
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 23 houses and garages with associated roads, infrastructure and landscaping at Land To North, East And West Of Dunbarry Terrace And Kerrow Drive Kingussie

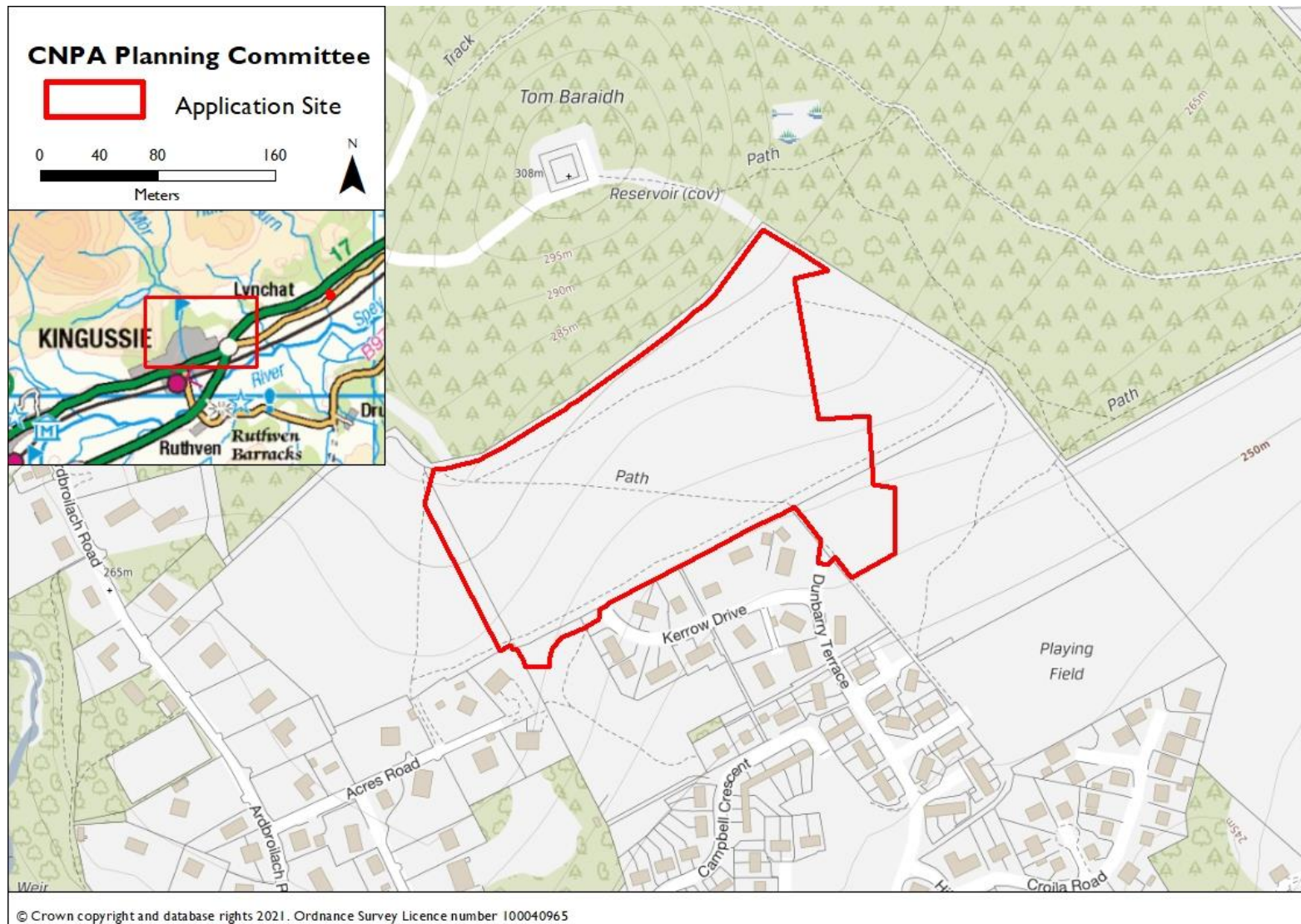
REFERENCE: 2020/0193/DET

APPLICANT: Davall Developments Ltd

DATE CALLED-IN: 17 August 2020

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Emma Bryce, Planning Manager



