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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of 8 Dwellinghouses at Land 40 Metres North Of, Little Orchard,  
Blair Atholl

**REFERENCE:** 2017/0264/DET

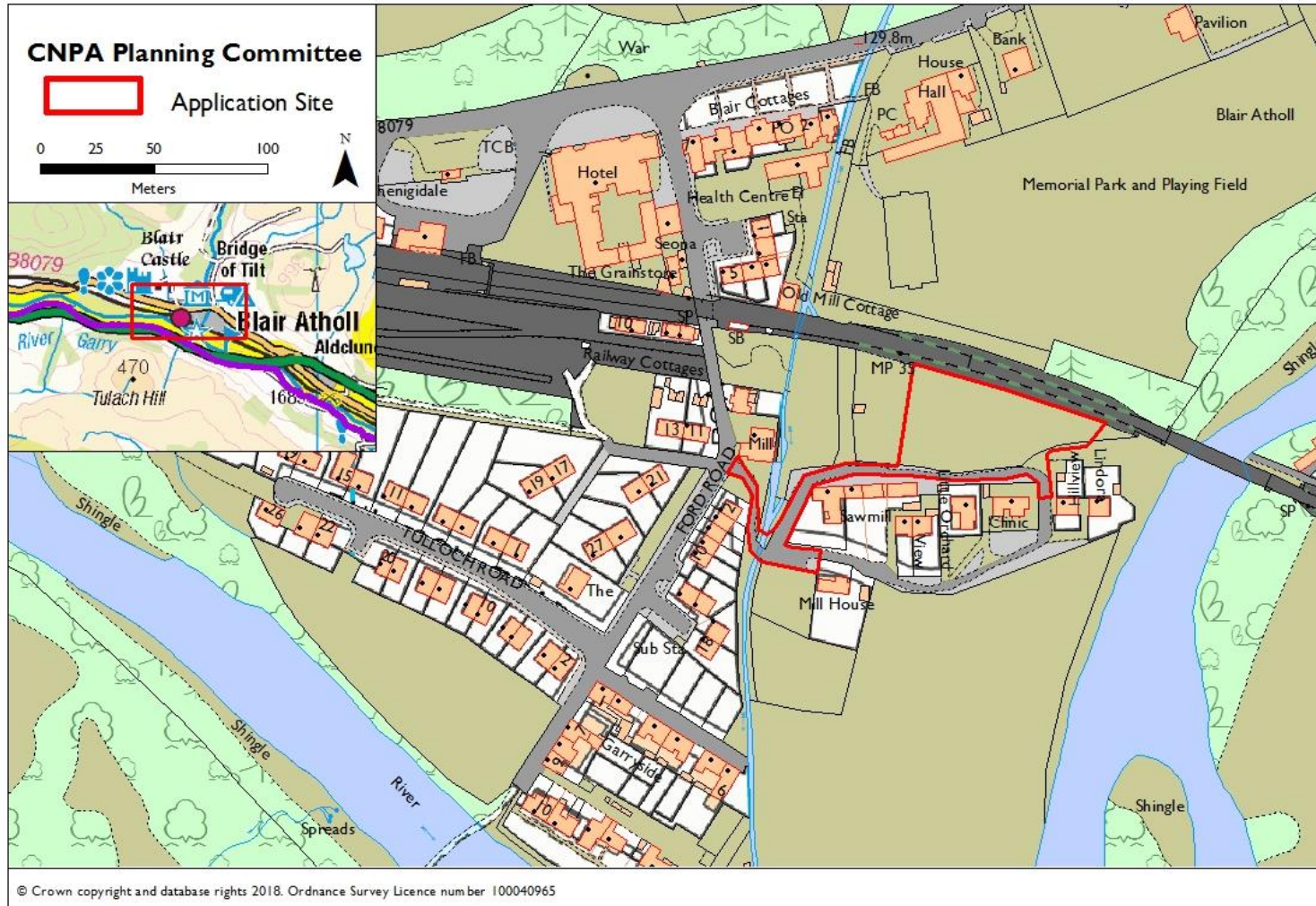
**APPLICANT:** Atholl Estates

**DATE CALLED-IN:** 6 July 2017

**RECOMMENDATION:** Approve subject to Conditions

**CASE OFFICER:** Katherine Donnachie, Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site comprises a roughly triangular shaped open area of fairly level vacant grassland within Blair Atholl understood to be formerly part of the yard for the old mill to the west. The site lies immediately to the south of the main Inverness – Perth Railway line, separated from this line by an embankment. On the other (north) side of the railway there is parkland. The site leads eastwards towards the River Tilt, and there is an informal path running alongside the site leading down to the river by the River Tilt Railway viaduct, which is a category B listed building of architectural and historic importance.
2. Immediately to the west of the proposed site is a dwelling house that has recently been completed and occupied and beyond this is the Watermill café and mill with car parking adjacent. This mill building is also a category B listed building of architectural and historic importance.
3. The site is accessed via a surfaced private road leading from Ford Road to the west over an existing bridge to serve the application site and existing housing and buildings. This access road runs along the southern boundary and there are various traditional buildings lining it.
4. This site is located within Blair Atholl Conservation Area and the River Tilt lies to the east which is part of a Special Area of Conservation.

### Proposal

5. 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=OSPQ7LSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	LOCI REV B		17/07/17
House Plans as Proposed	P01 REV A		17/07/17
Site Plan as Proposed	PO2 REV H	05/03/17	17/07/17
