
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF DWELLING, LAND AT CLUNIEBANK ROAD, BRAEMAR (OUTLINE PLANNING APPLICATION)

REFERENCE: 04/284/CP

APPLICANT: MR COLQUHOUN

DATE CALLED-IN: 18 June 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is to the south of the house known as Clunie Lodge in an area that is part open grassland and part woodland with three large trees at the centre of the site, two of which would have to be removed to accommodate this proposal for a detached dwelling. This outline proposal seeks to set the access and siting for the building. Access would be from Cluniebank Road and a turning circle would be formed in front of the property on the site of the two aforementioned trees. The plan shows a wetland area between the house and the road and a new area of landscape planting to the south and north boundaries of the site.

DEVELOPMENT PLAN CONTEXT

2. **Policy Hou/4 of the Aberdeenshire Local Plan (Housing in the Countryside)** considers that the erection of a new house in the countryside will be approved in principle if either it is for a full time worker in the enterprise which in itself is appropriate to the countryside and that the presence of that worker on-site is essential to the efficient operation of the enterprise. **Policy Env/17 of the Aberdeenshire Local Plan (Conservation Areas)** considers that all designated Conservation Areas shall be protected against development that would have a detrimental effect on their special character or setting. The policy goes on to state that new development within Conservation Areas must be of the highest quality. **Policy Inf/4** considers that development can be permitted where public infrastructure is not available and that septic tank facilities can be provided without negative impact to public health, the environment or the quality of the groundwater. **Policy Env/8 of the Aberdeenshire Local Plan (Trees and Woodlands)** considers that development that would cause the loss of trees and woodlands that are of significant, ecological, recreational, historical, shelter or landscape value, will be refused unless the public benefits of development, clearly outweigh the value of the habitat, or that development will be sited to minimise adverse impact on the biodiversity of the site.

CONSULTATIONS

3. A response from **Aberdeenshire Council Planning** points out that the proposal is contrary to Policy Hou/4 of the Aberdeenshire Local Plan as no need case has been made for the development.
4. It is pointed out that the site is covered by two SSSIs and that designated semi-natural ancient woodland straddles the west part of the site. The proposal also involves the removal of two significant trees. If the application is found to be acceptable based upon a need case than the driveway should be re-sited to avoid these trees. Further concern is raised that the proposal would have a significant detrimental impact upon the character of the conservation area and it is also pointed out that the front of the site may be liable to flooding.
5. The response concludes, stating that there are significant concerns about the impact of the development on the setting and character of the Conservation Area.

Approving the house without a need case would set a precedent for further similar developments in the area contributing towards the incremental erosion of the character and setting of Braemar and would also lead to the felling of two trees that contribute to the character of the site and area in general.

6. **Aberdeenshire Council Flood Prevention Engineer** has been consulted upon the proposal but makes no comment.
7. **Aberdeenshire Council Local Roads Technician** has no objection to the proposal provided the access is incorporated with a lay by 2.5 metres wide by 8.0 metres long plus 45 degree splays. The lay by and first 6 metres of the access being surfaced in bitmac. In addition 2.4 metre by 60 metre visibility splays shall be provided and be maintained free from obstruction greater than 1 metre above adjacent carriageway level. No surface water shall be discharged onto the public highway.
8. **SEPA** are pleased to note that surface water drainage is to be by means of separate soakaways SEPA's approach to foul drainage is that where there is a public sewerage system then foul drainage should be directed to that system. It would appear from the location plan that there is no reason why this site cannot connect to the public sewerage system. Therefore SEPA object to the application, unless foul drainage is connected to that system, or unless information is provided to show why the proposal cannot connect to the public system.
9. **Scottish Water** have responded pointing out that a public water supply is available, it is also pointed out that an existing surface water sewer runs through the site. Advice is provided on specifications for septic tanks.
10. The Park's **Natural Resource Group** have no comment on the application.

REPRESENTATIONS

11. A total of three letters of objection to this application have been received which have been attached at the end of the report. Concern is raised that the proposal site is outside of the village boundary and that a house on the site would restrict access to a woodland area for a range of users. Further concern is raised that the proposal would impact upon wildlife and the local habitat and be detrimental to the Conservation Area. It is also pointed out that flood protection may be needed for any building.

