
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 18 houses (8 affordable) with associated drainage and road layout at Land North Of Auchroisk Cromdale Station Road Cromdale Highland

REFERENCE: 2020/0009/DET

APPLICANT: Valley Construction Services

DATE CALLED-IN: 13 January 2020

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Emma Bryce, Planning Manager

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. Cromdale is a small settlement which lies 3km east of Grantown on Spey in the A95 trunk road which runs through the centre of the village. It has a current population of approximately 250 people.
2. The site covers an area of approximately 1.2 hectares and is currently undeveloped agricultural land. Part of the site is an allocated site, HI as identified in the adopted Cairngorms National Park Local Development Plan 2021, and lies to the north west of the village. Existing residential developments lie to the north-west and south east of the site and it is bounded by Kirk Road (the C1152) to the south. The application site also incorporates a small area of land to the north which will be accessed via a 2 metre wide footpath. A proposed SUDs basin will be located in this north-west corner with the Speyside Way adjoining this part of the site boundary. The Burn of Cromdale lies beyond to the north east.

Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEYBR5SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Specifications - Topographical Survey	CTCH-J2853-001	24/01/19	13/01/20
Site Plan - Amended Access Junction Layout Plan	CTCH-J2844-050	09/02/21	09/02/21
Site Plan	2019 021 - 000 REV G	10/05/21	11/05/21
Site Plan - Transport Planning Plan And Statement	2019 021 - 004 REV D	12/08/20	18/02/21
Sections - Site sections	2019 021 - 005 rev d	09/04/19	18/02/21
Plan - Tree Protection Plan	2019 021 - 006 REV A	18/02/21	18/02/21
Proposed Floor Plans - Plans (Plots 11,12,13,14,17,18)	2019 021 - 020	06/08/19	18/02/21
Proposed Elevations - Elevations (Plots 11,12,13,14,17,18)	2019 021 - 021 REV A	06/08/19	18/02/21
Proposed Elevations - External Views Plots (11,12,13,14 ,17,18)	2019 021 - 022 REV A	06/08/19	18/02/21

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Proposed Floor Plans - Plans (Plots 15,16)	2019 021 - 025	06/08/19	18/02/21
Proposed Elevations - Elevations (Plots 15,16)	2019 021 - 026 REV A	06/08/19	18/02/21
Proposed Elevations - External Views (Plots 15,16)	2019 021 - 027 REV A	06/08/19	18/02/21
Proposed Floor Plans - Plans And Sections (Plots 7,8,9,10)	2019 021 - 030 REV A	06/08/19	18/02/21
Proposed Elevations - Elevations (Plots 7,8,9,10)	2019 021 - 031 REV A	06/08/19	18/02/21
Proposed Elevations - External Views (Plots 15,16)	2019 021 - 032 REV A	06/08/19	18/02/21
Proposed Floor Plans - Plans And Sections (Plots 3,4,5,6)	2019 021 - 040 REV A	06/08/19	18/02/21
Proposed Elevations - Elevations (Plots 3,4,5,6)	2019 021 - 041 REV A	06/08/19	18/02/21
Proposed Elevations - External Views (Plots 3,4,5,6)	2019 021 - 042 REV A	06/08/19	18/02/21
Proposed Floor Plans - Plans And Sections (Plots 1 And 2)	2019 021 - 050	06/08/19	18/02/21
Proposed Elevations - Elevations (Plots 1 And 2)	2019 021 - 051 REV A	06/08/19	18/02/21
Proposed Elevations - External Views (Plots 1 And 2)	2019 021 - 052 REV A	06/08/19	18/02/21
Plan - Road Layout Plan	CTCH-J2844-001 REV D	09/12/19	23/03/21
Plan - Drainage Layout Plan	CTCH-J2844-002 REV C	09/12/19	23/03/21
Sections - Road Longitudinal Sections Sheet 1 Of 2	CTCH-J2844-003 REV B	09/12/19	23/03/21
Sections - Road Longitudinal Sections Sheet 2 Of 2	CTCH-J2844-004 REV A	09/12/19	23/03/21
Sections - Surface Water Sewer Longitudinal Sections Sheet 1	CTCH-J2844-005 REV B	09/12/19	23/03/21
Sections - Foul Sewer Longitudinal Sections	CTCH-J2844-006 REV B	09/12/19	23/03/21
Sections - Access Junction And Existing Road Improvements sheet	CTCH-J2844-007 REV D	09/12/19	23/03/21
Sections - Vehicle Swept Path Analysis - Sheet 1	CTCH-J2844-008 REV B	09/12/19	23/03/21
Sections - Vehicle Swept Path Analysis - Sheet 2	CTCH-J2844-009 REV B	09/12/19	23/03/21