Site Plan Right of Way Temporary Diversion Proposal	P03	06/11/17	
Public Access Statement			
Site Plan as Existing	E01		17/07/17
Landscape Layout	C1750.001 Rev A	20/11/17	

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Agenda Item 5 23/03/2018**

Plant schedule	C1750.PSI	Nov 2017	
5 Year Landscape Maintenance Programme Schedule	C1750.MP2	Nov 2017	
Planting Details, Maintenance Schedule and Plant Schedule Revision A	C1750.002	Nov 2017	
Drainage and Flood Risk Assessment	600221-REP-0002-01 Rev 1	04/09/17	
Typical Bridge Crossing	600221-DG-0011-P2	28/06/17	17/07/17
Surface Water SUDS Details	600221-DG-0010-P3	01/09/17	
Pre and Post development overland flood routing paths	600221-DG-0032-PI	04/09/17	
Site Location Plan	600221-DG-0001-P3		17/07/17
Phase II Site Investigation Report	1040-001 report no. 2	07/09/17	17/07/17
Data Review and Site Investigation Strategy	1040-001 report no. 1	15/06/17	
Wall Bike Hook Anchor	photo		08/03/178
Ecological Survey Report	Rev 3	25/12/17	
Design Statement	4734	28/06/17	
Transport Assessment Form			
Noise and Vibration Impact Assessment	R 7803-GH- MI	02/05/17	17/07/17
Construction Method Statement	600221-REP-0001-02 Rev 2	22/11/17	
Design Statement			17/07/17
3D views of Proposals	P04	06/11/17	
Rural Housing Feasibility Fund Offer of Grant for Feasibility Work		04/07/17	
Drainage and Flood Risk Assessment by Allen Gordon	600221-REP-0002-01	04/09/17	

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

- This application seeks full planning permission for the erection of eight two bedroomed houses. The proposal is to lay out the proposed development in two blocks, one separate building featuring two semi- detached houses in the north-west portion of the site, and a second terraced building of six units set to

the north of the access road. A parking area is proposed in the south west part of the site in front of the semi-detached block including disabled provision. Informal footpath access through to the River Tilt to the east is to be retained. No street lighting is proposed at the site.