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is currently improved grazing land located on the north-west side of Kingussie. The site which covers an area of approximately 4.39 hectares is part of site H1 between Ardbroilach Rd and Craig an Darach as designated in the Cairngorms National Park Local Development Plan 2021. An approved masterplan for a wider site was granted permission for a phased development of up to 300 houses however, this has now expired (2015/0316/DET and 2015/0317/DET).
2. The site slopes from its most northern corner of the site towards the existing houses on Kerrow Drive and Dunbarry Terrace. The site is readily visible from the south from the opposite side of the Strath.

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 - Drainage Construction Details	191443-20	23/06/20	17/08/20
Proposed Floor Plans - House Type A (3bb 135) General Plan	4562-01-100	01/09/19	17/08/20
Proposed Elevations - House Type A (3bb 135) Elevations	4562-01-101	01/09/19	17/08/20
Proposed Floor Plans - House Type B (4bc 158) General Plan	4562-01-102	01/09/19	17/08/20
Proposed Elevations - House Type B (4bc 158) Elevations	4562-01-103	01/09/19	17/08/20
Proposed Floor Plans - House Type C (4bc 166) General Plan	4562-01-104	01/09/19	17/08/20
Proposed Elevations - House Type C (4bc 166) Elevations	4562-01-105	01/09/19	17/08/20
Proposed Floor Plans - House Type D (4bc 166) General Plan	4562-01-106	01/09/19	17/08/20
Proposed Elevations - House Type D (4bc 166) Elevations	4562-01-107	01/09/19	17/08/20
Proposed Floor Plans - House Type E (4bb 168) General Plan	4562-01-108	01/09/19	17/08/20

Proposed Elevations - House Type E (4bb 168) Elevations	4562-01-109	01/09/19	17/08/20
Proposed Floor Plans - House Type F (4bv 234) General Plan	4562-01-110	01/09/19	17/08/20
Proposed Elevations - House Type F (4bv 234) Elevations	4562-01-111	01/09/19	17/08/20
Location Plan - Location Plan	4562-02-001 Rev A	01/12/19	17/08/20
Site Plan - Topographical Survey - Site As Existing	4562-02-010	01/06/20	17/08/20
Site Plan - Site Constraints	4562-02-011	01/06/20	17/08/20
Landscaping - Tree Protection Plan - Sheet 1 Of 2	1180-Tpp	04/06/20	18/08/20
Landscaping - Tree Protection Plan - Sheet 2 Of 2	1180-Tpp	04/06/20	18/08/20
Sections - Roads Long Sections - Sheet 1 Of 2	191443-914 Rev 1	05/06/20	18/08/20
Proposed Elevations - Garage Plan - Type 1	4562-01-112	01/09/19	18/08/20
Proposed Elevations - Garage Plan - Type 2	4562-01-113	01/09/19	18/08/20
Site Plan - Roads Layout (Sheet 1 Of 2)	191443-910 Rev 3	05/06/20	10/11/20
Site Plan - Roads Layout (Sheet 2 Of 2)	191443-911 Rev 3	05/06/20	10/11/20
Site Plan - Roads Contours (Sheet 1 Of 2)	191443-912 Rev 3	05/06/20	10/11/20
Site Plan - Roads Contours (Sheet 2 Of 2)	191443-913 Rev 3	05/06/20	10/11/20
Site Plan - Roads Adoption Layout (Sheet 1 Of 2)	191443-915 Rev 3	05/06/20	10/11/20
Site Plan - Roads Adoption Layout (Sheet 2 Of 2)	191443-916 Rev 3	05/06/20	10/11/20
Site Plan - Roads Vehicle Swept Paths	191443-917 Rev 2	05/06/20	10/11/20
Site Plan - Roads Construction Details	191443-918 Rev 2	05/06/20	10/11/20
Site Plan - Roads Kerbing Layout	191443-919 Rev 3	05/06/20	10/11/20
Site Plan - Drainage Layout (Sheet 1 Of 2)	191443-920 Rev 5	05/06/20	12/02/21

