

PAPER 4

APPENDIX I

PREVIOUS PLANNING REPORT (21st September 2007)

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR DEMOLITION OF STEADING AND ERECTION OF 3 NO. DWELLINGHOUSES, AT STEADING AND LAND TO THE WEST BOUNDARY OF THE OLD MANSE HOTEL, DUTHIL, CARRBRIDGE

REFERENCE: 06/508/CP

APPLICANT: KILBURNIE DEVELOPMENTS LIMITED, TOURPLAN HOUSE, NEWTONMORE, PH20 1AY

DATE CALLED-IN: 15 DECEMBER 2006

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

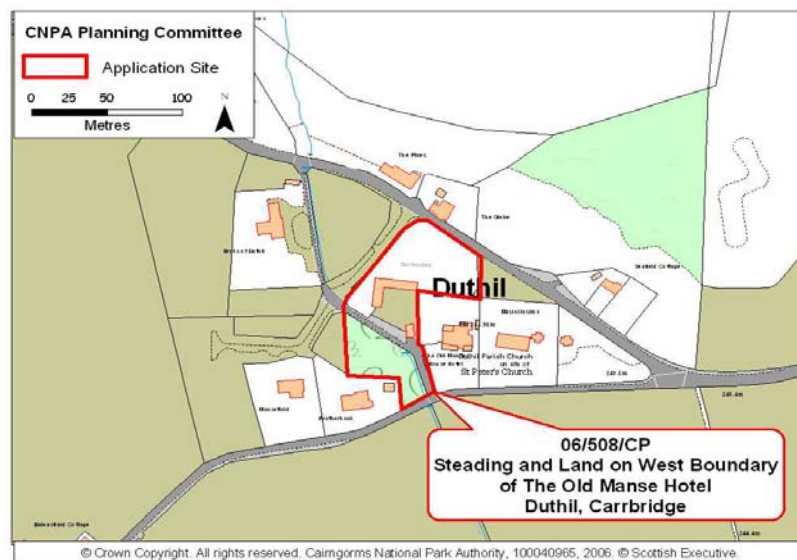


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This site is located within the small grouping of houses and buildings at Duthil which lies to the east of Carrbridge on the A938. The site is set back from the A938 but clearly visible on its south side. At present there is a traditional “L”-shaped steading on the northern part of the site which is separated by an access track on its south side from a raised roughly triangular shaped area of open land which then slopes steeply down to the south. Below this southern part of the site at the bottom of the slope is an existing house (“Heatherbank”) which is the first of several houses which run westwards along the bottom of an escarpment at this location. To the east of the site is the “Old Manse Hotel” and its grounds which is now in residential use. This building is a substantial slated and white painted detached house. To the west of the site is open ground and a large detached modern house known as “Braes of Duthil”. Between the steading and the A938 public road to the north is an area of flat open land. The site is accessed from its west side by an existing road leading southwards from the A938.



Fig. 2. Site and steading viewed from the A938 looking south



Fig. 3. Site and steading looking northwards

Background

2. In the Spring of 2006, pre-application discussions took place with the applicants on a proposal for the demolition of the steading and the construction of 6 new detached houses on the site, which included two houses in the open area to the north of the steading adjacent to the A938, two on the site of the steading, and two on the sloping land to the south of the steading. Following consultation, a formal response was provided which raised concern about the scale of development proposed, and its compliance with the land use policies for the area as contained in the Badenoch and Strathspey Local Plan.
3. The result was the submission, in December 2006 of an application for the demolition of the steading and the erection of 4 no. dwellinghouses with a “village green” in the open area on the north side. Two houses were to be created in a “U”-shaped building on the site of the steading, and two detached houses, with separate garages on the southern part of the site. Extensive consultations were carried out and a number of representations received. Following an assessment of all the issues, and consideration of some indicative revised layouts, the applicants were advised that, for various reasons, primarily relating drainage, roads and access, and the impact of the two houses on the southern sloping part of the site, and therefore the amenity of the adjacent house “Heatherbank”, the proposal could not be supported. The applicants subsequently considered their position and submitted a revised proposal (neighbours were renotified), which reduced the total number

of houses to 3. This is the current proposal which is the subject of this report.



Fig. 4. Southern sloping part of site and access track looking westwards towards “Braes of Duthil”

Current Proposal

4. The proposal to remove the steading remains. It is to be replaced by a new “U”-shaped building accommodating two single storey semi-detached houses with 4 bedrooms each. The new building takes a form similar to the existing steading with hipped roofs at the corners, and slate and white wet harl. Full height glazing to the south gables is proposed to harness passive solar gain. The internal courtyard formed by the “U” provides sheltered garden and parking areas. There will also be garden areas enclosed by stone walls on the north side.
5. The third house is to be cut into the slope of the southern part of the site with a retaining wall on the south side and tree planting on the highest point and southern parts of the slope as it drops down to the rear of “Heatherbank” below. The house will be one and a half storey, accommodating 3 bedrooms and will have an attached garage. Materials are white wet dash render, slate and timber cladding. Access will be formed by upgrading the existing track through the site with access retained to the “Old Manse Hotel”. Drainage is now proposed by 3 mini-treatment plants draining to a mounded soakaway located to the north east side of the new “U” shaped building but within the open area of land. Indicative landscaping is proposed in this area.