Plan - Trial Pit Location Plan	CTCH-J2844-010 REV A	09/12/19	23/03/21
Plan - Flood Route Plan	CTCH-J2844-011 REV C	09/12/19	23/03/21
Sections - Junction Visibility Splay Sections	CTCH-J2844-012 REV B	09/12/19	23/03/21
Sections - Access Junction And Existing Road Improvements sheet 2	CTCH-J2844-014	09/12/19	23/03/21

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

4. Plans of the proposal are included in **Appendix I**.
5. The application seeks permission for a residential development of 18 houses with associated infrastructure, 8 of which are affordable. The site will consist of 6 detached units, 2 four bedroom dwellings and 4 three bedroom dwellings. The remainder will be semi - detached properties of two and three bedrooms.
6. The dwellings will be two storey and will be finished in white wet-dash render with timber cladding and grey uPVC. Roof areas will be clad in grey concrete roof tiles.
7. Vehicular access will via a new junction off Kirk Road. New pedestrian access will be formed to provide a link to the existing footpath which runs along the main thoroughfare through Cromdale (the A95). A new foul sewer pipe will be laid underneath the proposed access roads to collect the foul water from each dwelling and convey it to an existing combined sewer to the east of the site boundary. Surface water will be collected by traditional road gullies and a new uPVC surface water sewer which will drain to a proposed detention basin which will be located to the north west of the site. This will be a landscaped area accessed via a 2 metre wide footpath which will link into the existing path network and the Speyside Way.
8. A number of supporting documents have been provided as follows:
 - a) Sustainable Design Statement
 - b) Topographical Survey
 - c) Construction Statement
 - d) Breeding Bird Survey
 - e) Transport Planning Plan and Statement
 - f) Drainage Impact Assessment
 - g) Flood Risk Assessment
 - h) Flood Route Plan
 - i) Tree Protection Plan

History

9. There is no relevant history for this site.

Habitats Regulations Appraisal (HRA)

10. A Habitats Regulations Appraisal has been undertaken to consider the effects of the proposals upon the conservation objectives of the Natura Sites as listed within the document attached at **Appendix 2**.
11. The following qualifying interests have Likely Significant Effects which result in conservation objectives not being met and as such the possibility of an adverse effect on site integrity; River Spey SAC: Otter, Atlantic salmon, sea lamprey, fresh water pearl mussel (disturbance and pollution during construction phase in particular the construction of the SUDs outflow and foul drain connection, sediment release from ground works, entrapment of species, disturbance from recreational activity of public). The HRA concludes that it is not possible to conclude that the conservation objectives would all be met for all of the qualifying interests, however straightforward good practice mitigation measures could be applied to ensure that all the conservation objectives could be met. The appraisal requires the inclusion of the following planning conditions on any subsequent decision notice: the submission of a Species Protection Plan and appointment of an Ecological Clerk of Works, the submission of a Construction Environmental Management Plan.
12. Regarding the relevant Anagach Woods SPA and the qualifying interest of Capercaillie, the HRA concludes that there will not be any likely significant effect to Capercaillie and as such this conservation objective of the relevant SPA is met.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 – 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	X

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

<https://cairngorms.co.uk/wp-content/uploads/2020/11/CNPA-LDP-2020-as-Modified-for-web.pdf>

Planning Guidance

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

Policy 1	New Housing Development Non-Statutory Guidance (2015)	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	X