7. The terraced block is to be built on a slight curve to follow the natural line of the access lane here with further roadside parking provided along this frontage. All properties will have covered entrances with ramped access.
8. The proposed housing is intended to be rented out as affordable housing with the aid of the Scottish Government's Rural Housing Fund in order to provide affordable accommodation for local residents. The Scottish Government has agreed to fund feasibility work in relation to this scheme for the proposed development and it will have to comply with the terms of the rural housing fund scheme in order to receive support from the Fund. These terms seek to ensure that rent levels are affordable, equating to what is generally known as intermediate or mid-market rental.
9. The proposed houses are all of single storey hipped roof design with front pitched roof porch details. Proposed finishes are white roughcast walls and timber detailing, and grey natural slates roofs. Zinc roofing is proposed to pick out entrance features. The doors and windows will be wood painted white, with black UPVC rainwater goods.
10. Low key landscaping is proposed along with a timber palisade fence which was originally proposed along the rear site boundary to dissuade access to the railway line. This fence has now been revised to a post and wire fence following further discussion regarding visual impacts in the Conservation Area.
11. Connection is proposed to public water and drainage supplies with surface water to be disposed of via a SUDS scheme comprising filter trenches and bio-retention. The existing access is to be used with a new bridge constructed immediately to the north of the existing bridge which will be removed. This is in order to facilitate emergency vehicles and improved access. A tarred entrance into the application site of this existing access lane with turning head in the site is proposed.
12. The application is supported by a number of documents including:
  - a) Ecological Survey Report
  - b) Phase 2 Site Investigation Report
  - c) Drainage and flood risk assessment
  - d) Design Statement
  - e) Noise and Vibration Impact Assessment
  - f) Visualisations of the proposed development
  - g) Landscape scheme and maintenance details
13. Information has also been provided to show how measures will be taken to ensure pedestrian access to the River Tilt is maintained during construction, along other access lanes to the south.

14. Copies of the proposed plans and visualisations are included in **Appendix I Plans**.

### History

15. There is no recent formal planning history on the site. Pre application advice on the potential for housing development here was sought in 2016 to which the CNPA input via Perth and Kinross Council.

## 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	<b>X</b>
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

16. 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>

17. Other relevant local policies are (delete if not applicable)

### Planning Guidance

18. 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	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

19. A summary of the main issues raised by consultees now follows:
20. **Network Rail** was consulted in view of the proximity to the railway line. The agency has no objections in principle, but due to the close proximity to the railway line they have requested that conditions or informatives be imposed in relation to ensuring that all surface or foul drainage be directed away from the railway with no SUDS sited within 10 metres of the railway; all construction work be undertaken in a safe manner; all trees and shrubs be planted a minimum distance away to avoid leaves on the line; boundary to railway line to be trespass proof; and that the applicant should make every endeavour to ensure adequate protection against any noise and vibration which may be associated with the railway.
21. **Scottish Natural Heritage** was consulted in relation to designated sites in the area and has no comments.
22. **Scottish Water** has no objection to the application. They have advised that there is sufficient water supply for the proposed development in the Killiecrankie water treatment works. They are unable to confirm capacity within the Blair Atholl waste water treatment works until a Pre-Development Enquiry form has been submitted by the applicant. They have further noted that they would not accept a surface water connection to their sewerage network.
23. **SEPA** was consulted as the site lies within an area of medium probability surface flooding. The Agency has no objection on flood risk grounds. They have requested that a condition be attached to ensure that the capacity of the new bridge is the same as the bridge that is being replaced to ensure that there is a neutral effect on flood risk.
24. **Perth and Kinross Council's Conservation Officer** advises that the site lies within Blair Atholl Conservation Area and within the Blair Castle Garden and Designed Landscape. The officer notes that the site is well contained and the proposed development will not appear out of scale in comparison to the existing group of predominantly single story cottages to the south and that it is unlikely to have a significant detrimental impact. Finishes are considered to be acceptable although the use of either cast iron or aluminium for the rain-water goods would be preferred. It is also considered that the

proposed palisade fence may appear incongruous here and it is recommended that a visually softer solution such as hedging be considered. . The conservation officer also advises that visually intrusive parking bay lines and bollards should be avoided.