Site Plan - Drainage Layout (Sheet 2 Of 2)	191443-921 Rev 5	05/06/20	12/02/21
Site Plan - Drainage Longitudinal Sections - Surface Water	191443-923 Rev 2	05/06/20	12/02/21
Site Plan - Drainage Longitudinal Sections - Foul Water	191443-924 Rev 2	05/06/20	12/02/21
Site Plan - Private Suds Construction Details	191443-926 Rev 3	23/06/20	12/02/21
Site Plan - Drainage Servitude Layout	191443-927 Rev 3	24/06/20	12/02/21
Sections - Swale Details Drawing (Sheet 1 Of 2)	191443-928 Rev 1	11/02/21	12/02/21
Sections - Swale Details Drawing (Sheet 2 Of 2)	191443-929	11/02/21	12/02/21
Site Plan - Site Levels Layout (Sheet 1 Of 2)	191443-930 Rev 6	05/06/20	12/02/21
Site Plan - Site Levels Layout (Sheet 2 Of 2)	191443-931 Rev 6	05/06/20	12/02/21
Sections - Plot 4 And Plot 5 Site Sections	191443-936	12/02/21	12/02/21
Site Plan - Plot 4 And Plot 5 Site Sections Location Plan	191443-937	12/02/21	12/02/21
Sections - Swale Longitudinal Sections	191443-940	11/02/21	12/02/21
Sections - Site Sections	4562-01-005 Rev C	01/01/21	12/02/21
Site Plan - Site Layout Plan	4562-02-003 Rev M	01/01/21	12/02/21
Site Plan - Site Layout Plan With Topographical Survey	4562-02-004 Rev G	01/01/21	12/02/21
Site Plan - Design Principles	4562-02-007 Rev G	01/01/21	12/02/21
Landscaping - Landscape Proposals (Plots 1-14)	Dd Dt 100.20 SI-01 Rev F	30/06/20	12/02/21
Landscaping - Landscape Proposals (Plots 15-23)	Dd Dt 100.20 SI-02 Rev F	30/06/20	12/02/21
Landscaping - Landscape Proposals Planting Plan (Plots 1-14)	Dd Dt 100.20 SI-03 Rev E	02/07/20	12/02/21

Landscaping - Landscape Proposals Planting Plan (Plots 15-23)	Dd Dt 100.20 SI-04 Rev E	02/07/20	12/02/21
Other - Dunbarry Terrace Phase I Habitat Survey		01/06/20	17/08/20
Other - Protected Terrestrial Mammal Survey Report		01/06/20	17/08/20
Other - Planning Supporting Statement		07/07/20	18/08/20
Other - Transport Statement	A/191443 Rev 03	01/11/20	10/11/20
Other - Tree Survey	1180	04/06/20	18/08/20
Other - Reptile Protection Methodology		08/10/20	12/10/20
Other - Scotia Seeds Highland Grassland Mix			02/11/20
Other - Home Owners Soft Landscape Maintenance Advice Notes	Dddt 100.20	02/11/20	02/11/20
Specifications - Drainage Impact Assessment	Unredacted A/191443 Rev 03	01/11/20	01/12/20
Specifications - Drainage Schedules	191443-922 Rev 2	24/06/20	12/02/21
Other - Proposed Soft Landscape Maintenance And Management Regime	Ddt 100.20 Rev G	23/02/21	23/02/21

