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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Phase I - 40 unit housing development at Land 160M South Of Baldow  
Cottage Alvie Estate Kincaig

**REFERENCE:** 2020/0111/DET

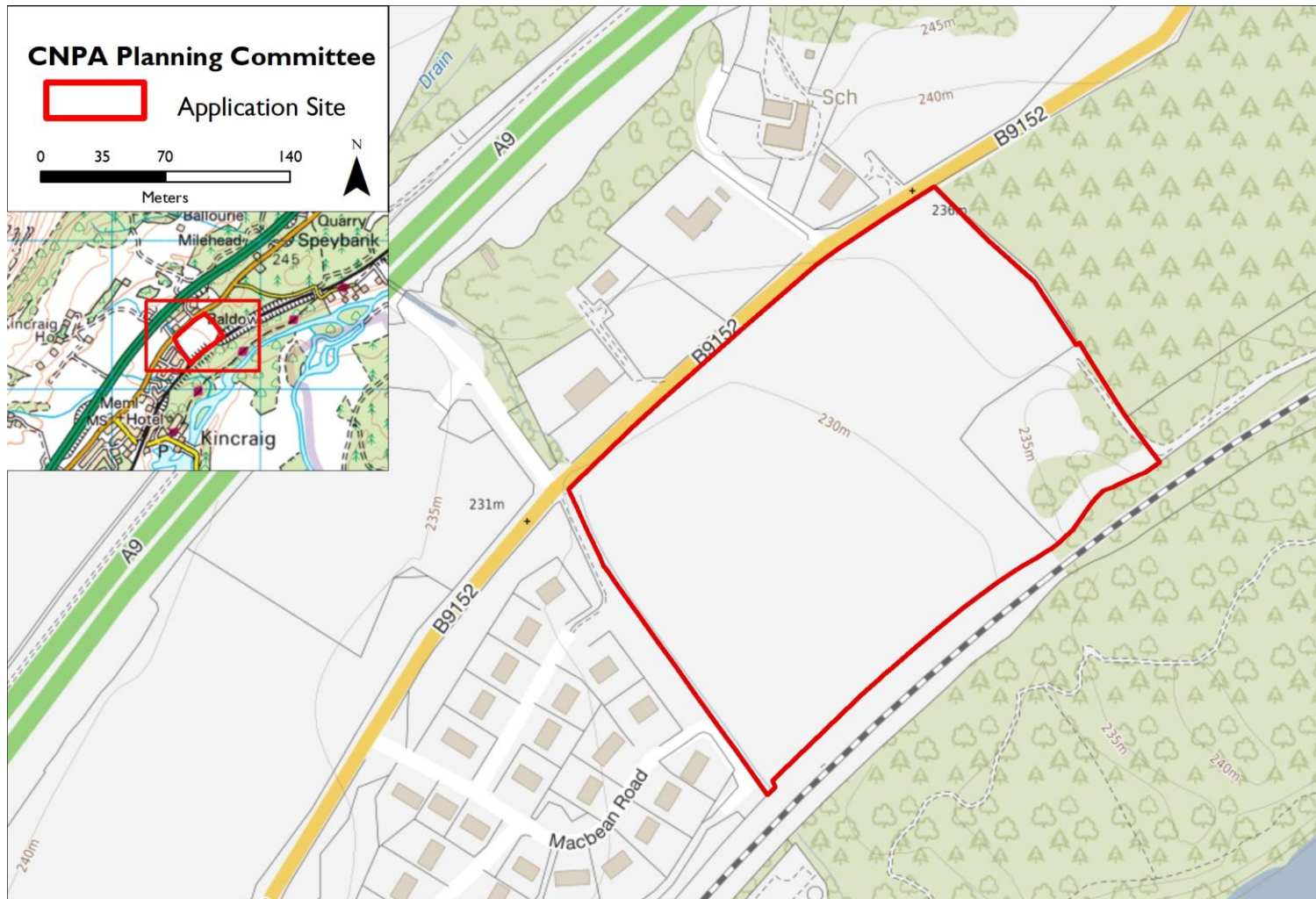
**APPLICANT:** Cairngorm Residential LLP

**DATE CALLED-IN:** 27 April 2020

**RECOMMENDATION:** Approve subject to conditions and developer  
contribution

**CASE OFFICER:** Stephanie Wade, Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The site comprises 5.75 hectares of improved grassland, located within the settlement boundary of Kincaig. The site is of undulating topography, located on the southern side of the B9152, within the northern edge of the village. The site is bound to the south-east by the railway line and embankment and bound to the north-east by plantation woodland. To the south-west, the site is bound by residential cul-de-sac of Macbean road. On the opposite side of the B9152, are a mixture of commercial and residential units, including a car repair workshop and Alvie Primary School. The site is currently served by an agricultural access off of the B9152. Within the south-eastern corner of the site is a wooded knoll.
2. The site is not covered by any specific environmental designations, although it is in the catchment of Leault burn – a small tributary of the River Spey- which is part of the River Spey Special Area of Conservation (SAC) (qualifying interests are otter, Atlantic salmon, sea lamprey and freshwater pearl mussels). Also of relevance in the wider area are the Abernethy Forest Special Protection Area (SPA), Anagach Woods SPA, Cairngorms SPA, Craigmore Wood SPA and Kinveachy Forest SPA where relevant qualifying interests relate to Capercaillie.

