
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of seven houses at Land 125M NE Of Shangrila, 4 Lettoch Road,
Nethy Bridge

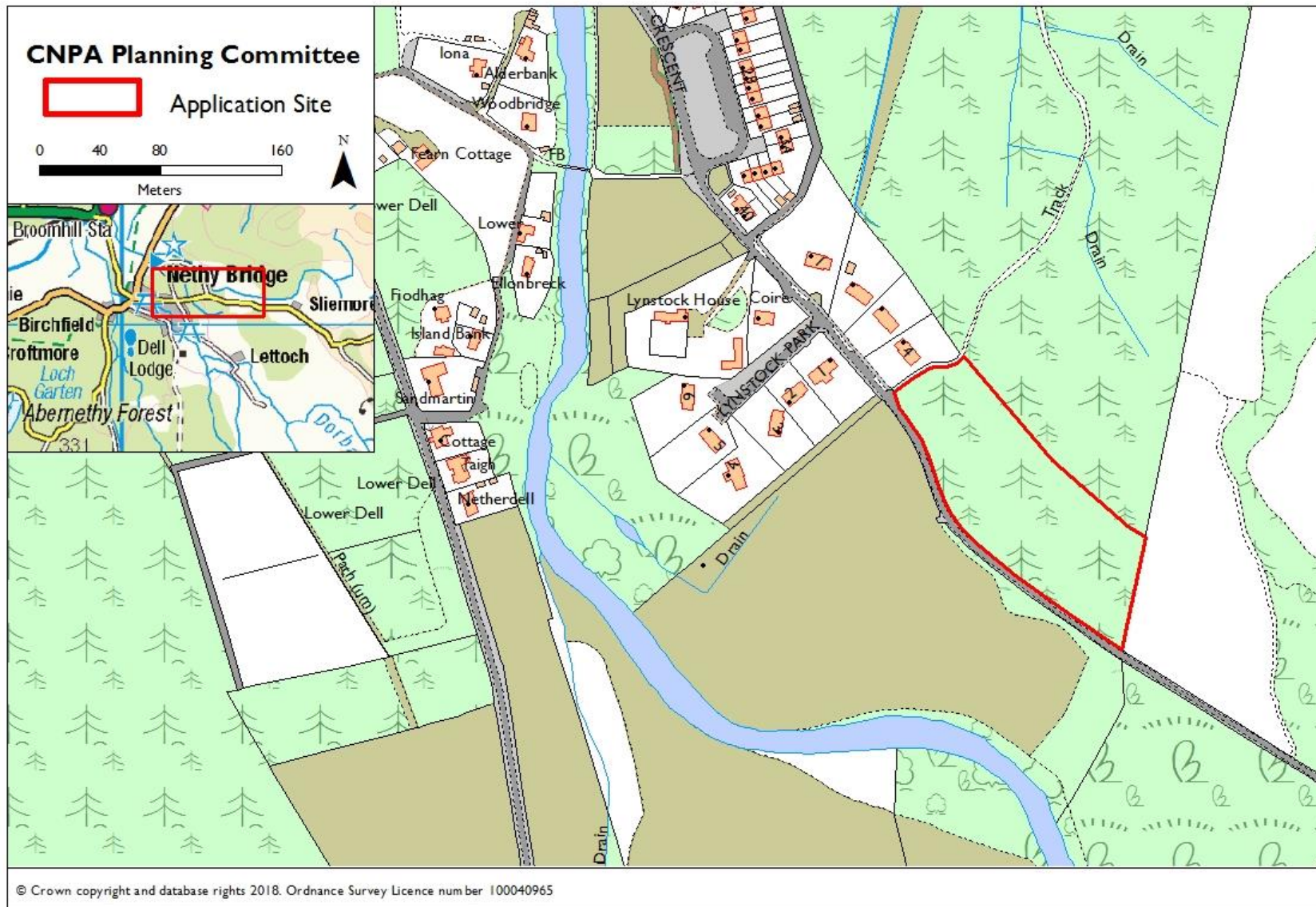
REFERENCE: 2018/0019/PPP

APPLICANT: Mr George Knox

DATE CALLED-IN: 10 January 2018

RECOMMENDATION: Refuse

CASE OFFICER: Emma Wilson, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The rectangular site covers approximately 1.3 hectares and is located within mature plantation woodland on the south east side of Nethy Bridge off Lettoch Road which is a narrow single track road.
2. The site has been identified as 100% native on the 'Native Woodland Survey for Scotland 2014'. The site is currently covered in mature woodland, predominantly Scots Pine and forms part of the NVC Classification for Caledonian pinewood. The woodland understorey has both dry and wet areas and hosts a variety of vegetation.
3. The proposed site lies just outside the settlement boundary and the 30mph speed limited zone of the village.