CONSULTATIONS

Summary of the main issues raised by consultees

15. **Scottish Water** have no objection to the proposals but suggest the applicant completes a Pre-Development Enquiry form ensuring the development can be serviced.
16. **NatureScot** suggest any impacts on the Cromdale Burn could affect the Spey SAC and SSSI, and therefore standard best practice should be adhered to during any construction. They also support the HRA and its recommendations undertaken by CNPA.
17. **Transport Scotland** does not object to the granting of permission, however following further consultation on the revised site boundary, they now recommended a conditions requiring compliance with the submitted drawing detailing the footpath connection onto land under their ownership.
18. **The Highland Council Corporate Address Gazetteer Team** encourage the applicant/agent to submit a request for the naming of a new street in the event that planning permission and/or Roads Construction Consent are granted.
19. **The Highland Council Contaminated Land Officer** has no comments to make in respect of this application.

20. **The Highland Council Flood Risk Management Team** has reviewed the information provided by the Applicant related to flooding and drainage and objects to the application until further information is submitted for review. It has been agreed that this can be addressed through the imposition of a suspensive condition attached to any consent granted. They are satisfied that the relocation of the SUDs basin and any earthworks are now outwith the floodplain.
21. **The Highland Council Transport Planning Team** originally objected to the proposals, however following discussions with the applicant and the submission of revisions to the proposed new junction and road layout, they have now withdrawn their objections. They welcome the relocated junction and revised layout and support the introduction of a 20mph speed limit along with a traffic calming feature which will alleviate traffic impacts. They have recommended that further consideration be given to the layout and that if no revised layout is sought they recommend that any permission granted includes a suitably worded condition requiring traffic calming details be submitted. They welcome the new 2m wide roadside footway along the north eastern side of Kirk Road.
22. The submitted Transport Planning Plan and Statement Drawing indicates that the nearest bus stops are within 300m of the closest house, however, it is suggested that some of the houses will be beyond the recommended 400m maximum walking distance. Given this, they recommend that Highland Council Public Transport Team are asked to clarify what level of financial contribution this development should make towards enhancing the availability of on-demand public transport.
23. The newly proposed combined surface water drainage system with detention basin and outflow connection to the watercourse named Burn of Cromdale as set out in the revised Drainage Impact Assessment (DIA) is considered to be acceptable.
24. **Highland Highlife** suggests facilities covering the Cromdale area has capacity to serve the proposed number of additional residents which the development would give rise to.
25. **The Highland Council Forestry Officer** objects to the proposed development. The proposed drainage in the north-east corner is likely to adversely affect some trees and could be redesigned to minimise this impact.
26. Tree protection measures for neighbouring properties is welcome however the Root Protection Areas have no justification of how they were calculated and needs to be confirmed. The applicant will need to have a professional arboriculturist provide a Tree Protection Plan to BS:5837. The tree planting within the site is welcomed however the species should be broadened to be more appropriate for the development.
27. **CNPA Outdoor Access Officer** welcomes the inclusion of the path into the village, and that it will be built to an adoptable standard.
28. **CNPA Ecology Advisor** states habitat survey work has confirmed that there are no habitats of high conservation value within the development area and no habitats associated with GWDTE's. Habitats of local conservation value occur within the

survey area, but outwith the development footprint and are not likely to be impacted. Mammal survey work confirms that otter are present and use the Cromdale Burn. No confirmed holts were located but possible resting sites are present upstream of the development. Further mitigation is required to address impacts on otter during construction. There are issues with the landscaping plan, SUDS design and Tree Protection Plan which need to be addressed.

29. The Cromdale Burn is adjacent to the eastern side of the development and forms part of the River Spey SAC. An HRA is required to assess the impacts of the development on the Cromdale Burn during construction.
30. The tree protection plan does not include the trees in the north-east corner beside the proposed SUDS scheme and this requires to be addressed. Tree protection is provided for trees adjacent to the boundary where house plots are proposed – but this does not appear to have been based on a tree survey or an assessment of root protection area.
31. **CNPA Landscape Advisor** states the layout and high density of some of the houses would contrast to the typical landscape pattern of the area. Although the density has been lowered since the original submissions it is considered that further space could be utilised to lower the density further. Tree planting is proposed along the North West and North Eastern edges of the site. The siting of these outwith private gardens and a commitment that they will be ‘maintained by the factor’ is welcome, as too are the proposed beech hedges which should contribute positively to the local landscape character. Further information is required on how these areas of trees and grassland will be managed and maintained.
32. The latest Site and Landscape Plans show some low level shrub planting and trees but the quality of the landscape design proposals for the SuDS remains poor and does not follow good practice guidance recommended during the initial consultations for the development. This should be covered by a suspensive planning condition.
33. **Cromdale Community Council** have not made any comments in relation to this application.

