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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 MANAGEMENT)**

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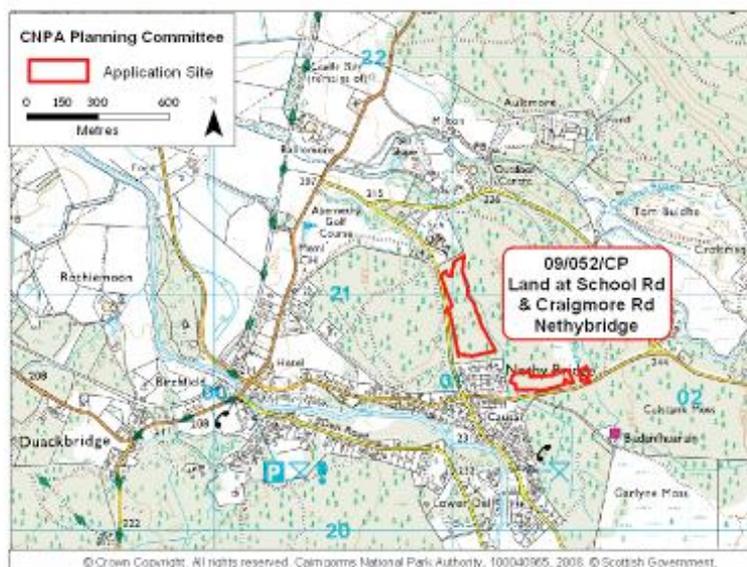
**DEVELOPMENT PROPOSED: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS FOR THE ERECTION OF 30 HOUSES; 10 AFFORDABLE HOUSE PLOTS; 8 SMALL BUSINESS UNITS AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND AT SCHOOL ROAD AND CRAIGMORE ROAD, NETHY BRIDGE**

**REFERENCE: 09/052/CP**

**APPLICANT: INVERBURN LTD., C/O STONEYFIELD HOUSE, INVERNESS**

**DATE CALLED-IN: 6 MARCH 2009**

**RECOMMENDATION : REFUSE**



**Grid reference (easting northing) : 301030 820920**

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This planning application was validated by the Highland Council in February 2009 and 'called in' by the CNPA on 6<sup>th</sup> March 2009. As the application was submitted prior to the new planning regulations which were introduced in August 2009, it was titled as an application for Approval of Reserved Matters. This application type has now been replaced by an 'Application for Matters Specified in Conditions.' Despite the change in terminology, the application is essentially a detailed application, following on from the granting of outline permission for 40 dwellings and business units by the Highland Council on 20<sup>th</sup> February 2006.
2. The current planning application is for the erection of 30 houses; 10 affordable house plots; 8 small business units and associated infrastructure and landscaping on land at School Road and Craigmore Road, Nethy Bridge. Consistent with the site boundaries identified in the outline planning permission, the subject site consists of three distinct site areas –
  - (i) an area of 3.6 hectares accessed off School Road in which 20 detached dwellings and 10 housing plots are proposed. The housing plots have been identified as 'affordable';
  - (ii) an area of 1.5 hectares accessed off Craigmore Road, and including proposals for 10 detached dwelling houses; and
  - (iii) the further smaller area, also off Craigmore Road (and located approximately 25 metres to the east of the proposed residential element), extends to 0.2 hectares. 8 business units are proposed in this area in two blocks, with each accommodating 4 units.



Fig. 2 : Proposed site areas

3. The site area adjacent to School Road extends to 3.6 hectares and is an elongated shape, extending from north to south within the woodland. With the exception of the identified vehicular access point into School Road, the remainder of the site is set back from the public road by distances which vary from 13 metres to 60 metres. The southern site boundary lies approximately 40 metres from the residential properties in Dirdhu Court, while the Nethy Bridge primary school complex is located a short distance to the north of the site. The lands to the east and also to the west (on the opposite side of School Road) are part of the wider woodland area.
4. Access to this site is proposed at a relatively central point along the School Road frontage. The layout generally comprises of a centrally positioned access road forming the spine, with housing arranged either side. The road layout includes a split carriageway in three locations, with landscaping proposed within the enclosed area that would be created by the split. The access road culminates in a roundabout feature at either end of the site. The access off School Road would serve a total of 30 properties, all of which are proposed to be detached. The 30 units comprises of 10 plots (which would be the subject of later detailed applications), and detailed house plans for the remaining twenty units on the site. The 10 plots would also accommodate detached properties and those plots have been put forward as affordable plots. The proposed affordable plots are dispersed amongst the open market properties in groups of 2, 3 and 5.



**Fig. 3 : Proposed layout – School Road**

5. The second site area included in this application is the proposed residential component which lies adjacent to Craigmere Road. Similar to the arrangement of the larger site on School Road, the site area is set back from the public road (with the exception of the proposed vehicular access). The majority of the site currently forms part of the woodland area and also

includes an existing small clearing close to the public road. A total of 10 detached dwelling houses are proposed on the site, four of which would be located in the western area of the site with individual accesses coming off a roundabout at the end of the access road; three dwellings would be centrally positioned close to the access off the public road; and the remaining three units would be positioned in the eastern area of the site in a similar arrangement to the western side, where individual accesses are proposed off a turning area.



**Fig. 4 : Proposed residential and business unit layout – Craigmore Road**

6. The third and final component of this application for approval of reserved matters occurs on a portion of land to the east of the above detailed residential site. It lies adjacent to Craigmore Road and extends to an area of approximately 0.2 hectares. A total of 8 business units are proposed on the site., arranged in two blocks of 4 units, all of which are set back towards the rear of the site, with car parking arranged to the front of the proposed buildings.

**Design details**

7. As alluded to in earlier paragraphs, all of the dwellings currently proposed across the two identified residential areas are detached. A total of six house designs are proposed, consisting of the following : -

House type	Description	Floor area	No. of Units	Site
A	3 bed dormer with integral garage	135m <sup>2</sup>	4	School Road
B	4 bed dormer with integral garage	143m <sup>2</sup>	7	School Road Craigmore Road
D	4 bed dormer with integral garage	157m <sup>2</sup>	4	School Road Craigmore Road
D(CP)	4 bed dormer with integral garage and car port	157m <sup>2</sup>	6	School Road  Craigmore Road
F	4 bed dormer with integral double garage	193m <sup>2</sup>	6	School Road Craigmore Road
H	4 bed two storey with integral garage	193m <sup>2</sup>	3	School Road Craigmore Road

**Table I : Proposed house types**

8. House type A is a dormer design of one and three quarter storeys. It includes three bedrooms on the upper floor, with all living accommodation located on the ground floor. The design also incorporates an integral garage within the main body of the house, with the vehicular opening contained in the front elevation. House type B is also a one and three quarter storey dormer design, including four bedrooms, of which one is to be located on the ground floor. It includes an attached garage which is proposed to be accommodated to the side of the dwelling. Two versions of House Type D are proposed, the first of which includes a garage attached to the side of the main body of the house, and set back from the front building line. The second version of House type D (identified as D(CP)) includes a garage and a car port to the side elevation of the dwelling house. Similar to House type B, this house type also accommodates four bedrooms, with one of those being at ground floor level. House types A, B and D generally feature traditional, conventional elevations, and include features such as traditional pitched roof dormers, and front entrances emphasised by the use of timber cladding in the vicinity. Types A, B or D do not include any provision for chimneys.