*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 proposals are included within **Appendix I**.
5. The application seeks full permission for a residential development of 23 detached houses. There will be 2 three-bedroomed properties and the remaining 21 will be four-bedroomed properties.
6. There will be a mix of bungalows and two story dwellings which will be finished in white render with timber cladding and uPVC windows. Roof areas will be clad in grey concrete roof tiles.
7. Vehicular access is to be taken from north end of Dunbarry Terrace and Kerrow Drive via Dunbarry Road running off the main street in Kingussie, the A86. A 'U' shaped spine road will join Dunbarry Terrace and Kerrow Drive. Connections to the road network on Dunbarry Terrace and Kerrow Drive will be extensions to these roads rather than new junctions as these were constructed in anticipation of further

development extending north. The internal road layout forms a loop with an internal T – junction at the top of the extended Kerrow Drive where it joins the extended Dunbarry Terrace. There will be three short cul-de-sacs off this central road. Each residential plot is served by its own double garage and parking space. Internal footpaths will connect the development to the existing pedestrian infrastructure and numerous country style paths through the site that link to countryside walks to the north.

8. Foul water will drain by gravity to existing foul sewers within Dunbarry Terrace and Kerrow Drive. Surface water will be addressed by low side verge swales. Roof water and private driveways will drain via within curtilage private attenuation trenches discharging to a proposed Scottish Water adoptable surface water sewer within the road layout.
9. A number of supporting documents have been provided as follows:
 - a) Planning Supporting Statement including Design and Access Statement
 - b) Drainage Impact Assessment
 - c) Drainage Schedules
 - d) Transportation Statement
 - e) Proposed Soft Landscape Maintenance and Management Regime
 - f) Reptile Protection Methodology
 - g) Protected Terrestrial Mammal Survey Report
 - h) Ecology Habitat Survey
 - i) Tree Survey Report

History

10. The following details of the planning history for the proposed site are as follows:
 - a) 2015/0317/DET – application under Section 42 for variation or non-compliance with conditions 4 (haul road), 7 (landscaping) and 8 (re-seeding of plots) for Phase I Housing Development of 37 serviced plots and 18 affordable dwellings granted under Planning Permission Ref. PPA-001-2013 – permission granted 29 March 2017.
 - b) 2015/0316/DET – application for planning permission for a haul road – planning permission granted 29 March 2017.
 - c) 2013/0190/MSC – Part I – approval of a number of matters specified in conditions including a masterplan of the entire site and details of layout and servicing of Phase I (55 residential units – 37 serviced plots and 18 affordable houses), construction of a haul road to east of Phase I with new junction onto A86 trunk road and proposal for residential access (post construction) for Phase I to Dunbarry

Road/Dunbarry Terrace – planning permission refused by CNPA. Subsequent appeal upheld by DPEA 2014 approving majority of conditions of 09/048/CP.

- d) 2013/0190/MS – Part 2 – Section 42 application for planning permission without compliance with Condition 4 of 09/048/CP to permit access from Dunbarry Terrace/Road and Kerrow Drive network – planning permission refused by CNPA. Subsequent appeal upheld by DPEA who issued a revised planning permission in principle reference PPA-001-2013 which included a new condition allowing 55 houses in Phase 1 to be accessed from the Dunbarry Terrace/Dunbarry Road/Kerrow Drive network but with access to the remaining phases to be taken via a single main access point onto the A86.
 - e) 09/048/CP – development for housing, economic and community uses – planning permission in principle granted on 18 January 2013 following conclusion of legal agreement.
11. 2020/0013/DET – Erection of 22 apartments, formation of access road, SUDS and landscaping on nearby land, 65m south of Kerrow Drive was granted planning permission 28 August 2020.
 12. 2020/0067/DET – Erection of 23 affordable houses on nearby land, 115m NE of Craig An Darach was granted planning permission on 25 September 2020.