REPRESENTATIONS

34. The application was advertised when it was originally submitted and there were 10 representations objecting, 7 in support and 1 commenting on the proposals. Further consultation was undertaken following an amendment to the site boundary. A further 3 letters of objection have been received from previous respondents and one further comment has been received.
35. Copies of all the public representations can be found at **Appendix 3**. The following is a summary of the objections.
 - a) Concern regarding whether there has been an appropriate level of consultation undertaken with service providers like NHS Scotland and the Emergency Services.
 - b) There are concerns regarding the suitability of Kirk Road for accessing a development of this scale.

- c) The width of Kirk Road and how it is not suitable to accommodate increased levels of traffic.
 - d) Housing design and density proposed is not in keeping with similar properties in the area.
 - e) The proposed shop within the development needs to consider what produce it sells to be a viable option for the development and village as a whole.
 - f) Proposed tree and hedge planting will interfere with visibility.
 - g) The siting of the affordable units will result in overlooking and loss of privacy to existing adjacent properties.
 - h) Concern regarding the proposed footpath along the A95 encroaching onto private land.
 - i) The position of existing telegraph poles where the proposed entrance will be.
 - j) The new footpath will only be half lit which raises security issues.
 - k) Part of the development will be sited on land outwith the settlement boundary.
 - l) Other points raised have questioned the drainage plans submitted, tree planting plans and protection, the phasing of the development given that other development in the area is unfinished and the factoring of the site.
36. Support for the application has stated that additional housing and retail is beneficial for the village as a whole.

APPRAISAL

Principle

37. **Policy I:** New Housing Development, of the Cairngorms National Park Local Development Plan 2021 supports new housing that is located on an identified allocated site or within identified settlement boundary. The site principally lies within the boundary of the allocated site, H1 as identified in the adopted local plan. The proposed dwellings will all be sited within the boundary of the allocation.
38. Policy 1.5 seeks to ensure developments provide 25% affordable housing provision. In this instance 8 of the proposed 18 units will be affordable homes and as such complies with this policy criteria and meets the requirements of **Policy I**.
39. The principle of the proposed residential development is considered to be acceptable subject to compliance with other relevant Local Development Plan policies.

Layout, Amenity and Design

40. **Policy I:** New Housing Development and **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 seek to reinforce and enhance the character of the existing settlement and encourages new development to be sympathetic to the traditional pattern and character of the area whilst encouraging innovative design and finishes. The proposed layout takes reference from the constraints of the existing landform with properties addressing the central spine road and terminating a small cul-de-sac which will accommodate the affordable units. The site lies between existing residential developments and the proposed layout and density respects that of the adjacent development. The proposed SUDs basin will be

located in a dip to the north of the site adjacent to the Cromdale Burn and Speyside Way taking into consideration the more open and pastoral part of the site. The proposals are considered to comply with **Policies 1 and 3** in this respect.

41. In terms of residential amenity **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that new development protects the amenity currently enjoyed by neighbours and affords sufficient private amenity ground and off street parking. Each property will be set within reasonably sized plots with sufficient distance between them and existing properties to ensure there will be no issues of overlooking and loss of privacy and an adequate level of amenity will be afforded to future occupants. Each dwelling has its own private garden and car parking provision. The proposal therefore complies with **Policy 3** in this respect.
42. Finally in terms of design, **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** requires that all new development delivers high standards of design and placemaking that contributes to making a sense of place and improves quality of life. It should minimise the effect of climate change and make sustainable use of resources. The proposed dwellings will be a mix of detached and semi-detached, two storey dwellings which will incorporate traditional proportions, features and finishing materials with a tenure blind approach to the affordable units, ensuring they are not distinguishable from the open market units. Accordingly the proposed development complies with **Policy 3** in terms of design.