Fig. 5 : House Type A



Fig. 6 : House Type B



Fig. 7 : House Type F

9. House type F is one of the larger house types, having a floor area of 193m<sup>2</sup>. In contrast to the previously detailed house types, the design, although essentially a one and three quarter storey structure, is of an elongated nature emphasised by the inclusion of a double garage. The front elevation includes a large projecting gable, positioned slightly off centre, and including a centrally positioned external chimney breast, with double height windows either side, serving the lounge area. In addition to the lounge, other living accommodation on the ground floor includes an open plan kitchen / family room / dining room. The master bedroom en suite is also proposed at ground floor level, while the three remaining bedrooms, as well as a study and bathrooms are proposed on the upper floor. The attached double garage would have an external finish of vertical timber cladding.
10. The final house type (Type H) is a one and a half storey dormer design, incorporating traditional pitched roof dormers in the front elevation, and four

velux windows in the rear elevation serving the upper floor accommodation. The front entrance to the dwelling is in the form of a projecting pitched roof gable, with the front elevation of the gable proposed to be timber clad. An integral garage is set back to the side of the property and includes a double width vehicular entrance door. An external chimney breast is proposed on the opposite side elevation.

11. Two identical structures are proposed on the easternmost site on Craigmore Road to accommodate the business units. Each structure would accommodate four units, each of which is proposed to have a floor area of 1,000 square feet. The units are designed to have the appearance of conventional industrial buildings, with a relatively shallow pitched roof proposed to span the 16 metre wide building. The main opening to the units is proposed in the front elevation and is in the form of a full height metal roller shutter door. A smaller entrance is also proposed in the front elevation to serve each unit (in the form of a timber faced door). The rear elevation of the structure includes the windows to serve each of the units, as well as an additional access door. The roof of the industrial units is proposed to be profiled metal cladding in a dark grey colour (although the submitted drawings showing a dark blue effect). The rear and side elevations would primarily have a white render finish, with the remainder of the side and much of the front elevation having vertical timber lining.

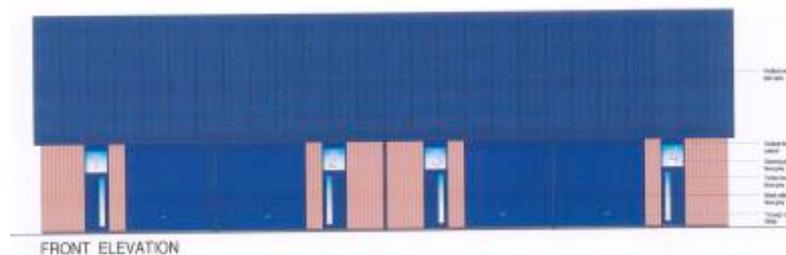


Fig. 8 Proposed business units

12. The development is proposed to connect to the public sewer and also to connect to the public water supply.

#### **CNPA request for additional information**

13. Having assessed the proposal and taken into account the consultation responses received, as well as issues raised in letters of representation, it was apparent that further information and a variety of amendments were required. A detailed letter was issued by the CNPA planning section on 1 December 2009 requesting a wide variety of additional information (please refer to Appendix I for a copy of the letter). Required details and amendments included :
  - An ecological assessment, including a mammal survey,<sup>1</sup> botanical survey, entomology, mycology and breeding bird surveys;
  - The submission of a revised site layout plan, informed by the required ecological assessment, and demonstrating that ecology and landscape concerns have been fully taken into account;

<sup>1</sup> Reference was specifically made to the need for a detailed squirrel drey survey and a bat survey.

- A detailed landscaping plan, with proposals to enhance the woodland setting;
- The introduction of a wider mix of house types in order to cater for a wider social and demographic mix;
- The repositioning / reduction in the size of the business units in order to ensure that construction activity on this confined site size would not result in damage to the adjacent woodland edge;
- SuDs proposals;
- A construction method statement which would have include amongst other things proposals to ensure the protection of otter holts;
- Clarification of the affordable housing provision on the site;
- Details of the sustainable design credentials of the development;
- Clarification on matters regarding existing and proposed footpaths on and in the vicinity of the site;
- Amendments to the proposed internal road layout to create a more rural environment, appropriate to the woodland setting;
- Clarification on whether or not the developers would agree to market a proportion of the open market properties specifically to the local market; and
- Details of all trees / groups of trees which are proposed for retention, as well as detailed tree protection measures.

The applicants were also advised in that letter that no comment was being made at that stage on the design of the proposed residential units or the business units, as significant modifications to the overall proposal were likely to result from the other required amendments and consequently further comment would be made on design issues at a later stage when assessing the revised proposals.



Fig. 8 : School Road



Fig. 9 : Craigmore Road

14. A letter was received from the agent on 12 January 2010 in response to the CNPA request. That letter was described by its author as an 'interim response' pending further consideration by the applicants in the context of the outline consent granted. It was indicated that the applicants were considering the various requests. Since that time, no further information has been received, other than the applicant's periodic written agreement to extend the time period for determination.