### 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=Q98JKUSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Location Plan	PL90_101	17 September 2019	27 April 2020
Site Location Plan	001 Rev. C	15 April 2020	27 April 2020
Site Plan	PL90-101 Rev. E	06 July 2020	20 July 2020
Landscape Proposals Phase I- Overall Plan	CR 101.20 SL-01 Rev. B	10 July 2020	20 July 2020
General Arrangement Sections	1930-PL00- 200	15 April 2020	27 April 2020
Road Design Layout	010 Rev. H	17 July 2020	20 July 2020
Road Chainages and Contours Layout	011 Rev. F	17 July 2020	20 July 2020
Road Design Profiles	012 Rev. C	17 July 2020	20 July 2020
Swept Path- Refuse Truck	013 Rev. F	17 July 2020	20 July 2020

Adoptable Surfaces Layout	014 Rev. F	17 July 2020	20 July 2020
Visibility Splays Layout	015 Rev. H	17 July 2020	20 July 2020
Road Details	016 Rev. C	16 July 2020	20 July 2020
Drainage Layout	017 Rev. F	17 July 2020	20 July 2020
Drainage Details (1 of 2)	018 Rev. C	15 April 2020	20 July 2020
Drainage Details (2 of 2)	019 Rev. D	17 July 2020	20 July 2020
Swept Path- Scottish Water Tanker	020 Rev. F	17 July 2020	20 July 2020
Existing Site Levels and Overland Flow Routes	021 Rev. B	15 April 2020	20 July 2020
Proposed B9152 Buildout and Crossing Point	022 Rev. A	17 July 2020	20 July 2020
2B4P Affordable Semi Proposed Flood Plans	BT1_00_100	25 September 2019	27 April 2020
2B4P Flats Proposed Floor Plans	BT3_00_100	21 September 2017	27 April 2020
2B4P Semi Proposed Floor Plans	BT4_00_100	21 September 2017	27 April 2020
General Arrangement 3B5P Affordable Semi	BT2_00_100	11 September 2019	27 April 2020
3B5P Semi Proposed Floor Plans	BT5_00_100	21 September 2017	27 April 2020
4B8P Detached- North Facing Proposed Floor Plans	BT6_00_100	21 September 2017	27 April 2020
4B8P Detached- South Facing Proposed Floor Plans	BT6_00_100	21 September 2017	27 April 2020
5B10P Detached- South Facing Proposed Floor Plans	BT7_00_100	21 September 2017	27 April 2020
5B10P Detached- North Facing Proposed Floor Plans	BT7_00_100	21 September 2017	27 April 2020
<b>SUPPORTING DOCUMENTS</b>			
Design and Access Statement	I930		21 July 2020
Drainage Impact Assessment	C3539 Rev. D	20 July 2020	21 July 2020
Transport Assessment	20017 Issue 05	22 July 2020	27 July 2020
Protected Terrestrial Mammal Survey Report		01 May 2020	01 June 2020
Pre-app Consultation Report			27 April 2020
Flood Risk Assessment	8193 V2	17 August 2018	30 June 2020

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

4. The application seeks planning permission for the erection of 40 dwelling houses with associated access, drainage, service and landscaping works. The development includes a range of housing types including: flats, semi-detached houses and detached houses. A total of 10 of the 40 units are proposed to be affordable dwellings. The open market housing accommodation schedule is as follows:

<b>Number of units</b>	<b>Number of storeys</b>	<b>Accommodation Type</b>	<b>Number of bedrooms</b>
9	2	Detached	5
9	2	Detached	4
6	2	Semi-detached	3
2	2	Semi-detached	2
4	2	Flatted block	2

5. The affordable housing accommodation schedule is as follows:

<b>Number of units</b>	<b>Number of storeys</b>	<b>Accommodation Type</b>	<b>Number of bedrooms</b>
4	2	Semi-detached	2
6	2	Semi-detached	3

6. All dwellings have been designed with dual pitched roofs and variations in ridge heights, orientations and eaves heights to help create visual interest within the site, and to break up the mass of the structures. Proposed finishes are white roughcast walls with sections of timber effect cladding, and a mix of grey roof tiles and grey standing seam metal for the roof coverings. The open market units are proposed to be heated by air source heat pumps and would have alu-clad windows. The affordable units are proposed to be heated by quantum electric heating with dMEV ventilation and UPVC fenestration. The Design and Access Statement which accompanies the application confirms that “the simple palette of materials are durable and low maintenance choices for the buildings’ uses. Decorative cementitious cladding boards give the texture, warmth and human scale of timber without the ongoing maintenance cost.”
7. Access to the site is proposed via a new junction off the B9152 to replace the existing agricultural access from the road, which will include visibility splays of 4.5m x 90m. The internal road layout proposes a looped spine road with a cul-de-sac which includes footways on the side of the road and traffic calming measures, to include: raised humps and corners, and a mix of surface materials. The existing footway along the B9152, which adjoins the north-western site boundary is proposed to be widened and lit to enhance pedestrian access to the school with an enhanced road crossing to be installed. Regarding the internal site layout, it is understood from the application details, that the development has been designed to prioritise active travel with priority given to pedestrians and cyclists through the use of shared spaces, raised platforms and the integration of paths throughout the site to allow active travel connections to the village and wider area. All dwellings are served with driveway parking for vehicles and 12 additional visitor parking spaces are included around the site.
8. The development is proposed to be serviced by the installation of a new foul drainage system within the site connecting to the Scottish Water foul sewer network serving

the neighbouring development. Surface water runoff from the housing and driveways, and the adoptable roads, are proposed to be directed through surface water sewers into the proposed detention basin. A filter drain is also proposed to be installed to aid the drainage of the main site access prior to the water entering into the surface water sewer and ultimately the detention basin. Regarding maintenance of these systems it is proposed that the surface water sewers, the foul sewers, road gullies, and detention basin are all adopted and maintained by either Scottish Water or Highland Council. Individual plot drainage is proposed to be maintained by the home owner and the filter drain would be maintained by a private factor. Refuse collection will be undertaken by the vehicle using the internal road loop to serve most of the properties with a communal collection area to serve the affordable dwellings and the flatted block on the main loop road.