25. **Perth and Kinross Council's Contaminated Land Team** advised that previous uses of the site and surrounding area may affect the potential for residential use. These uses include a saw-mill on the site and gas-works some 40m to the south. Consequently they requested a condition be attached requiring a preliminary Risk Assessment (phase I Desk Study) to be undertaken. The applicants have provided an investigation report and the Team has noted that this has identified some localised areas of contamination whereby a remediation strategy will be required to outline how this will be addressed. It is recommended that an appropriate planning condition be attached to this end.
26. **Perth and Kinross Council's Environmental Health Team** considered the noise impact information provided by the applicants and initially considered that insufficient information had been supplied to demonstrate that this is a suitable location in terms of noise impacts. Whilst double glazing was suggested to address potential noise from the railway, the Team suggested that acoustic barriers also be considered to deaden the noise associated with the railway so that noise was addressed when windows were open too. Following further discussion with the Team when it was noted that another recently built new house adjacent was not required to provide acoustic screening it was agreed that the proposed measures would suffice.
27. **Perth and Kinross Council's Structures and Flooding Team** have no objection to the proposals. They are satisfied that although there is an area of surface water risk the proposed drainage will improve this. They also note that the bridge design improvements must allow the same capacity of water through as the current bridge to prevent any blockages increasing flood risk.
28. **Perth and Kinross Council's Policy Team** were originally consulted in relation to developer contributions and affordable housing. They advised that there are no capacity issues with respect to the primary school education and no developer contributions would be required. They also commented in relation to affordable housing that 25% provision should be made on site.
29. It has now been clarified that all housing on site is proposed to be affordable in line with the Scottish Government's Rural Housing Fund.
30. **Perth and Kinross Council's Transport Planning Team** note that it is proposed to retain the private access arrangements with suitable upgrades to the existing track which is considered to be acceptable for this development. They also note that adequate parking and turning is proposed, and confirms that they have no objections to the proposals.
31. **CNPA Ecology Officer**, having assessed the submitted material, advised that the habitats within the site are of low botanical value with no protected



mammals using the site. The officer requested submission of additional surveys for reptiles and freshwater pearl mussels and recommendations were made to improve the proposed SUDS scheme by including bio-retention features and to improve biodiversity by providing a wildflower meadow feature.

32. On receipt of additional material to address these points, the Officer is generally satisfied with the proposals subject to some further modifications to the detail of the planting and maintenance schedule in relation to the preparation of the wet meadows and SUDS features.
33. The additional survey work demonstrated that there were no fresh water pearl mussels in the search area whereby this species is not a constraint to development. The Construction Method Statement is considered to be satisfactory subject to measures being taken to protect fish habitats which may negate the need for further fish habitat surveys. This can be attached as a condition and should include the requirement for an experienced Environmental Clerk of Works (ECoW) to be employed to oversee and monitor the proposed in stream works.
34. **CNPA Landscape Officer** noted that the site is well contained with no noticeable effects on the Blair Castle Designed Landscape. Around the development site there is an eclectic variety of houses and gardens with trees playing an important role in the character. The proposed development would contrast with this character due to the uniformity of the design and harder character of parking and proposed rear palisade fence. This could be addressed by introducing variety and interest through landscaping and boundary enclosure treatment together with using the proposed SUDS scheme to enhance biodiversity and landscape interest.
35. Following submission of revised information the Officer notes that modest changes have been made in response to the above suggestions by way of more tree planting, introduction of wildflower meadow changes to the SUDS scheme and these have “relaxed” the formality of the layout. It is noted that proposed palisade fencing along the railway line is still shown and recommendations for stone walling along the southern frontage have not been taken up.
36. If the application is supported it is recommended that a condition be attached requiring introduction of *Tilia Cordata*/Lime tree. Should permission be granted the landscape officer has requested that the landscape drawings are modified to reflect this tree species together with management recommendations made by the Ecology Officer.
37. **CNPA Outdoor Access Team** requested clarification as to the proposed interface between the proposed development and the publicly accessible path along the River Tilt. They also requested submission of a method statement to ensure that there is unimpeded access during construction, noting that these matters could be covered by planning conditions as necessary.