### Site History

15. An application seeking outline planning permission for the erection of 40 dwellings and business units was submitted to Highland Council in February 2002 (Highland Council planning ref. no. 02/45/OUTBS refers). The application was on three fragmented pockets of land, identical to the site boundaries identified in this current planning application. Highland Council Members resolved in September 2002 to grant outline planning permission, subject to any necessary clearance by the Scottish Executive and upon conclusion of a Section 75 Legal Agreement to cover matters including provision the provision of affordable plots for self build purposes, and the undertaking of certain off site works. The Section 75 agreement required that the ten serviced dwellinghouse plots be conveyed to the Council or a registered social landlord at the rate of a minimum of one affordable plot for each set of three plots (which are not affordable plots). An obligation was also included that the acquiring body shall “insert in the Disposition in favour of any plot purchaser a Right of Pre-Emption,, which shall be in favour of a Designated Rural Housing Body.” The Section 75 agreement also included that provision would be made for waste water treatment to serve 10 houses in the first phase of the development.<sup>2</sup>
16. The Highland Council resolution to grant planning permission was taken prior to the establishment of the National Park, although matters such as the Section 75 agreement were only concluded in 2006, thereby enabling the issuing of the decision notice at that time.
17. A number of standard conditions were included in the outline permission to address matters such as the submission of proposals for the management and maintenance of all areas outside the plot curtilages; all internal roads and associated footpaths within the site to be designed in such a manner that they are capable of adoption by the Roads Authority as public highways; and the achievement of the required visibility splays.
18. Other conditions included a requirement that “development of the two housing areas shall generally accord with the illustrative principles shown on a plan”<sup>3</sup> with “groups of detached and semi-detached houses separated by areas of retained or replanted woodland outwith house curtilages.” The condition also referred to the two housing areas being “served by a single access road designed in a manner as to be capable of adoption by the Roads Authority as public highway.” A condition was also included that “no house shall exceed two storeys in height” and that “no house shall occupy more than 20% of the gross area of its plot.”

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<sup>2</sup> This requirement has been superseded due to the development of the Nethy Bridge Wasterwater Treatment Works.

<sup>3</sup> The illustrative plan was submitted as part of the outline planning application.

## DEVELOPMENT PLAN CONTEXT

### National policy

19. **Scottish Planning Policy<sup>4</sup> (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 should .....allow 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.
20. **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.
21. 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."
22. 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 economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
23. Economic development : Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality and where relevant, also

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<sup>4</sup> February 2010

promote and support opportunities for environmental enhancement and regeneration.

24. Housing : **SPP** highlights the Scottish Government commitment to increasing the supply of new homes. The planning system is expected to enable the development of well designed, energy efficient, good quality housing in sustainable locations. The subject of 'Affordable Housing' is discussed and it is defined "broadly as housing of a reasonable quality that is affordable to people on modest incomes" and that it may take the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost home ownership, or low cost housing without subsidy. **SPP** advises that the need for affordable housing should be met, where possible, within the housing market area where it has arisen.
25. Rural development : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the "aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality." All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
26. 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.
27. **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."

#### **Planning Advice Notes (PANs)**

28. **PAN 44 Fitting- New Housing Development into the Landscape** is not intended to provide a blueprint for housing design, but sets out approaches which should help to relate housing layout more sensitively to the existing landscape. Housing is recognised as having a major impact on the standard of the environment and it must be seen to make a positive and specific contribution in fulfilling the principles of sustainable development. **PAN 44** encourages proposals to be sufficiently responsive to the sense of place, and to the general and particular character of the landscape. It advises that the capacity of the landscape to absorb development must be given proper attention, alongside other considerations such as the need and demand for

housing, the availability of land, energy efficiency and the provision of infrastructure.

29. **Housing Quality** is discussed in **PAN 67**. The diversity in housing quality is noted in the introductory section of the document, where reference is made to some of Scotland's recent new housing being acclaimed for its high standard of design, while at the same time concerns have been expressed about the low design standards of much new (particularly volume) housing that has been built in recent years. Successful places are distinctive, safe and pleasant, easy to get to and move around, welcoming, adaptable and resource efficient. The design of a successful place should begin with understanding how new housing can be connected to the movement patterns<sup>23</sup> and settlement patterns of an area.
30. **PAN 67** advises that the combination of layout of buildings, streets and spaces should create local identity, and should contribute positively to Scotland's cities, towns and villages. Five particular aspects of built form are intended to assist in achieving this – layout, landscape, scale and mix, details and materials, and maintenance.

### **Strategic Policies**

#### **Cairngorms National Park Plan (2007)**

31. 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.
32. 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. Section 5.2.4 of the Plan focuses on housing and highlights the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. The Plan advises that the quality and design of all new housing should meet high standards of water and energy efficiency and sustainable design and be consistent with or enhance the special qualities of the Park through careful design and siting.
33. The National Park Plan includes a number of strategic objectives in relation to housing, including
  - Increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park;

- Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and communities living there; and
- Improve the physical quality, energy efficiency and sustainable design of housing.

### Structure Plan Policy

#### Highland Council Structure Plan (2001)

34. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.

35. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
36. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
37. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
38. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

### Local Plan Policy

**Cairngorms National Park Local Plan (2010)**

39. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
40. 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.
41. 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.
42. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and 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. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
43. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
  - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

44. 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.
45. Policy 19 – Contributions to affordable housing : The affordable housing policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable. Developments solely for affordable housing will be considered favourably.
46. Policy 20 – Housing development within settlements : The policy advises that new housing should be contained within the identified settlement boundaries. Housing proposals within the settlement boundaries will be considered favourably where the development (a) occurs within an allocated site identified within the proposals' maps; or (b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. All housing proposals are required to reinforce and enhance the character of the settlement, and accommodate appropriate amenity space, and parking and access arrangements within the development.
47. In text supporting Policy 20 a range of expectations are referred to. The development of housing in settlements is expected to reinforce and enhance the character of the settlement; should not have any adverse impact on the features of the natural or cultural heritage importance within the settlement; should not result in the loss of amenity of surrounding land uses; and development should provide a range of house sizes to reflect the needs of the community of the Park. Para. 4.54 of the Plan states that the principle of achieving a sustainable balance of houses sizes will apply to both affordable housing and open market housing.
48. Policy 25 – Business Development : Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business or is located within an allocated site identified in the settlement proposals maps.
49. Policy 34 – Outdoor Access : the policy encourages development which improves opportunities for responsible outdoor access. Development proposals which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

50. Nethy Bridge is identified in the Local Plan as an intermediate settlement in the settlement hierarchy. The proposed site is within the Nethy Bridge settlement boundary. The area of land adjacent to School Road and the area in which housing is proposed along Craigmore Road are collectively identified in the settlement plan as NB/H2. The plan text associated with this allocation states that “the two sites have outline consent for a total of 40 dwellings. Development on these sites will retain enough woodland to allow for movement of species between areas of woodland to the sides of the sites, and retain the woodland setting of this part of the village. A small water course runs through the site and potential flood risk has not been adequately quantified. A flood risk assessment may be required in support of any further planning application or reserved matters.”
51. The area of land on which the 8 business units are proposed is identified on the settlement proposals map as NB/ED1. The text associated with this allocation states that this 0.76 hectare site is identified for business use. “Any development of the site will need to take account of its site within the woodland and at the entry to the village. Development on this site will retain enough woodland to allow for the movement of species between areas of woodland to the sides of the sites, and to retain the woodland setting of this part of the village.”