9. Each dwelling is proposed with its own private garden area and the proposed flatted block provides enclosed amenity space for the occupiers of the 4 flats. A playpark is proposed adjacent to the affordable housing within the north western corner of the site. A bridge and footpath link are proposed to the south-western site boundary to link the site to the housing at Macbean Road to increase site permeability. A southern path is also proposed within the site to link to the existing wooded knoll in the south-eastern corner of the site. The western and southern areas of the site at present are proposed as open space of grassed areas. In communal areas within the housing, native species shrub planting and tree planting are proposed. The front gardens within the housing areas are proposed with beech hedging and standard tree planting to break up the scale of the housing. Mixed species hedges are proposed where house plots adjoin open space areas and the proposed detention basin will be sown with a wet meadow mix to develop a species rich long grass areas. Native species of Alder, Willow and Aspen trees are proposed to be planted around the SUDs basin area. Along the B9152 frontage, the existing mixed species hedge is proposed to be retained and clusters of trees will be planted between house plots along the site boundary to continue the wooded character to the site edge whilst allowing distant views through the site to the wider landscape to the south. The areas surrounding the trees will be seeded with a grass/wildflower mix. The proposal includes a mix of boundary treatments comprising hedging and timber fencing.
10. The application is supported by the following information:
  - a) Design and Access Statement
  - b) Drainage Impact Assessment
  - c) Transport Statement
  - d) Pre-application consultation report
  - e) Protected Terrestrial Mammal Survey Report
  - f) Flood Risk Assessment
11. During the progression of the application and in response to the comments from the original consultation, revisions were made to the orientation of the dwellings along the north-western frontage together with adjustments to the proposed road and footway network including the visibility splays.
12. Plans of the proposal are included within **Appendix I**.

## History

13. A proposal of application notice application was submitted under Highland Council ref: 20/00175/PAN in January 2020 for the proposed development which is now the subject of this application. This provided details of when notice was served on the Community Council regarding the proposal, and included details of the public consultation event and newspaper advertisement. There are no other planning applications which relate to the site.

## Habitats Regulations Appraisal (HRA)

14. A Habitats Regulations Appraisal has been undertaken to consider the effects of the proposal upon the conservation objectives of the Natura Sites as listed within the document- attached at **Appendix 2**.
15. Regarding the relevant SPA's and their qualifying interest of capercaillie, the HRA concludes that there is not considered to be significant disturbance to capercaillie over and above the existing levels and as such this conservation objective of the relevant SPAs is met. 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;
- a) Insh Marshes SAC: Otter (disturbance during construction);
  - b) River Spey SAC: Otter, Atlantic salmon, sea lamprey, fresh water pearl mussel (pollution from waste water siltation and run-off during construction, surface water run-off during operation and water abstraction).
16. The HRA requests that it is demonstrated that there is both sufficient capacity at the local waste water treatment works and the ability to remove pollutants to the required level to ensure that recommended water quality standard for freshwater pearl mussel are maintained.
17. The appraisal requires the inclusion of the following planning conditions on any subsequent decision notice: pre-construction survey for otter, the submission of a construction method statement, the implementation of a sustainable urban drainage scheme.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>

POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

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

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

19. The site is designated in the Kinraig settlement statement of the Cairngorms Local Development Plan 2015 for housing development under the designation H1 - Opposite School where it is stated as follows:

- a) *'This 5.7Ha site will consolidate the housing in Kinraig around the school. It would be suitable for around 40 dwellings, 25 of which are considered effective for this Plan period. Development of the site will have to incorporate the wetland area towards the south of the site into a Sustainable Urban Drainage Scheme (SUDS). A small watercourse runs along the site boundary which is culverted under a nearby road. The topography is very low and flat so it may be susceptible to flooding. A FRA may be required to support development proposals.'*

### **Planning Guidance**

20. 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	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

21. Also of relevant is the Cairngorms National Park Local Development Plan 2015 Development Brief for Kinraig H1 site, which is non statutory planning guidance providing a detailed development brief for the H1 site. Details within this document include suggestions on: site constraints and opportunities and development requirements.



## Cairngorms National Park Local Development Plan 2020

22. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is yet to conclude, the Proposed Plan and its contents currently carry limited weight. Within the Proposed Plan, Kincaig HI site remains allocated for housing.

## CONSULTATIONS

### Summary of the main issues raised by Consultees

23. **Scottish Natural Heritage (SNH)** supports the HRA produced by CNPA and has no further comments to make.
24. **Highland Council Transport Planning Team** initially objected to the application as originally submitted with the following comments:
- a) **Access:** The Team seeks sufficient information to be provided to demonstrate that the new junction is sited no less than 100m from another public side road junction and 25m from a private access. The road speed has been confirmed at 30mph in the vicinity of the development however the submitted Transport Statement suggested that the existing B9152 is covered by a 40mph speed limit. The proposed visibility splays of 4.5 metre by 120 metres have not been achieved as existing fencing and vegetation are obstructing visibility to the west. The Transport Planning Team therefore object to this development on this basis.
  - b) **Internal Layout:** The internal layout is a looped spine road with a cul-de-sac that may be extended if the wider site is developed in the future. The Team consider that the proposed layout doesn’t deliver a safe environment for all users because pedestrians, cyclists and motor vehicles are all having to share the 5.5 metre wide space. The Team therefore seek that the proposed 2 metre wide verges are replaced with 2 metre wide footways, or an alternative road layout is promoted. The Team also seeks the replacement of the proposed square type junctions within the development with an alternative junction design as pedestrians using square type junctions have a wider trafficked space to cross. Alternative traffic calming measures are recommended to be submitted, which could be secured through a condition. A condition is also recommended for the provision of a 3 metre wide lit shared use link from Macbean Road to the proposed play park. Based on the unacceptable traffic calming proposals, the Team do not support the internal road layout and object on this basis.
  - c) **Parking:** The 40 dwellings each have driveways that appear to have provision for 2 vehicles although the Team seek information to demonstrate that the driveway layouts are comparable in size and layout to accommodate 2 vehicles. The visitor parking provision is 12 spaces and further information is sought to demonstrate that 12 spaces can be accommodated within the layout.

