors led to the conclusion that the proposal could be considered to constitute exceptional circumstances, thereby allowing consideration to be given to residential development on land allocated for Amenity Woodland, and all of those factors remain applicable to this current proposal.
27. Firstly, the physical characteristics of the land, as well as the actual condition were factors and consideration was given in particular to whether or not its current state contributes to the value, enjoyment or visual amenity of the surrounding lands allocated for Amenity / Woodland use. In the course of discussions on that application reference was made to a previous application made on the site in 2003. The history file indicated an acceptance on the part of Highland Council of the principle of housing 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). 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 noted 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.” It is my view that such a physical distinction is still very much in evidence and the treatment of the subject site distinct from the remainder of the woodland area therefore remains applicable in the context of this current proposal.

28. In the course of the more recent previous application on the site<sup>5</sup> detailed information was submitted in respect of the extent of tree felling necessary to accommodate a dwelling on the subject site. A ‘woodland survey report’ was carried out at that stage, with its purpose being to ascertain the health and condition of trees on the site and also within the proposed car parking area. The report remains applicable to this current application, and indeed the currently proposed site layout plan identifies the position of existing trees on the site in relation to the two properties proposed (copy attached of site plan showing position of existing trees and tree condition survey report).
29. The report notes that the proposed plot is part of a conifer plantation and states that although the trees found at the site are generally in good conditions for their age, none are of high amenity, historical, biodiversity or commercial value. The estimated age of the conifer plantation is 35 years. The main tree species are scots pine, norway spruce and sitka spruce, interspersed with small numbers of silver birch and rowan. Of the 52 trees identified on the site and in the proposed car parking area, the survey identified 10 trees that are in need of felling due to either their poor condition and / or evidence of existing stem damage, whilst a further 41 were classified as Category C i.e. that the trees are “in adequate condition or could be retained with minimal tree surgery but are not worthy for inclusion in the high or moderate categories” or where they are “immature trees or trees with no particular merit.” Only 2 out of the 52 trees on site were identified as Category B i.e. moderate category where the retention of trees is desirable. A scots pine with a present height of 10.5 metres and a douglas fir extending to a height of 21 metres have been identified for retention as feature specimen. The ‘woodland survey’ report concludes with a statement that the trees growing within the plot have no particular rarity or historical or biodiversity value and that there may be better examples elsewhere in the well wooded locality.

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<sup>5</sup> CNPA planning ref. no. 04/486/CP – CNPA decision to approve the proposal subject to conditions and entry into a section 75 agreement, 16<sup>th</sup> December 2005.



**Fig. 7 : partial view of proposed site**

30. In assessing the overall implications of the proposed development on the woodland, the details provided in the woodland survey have been examined in conjunction with the indicative site layout plan, showing the footprint of the dwelling houses and on site car parking provision, in positions that are intended to necessitate minimal disturbance of the majority of trees on site. As with the previously accepted proposal for one dwelling house on the site, approximately seven trees would be either directly affected by the proposed layout or in very close proximity to the area in which construction work would be likely. Tree no. 24, the Douglas Fir recommended for retention as a specimen tree, is extremely close to the indicative location of the proposed dwelling house. However, given that the footprint of the dwelling units are indicative only, they cannot be taken as an accurate representation of the final footprints or positions of the structures in relation to that tree. In the event of the development proposal progressing to a detailed design stage, the designs and siting could be, and indeed should be a unique response to the specific conditions of the proposed site, including the relationship of any building to the trees, particularly those identified as specimen features.



**Fig. 8 : proposed car parking area**



**Fig. 9 : Tree damage at proposed site**

31. The two houses for which permission is being sought in this current application are proposed as affordable housing, with the land to be gifted by Muckrach Estate to Highland Council at nil value. The agents

of Muckrach Estate have agreed on behalf of their clients to enter into a Section 75 agreement binding them to such a transfer of land.