Landscape Issues

43. **Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021** presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development. This is reinforced by **Policy 3: Design and Placemaking** which seeks to ensure that all new development is sympathetic to the traditional pattern and character of the surrounding areas, local vernacular and local distinctiveness.
44. The site is an open field with existing residential development to either side. It is in close proximity to the Speyside Way and the Cromdale Burn and is readily visible from wider views approaching Cromdale from the A95, Kirk Road and from the Speyside Way. The proposed density of 18 units on the site, given the allocation recommends 20 units, is considered acceptable. There have been several amendments to the scheme and it is recognised the applicants have endeavoured to address original concerns regarding the proposed layout and landscaping. Additional trees are now proposed along the north-west and eastern edges of the site and beech hedging is now proposed for the main plot boundaries. A play park and amenity space are also included in the proposals to the east of the site.
45. The CNPA Landscape Officer has welcomed a number of changes, however, remains concerned that the proposed development does not fit with the existing local landscape character. They are concerned in particular about the proposed SUDs in that its design does not follow good practice guidance and therefore does not enhance the landscape character of this area. They recommend a suspensive condition requiring the redesign of this element to ensure it fully responds to the local landscape

character, ties in with the topography of the site – including the steep knoll to the east of the disused railway – and incorporates carefully selected plant species.

46. Subject to suitably worded conditions to ensure the proper establishment and long term management of the proposed landscaping scheme and for a fully redesigned SUDs scheme the development is considered to comply with **Policy 3: Design and Placemaking** and **Policy 5: Landscape** of the Cairngorms National Park Local Development 2021.

Environmental Issues

47. **Policy 4: Natural Heritage** of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
48. The site lies adjacent to the Cromdale Burn which forms part of the River Spey SAC and therefore a Habitats Regulations Appraisal has been undertaken by CNPA to assess any impacts on the qualifying interests. NatureScot has been consulted and are in agreement with the conclusion reached and the recommendations made. These require suspensive conditions to be attached to any consent granted to ensure appropriate mitigation is undertaken and there will be no adverse effect on the site's integrity. These include the submission of a Species Protection Plan and the appointment of a suitably qualified Ecological Clerk of Works to oversee its implementation and the submission and approval of a Construction Environmental Management Plan
49. Following initial concerns regarding the level of survey work that had been undertaken, a number of surveys have been carried out by the applicant in relation to protected species and these are welcomed. The CNPA Ecology Advisor also has raised concern regarding the proposed design of the SuDS detention basin not following good practice guidelines. They do not support it in its current form, recommending it is redesigned to take account of and complement the existing landform, introducing a more semi-natural feature with water and appropriate vegetation. They are also concerned about tree protection measures and recommend a more detailed tree survey.
50. Subject to the imposition of these recommended conditions, the proposed development will comply with the terms of **Policy 4** of the Cairngorms Local Development Plan 2021.

Flooding and Surface Water Drainage

51. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 requires that all development should be free from medium to high risk flooding, not increase the risk of flooding elsewhere, not add to the area of land requiring flood prevention measures and not affect the ability of the functional flood plain to store or move flood waters. Developments should incorporate SUDs as proportionate to the scale and nature of the development. The policy also requires that all development should avoid unacceptable detrimental impacts on the water environment.

52. The Highland Council Flood Risk Management Team object to the proposals on the grounds that there is insufficient evidence and information regarding the sizing of the basin and the post development surface water discharge rates. It has been agreed that this can be addressed through the imposition of a condition requiring a submission and approval of a final drainage design with calculations confirming that all storms up to and including the 200 year plus climate change event will be accommodated within the proposed basin.
53. Subject to this condition the proposed development is considered to comply with **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2021.