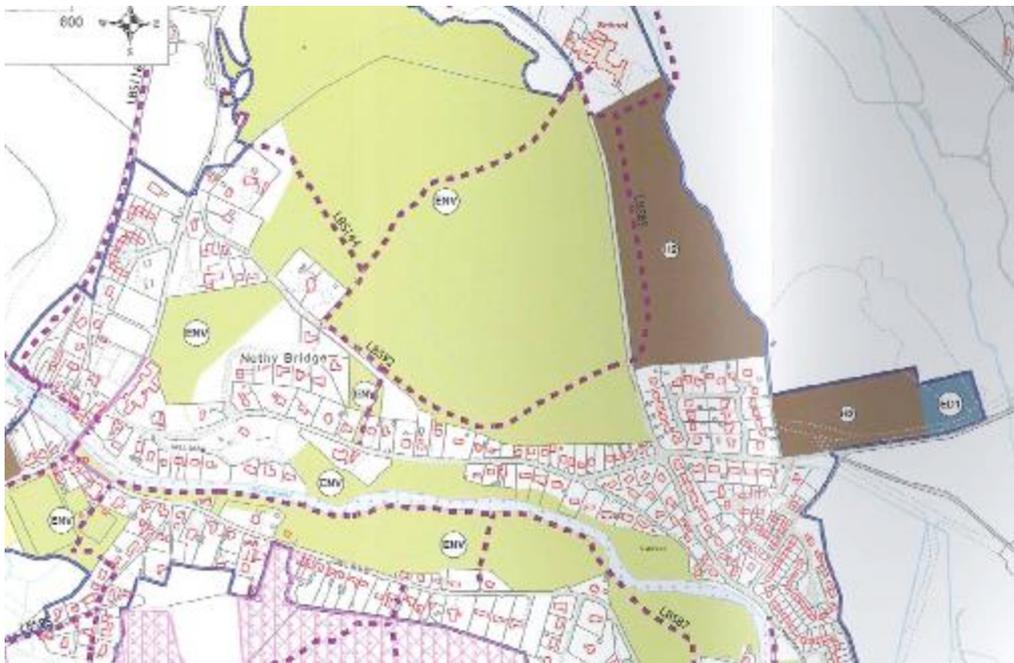


Fig. 10 : Extract from the Nethy Bridge Settlement Proposals Map (CNP Local Plan 2010)

### Supplementary Planning Guidance

52. 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

53. 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. Given that this planning application was submitted in February 2009, it is not considered appropriate to retrospectively request the submission of a Sustainable Design Statement. Notwithstanding this concession, all developments are expected to accord with the general thrust of the Sustainable Design Guide.

54. 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. The Sustainable Design Guide is realistic in recognising that new developments do not need to be copies of past styles in order to fit into the National Park. It does however advise that “standard off-the-shelf house designs” will increasingly erode the unique characteristics for which the Park is renowned.

#### **Natural Heritage SPG**

55. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage.
- Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest which may be outside the boundaries of the development site;
  - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
  - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
  - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on site mitigation and off site compensation;
  - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
  - Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.
56. Reference is also made to the need for applicants to provide natural heritage information. The required details include a description of the natural heritage on the site, and possibly in the surrounding area, including its significance and

value. An assessment on any effect on the natural heritage is also required. If adverse effects are found within the assessment it will then be necessary to provide details of mitigation and compensation measures.

## CONSULTATIONS

57. **Scottish Water** has no objection to the proposed development. It is however advised in the consultation response that the granting of planning permission does not guarantee a connection to Scottish Water infrastructure. It is indicated that Blackpark Water Treatment Works and Nethy Bridge Waste Water Treatment Works may have capacity to service the proposed development. However, as part of a separate process Scottish Water would require the applicants to submit a completed Development Impact Assessment form in order to facilitate an assessment of the impact of the proposed development on Scottish Water's existing infrastructure.
58. The consultation response from **SEPA** indicates that there is no objection to the planning application with regards to foul and surface water disposal.
59. **Scottish Natural Heritage (SNH)** considered the proposal and advise that the response is limited to the implications of the development for the designated natural heritage features and European Protected Species, in accordance with the casework agreement between **SNH** and the CNPA. **SNH** note in the response that the principle of a housing development at this location has been established and as such there is no objection to the proposal. **SNH** also note that since an earlier response in the course of the outline planning application on the site, there have been extensions to the River Spey SAC and the importance of European Protected Species has been made clearer.
60. **SNH** considered the development proposal in the context of European designated sites, and notes that the site lies outwith any site designated for natural heritage.<sup>5</sup> Sites in the vicinity are designated for the following characteristics –
- Abernethy Forest Site of Special Scientific Interest (SSSI) – pinewood and upland habitats including associated species such as capercallie;
  - Cairngorms Special Area of Conservation (SAC) – pinewood and upland habitats and species including otter;
  - Craigmore Wood Special Protection Area (SPA) – capercallie interests;
  - River Spey SAC – species associated with aquatic habitats, including Atlantic salmon, and otter that are present on SAC tributaries.

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<sup>5</sup> 0.5 km to the north of Abernethy Forest Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) and Cairngorms Special Area of Conservation (SAC); 0.5km to the south of the Craigmore Wood SPA; 0.4km to the south of the River Spey SAC (Allt Mhor); and 0.3km to the north of the River Spey SAC (River Nethy).