38. Following submission of additional material from the applicants the Team are content with the details which ensure continued use of the existing path. This is subject to confirmation that the material to be used for the path will be rolled to a compacted free draining finished wearing surface. They also recommend that an informative be attached to highlight that the terms of the Land Reform (Scotland) Act 2003 must be complied with in respect of ensuring ongoing accessibility of both the proposed diversion and the riverside path.
39. **Blair Atholl and Struan Community Council** strongly support the development, and consider it will create needed new housing within the village on a site which would be unlikely to attract a conventional developer. Their comments are attached as **Appendix 2**.

## REPRESENTATIONS

40. One representations has been received which is attached as **Appendix 3**. The writer has no objection to the proposals but raises serious concern regarding the condition of the road serving the site which serves existing private houses and is in a poor condition prone to flooding in certain areas. The writer considers that this will be aggravated by the new development and its associated additional traffic, with only limited proposals for improvement.
41. The agent has requested to be heard.

## APPRAISAL

### Principle

42. The principle of housing development within a designated settlement is well established by Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015. This sets out in Policy I.1 Housing in Settlements that all new housing developments within settlements will be supported where they occur within a designated site or where they reinforce and enhance the character of the settlement maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. The proposed development, subject to design and layout, readily complies with these principles being located within Blair Atholl and using a vacant site located adjacent to existing residential uses.
43. The site is also well located in terms of the amenities and facilities of Blair Atholl, being within ready walking distance of these. As such is considered to be a sustainable location complying fully with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 which seeks to ensure that development is sited to make sustainable use of resources.
44. In these overall circumstances the principle of this development is welcomed and complies with policy providing the design, servicing and layout of the proposals is satisfactory and this will be considered now.

## Landscape Impacts, Design and Layout

45. 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.
46. In this case the site is discretely located within Blair Atholl, adjacent to the railway line and other buildings and housing. It forms an obvious development site and carefully designed housing with suitable landscaping here would readily comply with policy 5. Following discussion satisfactory landscaping has been proposed which provides for planting to enhance the setting of the development whilst also reflecting the character of the wider area.
47. The siting of the buildings and car parking on the site also reflects the character of the area with sufficient open space provision. This is of a communal nature again appropriate to the area.
48. On this basis in landscape terms the application is considered to comply with Policy 5.
49. Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that development affecting listed buildings has no adverse effect on the structure or the setting, and conserves and enhances the structure and the contribution it makes to the cultural heritage of the National Park. The policy also requires the layout, design, scale, siting and use of the development to be appropriate to its character and setting and that development in a Conservation Area enhances its character. Policy 3: Sustainable Design similarly requires development to be sympathetically designed and sustainable and to reinforce and enhance the character of the settlement.
50. In this regard the proposed site is located within a Conservation Area close to listed buildings. The proposed new buildings are of a modest scale, with terraced houses fronting the site to reflect the buildings lines opposite whilst the semi-detached block set back into the site reflects the informal layout of this part of the Conservation Area. Proposed finishes are entirely appropriate to the area as is the proposal for communal landscaping and open areas which again reflect the wider area. As such the proposal is considered in terms of scale, finishes and design to comply with policy.