32. 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, these factors can be taken to constitute material considerations, and indeed have been accepted as such in the previous deliberations of the CNPA's Planning Committee in relation to the proposal for one dwelling house on the site.
33. There are also a number of potential benefits likely to accrue from the development proposal, aside from the obvious benefit of providing affordable housing provision. Having regard to the current unkempt condition of this area of the woodland and evidence of its use for informal wood cutting and storage / disposal of miscellaneous items such as trailers etc., residential development on the subject site could represent an opportunity for the visual enhancement of the immediate area. However, this report should not in any way be interpreted as an endorsement of a housing proposal on the land merely because of the present undesirable condition that it has been allowed to deteriorate to.
34. In addition to aesthetic enhancement, access provision to the Church Place area would be improved due to the required upgrading of the existing access track from its junction with the public road to the site entrance / car parking area. 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.
35. The creation of the proposed six car parking spaces is also considered to be of benefit to users of the area. The two letters of representation received, as detailed in paragraphs 22 and 23 of this report raise some concern regarding the perceived loss of existing car parking provision in the Church Place area and on this point it is necessary to clarify that the informal arrangement used by residents at present would remain unaltered by the current proposal. A number of the points raised in the objectors letters, particularly regarding vehicular access to and from their properties and the effects on the aforementioned informal car parking arrangement, have been taken on board by the applicants / agent, with the revised site layout plan upon which this assessment is based showing significant changes to the indicative layout. The proposal would in fact provide formal car parking available for residents

use, as opposed to a sole 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.

36. The content of the letters of objection suggest that the authors were unaware of the fact that in the course of the previous application on the subject site the proposed car parking area was relocated from its original position close to the public road, to the cleared area further along the track, and that the decision of the CNPA's Planning Committee was on the basis of the latter arrangement. The relocation of the car parking area from its originally proposed position was specifically requested in order to avoid the loss of natural woodland, which forms an important part of the vista on approaching the Dulnain Bridge settlement, and also to avoid significant disturbance to the natural resources of the area.
37. 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.
38. In addition, the woodland survey report suggests that trees identified with defects pose a potential public risk. In light of this, in particular the fact that a number of the trees identified as being in need of felling are located in relatively close proximity to the access track, it could be considered that there are public safety benefits likely to accrue from the development of the site.
39. In summary, the subject site is in a relatively unobtrusive position, located adjacent to the built up area of Dulnain Bridge, with the physical characteristics of the site distinguishing it from the remainder of Ballintomb Woods. Development at this location has the potential to improve the visual quality of this particular area, and would also result in improvements in the road safety aspects of the existing access lane and the sight distances available at its junction with the public road. It has been demonstrated that the proposed siting can minimise the extent of tree felling necessary to facilitate the proposed development and in addition the proposal would not hinder any existing access provision in the area. Furthermore, as already detailed the proposed residential units are intended as affordable housing. Taking all of this into account 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**

40. The proposed 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 the 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**

41. As the application is for outline permission no detailed drawings of the proposed dwellings 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**

42. 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**

43. The proposal for two dwelling houses 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, particularly where the proposed dwelling units are proposed as affordable units.

## **RECOMMENDATION**

44. 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 completion of a S75 Legal Agreement to ensure the retention of the proposed development as affordable housing units via a Registered

Social Housing Landlord and in accordance with the following conditions:-

1. A formal planning application for approval of reserved matters shall be submitted within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.
2. The existing access road shall be upgraded to a standard suitable for adoption by the Roads Authority prior to the commencement of any other work starting in connection with the proposed development. 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. The existing access road shall be upgraded to a standard generally suitable for adoption, satisfying the requirements of Highland Council's Road Guidelines for New Developments.
3. 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.
4. 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 access restrictions shall be placed between the Church Place area and the proposed car parking area.
5. 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.
6. Within the visibility splays required as per condition no. 5 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.
7. Any gates that are provided on the subject site shall open into the proposed dwelling house sites only.

8. Parking and manoeuvring space for at least 2 no. cars shall be provided within the curtilage of each property such that all vehicles may enter and leave each site independently.
9. An application for approval of reserved matters shall include a site layout plan showing the proposed dwelling houses and associated driveways / car parking areas located in a position that would minimise the loss of existing trees on the site.
10. 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.
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. No water shall discharge onto the public road.
13. 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.

**Mary Grier**

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**24<sup>th</sup> July 2006**

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.