61. In relation to Abernethy Forest SPA and Craigmore Wood SPA, the response from **SNH** refers to advice previously given in the course of the outline planning application in relation to capercallie interests. The advice at that time concluded that the development proposal would have no significant effect on either of the designated sites. **SNH** advise in relation to the current application that there is no new evidence or information that would lead **SNH** to change the conclusion regarding capercallie.
62. In considering the potential impact of the development on the Cairngorms SAC and River Spey SAC **Scottish Natural Heritage** advise that since the time of originally considering the outline planning application the River Spey SAC tributaries have been designated and the importance of European Protected Species has been made clearer. Otters are present along the watercourses adjacent to the proposed development site and are likely to move between watercourses. **SNH** note that no otter survey has been carried out and consequently advise that “contingencies should be drawn up by the developer, to be approved by the planning authority prior to the commencement of development, to avoid impacts to otters.” **SNH** advise that the CNPA in the course of determining this application should require the developer to prepare a construction method statement for avoiding impacts of otters during construction. A number of points of guidance are provided regarding what should be included in the method statement. In addition, in relation to European Protected Species, it is advised that a license may be required from **SNH** before undertaking some types of survey for otter which result in disturbance.
63. Highland Council’s **TEC Services** section considered the application and express general agreement with the internal roads layout proposed. It is recommended that the roads related conditions attached to the original outline planning permission are attached in full to any consent granted.
64. **Nethy Bridge Community Council** indicates that it has no material objection to the planning application, although several points of concern are raised in the response. Concerns include –
- A belief that the original application included 10 affordable plots and 10 affordable houses and a comment that the current proposal only shows 10 affordable plots;
  - Reference to a previous agreement that there would be a 40 metre barrier between the proposed development and Dirdhu Court;
  - Concern that access to the proposed development would cut across the footpath that leads to Abernethy Primary School;
  - The need for the protection on trees on the site;
  - A suggestion that the design and features of the proposed business units do not fit with the local features; and
  - A request that the proposals meet all current and proposed environmental legislation.
65. The CNPA’s **Access Officer** considered the proposal and has expressed some concern in the consultation response, particularly in relation to the potential impact of the development on the existing path network.

Consequently the Access Officer has made a number of recommendations regarding the proposed layout and construction. The main concern in relation to pathways is that the area of the site adjacent to Craigmore Road would result in the existing path being built on. It is noted that this route is very popular, despite it not being a Core Path.<sup>6</sup> It is recommended that the new path to the rear of the site is extended westwards to link with the existing promoted path that follows the track to the west of the area of the site which includes the proposed business units.

66. The **Access Officer** also makes a number of other recommendations in relation to the currently proposed path layout, including the following :
- The path running to the rear of the properties in Dirdhu Court should be realigned to follow the existing route on the ground, approximately 8-10 metres from the fence, in order to ensure that there are no future issues regarding privacy; and
  - The proposed path running parallel to the area of the site on School Road would cross low lying wet ground and it is recommended that it should be realigned closer to the proposed properties on the site or alternatively should be built to an appropriate standard. An example is cited of other paths which have been developed by ‘floating’ the path on geo-textile.
67. The **Access Officer** considers that the proposed layout, with the recommended modifications, could provide an opportunity to encourage active travel and increase access to the wider network. Finally it is recommended that all paths should be built to a minimum standard of 1.2metres wide with a solid base and a bound surface. It is suggested that paths should be built to an “all abilities” standard as the topography of the site lends itself to such a construction standard.
68. The CNPA’s **Economic and Social Development Officer** welcomed the proposed business units as a means of supporting diversification of the local business base. The response acknowledged that there is no audit of local business accommodation in order to prove need, although reference is made to a lot of anecdotal feedback from the business community regarding the lack of available business accommodation across Badenoch and Strathspey. Other points are made in a further submission from the **Economic Development Officer** relating to transport and sustainable design. The Officer comments in relation to transport that the existing bus service which serves the village<sup>7</sup> is adequate for the scale of proposed housing expansion. It is also recommended that active travel should be encouraged and that the layout should, where possible, encourage cycling and walking over car use. In terms of sustainable design, it is suggested that efforts should be made to include above average insulation, solid fuel, and alternative green sources of energy.

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<sup>6</sup> The path was considered as part of the Core Paths Plan, but was not included as landowner permission was not forthcoming.

<sup>7</sup> Grantown to Aviemore bus service.

69. The consultation response from the CNPA's **Housing Policy Officer** refers to housing waiting lists in the area, as compiled from Highland Council statistics, which demonstrate that there is a need for affordable housing in Nethy Bridge, with a particular requirement for one bedroom properties. In commenting on the affordable housing proposals in the planning application, the Housing Policy Officer notes that the 10 plots identified as being 'affordable' are quite large and she suggests that there may be an opportunity for semi detached units on the plots. It is recommended that an affordable housing element should be agreed with the Highland Council and a housing association.
70. The initial response from the **CNPA's Ecology Officer** noted that each of the three proposed site areas are located in native Scot's pine woodland, which is designated as Ancient Woodland. The age and species of the woodland indicate that it is likely to support rich biodiversity. The **Ecology Officer** also noted that the woodland is in good condition with a good understorey of juniper. It was also noted that there are numerous squirrel dreys and that several trees have the potential for supporting bats. The **Ecology Officer** advised that a suite of detailed ecological surveys are required before it is possible to assess the development impacts. A range of surveys were subsequently requested and as detailed in paragraphs 13 and 14 of this report those have not been submitted.
71. The most recent response from the **CNPA Ecology Officer** notes that to date no information has been received in respect of the requested surveys. Reference is made in particular to many species being afforded legal protection and surveys have not been provided in connection with those species. It is concluded that the development cannot be considered in the absence of surveys which would ensure that all legislation is adhered to. On the basis of the information submitted to date in connection with this application it cannot be determined that the first aim of the National Park would be fulfilled.
72. The response from the CNPA's **Landscape Officer** notes that the pine woodland in which the housing and business units are proposed forms a visual backdrop and setting to the settlement of Nethy Bridge. She also notes that the woodland, particularly in the area adjacent to School Road, is a well used recreational source. Reference is also made to it being a strategic objective of the Park Plan that new development should be designed to complement and enhance the landscape character of its setting, and that new development in settlements and surrounding areas should complement and enhance the character, pattern and local identity of the built and historic environment.
73. In discussing the siting and design of the proposed built development, the **Landscape Officer** refers to the need for the development to be consistent with the Supplementary Planning Guidance on sustainable design and suggests that it should be exemplary in terms of the design, construction and quality of materials used. The Landscape Officer requires further detailed information in order to establish consistency with this and refers to the need for detailed plans to show appropriate siting to optimize solar gain, and detailed designs for entrance ways, boundary structures, edge treatments, surfacing and signage.