## Amenity Issues

51. 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.
52. In this regard the houses are sufficiently distant from other residential properties to ensure no loss of amenity. Whilst initial concern was raised by Perth and Kinross Environmental Health Team regarding potential noise issues

in relation to the adjacent railway it is noted that numerous properties in Blair Atholl are located close to the railway, including the recently constructed house to the west. It is therefore considered that installing double glazing as proposed in the applicants' noise and vibration study is sufficient to safeguard the amenity of future residents of the new houses. An appropriate condition is proposed in the event of consent being granted.

53. Consequently it is not considered necessary to erect an acoustic fence alongside the railway line. Following discussion with key consultees it has been agreed that a low key boundary enclosure in the form of a post and wire fence alongside the railway embankment is appropriate in terms of defining the railway and also reflecting the rural character of this area.
54. On this basis the application is considered to comply with Policy 3: Sustainable Design.

### **Affordable Housing and Developer Contributions**

55. Policy I.4: Contribution towards Affordable Housing of the Cairngorms Local Development Plan 2015 requires that provision generally be made for 25% affordable housing provision on sites. This is exceeded with the current submission which is effectively for 100% affordable rented housing.
56. As noted previously in the report the applicants intend that the new housing be rented in accordance with the Scottish Government's Rural Housing Fund requirements, the purpose of which is to increase the supply of affordable housing in rural areas. This will help ensure that rents remain affordable and suitable planning conditions can be attached to this end. On this basis the proposals are considered to comply with policy on affordable housing.
57. Policy II: Developer Contributions of the Cairngorms National Park Local Development Plan 2015 set 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.
58. The impacts of the development have been considered and it is considered that there are no capacity issues with primary education. There is also not considered to be any impacts which would require other community facilities or services to be improved or increased. Indeed the introduction of new residents should help support the facilities of the village.
59. In these circumstances the proposed development is considered to comply with Policy II: Developer Contributions.

## Environmental Impacts

60. 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.
61. Whilst the field itself is of limited ecological interest, there are designated sites in the area and it is important to ensure that there is no impact on these in terms of impacts on river habitats at the construction stage. Sufficient information has been submitted to demonstrate that any potential impacts can be satisfactorily addressed by appropriate planning conditions.
62. In addition the proposed landscape scheme now provides an ideal opportunity to enhance biodiversity with comments made by the CNPA heritage team taken on board to achieve this. Similarly the opportunity has been taken to ensure that the arrangements for surface water disposal incorporate measures to enhance biodiversity with a revised scheme submitted. Subject to some amendments/further detail to reflect the advice of the CNPA heritage team which can be achieved by planning condition, this scheme is considered satisfactory. On this basis the application is considered to comply with Policy 4: Natural Heritage.
63. Given the previous use of the site Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 is also relevant in respect of environmental impacts. This requires that assessment is carried out in relation to any development affecting contaminated land with appropriate remedial actions taken as necessary depending on the outcome of investigations.
64. In this case appropriate investigation has now been undertaken and Perth and Kinross Council's Contaminated Land Team are satisfied with the information provided subject to an appropriate planning condition being attached to secure remediation. On this basis the application is considered to comply with Policy 10: Resources.
65. Finally with respect to environmental issues, Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 also requires that new development should be free from flood risk. This matter has been fully assessed by technical consultees who are satisfied that there is not a flood risk and that the proposals for surface water drainage will improve surface water issues. This is subject to the new bridge being of the same capacity as the existing bridge in order to ensure that there is no flood risk and an appropriate planning condition can be imposed to this end in the event of the application being supported. Accordingly the application is considered to comply with Policy 10: Resources.

## Servicing

66. 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.