- d) **Safer Routes to School:** The Transport Planning Team are seeking the development to deliver: a widened footway to 3 metres to the B9152 with lighting from the connection with the active travel route from Macbean Road through to the access into the school; and the provision of an enhanced crossing/link facility at the school access road where it joins the B9152. Both of these are recommended to be secured through planning conditions.
  - e) **Waste Collection:** The waste collection proposals should accord with the Council's 'Managing Waste in New Developments' Supplementary Guidelines document.
  - f) **Flooding and Drainage:** The Team request a condition requiring a 6m buffer, measured from the top of the bank to the watercourse, should be kept free from all development. They recommend that the SUDs design pollution hazard level should be medium because to support future increased traffic movements the currently proposed basin will not be adequate to provide sufficient water treatment. Design calculations and a flood routing plan to support the proposed surface water drainage pipe network have not been submitted for consideration and are still required. A condition is recommended for the approval of the final detailed drainage design.
  - g) **Public Transport:** To enhance the connections from the site to the bus services using the B9152, the Transport Planning Team require new bus stops with suitably designed shelters, flag and bus box at an appropriate point along the frontage of this site. The Team recommend that the bus stops are secured through condition.
  - h) **Construction Traffic Management Plan:** To understand the impact on the public road network during this development's construction phase, the Team require a Construction Traffic Management Plan to be submitted for consideration. This can be secured through a condition.
  - i) **Traffic Regulation Order:** A 20mph speed limit/ home zone traffic regulation order and associated signage will be required to be delivered and funded by the promoter of this scheme.
25. Following the submission of revised information, the Team had the following comments:
- a) **Access:** The Team note the development including its visibility reflect the 30mph speed limit of the road. However, they maintain an objection to the proposed access as it has not been demonstrated that the access is no less than 100m from another public side road junction and 25m from a private access.
  - b) **Internal layout:** The Team remove their objection to the internal layout and welcome the revised street layout comprising 5.5 metre wide roads with 2 metre wide footways. The alternative traffic calming proposals submitted which include raised humps and corners appear acceptable, although these would be subject to agreement within a Roads Construction Consent. The Team request the inclusion of a condition to ensure that a 3 metre wide lit shared use link is provided from Macbean Road directly to the proposed play park.
  - c) **Parking:** The Team note that parking accords with their guidelines.
  - d) **Safer Routes to School:** The Team wish to thank the developer for incorporating the amended active travel proposals within the development which includes: widening of the B9152 footway to 3 metre and that it is lit; and the provision of an enhanced road crossing opposite the school. The Team request both of these are included as conditions.

- e) **Waste collection:** The proposal should accord with the “Managing Waste in New Developments” guidance.
  - f) **Flooding and Drainage:** The Team request that the 6m buffer from the watercourse is included as a planning conditions. The proposed combined roads/curtilage surface water drainage system is acceptable in principal but request a condition is attached that the final detailed drainage design is submitted for review and approval.
  - g) **Public transport:** The Team seek new bus stops with suitably designed shelter, flag and bus box along the frontage of the site. The Team request this is either secured through a condition or by way of a financial contribution towards active travel.
  - h) **Construction Traffic Management Plan:** The Team request a Construction Traffic Management Plan is secured by condition to understand the impact on the public road network during the construction phase.
  - i) **Traffic Regulation Order:** A 20mph speed limit traffic regulation order and associated signage will be required to be delivered by the promoter of the scheme.
26. **Highland Council Flood Risk Management Team** originally objected to the proposal requesting the submission of further information. Following the submission of the revised drainage impact assessment and the flood risk assessment, the Team confirm the removal of their original objection and have the following comments:
- a) **Flooding:** The FRA appears to make satisfactory conclusions and the Team request the inclusion of a planning condition to ensure that in order to maintain a low risk of flooding and before any construction, the applicant should submit satisfactory culvert inspection and culvert clearance procedures.
  - b) **Drainage:** The DIA demonstrates a M30 greenfield runoff rate of 18.39l/s inclusive of 40l/s climate change which is welcomed. The FRM Team recommends a planning condition requiring the submission and agreement of a finalised drainage impact assessment prior to construction to include full network simulations.
  - c) **Riparian Buffer:** The Team also request the inclusion of a condition for the 6m riparian buffer zone adjacent to the Baldow Smiddy Burn.
27. **Highland Council Contaminated Land Officer** has no objections to the proposal noting that there are no known potential contaminated land issues at this site.
28. **Highland Council Environmental Health** has no objections to the proposed development subject to the inclusion of post determination conditions relating to the submission of a construction noise mitigation scheme, a dust mitigation scheme and a noise impact assessment. The Officer requests these conditions as the proposed development is in close proximity to existing residential properties and there is potential for disturbance during the construction phase due to noise or dust unless appropriate mitigation measures are in place.
29. **Highland Council Forestry** was consulted but has not provided any comments.

30. **CNPA Ecology Officer** has reviewed the original submission details and notes that further information is required in terms of a mammal survey and modifications are required to the landscaping and SUDs proposals so that the development can fully integrate features of the site and provide sufficient biodiversity gain as stated in the site's development brief.
31. Following the submission of additional information, the Officer supports the recommendations made in the Protected Mammal survey report and welcomes the amendments to the landscape plan. The Officer is disappointed that the SUDS scheme remains separate from the existing spring and waterlogged area. The Officer also noted that no changes are proposed to incorporate the "next phase" open areas into the landscaping to provide a larger biodiversity gain.
32. The Officer requests that post determination conditions are included to request a landscape management plan and the inclusion of bat and bird boxes to be installed within the site.
33. **CNPA Landscape Officer** notes that the proposed development site has landscape capacity for new houses, reflected by its allocation within the Local Development Plan. The Officer considers that whilst the current application shows some effort to develop a good proposal which responds to site location, including the revised orientation of the proposed houses along the B9152, and avoidance of disturbance to the knoll in the south-eastern corner, it falls short of being a scheme which positively contributes to the landscape character and special landscape qualities of the park. The Officer recommends a number of post determination planning conditions to agree the final landscape details, maintenance, tree protection details and construction method details.
34. **CNPA Outdoor Access Officer** originally requested the submission of additional information including private footway specifications and maintenance details.
35. **Scottish Water** has no objection to the proposal however wishes to make the applicant aware that this does not confirm that the proposed development can currently be serviced. Scottish Water has carried out a capacity review and confirm that the development would be fed from Aviemore Water Treatment Works and the applicant would be required to complete a Pre-Development Enquiry Form with Scottish Water. Regarding waste water, Scottish Water confirm that there is currently sufficient capacity for a foul only connection in the Kincaig Waste Water Treatment works to service the development. Regarding surface water, Scottish Water confirm that they will not accept any surface water connections into their combined sewer system.
36. **Network Rail** has no objections to the proposal subject to the inclusion of a planning condition requiring a trespass proof fence of at least 1.8 metres in height adjacent to the Network Rail's boundary together with its future maintenance in the interests of public safety.
37. **Kincaig Community Council** objects to the application noting that the village does not have the infrastructure to cope with the proposal. They raise concern

regarding the high proportion of holiday homes within the area and consider that this development would exacerbate that and would only provide 20% affordable housing. A full copy of their comments can be found at **Appendix 4**.