74. The response from the **Landscape Officer** also considers the currently proposed layout and discusses it in the context of 'internal woodland retentions and planting', 'edge/road-side trees', and footpath links. One of the key points expressed in the response is that Nethy Bridge is very much a settlement within a forest. Maintaining the woodland setting of the Nethy Bridge settlement will be dependent upon lessening the landscape and visual impact of new building, and by integrating the built development with woodland elements on-site and upon the partial screening effects provided by roadside trees. The on-going management of the roadside trees is identified as being critical to providing this screen. Given that the identified site boundaries do not include the band of trees adjacent to the road frontage, it is recommended that the applicant should provide evidence of a legally binding management agreement being in place to retain and manage the strips of woodland in perpetuity. Reference is also made to the absence of SuDs proposals and a request that this be provided in the detailed landscaping plan which is also required.
75. On the subject of the proposed business units, it is noted that similar to the housing proposals, it is shown as a clearing within the trees. The extent of that part of the application site is extremely tight with limited space between the proposed structures and the identified site boundary. Concern is expressed that this is too restrictive to facilitate the carrying out of building works without resulting in damage to the woodland edge. Amendments are recommended in order to ensure that there is a realistic margin to allow for construction access whilst also ensuring that the woodland edge outwith the site would be protected.
76. It is recommended that an 'objective-based' landscape method statement be produced for the on-going management of all retained and proposed new woodland, individual trees and other landscaped areas within the proposed site areas. The Landscape Method Statement is expected to include a tree protection plan.
77. In conclusion, the response from the **Landscape Officer** indicates that there is scope for some housing and light industrial development on the sites without significant adverse landscape effects. However, it is also stated that it would only be possible for the development to complement and enhance the landscape character and setting of Nethy Bridge if major efforts are made to secure a high quality design solution and appropriate on going management. Reference is made to the various revisions and additional information suggested in the foregoing sections of the response from the **Landscape Officer**, all of which are considered necessary in order to take account of the issues raised in the consultation response.

## REPRESENTATIONS

78. This planning application was advertised in the Strathspey and Badenoch Herald on 25<sup>th</sup> February 2009. A total of 19 letters of representation have been

received in connection with the application. Copies of all letters received are attached in Appendix 2 of this report. Representees are generally opposed to the current development proposal. The following is a brief summary of the issues raised by representees: -

- Impacts on the red squirrel population of the woodland;
- The loss of the woodland area and the impact on community sponsored walks in the vicinity;
- The woodland should be preserved to assist in the preservation of the wild land in the area and add to the amenities of the National Park;
- Impacts of the development on the amenity of the village;
- The offer of plots alone as a means of providing affordable housing is insufficient;
- The erection of 30 houses would be wholly out of character with the village;
- The proposed housing type suggest they would not be available / affordable to local people and concern is expressed about the already high number of unoccupied houses;
- Concern that the proposed housing is intended as holiday homes;
- Development should not obstruct the movement of wildlife in the current woodland area;
- A suggestion that there is little demand for business units at this location and queries as to whether or not any market research or feasibility study has been done;
- Increases in traffic arising from the proposed development;
- Concern at the lack of detail in the planning application;
- Concerns that the proposed layout does not adhere to separation distances from existing properties as specified in the outline planning permission;
- Lack of clarity on the location, number and type of individual trees that would be retained within the development;
- Inconsistency between the current proposal and the outline planning permission, where the latter is described as being an approval for “20 houses, 10 affordable houses and 10 house plots”;
- Reference to otter, brown trout and eel in the vicinity of the proposed site and concerns regarding the impact of the development on the adjacent stream;
- Unwise to promote the building of more executive dwellings which are unlikely to find a market in the current financial climate;
- The proposal is described as being “directly contrary to the values of conservation and natural heritage and against the interests of the people of Nethy Bridge and their long term dependency upon tourism”;
- Children of the area would be disadvantaged if the proposed footpath in School Road was ‘broken’ to give access to the proposed buildings and an associated suggestion that the only access should be via an entrance from Craigmore Road;
- Reference to the potential presence of capercallie in School Wood and the potential resultant loss of habitat;
- Reference to the proposed site being part of Ancient Woodland;

- Reference to it being the duty of the CNPA “to safeguard the landscape, flora and fauna and protect areas of woodland which contribute to the character and amenity of the locality”; and
- Impact of the proposed development on properties in the vicinity which are operated as part of a holiday letting business.

## APPRAISAL

79. In assessing this application it is necessary to examine the proposed development in the context of a broad range of issues, including national planning policy and guidance, Structure Plan and Local Plan policy, the Cairngorms National Park Plan and the aims of the Cairngorms National Park. As this application was submitted as an ‘Approval of Reserved Matters’ it must also be assessed for compliance with the terms of the associated outline permission. The various specialist consultation responses received are also taken into account, providing informed opinions on the development, and representations received have also been taken into account.

### **Principle of development**

80. The principle of residential and business development was accepted on this land in 2006 when the Highland Council, having considered the proposal under the Badenoch and Strathspey Local Plan (1997) granted outline planning permission for the erection of 40 dwellings and business units. This application is the associated formerly titled ‘Reserved Matters’ which provides the required detail of the development proposal. The current application was validated by the receiving Planning Authority<sup>8</sup> on 17<sup>th</sup> February 2009, immediately prior to the expiry of the period of validity of the outline planning permission on 20<sup>th</sup> February 2009. While the principle of a residential and business development has been accepted on the identified site areas, it is necessary in this application to assess the specific detail and consider its compliance with the terms of the outline planning permission, as well as with current policy and National Park aims.

### **Outline Planning Permission**

81. As alluded to in earlier sections of this report the extent of information submitted in support of this planning application has been quite limited. It has been largely confined to the site layout plans, which include some basic indicative landscaping details, and the design drawings for the proposed dwelling houses and business units.

82. The conditions attached to the outline planning permission included requirements for the provision of “landscaping proposals including existing trees to be maintained and proposed tree and shrub planting to be carried out” (condition no. 1 C); “proposals for the management and maintenance of all areas ....outwith house curtilages” (condition no. 5); “detailed proposals for the disposal of all surface water drainage from all parts of the development”

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<sup>8</sup> Highland Council.

(condition no. 6); and “a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development” (condition no. 14). **None of that required information has been submitted.** In addition to that omitted information being required to comply with the conditions of the outline planning permission, the nature of that information is crucial in assessing the impact of the current detailed proposals on the natural and cultural heritage of the area. Indeed this is a point which is emphasised for example in condition no. 5 regarding the requirement for a management and maintenance agreement for all areas outwith house curtilages. That condition indicated that the plan “shall have as its primary objective the maintenance of these areas such as woodland of semi-natural appearance and environmental character, with appropriate understorey plant communities, maximising the ecological and amenity value of these areas.”

83. In addition, the current proposal for the provision of all detached houses and plots to accommodate detached houses is also inconsistent with the outline planning permission. Condition no. 4 required that the development of the two housing areas generally accord with the illustrative principles shown on a plan and specifically refers to “groups of detached and semi-detached houses separated by areas of retained or replanted woodland outwith house curtilages.” While the proposed site layout plans show some indication of areas of planting to be provided between groups of houses, the plans fail to provide the mix of housing required in condition 4 of outline permission. The predominance of larger detached dwelling houses also gives rise to wider concerns, particularly regarding whether or not the development proposal would cater for the needs of the local market at a realistically affordable cost. The introduction of a wider variety of house types and sizes, including semi detached properties, would offer some opportunity to address this concern.