Proposal

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P2DY6USI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan			15/01/18
Site Plan			24/01/18
Site Layout Plan	NB/A01 REV B		21/03/18

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

5. The application is for planning permission in principle for the erection of 7 homes – 2 of which will be affordable units – on the edge of the village of Nethy Bridge.
6. The proposal seeks to form two new separate accesses from Lettoch Road to provide safe access and egress to the proposed development.
7. There is currently an existing access which will be retained to provide access to the forestry. This forestry track divides proposed plots 1 & 2 from plots 3 to 7.
8. Copies of the proposed plans and visualisations are included in **Appendix I**.

History

9. There is no recorded development history associated with site.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

10. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

11. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X

Policy 11	Developer Contributions Supplementary Guidance	
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CONSULTATIONS

12. A summary of the main issues raised by consultees now follows:
13. **RSPB** makes no views over the merits or otherwise of this proposed development however raise issues of potential disturbance to Capercaillie in the adjoining Abernethy and Craigmore Wood Special Protection Areas. As such a Habitats Regulation Appraisal is requested prior to the determination of any Full Planning Application. In the event of a recommendation to grant planning permission to any full application, the RSPB further request that the developer be required to provide an information pack to all new residents. They have also expressed considerable concern regarding the potential cumulative impact of housing development will potentially have on the national capercaillie population.
14. **SNH** state that it is unlikely that the proposal will have a significant effect on capercaillie qualifying interests either directly or indirectly and therefore an appropriate assessment is not required.
15. **Scottish Water** do not raise an objection to the proposed planning application stating that there is currently sufficient capacity and both the Aviemore Water Treatment Plant for the provision of fresh water to the site and the Nethy Bridge Waste Water Treatment Works for foul water.
16. **Highland Council Flood Risk Management Team** initially objected to the proposals due to a lack of information regarding drainage. They requested the submission of a drainage impact assessment, written in accordance with the Highland Council's supplementary guidance, Flood Risk and Drainage Impact Assessment. Updated information has been submitted by the applicant and the objection has now been withdrawn subject to a condition requiring the final drainage design is submitted for review and approval. This shall be supported by calculations that demonstrate that the network will limit discharge to the existing greenfield runoff rates for all storms up to 200 year plus climate change event.
17. **Highland Council Land Contamination Team** has no comment to make on this application based on there being no previous contaminative use of the site.
18. **Highland Council Landscape Team** are of the opinion that the proposal would have the effect of undermining the Park Authorities Development Plan objectives of ensuring a clear delineation between the settlement and the countryside and protecting those parts of the village that are most important to its character and setting. With this in mind the recommendation of the Highland Councils Landscape Team is to refuse planning permission for this proposal.
19. **Highland Council Transport Planning Team** sought road layout improvements, forestry access upgrades and Traffic Regulation Order

recommendations in order to support the application. The transport team therefore recommended that amended drawings be submitted prior to the determination of this application. Amended drawings were submitted showing a revised layout. They raise no objections to the proposals subject to conditions requiring road improvements to the U2016 Lettoch Road and a Traffic Regulation Order to extend the 30mph speed limit. Adequate space for parking and turning must be provided and clarification on waste management arrangements are also required. The revised proposals indicate the existing forestry access located between Plots 2 and 3 is to be upgraded and as such information to demonstrate that a 30 mile per hour visibility splay can be achieved is sought. The applicant will also be required to apply for Road Construction Consent prior to any work commencing on or adjacent to the public road network.