## REPRESENTATIONS

38. The application was advertised when first submitted. A total of three letters of objection have been received in response to the public consultation, which includes a letter from the Badenoch and Strathspey Conservation Group and two members of public. Copies of all responses can be viewed at **Appendix 3**. A summary of the comments is provided below:
- a) Concern regarding the proposal's impacts on ecology and natural heritage;
  - b) Concern regarding the scale of the development including building finishes and height;
  - c) Concern regarding the future additional development of the land for further housing, when the whole site has only been allocated for 40 dwellings.
  - d) Proportion of affordable housing is inadequate;
  - e) Concern regarding climate change implications and sustainability of location in respect of travel;
  - f) Concern regarding loss of a productive field which contributes to the landscape;
  - g) Inadequate treatment of knoll to protect this important natural heritage and landscape feature;
  - h) Loss of habitat for waders and grassland fungi, flowers and invertebrates;
  - i) Loss of north-easterly outlook from existing dwellings within the village;
  - j) Concern regarding the capacity of the sewage system and SUDs for the development and any future phases;
  - k) Insufficient information regarding the landscape management and maintenance.
39. BCSG request to **address the committee**.

## APPRAISAL

40. The main planning considerations are considered to be: the principle of development, the impact upon landscape, layout and design, the environmental impacts, access and servicing and developer contributions.

### Principle of Development

41. **Policy I:** New Housing Development of the Cairngorms National Park Local Development Plan 2015 provides support for new housing development within settlements where they are on an identified site. In this case, the application site lies within the defined settlement boundary of Kinraig, on a site designated for housing in the Local Development Plan. Accordingly, under the terms of Policy I there is clear policy support for housing subject of course to the detail of the development complying with all relevant Local Development Plan policies.
42. **Policy I:** New Housing Development also requires that provision generally be made for 25% affordable housing provision on site. In this case, the development proposes

the erection of 40 dwellings, of which 10 are proposed to be for affordable housing. This accords with policy criteria and the requirements of **Policy I: New Housing Development** of the Cairngorms National Park Local Development Plan 2015.

### Landscape Impacts, Layout and Design

43. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. This is reinforced by **Policy 3: New Development**, 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. It is therefore clear that policy requires all new development to enhance and complement both the National Park and the character of the settlement itself, using landscape to complement the setting.
44. The proposed development site is an open agricultural field with a knoll topped by birch trees, which creates a local landscape feature within the north-eastern edge of the settlement. The site is visible from the adjacent B9152, railway line and houses to the south-west and north. The landscape character assessment states that new development should respect the layout, scale, and vernacular building style of the village and not be spaced too closely together so as to retain the sense of space and views out. Trees should be planted within and around new building plots to continue the wooded character of Kincaig.
45. The housing density of the site is proposed at that suggested within the Local Development Plan 2015, albeit the actual developed site is proposed to be smaller than the area of the overall allocation. Although it is acknowledged by the CNPA Landscape Officer that this concentration of housing to the northern area of the site would provide a contrast to the characteristic landscape pattern and density of buildings on the opposite side of the B9152, on balance, it is considered that the site in fact has capacity to accommodate a larger number of dwellings and therefore it is appropriate to contain the 40 dwellings into a smaller area of the site to continue with the established built density on other residential sites within the vicinity, such as that at Macbean road and Suidhe Crescent. The proposed density also allows for a significant amount of the site to be retained as open space, which is recommended to be subject to planning conditions to seek refinements to the landscape plan and maintenance of this area to ensure biodiversity enhancement is promoted.
46. The scheme has been subject to a number of amendments throughout the progression of the application, including the changing of the orientation of the proposed dwellings along the B9152 so that they are linear to the road to reinforce the established character of the area. The CNPA Landscape Officer welcomes this change noting that the proposed housing layout will seem less incongruous in relation to the B9152 and the eastern edge of Kincaig. Although the Officer considers that the proposal as presented falls a long way short of being a scheme which contributes positively to the landscape character and does not rigidly conform to the advice of the development brief, on balance it is considered that the proposed layout meets the minimum requirements of site integration and the inclusion of post determination conditions to seek refinements to further enhance the landscape character through an amended

landscape plan is considered to be acceptable in accordance with **Policy 3:** Sustainable Design and **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015.

47. In terms of residential amenity, **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development protects the amenity currently enjoyed by neighbours. There is a good distance between the proposed dwellings and neighbouring residential properties and no comments have been received from any occupants of neighbouring properties raising concern regarding their amenity. The development is therefore not considered to affect the amenity currently enjoyed by neighbouring occupants to any adverse level. In order to ensure the existing commercial uses of neighbouring sites and the proposed residential use of the application site maintain compatible, post determination conditions are recommended, as highlighted by the Highland Council Environmental Health Officer to minimise any noise impacts on the occupants of the dwellings, and to ensure that during construction, appropriate noise and mitigation measures are in place to protect the amenity of the neighbouring residential properties. In addition, a noise impact assessment condition is recommended to ensure that the development includes appropriate mitigation measures for the occupiers of the proposed properties to avoid a conflict of land uses with the adjacent existing vehicle repair and service garage. Whilst there will inevitably be a degree of disturbance and noise during construction this can be minimised by good construction practises and provision of a construction traffic management plan designed to set out measures to try to reduce disturbance as far as feasible.
48. **Policy 3:** Sustainable Design also requires new development to provide appropriate levels of private amenity ground. In terms of the new houses themselves, they have been designed to ensure that there are no issues of overlooking windows with sufficient garden space and boundary treatments to provide privacy for all residents with ready access to the existing, popular network of walks and amenities of the adjacent woodland.
49. The house designs are considered appropriate and in keeping with the area and that of recent developments within the Park, delivering a variety of house types of indistinguishable design between the open market and affordable housing. The proposed finishes are also considered to be appropriate here, subject to final details being agreed by way of post determination condition. Finally, in terms of the detail of the layout, the proposal includes a mix of boundary treatments including hedging and timber fencing to provide variety and visual interest. A condition is recommended to obtain the finer details of the proposed fencing treatments.
50. On this basis, the proposal is considered to accord with **Policy 3:** Sustainable Design and **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015.