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 CONTRIBUTIONS	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>

CONSULTATIONS

Summary of the main issues raised by consultees

14. **Scottish Water** have no objection to the proposals but suggest the applicant completes a Pre-Development Enquiry form ensuring the development can be serviced.
15. **SEPA** have raised no objections to this application.
16. **The Highland Council Access Officer** defers any response to The Cairngorms National Park's Access Officers.
17. **The Highland Council Corporate Address Gazetteer Officer** encourages the agent to submit a request for the naming of the new street.
18. **The Highland Council Environmental Health Officer** has no objection to the application subject to a dust mitigation plan being submitted prior to the commencement of development.
19. **The Highland Council Flood Risk Management Team** has reviewed the additional information provided by the Applicant related to flooding and drainage and support the application subject to a condition that detailed design of the drainage network is submitted for review and approval prior to works commencing on site. This shall include confirmation that Scottish Water will accept the surface water discharge from the site into their existing network and that they are prepared to vest the new system.
20. **The Highland Council Transport Planning Team** in principal support the development along with the proposed roads surface water drainage system and any technical drainage design issues can be resolved at the Road Construction Consent stage.
21. Given the scale and location of the proposed development, the impact on the Council road network is likely to be negligible, however, they will require the submission of a Construction Traffic Management Plan (CTMP) for the approval of the planning authority.
22. **CNPA Access Officer** is satisfied with the proposals to include an extended network of paths and greenspace throughout the development. It is noted that the CNP Core Path LBS 143 will be displaced by the development although they are satisfied with the proposed path networks effectively replacing this core path.
23. They recommend a condition requiring the details of the finishes of the paths throughout the development.
24. **CNPA Ecology Officer** recognises the landscaping proposals are considered to provide some ecological benefits through provision of tree and hedge planting and long-meadow areas, although require clarification of viability of in-curtilage planting as well as enhancement of the design of the swales throughout the development.

25. A Tree Protection Plan and Species Protection Plan for reptiles is also required through conditions.
26. **CNPA Landscape Officer** expresses concern regarding plots 20 – 22 which they consider would appear “incongruous and would ‘stick out’ in contrast to their surroundings. They note the proposed house designs are not remarkable in their quality and response to the Park’s Special Landscape Qualities but they are unlikely to appear highly incongruous within their setting. This proposed restoration of the northern dyke is welcomed, although it would be accompanied by loss of the western dyke.
27. **Kingussie & Vicinity Community Council** echo the comments of the objectors regarding the construction traffic using Dunbarry Road and Terrace and submitted their own traffic survey to demonstrate their concerns. Otherwise they are supportive of the principle of this residential development. A full copy of their response can be found at **Appendix 3**.

REPRESENTATIONS

28. Full copies of all public representations received can be found at **Appendix 2**. The main objections to the development focus on the use of Dunbarry Road and Terrace as the main route for construction traffic. The design of the houses has been called into question as well, that being the houses are all standard houses not in keeping with that of a rural village.
29. Other points raised by the objectors questions whether the houses will remain in local ownership and if there are enough places in the schools for the extra homes.

APPRAISAL

Principle

30. **Policy 1:** 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 forms part of larger allocated site, H1 as identified in the local plan. This was previously granted consent for residential development, however this has now expired. Policy 1.5 seeks to ensure developments provide 25% affordable housing provision. In this instance given this site is part of a planned wider residential development which already has consent for a site with 100% affordable housing provision – planning application reference 2020/0067/DET for 23 affordable dwellings - it is not considered that further affordable housing provision should be sought.
31. 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

32. **Policy 1:** 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 extended looped central spine road and the three short cul de-sacs running off this. The site is on the edge of the settlement and the proposed layout and density respects the more open character of this part the town. On this basis the proposals comply with Policies 1 and 3.

33. 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 with double garage and car parking provision. The proposal therefore complies with Policy 3 in this respect.
34. 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 bungalows and two storey dwellings which will incorporate traditional proportions, features and finishing materials. Accordingly the proposed development complies with Policy 3 in terms of design.

Landscape Issues

35. **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.
36. This site forms part of a larger site which has been subject to a full landscape assessment previously. Objectives for the site have been identified as follows:
 - a) To develop a character which links with, and in time will continue the well treed character of the settlement of Kingussie;
 - b) To provide a strong landscape structure that gives an attractive internal character to the development with a balance between enclosure, shelter, views out and solar gain;
 - c) To introduce planted 'corridors' which create visual and biodiversity connectivity across the site and opportunities for connectivity for people; and
 - d) To have a landscape management plan and maintenance regimes in place which will secure the delivery of the above.
37. Previous decisions taken on the wider site have supported the need to ensure a suitable landscape setting is established and maintained for new development here.