67. In this case it is proposed to service the site by connection to public water and drainage supplies with Scottish Water raising no objections in this regard. In relation to arrangements for the disposal of surface water the principle of the applicants' proposals are acceptable to the technical consultees as noted earlier. Bin storage is to be provided within the site.
68. In these circumstances the application is considered to comply with Policies 3: Sustainable Design and 10: Resources.
69. Also in relation to servicing Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 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 need to travel. Policy 3 also requires that new development should include an appropriate means of access, egress and space for off street parking.
70. In this regard the site is well located in relation to sustainable travel, within easy walking and cycling distance of all facilities with provision made for cycle storage on site by means of bicycle hooks on the buildings which is a low key approach considered appropriate in this particular location. In addition access to the river is to be provided during construction and safeguarded thereafter in the future so ensuring that links to path networks are maintained. Appropriate planning conditions can be attached to secure this in the event of the application being approved.
71. In terms of vehicular access to the site this is considered satisfactory by the technical consultee with improvements to the existing road layout/bridge considered to be satisfactory. Adequate car parking provision has also been made.
72. Whilst the concerns of the contributor are noted in terms of the condition of the road, there will be some improvements which are considered sufficient by the technical consultee in this instance to secure an appropriate means of access and egress as required by policy 3. Matters regarding ongoing maintenance of a private road may be taken up by the contributor directly with the owners of the road.

## CONCLUSION

73. The proposed development will provide new affordable housing well located within the village of Blair Atholl which is greatly welcomed. Building new housing of appropriate design, layout and scale, as proposed, on vacant land will enhance the character of the Conservation Area. In addition the site can be serviced and accessed to the satisfaction of the appropriate authorities and

environmental issues can all be addressed. Accordingly the application is considered to comply fully with all relevant planning policies of the Cairngorms Local Development Plan 2015 and approval is recommended subject to appropriate planning conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Erection of 8 Dwellinghouses at Land 40 Metres North Of, Little Orchard, Blair Atholl for the following reasons/subject to the following conditions:**

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

1. **No development shall commence until a further contaminated land study including remediation strategy has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Perth and Kinross Council's Contaminated Land Team. This study shall delineate the localised areas of contamination identified in previous studies and shall identify the nature, extent and type(s) of contamination on the site; measures to treat/remove contamination to ensure that the site is fit for the use proposed; measures to deal with contamination during construction works; and condition of the site on completion of decontamination works.**

**No house shall be occupied until the approved measures have been implemented in accordance with the approved details and validation of implementation by a suitably qualified professional has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Perth and Kinross Council's Contaminated Land Team.**

Reason: To ensure that the site is suitable for the proposed use with any contamination appropriately dealt with in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence until a revised Construction Method Statement (CMS) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This revised CMS shall include details of the measure to be taken to protect fish habitat during construction. This may be in the form of a species protection plan or statement. It shall include provision for a suitably experienced Ecological Clerk of Works to supervise the in-stream phase of works with reports to be provided to the Cairngorms National Park Authority acting as Planning Authority at intervals to be specified in the CMS.**

**Thereafter all work shall take place in accordance with the approved Construction Method Statement.**

Reason: To ensure that biodiversity, including fish habitats is protected in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 3. No development shall commence until details of the design of the new bridge has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA and Perth and Kinross Council's Structures and Flooding Team. These details to reflect the requirement for the hydraulic capacity of the proposed bridge to be the same as the hydraulic capacity of the existing bridge.**

**The bridge shall thereafter be installed in accordance with the approved details and the old bridge removed in accordance with the approved Construction Method Statement before any house is occupied.**

Reason: To ensure that the proposed development has a neutral impact on flood risk and does not increase the risk of flooding downstream in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015,

- 4. No development shall commence on the construction of the houses hereby approved until samples of all materials to be used in the development have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter proceed in accordance with the approved details**

Reason: To ensure that the development enhances the character of the conservation area and conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 9: Cultural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 5. Construction shall proceed in accordance with the approved plan (drawing number P03) and Public Access Statement in respect of the provision of alternative pedestrian access to the River Tilt during construction. Thereafter no house shall be occupied until the footpath link is provided in accordance with the approved plans (drawing number PO2 Revision H) and the surface rolled to a compacted free draining finished wearing surface.**

Reason: To maintain and maximise all opportunities for responsible outdoor access including links into the existing path network in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.