#### **Planning Policy**

84. Planning policy is detailed in paragraphs 18 to 46 of this report. It is accepted that the application site is on land which has been allocated for the purposes of housing (NB/H2) and economic development (NB/ED1) in the Cairngorms National Park Local Plan (2010). However, in considering the parameters for development as set out in the text accompanying the specific land use allocations, the current proposal displays many inconsistencies with the requirements. The current proposal for the development of 30 detached houses of somewhat generic design, and in a somewhat linear type layout in each of the two proposed residential site areas, would fail to reinforce and enhance the character of the settlement of Nethy Bridge. This is a concern which is also highlighted in the response from the CNPA’s Landscape Officer, where she makes reference to one of the strategic objectives of the National Park Plan which requires new developments to complement and enhance the landscape setting, and to complement and enhance the character, pattern and local identity of the built environment. The proposed design and layout fails to demonstrate how compliance with this strategic objective could be achieved, particularly as crucial information to determine the extent of tree felling and potential loss of the woodland character of the area has not been submitted, nor have detailed landscaping plans been provided to demonstrate the nature

of new planting and whether or not this would have the potential to restore and enhance the woodland setting in this peripheral village location.

85. The lack of evidence in the planning application to demonstrate that the proposal would offer the potential to complement and enhance the landscape character of the Park also has implications in assessing the proposal in the context of CNP Local Plan Policy 6 – Landscape. There are no exceptional circumstances, such as the development being of a social or economic benefit of national importance, to suggest that consideration should be given to allowing this development, when it fails to complement or enhance the landscape character of the area.
86. As detailed in the consultation response from the CNPA's Ecology Officer, the existing woodland site is likely to accommodate a variety of European Protected Species, with reference being made in particular to the presence of red squirrel dreys, as well as the potential presence of bats. Despite the CNPA requests for a wide range of ecological surveys to inform the assessment of the impact of the development on the natural heritage of the area, none have been forthcoming. In the absence of this vital supporting information, it cannot be determined that the development would not have an adverse impact on the natural heritage interests on the site, including on European Protected Species. Reference must therefore be made to Policy 4 of the CNP Local Plan which concerns 'Protected Species' and which clearly indicates that development will not be permitted where it would have an adverse impact on European Protected Species. There are no imperative reasons of overriding interest which would suggest planning permission should be granted where the potential impacts on European Protected Species have not been established. Policy 4 is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. In an instance such as this where the required surveys have not been forthcoming despite the passing of a significant period of time, and to consider granting planning permission in the absence of this key information would contravene Policy 4 of the Local Plan and would fail to afford the required level of protection to European Protected Species as required by legislation. Development permitted on that basis would also be contrary to the first aim of the national park.

#### **Natural Heritage Implications**

87. The natural heritage value of the site and the benefits of the woodland to the setting of Nethy Bridge have been discussed in earlier sections of this report. In addition to the landscape benefits of the woodland, it is also recognised as a suitable habitat for a number of European Protected Species and other features of ecological interest. The various ecological surveys required and the further detail requested in relation to the extent of tree felling, tree retention and new landscaping are all essential in order to assess the most appropriate means of accommodating a development of residential and business units within the identified site boundaries. The information has not been provided and in its absence it cannot be definitively established that the impacts of the current development proposal could be minimised and mitigated to an acceptable extent. Without being able to establish this, there is a high risk that the

current proposal could adversely impact the natural heritage value of the site and would fail to conserve and enhance the natural heritage of the area.

88. The failure to provide essential information regarding the natural heritage interests of the site also demonstrates a lack of compliance with the requirements of the CNP's Natural Heritage Supplementary Planning Guidance. As detailed in paragraphs 55 and 56 of this report, such information is an essential part of the assessment of the natural heritage aspects of a planning application and without it, it is impossible to progress towards assessing the application against the six principles set out in the document.

**Timescale of application**

89. In deciding to bring the application forward for determination, it is necessary to highlight the significant period of time which the application has been with the CNPA acting as Planning Authority. Having been called in by the CNPA in March 2009, a period of consultation and assessment followed, resulting in the CNPA issuing a letter to the applicants on 1 December 2009 in which a significant level of additional information and associated changes to the development proposal were requested (please refer to Appendix I). While it was considered necessary to allow a realistic and appropriate period of time to facilitate the undertaking of the various ecological surveys required (some of which could have particular seasonal requirements), it is pertinent to highlight that a year has elapsed since the request for additional information was issued.
90. CNPA planning officers recently advised the applicants' representative of the likely impending scheduling of this application for determination. The agent indicated in a written response that applicants are giving further consideration to alternative proposals and suggested that further re-design and survey work would be undertaken. The agent 'strongly urged' that the current application is not reported to Committee before there is a chance to consider possibilities of alternative proposals etc.. However, no indication has been given of the timescale in which alternative proposals would be likely to come forward, and it is set amidst comments in the same correspondence regarding the "difficult economic situation in the construction industry and the characteristics of the site itself."
91. Given the lack of information which has been received to date and the ambiguity over when additional information etc. might be prepared, it is considered necessary to make a decision on the basis of the information which has been received to date, in order to conclude this application, thereby providing certainty on the matter for all parties concerned including the applicants, landowners, and third parties. Should the applicants intend to prepare 'alternative proposals' and undertake the necessary survey work, the opportunity would remain for this to manifest itself in the form of a new planning application in the future.

### **Conclusion**

92. In conclusion, the current development proposals have raised many issues, the majority of which remain unresolved.
93. While it is accepted that the proposed site has the benefit of an outline planning permission and that areas within the proposed site have potential to be developed subject to ecological and technical parameters being categorically defined, no effort has been made in the current proposal to resolve fundamental factors, despite the significant period of time that has been afforded to the applicants to progress matters. It is therefore necessary to act in a precautionary manner and reject the current proposal, having regard in the failure to demonstrate that the current proposal would comply with the aims of the National Park.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

94. The proposed development would occur on land which is part of an extensive woodland, which forms an important visual backdrop and setting to the settlement of Nethy Bridge. It is accepted that the principle of housing and business units within this woodland area has been established through the granting of outline planning permission. However, the detail which has been proposed in this application in terms of siting, layout and design, and the lack of essential supporting information such as ecological surveys, landscaping proposals, details of tree felling etc. collectively fail to demonstrate that the current development proposals would conserve and enhance the natural and cultural heritage of the area.