The current application is for a smaller site, however, the landscaping proposals endeavour to address these objectives. Clarification and additional information was sought by the Landscape Advisor and some issues raised have now been addressed. There remains concerns regarding the location of plots 20 – 22 and how these will be incongruous in terms of the rest of the development. The land to the east adjacent to these plots lies within the allocation and given this is likely to come forward as a future development site, these plots will in turn be integrated within the overall development of the wider site. The Applicants have agreed to enhanced peripheral planting within these plots to address any short term concern ahead of any wider development to the east. Concern was also raised regarding the orientation of some of the other plots, however, it is considered that on balance the layout is acceptable and it is concluded that the proposed housing will fit acceptably to the topography of the site.

38. A landscape maintenance and management regime forms part of the submission which will ensure the proposed landscaping scheme is maintained and the landscape setting and character of the proposed development safeguarded in the long term. Home owners will also be issued with a Landscape Maintenance and Management Advice Note giving details of the establishment and aftercare of the landscaping and their expected responsibilities in maintaining it.
39. Subject to standard conditions to ensure the proper establishment and longevity of the landscaping scheme the proposed development is considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Environmental Issues

40. **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.
41. Concerns were initially expressed by consultees regarding the treatment of the proposed swales which are to treat surface run-off. These form a significant proportion on non-curtilage ground within the site and as such have the potential to provide substantial amenity and biodiversity value. Following discussions with the Applicant has agreed to the use of a more appropriate grass mix is to maximise amenity and biodiversity gain. A Tree Protection Plan has been submitted however this requires to be more extensive given the presence of red squirrel in the area. It is also recognised that there is habitat within the site boundary that has the potential to support common reptile species. There has been no assessment undertaken for reptiles within the site and as such a suspensive condition is recommended for a Species Protection Plan to be submitted prior to works commencing to ensure appropriate mitigation measures are in place to address any impact. Swift and bat bricks are also recommended within the design of the dwellings to further increase biodiversity.
42. Subject to the recommended conditions the application will comply with Policy 4: Natural Heritage of the Cairngorms National Park Development Plan 2021.

Flooding and Surface Water Drainage

43. **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.
44. Following initial concerns, the Highland Council Flood Risk management team are now satisfied with the proposed drainage design however they recommend a condition for the detailed design of the drainage network to be submitted and approved prior to commencement of works on site. This is to include confirmation from Scottish Water accepting the surface water discharge from the site into their existing network and they are prepared to vest the new system.
45. Subject to the appropriate condition the proposed development is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Access and Servicing

46. **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan New development seeks to ensure the creation of safe and accessible places with opportunities for walking and cycling for both active travel and recreation. It requires that all new development should maintain and maximise all opportunities for responsible outdoor access.
47. The development provides a road layout with extended footways and raised table type traffic calming features. The site is within acceptable walking and cycling distance from local amenities and public transport. The development introduces a number of informal footpaths to link to and extend the existing network which in turn will promote outdoor access opportunities. It is noted that sizeable areas of open/amenity space will be retained within the development site. The displacement of the Core Path (LBS 143) is accepted given the introduction of the proposed rural footpath to the west of the site which will replace access opportunities and provide connectivity between the different phases of development. The Outdoor Access Officer recommends a condition for the specification details of the path.
48. **Policy 3:** Design and Placemaking also states that all new development must protect the amenity enjoyed by neighbours including the minimisation of disturbance caused by access to the site. There have been concerns raised by local residents regarding the use of Dunbarry Road and Terrace for construction vehicles and the anticipated increase in vehicles using this route. Kingussie Community Council submitted a traffic survey they undertook to demonstrate the number of vehicles using the route. The Applicant's agent responded to this by clarifying that the information provided within the submitted Transport Statement was the estimation of the increase in trips generated by the proposed development of the 23 dwellings and that this was relatively low and would not significantly impact on the use of this route.