Access and Servicing

54. **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 seeks to promote sustainable transport methods and active travel and maximise opportunities for responsible outdoor access.
55. The development provides a road layout with extended footways and is within acceptable walking and cycling distance from local amenities and public transport links. A proposed path now links the development with an existing footway which runs along the main thoroughfare through the village (the A95). The new footway will adjoin an existing footway on land which is under the ownership of Transport Scotland, who have raised no objections to this. A new roadside footway along the north eastern side of the site connects to the access with the Old Station. The Transport Planning Team initially raised objections to the layout, however, a revised layout, provides a satisfactory layout allowing for vehicle manoeuvrability and the free movement of pedestrians. They welcome the introduction of a traffic calming feature which comprises a raised table, however recommend a condition requiring further traffic calming measures to ensure the speed limits are restricted within the development.
56. **Policy 3:** Design and Placemaking also states that all new development must include an appropriate means of access, egress and space for off street parking. There was concern regarding the proposed new access from the CI 152 Kirk Road and the impact of this on the safety of users of the new junction. The vehicular access has been repositioned with extended visibility splays and the proposed introduction of a 20mph speed limit within the vicinity of the access, with the current 30mph speed limit being moved further north beyond the old bridge over the former railway. The Council are supportive of this and recommend details of this be submitted for approval to ensure the appropriate Traffic Regulation Order and Traffic Calming measures can be implemented prior to the occupation of the development. Proposed parking provision for each plot is considered sufficient and accords with the Council's guidelines.
57. Subject to the recommended conditions it is considered that the proposals comply with **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Infrastructure and Developer Contributions

58. **Policy 11:** Developer Obligations of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or

improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements.

59. No further improvements to existing education, services and facilities have been identified therefore there is no requirement for the applicants to make any contributions in this instance.

Other Issues Raised in Consultations and Representations

60. All relevant issues raised by consultees and third parties have been addressed above. Any other matters raised are not material in the determination of this application.

CONCLUSION

61. The application is for new housing on an allocated site within an identified settlement. The site is considered capable of being developed and serviced without any significant landscape or environmental impacts subject to the recommended conditions. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of appropriate conditions. Subject to these recommended conditions the proposed development is considered to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the erection of 18 houses (8 affordable) with associated drainage and road layout at land north of Auchroisk Cromdale Station Road Cromdale Highland subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. **No development shall commence on site until a fully detailed landscaping scheme both hard and soft landscaping proposals and the future maintenance and management of the proposed scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This shall include, but not be limited to hard landscaping material specification, soft landscaping plant and tree species and planting specifications, details of footways and play park equipment.**

Thereafter the development shall be implemented in accordance with those approved details and not later than the expiry of the next planting season following commencement of the development or within such time as approved by Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure the long term retention of an appropriate landscaping setting, enhance biodiversity and ensure the development will not have an adverse impact on the landscape setting or ecological quality of the development in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence on site until a revised SuDs design has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. This plan should provide information including the following:**
- a) **Design of the SuDs to respond to the local landscape character and appear 'natural' within the landscape setting;**
 - b) **The shape and form of the detention basin to tie-in with the distinct local topography, including the steep knoll to the south east by the disused railway;**
 - c) **Proposed planting and seeding, including careful selection of plant species that are suited to the specific site, design and purpose of the SuDs, shown on a planting plan and with a plant specification that includes plant details, sizes, numbers and locations (to meet BS11091);**
 - d) **Links between the SuDS and surrounding paths to enhance local access and the visual amenity of people travelling along the adjacent Speyside Way and Burn of Cromdale track.**

Thereafter no development shall commence on site until the approved scheme is implemented and maintained in accordance with the approved details.