20. **CNPA Landscape Advisor** states that the development raises issues in relation to landscape and visual impacts and impacts on the SLQs that are not capable of resolution. This woodland contributes significantly to the setting of the settlement and is identified within the 2005 Housing Capacity Study as 'sensitive woodland' and they would recommend it be identified for 'long term retention' given its landscape significance. The location and character of this woodland contributes to the special landscape qualities of the Park and as such development of the site would compromise the quality of the landscape setting on this side of Nethy Bridge. Construction of housing developments within woodland invariably requires space beyond the footprint of the buildings and access and this increases on uneven/sloping sites and where drainage is poor as in this case. The proposed development would require the removal of a significant number of trees and a further risk to trees through canopy and roof damage. The impact on the character of the woodland and the special landscape qualities that can be experienced on this edge of Nethy Bridge would be significant.

21. **CNPA Ecology Advisor** states that the proposal involves the conversion of high quality native woodland into housing development and that there is a strong presumption against the removal of native woodland with high biodiversity value. There has been no ecological information provided with the application, an extended Phase I habitat survey is required to identify the potential for protected species. There are no details regarding tree impact nor are there any details on mitigation or compensation proposals for loss of habitat. Groundwater Dependant Terrestrial Ecosystems (GWDTE) are present on site and there will be a direct loss of habitat to allow construction of houses and gardens and road infrastructure. These habitats are very sensitive to nutrient enrichment and those habitats surrounding housing sites are at risk from garden waste and tipping, and pesticides and fertiliser inputs. SEPA could advise further. The SUDs proposals do not satisfy the Guidelines for SUDs in that their design should ensure that water quality and biodiversity are included within the design process. Additional information has been requested to allow a full assessment of the application. A Habitats Regulations Appraisal will be required to assess disturbance impacts on Capercaillie.

22. **CNPA Outdoor Access Officer** advises that the proposal contained within the application raises no cause for concern. The retention of the existing forest track to the northwest and the construction of a new forest track should facilitate continued access into the nearby woods for local residents. Any works during and following construction should not affect the Lettoch Walk which forms part of the road to the front of the site. The consultation response goes on to state that the plans do not make reference to active travel and suggest this should be included in any future application.
23. **Nethy Bridge and Vicinity Community Council** acknowledge that they have received several objections however state that they do not wish to raise an objection to this application in principal dependent on a number of conditions. These conditions include the protection and retention of the mature character trees on site and the introduction of appropriate landscaping in keeping with the site's context and similar in design to those already built by the applicant. Finally they request that the affordable element of the proposed development is finished in a similar style to the non-affordable to prevent these units from appearing conspicuous within the setting.
24. **Highland Council Forestry, Archaeology, Environmental Health, Education and Housing** have not provided responses.

REPRESENTATIONS

25. There have been 4 letters of representations received which are attached in **Appendix 2**. All object to the proposals.
26. The objections can be summarised as follows:
- a) The proposal is contrary to the provisions of the adopted CNPA Local Plan as the proposal sits out-with the defined settlement boundary and therefore would constitute a linear extension to the settlement, contrary to Policy I; New Housing Development;
 - b) The proposals undermine the CNPA's objectives of retaining Nethy Bridge as a 'woodland village';
 - c) The site is listed as an Alternative Site (not preferred) in the Local Development Plan 2020 - Main Issues Report and as such emphasises the status of the site as not appropriate for housing development;
 - d) The road is unsuitable for further development and would introduce issues of road safety. Extending the 30 mph speed limit has been questioned;
 - e) The site is of high ecological significance and host to a variety of rare animal and plant species e.g. Goldcrest, Crossbill, Pine Marten, Wildcats, Capercaillie, 'Granny Pines', Serrated Wintergreen, etc. The proposed development threatens these;
 - f) The proposal does not provide clearly defined additional public benefits in terms of woodland removal and is not in accordance with SPP;
 - g) The proposal raises issues of landscape impacts e.g. road widening and street lighting creating a more suburban environment, and would have a significant

detrimental impact on the visual amenity of the site contrary to Policy 5 of the CNPA Local Development Plan;

- h) The site is very wet and there are potentially significant issues relating to drainage and potential flooding;
- i) There is insufficient ecological survey work accompanying the application;
- j) The status of the proposed 'affordable homes' is questioned and the proposal undermines the CNPA's Agenda for Action in the Partnership Plan 2017-2022 Priority 7 Housing. These homes will not be affordable and will therefore not meet a local need;
- k) Given the poor ground conditions, the adjacent site which was previously developed was left in a very poor condition by the subcontractors;
- l) The site address refers to a property called Shangrila, however, the adjacent property is called Crobeag.