Fig. 6. Plots 1 & 2 Elevations (“U”-Shaped Building)



Fig. 7. Plot 3 Elevations

DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

7. Strategic objectives in the section on **Landscape, Built and Historic Environment**, include; ensuring development complements and enhances the landscape character of the Park; and new developments in settlements and surrounding areas and the management of public spaces complementing and enhancing the character, pattern and local identity of the built and historic environment. Objectives in the section on **Sustainable Communities**, include; making proactive provision to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements. Objectives in the section on **Housing**, include; improving the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park.

Highland Structure Plan 2001

8. **Policy G2 (Design for Sustainability)** requires developments to be assessed on the extent to which they, amongst other things; are compatible with service provision; are accessible by public transport, cycling and walking as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites, existing buildings and recycled materials; impact on individual and community residential amenity; demonstrate sensitive siting and high quality design; and contribute to the economic and social development of the community. To accord with the Structure Plan's objectives and strategic themes, **policies for housing development** in Highland aim to steer demand to appropriate locations within existing settlements. **Policy H8 (Access Arrangements)** states that development proposals which involve new or improved access to serve more than 4 houses shall be served by a road constructed to adoptive standards. **Policy L4 (Landscape Character)** states that regard will be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

Badenoch and Strathspey Local Plan 1997

9. Duthil is defined as a settlement. There are 3 land use policy designations on the site. The area of open land to the north is covered by **Policy 5.14.1 (Amenity)**. This advises that open land important to local amenity will be protected from development except where this is essential for agricultural use. The central part of the site, including the access track is "**white land**". The southern sloped area of the site, as well as other land further to the west, is designated under **Policy 5.14.3. (Trees and Woodland)**. This advises that encouragement will be given to planting along the escarpment west of the "Manse" and

reinforcement of trees of substantially native species around "Balnastraid".

CONSULTATIONS

10. **Highland Council's Archaeology Unit** has advised that the application affects a building depicted on the first edition OS map of 1870. Although the building has been altered, major alterations/demolition should not be carried out to the building or to the immediate setting without a visual record first being made. A condition requiring a photographic record is required prior to any site work being commenced.
11. **Highland Council's Contaminated Land Officer** has no comment to make.
12. **Scottish Water** advise that there are no known sewers in the vicinity of the proposed development. Water can be supplied from the public system and Blackpark Treatment Works currently has sufficient capacity to serve the development. However, there may be issues in the network. **Scottish Water** do not object but advise that this does not guarantee a connection to their infrastructure.
13. **SEPA** initially noted the original proposal to utilise a septic tank discharging to a watercourse via a package treatment plant. They advised that the applicant should investigate land soakaway (total soakaway or raised mound systems) in the first instance rather than discharging to a watercourse. Duthil has been a controversial location for the erection of new houses in the past. In the early 1990s, there were objections from the North East River Purification Board on the grounds of lack of dilution in watercourses and there were concerns from the Council about the proliferation of soakaways. Over the years development has increased and consented discharges are all to land. There may be a number of houses that have discharges to the watercourse which are not consented. In this location, **SEPA** therefore seeks foul drainage to land soakaways or mounds (separate for each property preferable). Following the submission of the amended proposal to now drain to three separate treatment plants discharging to a single mound soakaway, **SEPA** accept the proposals. For surface water, **SEPA** endorses the proposal to use rain water harvesting systems.
14. **Highland Council's Area Roads Manager**, initially advised that because the access was going to serve 5 houses ("Old Manse Hotel" included) there was a need to upgrade the existing partially constructed road from the A938 to the site and the internal spur road serving the properties to adoptable standards. This would involve the provision of footways and street lighting. The internal spur road indicated originally did not satisfy adoptable standards. A recommendation of approval

could not be given. In addition, the **Area Roads Manager** suggested that a financial contribution from the applicant towards the introduction of a 40mph speed limit on the A938, should be requested. Further discussions have taken place through the various amended schemes. However, the final response on the current proposal advises that the **Area Roads Manager** has no objections, subject to the imposition of conditions relating to the upgrading of the partially constructed road connecting to the A938 public road to adoptable standards, drainage being by SUDS, provision of visibility splays, and parking provision.