49. The Council's Transport Planning Team has not raised any objections to the proposals. They state that given the scale of the development the impact on the existing Council road network will be negligible. They do, however, state that a fully detailed Construction Traffic Management Plan is required to ensure appropriate measures are in place to minimise disruption caused during the construction phase.
50. 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

51. **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.
52. There is capacity at both the catchment Primary and Secondary schools to accommodate this development and as such no mitigation is necessary. No further improvements to existing 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

53. All matters raised by consultees and third parties have been addressed above. Concern has been raised about the properties being kept in local ownership. Occupancy restrictions imposed on planning consents are not supported by the Scottish Government, but a new legislative provision comes into force from 1 April 2021 that will allow local authorities to designate areas where planning permission would be required to change the use of a residential property to a short term letting property. The CNPA is investigating with Highland Council and other local authorities how this power could be used in practice in future.

CONCLUSION

54. 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. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of suitable 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

<p>That Members of the Committee support a recommendation to approve the erection of 23 houses and garages with associated roads, infrastructure and landscaping at Land To North, East And West Of Dunbarry Terrace And Kerrow Drive Kingussie subject to the following conditions:</p>

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

Conditions

- I. **No development shall commence on site until a Construction Traffic Management Plan is 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. This plan shall include details of the following;**
 - a) **Identification of all Council maintained roads likely to be affected by the various stages of the development.**
 - b) **Predicted volume, type and duration of construction traffic.**
 - c) **Location of site compound, staff parking and visitor parking.**
 - d) **Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of relevant roads.**
 - e) **Details of any appropriate upgrading works at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.**
 - f) **Details of any traffic management required for the duration of the construction period.**
 - g) **Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.**
 - h) **The developer may also be requested to enter into a Section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.**
 - i) **If the development involves any abnormal loads a detailed protocol, route and delivery programme will be required and agreed with any interested parties such as Highland Council, the Police, Transport Scotland and community representatives. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media.**

Thereafter the construction of the development shall be implemented in accordance with those approved details, unless otherwise approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority.

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

2. **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. 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 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.

3. **No development shall commence until full details of the final drainage design are submitted to and approved in writing to the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council's Transport Planning and Flood Management teams. These shall also include confirmation from Scottish Water that they are willing to adopt the network and. Thereafter the approved drainage scheme shall be implemented and maintained in accordance with the approved details in full prior to the occupation of any dwellings within the development.**

Reason: To ensure the satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site until a revised Tree Protection Plan has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. This plan shall include details of all woodland on the northern boundary to protect red squirrel habitat, in addition to the mature sessile oaks. 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 that trees on or around the site which contribute to the landscape character and the biodiversity of the area are appropriately protected during and after the construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence on site until a Reptile Species Protection Plan is submitted to and approved by the CNPA acting as Planning**

Authority. Thereafter any reptile translocation and mitigation shall be carried out in accordance with the details approved in this Plan. A monitoring report on the translocation process shall be submitted to the CNPA;

Reason: To ensure the development does not have a detrimental impact on protected species and that appropriate operational mitigation proposals are in place in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence on site until specification details for the proposed rural footpaths is submitted to and approved by the CNPA acting as Planning Authority. Thereafter any footpaths shall be maintained in accordance with the details approved.**

Reason: To ensure the proposed rural footpaths comply with policy guidance and are finished to suitable standard and can be accessed by cyclists and pedestrians in order to promote sustainable transport methods in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. No residential unit shall be constructed on site until details of the provision of bat and bird boxes throughout the site have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. Thereafter the development shall be implemented in accordance with those approved details before occupation of the residential unit(s) on which the relevant bat/bird boxes are to be located. The boxes shall then be maintained and retained in situ;

Reason: To ensure the provision of enhanced opportunities for swift and bat roosting in accordance Policy 4: Natural Heritage 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 on 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.

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.