APPRAISAL

Principle

- 27. Policy I: New Housing Development, of the Cairngorms National Park Local Development Plan 2015 supports new housing within the identified settlement boundary, where they are on identified sites or where they reinforce and enhance the character of the settlement, maximising opportunities for infill, conversion small scale development, use of derelict land or underused land or the redevelopment of land. The settlement boundaries indicate the extent to which a settlement can expand. All new housing development should be contained within these boundaries. The application site lies just outwith the settlement boundary of Nethy Bridge as identified in the adopted Local Plan.
- 28. Development is not supported unless it meets the requirements of Policy I.5: Affordable Housing, delivering 100% affordable housing. The proposed development proposes two affordable units, however, does not satisfy this particular policy requirement which may justify development outwith the settlement boundary.
- 29. The site was submitted to the Call for Sites Process for consideration for allocation in the next Local Development Plan. The site has been assessed and is not identified as a Preferred Site within the 2020 – Main Issues Report, given there are more appropriate sites available.
- 30. The proposal will introduce housing on a site outwith the settlement boundary where housing is not supported, contrary to Policy I: New Housing Development and as such cannot be supported in principle.

Environmental Issues

- 31. Policy 4: Natural Heritage of the Cairngorms National Park Development Plan 2015 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.

32. The proposal involves the introduction of housing into high quality native woodland. The Ecology Advisor states that the site has the potential to support a variety of protected species, including bats, pine marten, capercaillie and red squirrel. The application does not provide sufficient information in order to identify the potential for protected species on the site.
33. The site is also identified as 100% native on the Native Woodland Survey for Scotland with a rich and diverse understorey. There is also insufficient information been provided to establish the impact the development will have on the number of trees on the site, although it is considered that this will be high. There is no compensation for the loss of high quality woodland such as this.
34. The site potentially hosts a variety of protected species and the applicants have failed to demonstrate that the proposed development will not have a significant impact on it. There is a presumption against the removal of native woodland with high biodiversity value. As such the proposals do not comply with Policy 4: Natural Heritage.

Landscape Issues

35. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed developments.
36. The site lies within a prominent location on the edge of the village on a minor public road. This stretch of road is bounded by mature woodland on one side and open views to the other side. This woodland is defined as 'sensitive woodland' by the Housing Capacity Study 2005. It is managed as plantation woodland however, this part of the woodland is mature with a diverse understorey and some attractive 'granny' pines.
37. The location and character of this woodland contributes to the special landscape qualities of the National Park, in particular *dark and venerable pine forest, landscapes both cultural and natural, grand panoramas and framed views and strong juxtaposition of contrasting landscapes.*
38. The proposed housing development on this site would compromise the quality of the landscape setting on this side of Nethy Bridge and would adversely affect the character of this minor road, impinging on the views beyond.
39. It is recognised that housing development within woodland requires space for construction being well beyond the footprint of the proposed buildings and accesses. The site is on uneven/undulating ground and where drainage is poor and as a consequence construction space will be even greater. This in turn will result in the removal of a significant number of trees and introduce further risk to trees through canopy and root damage. Infill material required to address the wet ground conditions will also potentially cause further damage to trees within this woodland.

40. Accesses require sightlines and trees will have to be cut back and removed which will impact on the outer edge of the site and will change the woodland into a housing development with a few retained trees. In addition to construction and access works, future residents will seek to create open garden areas and maximise the amount of sunlight to these and as such further pruning and tree removal will occur.
41. The impact on the character of the woodland and the special landscape qualities that can be experienced on this edge of the village will be significant. The proposal will introduce a form of development that will not conserve or enhance the landscape character and special qualities of the National Park. Indeed it will raise issues in relation to landscape and visual impacts on these special landscape qualities that are not capable of resolution and as such is contrary to Policy 5: Landscape.