APPRAISAL

12. There is a range of issues in relation to this application both involving the principle and the detail regarding the proposed access and siting for the house.
13. In policy terms the site lies outside of the settlement boundary of Braemar, so falls to be considered under Policy Hou/4 (Housing in the Countryside) of the Aberdeenshire Local Plan. This policy considers that the erection of a single new

house in the countryside will be approved in principle, if it is for a full time worker in an enterprise which itself is appropriate to the countryside, and where the presence of the worker on site is essential to the efficient operation of that enterprise.

14. In this case, the application makes no need case and on the basis of its submission is viewed as largely speculative. Therefore, the proposal is considered not to comply in principle with the above policy. In addition, the extension of the settlement in this manner could well result in further applications along the road leading to ribbon development and effectively extending the settlement boundary, a decision that would be more properly left to the Local Plan process.
15. In more detailed terms the site is part of the Braemar Conservation Area and two prominent trees that are considered to be of importance to that conservation area would have to be removed to make way for the turning circle proposed for the dwelling. Policy Env/17 of the Aberdeenshire Local Plan notes that development in conservation areas must be of the highest quality and must not have a detrimental effect upon their special character or setting. It is considered that the removal of such prominent trees (when the plan could probably be revised to retain them) in the landscape would neither accord with this policy or accord with the aim of conserving the natural heritage of this part of the National Park.
16. SEPA object to the application as it would appear from the location plan that there is no reason why the site cannot connect to the public sewerage system. Alternatively further information should be provided to show that the site couldn't be connected to the public sewerage system. Policy Inf/4 considers that development can be permitted where public infrastructure is not available and that septic tank facilities can be provided where there is no negative impact to public health, the environment or the quality of the groundwater. Given that it has not been clearly demonstrated that the site cannot be connected to the public sewerage system a third reason for refusal is recommended on the basis that the application does not demonstrate this.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

17. The proposal is considered not to accord with this aim, the proposal would erode the character of the village edge without any overriding justification being made for the proposal. In addition, the removal of trees that could probably be retained by a revision in the siting of the turning area means that the development fails to conserve the natural heritage of this part of the National Park.

Promote Sustainable Use of Natural Resources

18. The proposal is in outline form, so no details are available regarding the nature of the materials proposed and their environmental impact. The fact that the house would be close to the village may be regarded as relatively sustainable as the

location would be unlikely to foster unreasonable reliance upon motorised transport.

Promote Understanding and Enjoyment of the Area

19. The development could be viewed as having a detrimental impact upon the conservation area as the removal of the trees would reduce the visual enjoyment of that area. One letter of objection also raises concerns that the proposal could reduce access to a woodland area that could be viewed as reducing the enjoyment of that area.

Promote Sustainable Economic and Social Development of the Area

20. The addition of a single house could be seen as positive to the economic development of the area in a minor way. However, this would result in an unplanned sporadic development where no special justification has been made for breaking the village development boundary. This approach is considered particularly inappropriate at this point in time when a planned development for 20 dwellings has been recommended for approval by Aberdeenshire Council on a planned, allocated site within the village development boundary (see paper 2 on this agenda).

RECOMMENDATION

That Members of the Committee support a recommendation to:

REFUSE Planning permission for the erection of a dwelling on land at Cluniebank Road, Braemar for the following reasons:

- (i) The proposed house lies outside of the village envelope and as such would result in a sporadic unjustified development contrary to Policy Hou/4 of the Aberdeenshire Local Plan which precludes new houses in the countryside where there is a failure to demonstrate a need case.
- (ii) The proposal results in the removal of two significant trees within the Braemar Conservation Area, this would erode the character of the Conservation Area and the edge of the village in particular, the proposal would therefore be contrary to Policies Env/8 (Trees and Woodlands) and Env/17 Conservation Areas of the Aberdeenshire Local Plan.
- (iii) The proposal fails to demonstrate that the house proposed could not be connected to the public sewerage system, and if not that private sewerage infrastructure can be provided without negative impacts upon public health and the environment and as such is contrary to Policy Inf/4 of the Aberdeenshire Local Plan.

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