## Environmental Impacts

51. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity whilst **Policy 10:** Resources sets out the need to fully consider impacts on flooding and water resources.
52. The application site is of environmental interest in terms of habitat qualities of the grazing field and the woodland beyond the site, together with the wooded knoll within the site, as well as any impacts from the development upon the qualities of the Insh Marshes Special Area of Conservation (SAC) and the River Spey SAC.
53. A habitats regulations appraisal has been undertaken by the CNPA and SNH confirm their agreement with the conclusions reached within that document. Post determination conditions are required to be attached to any subsequent decision to ensure that the mitigation measures as outlined within the HRA are implemented to ensure site integrity is not adversely affected.
54. In relation to the European Protected Species, further information has been received from the applicant through the submission of a protected mammal survey. The CNPA Ecology Officer agrees with the conclusions of this report and it is confirmed that subject to the undertaking of pre-construction surveys, the proposal will not adversely impact any European protected species.
55. In terms of impact upon woodland, it is noted that the wooded knoll is to be retained it is therefore recommended that appropriate conditions are attached to any subsequent decision to secure protection of the trees during construction works.
56. Regarding other environmental matters, the Highland Council Flood Risk Management Team confirms they have no concerns regarding flooding at this location, however request a condition is attached to secure a 6m buffer strip from the top of the bank of the watercourse on the western site boundary.
57. In these overall circumstances and subject to appropriate planning conditions, the application is considered to comply with **Policy 4:** Natural Heritage and **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015.

## Servicing and Access

58. **Policy 3:** Sustainable Design and **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
59. In this case, surface water from the adoptable road and from dwelling roofs are proposed to be collected within the proposed surface water sewer network which feeds into a detention basin on site. Regarding foul drainage, the development is proposed to be connected to and served by the existing mains foul drainage network within the area and connected to the mains water system within the area. Scottish Water has no objection to the proposals, however they note that the availability of



capacity has to be reviewed following any positive determination of this application. Scottish Water confirm that there is currently sufficient capacity for a foul only connection in the Kinraig Waste Water Treatment works to service the development.

60. The Highland Council Transport Planning Team considers that the proposed combined roads/ curtilage surface water drainage system is acceptable in principal, however note that they do not support road gullies discharging water into privately maintained filter trenches. Based on the filter trenches only conveying roads water, the Council confirm they will adopt them. The Team request a condition to secure the final detailed drainage design to be submitted for review and approval to ensure that the drainage piped network meets the requirements to cope with flooding. The Highland Council Flood Risk Management Team also raise no objection to the proposed drainage system and associated detention basin but also request the inclusion of a condition to secure the final drainage impact assessment demonstrating full network simulations for the pipe network, basin and the system outfall.
61. Waste management provision is proposed to be provided in the curtilages for each property with the access road designed to enable collection of bins within the site. The details submitted in support of the application demonstrate that the internal road layout can accommodate a council refuse vehicle.
62. **Policy 3:** Sustainable Design also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel. The site is considered to be in a sustainable location in terms of being within walking distance of the facilities and amenities of the village, including within walking distance of the local primary school. The applicant has indicated their agreement towards the provision of a developer contribution for the installation of bus stops along the B9152 and the applicant has amended plans to widen the existing footway along the north-western edge of the site and along the B9152 to enhance it to 3 metres in width with lighting as requested by the Highland Council Transport Planning Team. The applicant has also indicated their willingness to contribute to the installation of a new footbridge link to the adjacent Macbean Road to provide further network links. Delivery of these improvements can be secured by a combination of planning conditions and a section 75 legal agreement.
63. In accordance with the CNPA Outdoor Access's recommendations, a planning condition to seek the agreement of private footway specification and maintenance details shall be included on any subsequent decision notice.
64. **Policy 3:** Sustainable Design also requires that new development should include an appropriate means of access, egress and space for off-street parking. In this regard, adequate parking provision is being made within the site and the Highland Council Transport Planning Team are content with the proposed internal road layout and traffic calming measures. The Team also welcome the applicant's commitment to upgrading the existing footway along the B9152 and enhancing the crossing to the primary school. The implementation of these are recommended to be secured by planning condition.

65. Vehicle access to the site is proposed as a single priority junction with the B9152 to replace the existing field access on the site frontage. The Highland Council Transport Planning Team sought sufficient information to be provided to demonstrate that the new junction is sited no less than 100m from another public side road junction and 25m from a private access. The applicant has confirmed within their Transport Statement that the access to Ross' Garage is located directly opposite the new site access and therefore the proposed access does not meet the Council's guidance. The applicant explains that the proposed junction has been located in this position due to road safety consideration, which was informed by an independent speed traffic survey and topographical surveys of the area. This survey concluded that even though the speed limit had been reduced to 30mph, vehicles approaching the village from the east were driving at a higher speed, on average. Due to the topography of the B9152 and the site frontage, the applicant confirms that the required visibility splays could not be achieved on any other part of the site frontage due to the crest which impacts visibility. However, the access, as proposed, does accord with the Council's visibility splay requirements and is considered by the applicants and their traffic consultants to be the safest location, as moving the proposed junction to achieve an offset to Ross' Garage access creates a significant safety issue with concerns for visibility looking east. It is not uncommon within a built up area, such as a village or town, to have multiple junctions and private accesses joining a main road and being within close proximity to each other. Although the Highland Council Transport Planning Team maintain an objection to the site access location, it is considered that on balance the proposed access provides the safest access option and it is considered that the proposed footway and school road crossing enhancements will also aid traffic calming within the immediate area to increase road safety for users. It is considered that the proposed access and its location, are acceptable and on this basis, the application is considered to comply with the relevant planning policies

### Developer Contributions

66. **Policy II:** Developer Contributions of the Cairngorms National Park Local Development Plan 2015 sets out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.
67. The applicant has indicated their agreement to provide a developer contribution for active travel and subject to the payment of this contribution, either by way of legal agreement or upfront payment, the proposed development is considered to comply with **Policy II:** Developer Contributions of the Cairngorms National Park Authority Local Development Plan 2015. The development would not give rise to any other impact upon services, facilities or education, on this occasion.