Road Safety Issues

42. Policy 3: Sustainable Design of the Cairngorms National Park 2015 states that all new development will include appropriate means of access, egress and space for off street parking.
43. The development will be accessed directly from Lettoch Road, which is a minor, single track road, which currently has a speed limit of 60 miles per hour – the 30 mph limit ends at the northern boundary of the site. Concern was initially raised by the Transport Officer regarding the proposed road layout, upgrading the forestry track access and Traffic Regulation Order (TRO) recommendations. The layout has now been amended to include the upgrading of the road to a 5.5 metre wide carriageway and a 2 metre wide kerbed footway with lighting on the development side of the road to provide two way traffic to pass safely and a safe walking route for pedestrians. The applicants have been advised that the detailed layout should incorporate sufficient parking space for two cars and turning space that will allow all vehicles to enter and exit the site in forward gear.
44. To ensure a safer environment for residents of the development and other road users, it is recommended that the 30 mph speed restriction be extended beyond the southern boundary of the site. The applicants are advised that they will be required to cover any costs incurred by the TRO process of extending the reduced speed limit beyond the site. The actual position of this will be determined through the TRO process.
45. The forestry track is to remain unchanged which is now acceptable.
46. Subject to appropriate conditions to cover the points made above, it is considered that the proposals satisfy Policy 3: Sustainable Design.

Flooding and Surface Water Management

47. Policy 10: Resources of the Cairngorms National Park Development Plan 2015 seeks to ensure that surface water is dealt with accordingly and that an appropriate SUDs is adopted. It also seeks to ensure that all new development is free from the significant risk of flooding.
48. The Council's Flood Risk Management team initially objected to the proposals given the lack of information addressing flooding and drainage and requested the submission of a Drainage Impact Assessment. The applicants subsequently submitted a Drainage Strategy which proposes each individual plot will provide treatment and attenuation prior to discharge into a proposed new Scottish Water network – permission will have to be sought to discharge into the exiting SW network. The Council are now satisfied and have withdrawn their objection subject to a condition that requires the details of the final drainage design to be submitted for review and approval. This shall be supported by calculations that demonstrate that the network will limit discharge to the exiting greenfield runoff rates for all storms up to the 200 year plus climate change event.
49. Subject to this condition the proposals are considered to be in compliance with Policy 10: Resources.

Other Issues raised in Representations

50. The proposals include the provision of two affordable homes. Any forthcoming detailed application (MSC application) will have to include details of who will be responsible for delivering the affordable units and an appropriate legal agreement concluded to ensure the delivery of a defined affordable tenure.
51. The condition of the site following its redevelopment is the responsibility of the owner and the contractors. Should the condition of the land deteriorate and the site become hazardous, planning and environmental health legislation can potentially, in some circumstances, require steps be taken to resolve such an issue dependent upon the nature and degree of the condition.
52. It is noted that the property adjacent to the site is called Crobeag. The site address was given by Highland Council during registration and validation of this application and is presumably based on the records they hold for that adjacent site.

CONCLUSION

51. The proposed development would introduce housing onto a site outwith the settlement boundary as identified within the adopted local plan. This native woodland offers the potential to sustain a variety of protected species and the loss of this with its high biodiversity value cannot be mitigated against or satisfactorily compensated for. The site makes a significant contribution to the landscape character of this part of the village and its 'forest setting' and its loss would have a significant adverse impact on the special landscape qualities of the

National Park. The proposed development is contrary to local plan policy in terms of principle, environmental and landscape issues.

RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE PLANNING PERMISSION for the erection of seven houses at Land 125M NE Of Shangrila, 4 Lettoch Road, Nethy Bridge for the following reasons:

Reasons:

1. The proposed housing development is located outwith the defined settlement boundary of Nethy Bridge where housing development is not supported and is contrary to Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015.
2. The proposed development will result in the loss of high quality native woodland and associated species. Insufficient information has been submitted and it has not been demonstrated that this loss can be suitably compensated for through appropriate mitigation, contrary to Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.
3. The proposed development will have a significant adverse impact on the woodland setting of the village and an adverse effect on the landscape character and experience of the special qualities of the National Park contrary to Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

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.