6. The residential units hereby approved shall be retained as affordable rented housing throughout the lifetime of this consent and in accordance with the requirements of the Scottish Government's Rural Housing Fund Guidance for rented properties.

Reason: to ensure that provision is made for affordable housing 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.

7. The approved landscape scheme and details shall be implemented in the first planting season following completion or occupation, whichever is the sooner, of the development hereby approved and subject to the five trees proposed along the site frontage being *tilia cordata* (lime).

The landscaping shall be thereafter be maintained in accordance with the approved details throughout the lifetime of the development hereby approved subject to the cutting regime for both wet grassland mix and wildflower mix to be as follows (1) cut once in spring and once in late summer/early autumn in the first year following seeding with all cut material removed in order to ensure the meadow flowers and (2) thereafter cut once annually in late summer/early autumn removing all cut material.

Reason: To ensure that a suitable landscape setting is established with trees appropriate to the streetscape, biodiversity is enhanced and that the development conserves and enhances the landscape character and special qualities of the National Park and the Conservation Area in accordance with Policy 5: Landscape, Policy 9 Cultural Heritage and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

8. No residential unit shall be occupied until it is fitted with double glazing in accordance with the recommendations of the approved Noise and Vibration Impact Assessment. The glazing shall be retained thereafter throughout the lifetime of the development.

Reason: To ensure that the amenity of residents is protected and disturbance minimised in relation to reducing the potential for noise nuisance from the adjacent railway line in accordance with Policy 10: Resources and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

9. No residential unit shall be occupied until it is connected to public water and drainage supplies.

Reason: To ensure that the development is appropriately serviced in accordance with Policy 10: Resources and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

10. No residential unit shall be occupied until the access (including new bridge), car parking, bin storage, and turning arrangements have been formed in accordance with the approved plans together with the provision of bicycle hooks on the western gable of the six house block. These arrangements shall be retained thereafter throughout the lifetime of the development hereby approved.

Reason: In the interests of road and pedestrian safety to ensure that there is satisfactory parking, waste management and turning provision made on site in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

11. No residential unit shall be occupied until the surface water drainage arrangements have been implemented in accordance with the approved plans and certification from an appropriately qualified professional confirming compliance has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

The scheme shall thereafter be maintained in accordance with the approved details and the details contained in the approved Drainage and Flood Risk Assessment Document throughout the lifetime of the development hereby approved.

Reason: To ensure that satisfactory arrangements for the disposal of surface water and landscaping are provided and that the development conserves and enhances the landscape 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.

## **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. 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.
5. The person undertaking the development should note the consultation comments of Network Rail relating to drainage and landscaping within the vicinity of the railway line; ensuring construction work is undertaken in a safe manner; ensuring the boundary to the railway line is trespass proof; and making every endeavour to ensure adequate protection against any noise and vibration which may be associated with the railway. Network Rail's Asset Protection Engineer must be contacted regarding works within the vicinity of the railway line – full details available in Network Rail consultation response.
6. The person undertaking the development should note that if work is due to start between April and October in any year then the grassland should be strimmed down in stages as a precautionary measure to ensure that any reptiles are suitably protected.
7. The person undertaking the development should note that they will require to apply to Scottish Water for formal connection to public water and drainage supplies at which time the Agency will review capacity – further details available in their consultation response.
8. The person undertaking the development should note that the terms of the Land Reform (Scotland) Act 2003 must be complied with in respect of ensuring ongoing accessibility of both the proposed diversion whilst it is in use and the existing riverside path.
9. The person undertaking the development should note that authorisation is required under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR) to carry out any engineering works in or in the vicinity of inland surface waters or wetlands and SEPA should be contacted for regulatory advice as per the details contained in their comments on this application.
10. The person undertaking the development should note that if works are planned on site during the breeding bird season (April to August inclusive) then a nest check should be undertaken on site by a suitably qualified ecologist.

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.