### Other Issues Raised in Consultations and Representations

68. Matters raised by consultees and contributors have been addressed throughout this report. It is noted that Kincaig and Vicinity Community Council object to the application noting that the village does not have the infrastructure to cope with the

proposal. They raise concern regarding the high proportion of holiday homes within the area and consider that this development would exacerbate that and would only provide 20% affordable housing. As noted earlier within this report, the proposal would provide the policy requirement of 25% affordable housing provision, helping to provide supply to the local, affordable housing demand within the area. Developer contributions are proposed to be sought for infrastructure requirements, where required, which in this case relates to active travel.

69. Concern has been raised regarding the potential for a high proportion of the proposed development becoming holiday lets or second homes. The designation in the Local Development Plan has established the need for more housing in Kinraig and it is not considered necessary to prohibit the use of the housing in this way. The restriction of housing to local people has not been possible since the issuing of the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011 which states, "The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided." The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the occupier or the workplace of the buyer. The approach of implementing occupancy restrictions on houses has therefore not been taken elsewhere in larger housing schemes in the Park and there is no specific evidence to justify its approach here.
70. Other matters raised by objectors relate to the scale of the development which is largely established now by the existing Local Development Plan and the Proposed Local Development Plan designations. Concern has also been raised by objectors regarding future additional development on the land for further housing above the allocated 40 dwellings. Any further development at the site would be subject to a separate planning application and the merits of the scheme would be analysed at that time.
71. Network Rail has no objection to the proposal subject to the inclusion of a planning condition requiring a trespass proof fence of at least 1.8 metres in height adjacent to the Network Rail's boundary together with its future maintenance in the interests of public safety.
72. The Highland Council Contaminated Land Team also confirm that they have no objection to the proposal.

## CONCLUSION

73. This application involves new housing within a settlement on a site specifically designated for housing development in the Local Development Plan. It will deliver a variety of housing units including a mix of open market and affordable housing accommodation in Kinraig. It is well-located in terms of proximity to the amenities and facilities of the village, and is readily accessed by non-vehicular means. As such, the principle of this development complies with the Local Development Plan policies.
74. The layout and design of the new development is of an adequate standard, and will deliver new housing within a landscaped setting in keeping with the established

character and setting of the village. Environmental impacts can be satisfactorily mitigated and habitat enhancements can be delivered which will ensure that key habitats are protected and enhanced over time, such as the retention of the wooded knoll. These matters can be adequately addressed subject to planning conditions as required by consultees.

75. The proposed development is considered to fully comply with Local Development Plan policies subject to appropriate planning conditions being imposed to achieve landscape, ecological and servicing requirements and also subject to an appropriate legal agreement to secure necessary developer contributions. Approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Phase 1 - 40 unit housing development at Land 160M South Of Baldow Cottage Alvie Estate Kinncraig subject to:**

- 1) Conclusion of an appropriate agreement or upfront payment regarding developer contribution in respect of active travel; and**
- 2) 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 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 should include details of the timings of works to reflect the need to minimise residential disturbance during construction. Thereafter the construction of the development shall be implemented in accordance with those approved details.**

**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: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 2. No development shall commence on site until a Construction Method Statement (CMS) has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
  - a) The approach to site preparation, soils management, restoration and reinstatement.**

- b) Full details of how risks to watercourses will be eliminated through the application of good site management in accordance with the best practice guidelines and SEPA's PPG 5: "Working on or near a watercourse".
- c) Reference to any subsequent species protection plans (if required following the pre-construction survey work) and how this will be adhered to during construction,
- d) Provide details of lighting arrangements during construction;
- e) Details of how the knoll habitat will be protected during construction.

Thereafter the works shall be undertaken in strict accordance with the approved Construction Method Statement.

**Reason:** To ensure the development does not adversely affect the integrity of the Natura Sites and ecological interests of the area and to ensure that the works are undertaken in accordance with best practice to minimise its impacts in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

3. **No development shall commence on site until a Construction Noise Mitigation Scheme which demonstrates how the applicant / contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with The Highland Council. The assessment should include but is not limited to the following:**
- a) A description of the most significant noise sources in terms of equipment, processes or phases of construction;
  - b) The proposed operating hours and the estimated duration of the works for each phase;
  - c) A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations (if required);
  - d) A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 'Code of practice for noise and vibration control on construction and open sites' should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved Noise Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the development during its construction does not adversely impact the amenity of occupiers of neighbouring land uses in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 4. No development shall commence on site until the details of a dust mitigation scheme designed to protect neighbouring properties from dust arising from this development during construction has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with The Highland Council. Thereafter, the development shall progress in accordance with the approved dust suppression scheme and all approved mitigation measures shall be in place prior to commencement of construction operations or as otherwise may be agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

**Reason:** To ensure that the development during its construction does not adversely impact the amenity of occupiers of neighbouring land uses in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 5. No development shall commence on site until a Noise Impact Assessment, carried out by a suitably qualified and competent person in accordance with the BS 4142:2014+AI:2019 'Methods for Rating and Assessing Industrial and Commercial Sound' has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with The Highland Council. The assessment should demonstrate that noise sensitive properties created by this development will not be adversely impacted by noise from the existing vehicle repair business. Monitoring locations must be agreed beforehand with the Highland Council's Environmental Health Officer. Thereafter the development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be in place prior to the first occupation/ use of the development, or as otherwise may be agreed in writing by the Cairngorms National Park Authority acting at Planning Authority.**

**Reason:** To ensure that the development is compatible with the surrounding land uses to ensure the amenity of its occupiers is not adversely impacted by the neighbouring land uses in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

- 6. No development shall commence on site until the details of the installation of the B9152 School crossing link together with the proposed widening and lighting of the footway along the north-western site boundary have 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 works shall thereafter be completed in strict accordance with the approved plans and fully implemented prior to the occupation of any dwelling, hereby permitted.**