### **Promote Sustainable Use of Natural Resources**

95. No details have been provided regarding the source of materials that would be used in the proposed development. On the basis of the information provided the proposal would not offer any enhanced opportunities to promote the sustainable use of natural resources.

### **Promote Understanding and Enjoyment of the Area**

96. The details submitted in connection with this planning application fail to demonstrate the extent of tree felling that would be necessitated to accommodate the various residential and business areas, and fails to demonstrate the nature of any replacement planting proposals. The development as currently proposed could therefore have the potential to introduce built elements into a previously wooded setting in an unsympathetic manner which would detract from the general public's understanding and enjoyment of the area.

97. In addition, the currently proposed layout has the potential to adversely impact on the existing network of paths in the vicinity of the site and as such would further detract from the general public's enjoyment of the area.

**Promote Sustainable Economic and Social Development of the Area**

98. The residential development proposals include an affordable housing component in the form of 10 housing plots (with transfer to the Council or an RSL being regulated through the terms of the Section 75 agreement, as well as obligations being included in the agreement to ensure that the housing would be retained as affordable in perpetuity). In addition, the applicants have indicated in correspondence that they would be amenable to marketing a further proportion of the proposed dwelling units for a specific time period to the local market. Such measures could be of assistance in promoting the sustainable economic and social development of the area. However, the housing units currently proposed offer a limited mix, all being detached and proposed on relatively large plots, which suggests that their realistic level of affordability for the local market may be limited.
99. The introduction of new business units into the settlement of Nethy Bridge could be of assistance in promoting the economic development of the area, although there is no quantifiable evidence to suggest that the industrial type units would meet any particular demand.

**RECOMMENDATION :**

**That Members of the Committee support a recommendation to REFUSE Approval of Matters Specified in Conditions for the erection of 30 houses; 10 affordable house plots; 8 small business units and associated infrastructure and landscaping on land at School Road and Craigmore Road, Nethy Bridge for Inverburn Ltd., for the following reasons :**

1. The proposed development would contravene the terms of the outline planning permission (Highland Council ref. no. 02/00045/OUTBS). The current proposals for detached housing and plots to accommodate detached houses fails to accord with the terms of condition no. 4 of the outline permission, which required groups of detached and semi-detached houses. The current planning application is also lacking in essential information required by the conditions of the outline planning permission, including a management and maintenance plan of all areas lying outwith house curtilages (condition no. 5); proposals for the disposal of all surface water drainage designed on the basis of Sustainable Urban Drainage Systems (condition no. 6); and the provision of a programme of archaeological work for the preservation and recording any archaeological features affected by the proposed development (condition no. 14).
2. Essential required detail and surveys have not been provided in support of the current development proposal. There is therefore insufficient evidence to demonstrate that the development would not have an adverse effect on any European Protected Species which are likely to inhabit the subject sites and

similarly there is insufficient evidence to demonstrate that the development would not have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List. The proposed development would therefore be contrary to Policy 4 (Protected Species) and Policy 5 (Biodiversity) of the Cairngorms National Park Local Plan (2010). It would also fail to accord with the strategic objectives of the Cairngorms National Park Plan particularly in relation to biodiversity, which requires the conservation and enhancement of the condition and diversity of habitats and species present throughout the Park.

The lack of information regarding natural heritage interests on the site also results in a lack of detail regarding measures to minimise any impact on nature conservation resources and as such is inconsistent with Highland Council Structure Plan Policy NI on Nature Conservation. The development proposal also fails to meet the requirements of the CNP's Natural Heritage Supplementary Planning Guidance, which requires the submission of natural heritage information including its significance and value. Having regard to non compliance with all of the foregoing the proposed development is not considered to accord with the first aim of the National Park with respect to conserving and enhancing the natural heritage of the area.

3. The proposed layout of the housing and business unit sites would give rise to tree loss in this woodland setting. The extent of tree felling and tree retention has not been quantified and the landscaping details shown on the site layout plan are only conceptual and fail to demonstrate whether or not they would be minimise and mitigate the impacts of tree felling on the site. In addition, the scale and proximity of the proposed business units to the identified site boundaries has the potential to negatively impact on the adjacent woodland edge and result in damage to this edge in the course of construction activities. There is insufficient evidence to demonstrate that the current development proposal would complement and enhance the landscape character of the Park and the particular setting of the development. The proposal is therefore contrary to Policy 6 (Landscape) of the Cairngorms National Park Local Plan (2010).
4. The proposed development fails to demonstrate compliance with the site specific requirements associated with the housing allocation NB/H2 and the economic development allocation NB/EDI, as detailed in the Nethy Bridge settlement proposals map in the Cairngorms National Park Local Plan (2010). No detail has been provided to demonstrate that the proposed layout would retain enough woodland to allow for the movement of species between areas of woodland to the side of the sites, and retain the woodland setting of this part of the village.
5. The proposed development fails to adequately respond to the characteristics of the site and fails to reflect its unique setting on the woodland periphery of a traditional Highland village. The proposed development, by reason of the current design proposals would also fail to adequately contribute to create a distinct identity and contribute to a sense of neighbourhood. The

development would therefore be in contravention of Policy 20 (Housing development within settlements) of the Cairngorms National Park Local Plan (2010) which requires developments to reinforce and enhance the character of the settlement. It would also fail to accord with the strategic objectives for landscape, built and historic environment as detailed in the Cairngorms National Park Plan, which requires developments to complement and enhance the landscape character of the Park and complement and enhance the character, pattern and local identity of the built and historic environment.

6. The proposed development fails to demonstrate that it would not adversely impact on existing outdoor access opportunities in the immediate vicinity. As such the development has the potential to result in the loss of public access opportunities and would therefore fail to comply with Policy 34 (Outdoor Access) of the Cairngorms National Park Local Plan (2010). Consequently the proposal would fail to accord with the third aim of the National Park as it would not promote opportunities for the understanding and enjoyment of the general public of the special qualities of the area.
  
7. Insufficient detail has been provided in this application to demonstrate that the development would comply with Highland Council Structure Plan Policy G2 (Design for Sustainability) which requires that developments demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments. The detail provided also fails to demonstrate that the development would accord with fundamental sustainable design principles as expressed in Section 2 of the Cairngorm National Park Sustainable Design Guide. It has not been demonstrated that the development would conserve or enhance the character of the National Park; use resources efficiently; minimise the environmental impact of the development; and enhance the viability of the community.

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