Reason: In the interests of amenity and to ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the local area in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

3. **No development shall commence on site until a revised Tree Protection Plan (to meet BS5837) has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. No development shall commence on site until the tree protection measures have been implemented on site in accordance with the approved plan.**

Thereafter all trees shall be retained and maintained in accordance with the approved Tree Protection Plan and landscape maintenance programme throughout the lifetime of the development hereby approved unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure a proper assessment of the potential tree loss and to protect those trees which contribute to the landscape character and biodiversity of the area during and after construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site until an Otter Species Protection Plan is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the approved plan will be implemented in full and overseen by suitably qualified Ecological Clerk of Works on site during construction of the SuDS pond and mains sewer connection. This should include: a vermin grill to be fitted to the outflow of the SuDS pond to prevent access by otter, a pre-construction survey in accordance with NatureScot guidance: <https://www.nature.scot/species-planning-advice-otter> and appropriate mitigation measures to avoid disturbance such as, but not limited to, working hours avoiding one hour before sunset until one hour after sunrise.**

Reason: In order to ensure there is no adverse impact upon European Protected Species or upon Natura sites, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence on site until a Construction Environmental Management Plan which details pollution prevention during construction to prevent pollution reaching the Cromdale Burn (particularly from construction of the SuDS basin, (including outflow) and connection to the main sewer) and references the most up to date SEPA Guidance for Pollution Prevention Works and maintenance in or near water is submitted to and approved in writing by the Cairngorms National Park Authority as Planning Authority in consultation with SEPA. Thereafter the development shall commence strictly in accordance with the approved plan.**

Reason: To ensure that construction methods will not have an adverse impact on the landscape setting or ecological quality of the development site or the River Spey SAC in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence on site until a Traffic Management Scheme has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Transport Planning Team. The scheme shall include but is not limited to the following:**
- a) **Details of the 20mph speed limit Traffic Regulation Order and Traffic Calming measures on Kirk Road to ensure these are delivered through this development;**
 - b) **Details of timings to reflect the need to minimise residential disturbance during construction;**
 - c) **Details of additional traffic calming measures within the development site.**

Thereafter no development shall commence on site until the approved scheme is implemented and maintained in accordance with the approved details.

Reason: To ensure there are no adverse impacts on the road network in relation to road safety and that construction traffic associated with the development causes minimum disruption to residents in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. **No development shall commence on site until a dust mitigation scheme designed to protect neighbouring properties from dust arising from this development is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health team.**

Thereafter the development shall progress in accordance with the approved dust suppression scheme and all approved mitigation measures shall be in place prior to the commencement of operations or as otherwise may be agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure the development during its construction does not adversely impact on the amenity of occupiers of neighbouring land in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

8. **No development shall commence on site until full details of the final drainage scheme and finalised Drainage Impact Assessment has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. This shall meet the requirements of the Supplementary Guidance: Flood Risk And Drainage Impact Assessment and must incorporate but not be limited to the following:**
- a) **Simulations to demonstrate that the SuDS basin can accommodate the 200 year plus climate change storm and that discharge will be limited to the equivalent green field rate.**
 - b) **Simulations for a lower return period (e.g. 2 year return period) to confirm that this will also be limited to the equivalent pre-development greenfield rate.**

Reason: To ensure that satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Design and Placemaking, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

9. **Prior to the occupation of the development the footpath link adjacent to the A95 trunk road shall be constructed generally in accordance with the drawing reference 2019 021- 000 revision G dated 10 May 2021 and must be approved in detail and completed to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority.**

Reason: To ensure facilities are provided for pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safe and free flow of traffic on the trunk road in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

10. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the residential units as shown on the approved plans will remain in perpetuity as 8 affordable housing units.

Reason: To ensure affordable housing provision is delivered in accordance with Local Development Plan Policy and that the tenure of these units remains the same as assessed in this application in accordance with Policy 1: New Housing Development and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The applicant will be required to apply for and obtain Road Construction Consent from the Highland Council, as the Roads Authority under Section 21 of the Roads (Scotland) Act 1984 prior to any work commencing on or adjacent to the public road network. **Please note that no work should commence until official permission from the Roads Authority has been obtained.**
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours

Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.

6. The persons undertaking the development will be required to submit a Pre-Development Enquiry to Scottish Water for them to assess what mitigation measures are necessary to support the development.
7. The applicant is advised that the granting of planning permission does not carry with it the right to undertake works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided in Transport Scotland's response to the Planning Authority which is available on the CNPA's Planning Portal. Trunk road modifications shall, in all respects comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by the HMSO. The developer shall issue a certificate to that effect signed by the design organisation. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation. The road works which are required due to the above conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

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