**Reason:** To ensure that the development is provided with safe access throughout its delivery and to ensure that the increase in traffic arising from the development is mitigated against in the interests of road safety in

accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

7. **No development shall commence until full details of the final drainage scheme and a 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. The Assessment should meet the full requirements of the Supplementary Guidance: Flood Risk and Drainage Impact Assessment should incorporate but not be limited to the following:**
- a) **Full network simulation results to incorporate the pipe network, the basin and the system outfall;**
  - b) **Confirmation of the half drain time of the SUDs basin as an appropriate value;**
  - c) **The final drainage design shall be in accordance with Sewers for Scotland and the proposed drainage adoption strategy clearly set out.**
  - d) **Details of the 6m riparian buffer zone adjacent to the Baldow Smiddy Burn within the site to remain development free.**

**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 that satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

8. **No development shall commence on site until a pre-construction otter survey has been undertaken and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Any requirements for further mitigation and species protection plans resulting from this survey shall be prepared and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and thereafter implemented in accordance with the approved details;**

**Reason:** To ensure that there is no adverse impact upon European Protected Species or upon NATURA sites in accordance with Policy 4: Natural Heritage, of the Cairngorms Local Development Plan 2015;

9. **No development shall commence on site until details of the arrangements for the provision of bus stops and access to the bus stops have been submitted to and approved or confirmation of a developer contribution for this provision has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with The Highland Council. The development shall not be brought into use until the approved details have been implemented;**

**Reason:** To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport and to ensure that the development promotes sustainable transport methods in accordance with Policy 3: Sustainable Design of the Cairngorms Local Development Plan 2015;

- 10. No development shall commence on site until a Tree Protection Plan and Arboricultural Method Statement have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. These documents shall be undertaken by a suitably qualified Arboricultural Consultant and shall include the following details:**
- a) **On site tree protection measures; and**
  - b) **A timetable of the stages of construction supervision and the subsequent submission of certificates of compliance for each stage;**

**No development shall commence on site until the tree protection measures have been implemented on site in accordance with the approved plan. Thereafter the 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 and around the site which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 11. No development shall commence until an updated Landscape Plan and Maintenance Programme has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The Landscape Plan shall be implemented in full, by a suitably qualified landscape consultant, during the first planting season following commencement of development or as otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority and stages requiring supervision are to be agreed with the Cairngorms National Park Authority acting as Planning Authority with certificates of compliance of each stage submitted for approval.**

**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 area in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015. The updated Landscape Plan shall include revisions as recommended within the CNPA Landscape and Ecology Officer's consultation responses.

- 12. No development shall commence on the construction of the dwellings, hereby permitted, until samples of the proposed external finishes for the dwellings and samples or details of the solar panels, hereby permitted, shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning**



Authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

13. Prior to their installation, for the development hereby permitted, detailed plans of the proposed footways, play park equipment and bridge link shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The details shall include path specification. The works shall thereafter be undertaken in accordance with the approved details and implemented in full prior to the occupation of the first dwelling on site.

**Reason:** In the interests of visual amenity and to ensure the development maintains the established character of the area whilst ensuring the works are of an adequate specification in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

14. Prior to the first occupation of the development hereby permitted, details of the boundary treatments shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The details shall include material, height, colour, and include the details, including maintenance, of the 1.8m high, trespass proof fencing along the south-eastern site boundary to the railway, The boundary treatments, including the trespass proof fence shall be installed and retained in accordance with the approved details prior to the first occupation of the dwellings.

**Reason:** In the interests of visual amenity of the area and in the interests of public safety and the protection of Network Rail Infrastructure in accordance with Policies 3: Sustainable Design and 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

15. No residential unit shall be constructed on site until details of the provision of bat 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 boxes are to be located. The boxes shall then be maintained and retained in situ.

**Reason:** To ensure the provision of enhanced opportunities for bat roosting in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2015.

16. No residential unit shall be occupied until all parking, paths, turning and access arrangements, including visibility splays have been fully implemented in accordance with the approved details.

**Reason:** To ensure that the site is satisfactorily serviced and accessed in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

17. No lighting shall be installed on site until details (position, type and intensity) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The lighting, if being provided, shall be installed and operated in strict accordance with the approved plans.

**Reason:** To ensure that the development does not adversely affect European Protected Species including the commuter bats in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

18. No residential unit shall be occupied until it is connected to a public water supply and a public drainage supply.

**Reason:** To ensure that all residential units are adequately served by public services in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

19. The culverts of the development, hereby permitted, shall be subject to regular inspection and kept clear from obstruction.

**Reason:** In order to ensure that the flood risk remains low from the upstream and downstream sources, regular checks of the culverts are required to ensure the culverts remain free from obstruction.

20. Notwithstanding the provisions of Class 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking or re-enacting that Order) all boundary enclosures shall be provided in accordance with the approved plans and any proposals for other boundary enclosures shall not be carried out unless planning permission is first granted by the Planning Authority.

**Reason:** To ensure that the layout of the development fits into the setting of the immediate area in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

21. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the residential units as indicated on the approved plans, shall be retained in perpetuity as ten units of affordable housing accommodation.

**Reason:** To ensure that provision is made for affordable housing in accordance with Policy provision of the Local Development Plan and that the tenure remains as considered in this application in accordance with Policy 1: Housing Development and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

## 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 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 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 person undertaking the development is advised that Road Construction Consent will be required from the Roads Authority (Highland Council) as per the comments of the Highland Council Transport Planning Team available on the CNPA website.
5. Construction work (including the loading/ unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.

### Scottish Water Informative

6. The person undertaking the development should note that they will require to apply to Scottish Water for formal connection to public water supplies at which time the Agency will review capacity – further details available in their consultation response. They will also require to contact Scottish Water’s Assets Impact Team with regard to any Scottish Water infrastructure on the application site – contact [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

### Network Rail Informative:

7. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all changes in ground levels, laying of foundations, and operations of mechanical plant in proximity to the rail line must be submitted to Network Rail’s Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to

periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact the Asset Protection Engineers regarding the above matters on the following contact details:

Network Rail Asset Protection Engineer,  
151. St Vincent Street, Glasgow, G2 5NW

Tel: 0141 555 4352

Email: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

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.