15. **The CNPA's Natural Heritage Group** advised on the initial scheme. They found that the scheme was acceptable in general terms but there were some issues of layout and detailed design that required further consideration. The character of the immediate area is largely traditional when viewed from the most public side. The exception is the "Braes of Duthil". The presence of the Old Church and Manse are quite dominant and the open areas play a valuable role in maintaining the open and largely dispersed nature of the settlement. No trees are threatened by the development. The stone wall around the Old Manse is a particularly distinctive feature. The issues suggested to be looked at included; some design changes to the "U"-shaped building, particularly the elevation facing the A938; the impact on the proposed houses on the south part of the site in relation to their levels above the existing houses below – should be as low as possible; the positioning of garages; the treatment of boundary enclosures; and the details of the landscaping scheme.

REPRESENTATIONS

16. The application was advertised by Highland Council on 14 December 2006. A total of 11 letters were received at that time in relation to the original proposal for 4 houses and village green. The issues raised include:
 - *New houses built at Duthil are all below the natural bank and therefore below the skyline and not visible from the north – new houses above the bank would compromise this.*
 - *New houses would not comply with local plan policy which earmarks part of the site for trees/woodland – would not fit with the first aim of the Park*
 - *Steading development should only be one house – 4 houses will lead to excessive parking requirements.*
 - *Two new houses on the skyline will dominate "Heatherbank", and affect the privacy and amenity of the property.*
 - *Development plots are too small.*
 - *Houses will become second/holiday homes.*
 - *Duthil not ideal for new development because of lack of services and reliance on the car.*

- *Development will require the removal of the bank which “protects” “Heatherbank”.*
 - *Proposal for village green is another way of saying “reserved for future development”.*
 - *Who will maintain the village green?*
 - *Neglect of steading has led to its dilapidated state – can see no reason why it cannot be converted.*
 - *Sewage proposal will be a health hazard because of proximity to “Heatherbank”.*
 - *Septic tank for house known as “The Glebe” is in the village green.*
 - *Loss of light to “The Glebe” from landscaping in the village green.*
 - *Concern about impact on the access, boundaries, garage and drainage of “The Old Manse Hotel”.*
 - *Issues surrounding the ownership of the road serving the site from the A938.*
 - *Concerns about accuracy of boundaries of the site.*
 - *Adoptable road requirement will lead to street lighting which is not appropriate for the rural location. Also a need for off-road bus-stops?*
 - *Understanding that no further developments in Duthil would be allowed with septic tanks and soakaways.*
 - *No development should take place at all on the open area to the north of the steading.*
 - *Suggestions that the Committee view the site before determining the application.*
 - *Attention is drawn to the cultural features and history of Duthil – the development will lead to other development in the village thus destroying this heritage.*
17. The applicants and their representatives have responded (two letters).
18. Following the revised proposal to three houses and the re-notification of neighbours, 3 further letters have been received. The issues raised include:
- *Recognise the improvement to three houses – but one of the sites is still on amenity woodland designation in the Local Plan.*
 - *Concern still relates to the potential removal of the bank above “Heatherbank” for Plot 3.*
 - *If approval given, then guarantees need to be in place for retention of this bank and the implementation of defensible planting.*
 - *Proposed planting on top of the septic tank for “the Old Manse Hotel” is not acceptable.*
 - *Still concerns about the impact on the access to the “The Old Manse Hotel”.*

- *Proposed mound soakaway is located where there is a mains water pipe and proposed planting here seems to impede a pedestrian right of access.*
 - *Impacts on the burn.*
 - *Concern about the height of the new "U"-shaped building compared to the existing steading*
19. A further response from the applicant's agent has been received.
20. **All letters received are attached for your consideration.**

APPRAISAL

21. This application has progressed through various development schemes which have been revised as concerns and issues have arisen. Ultimately we have a proposal for 3 houses, following demolition of the existing steading. The issues raised by this final proposal therefore include; the principle of development in relation to policy; the principle of removing the steading; the impact of the development on neighbouring properties and the area, in relation to layout and design; and road access and drainage.

Principle of Development and Policy

22. The site lies within the settlement envelope of Duthil as defined in the adopted Badenoch and Strathspey Local Plan. However, the site covers three different land use policy designations within the settlement statement.
23. The open area between the steading and the A938 is considered to be important to the rural open character and local amenity of Duthil and as such is protected from development. The revised proposal retains this open character and the only development which will encroach is the mounded soakaway which is required by SEPA. This can be satisfactorily designed and landscaped to ensure that the rural character of the area can be retained. Some of the front garden areas of Plots 1 & 2 will also encroach slightly but provided control of "domestic buildings" within these, is maintained through the removal of "permitted development rights", I do not see any adverse impacts on the goal of retaining a predominantly open and rural character to this area. The village green originally proposed would have also retained this character and complied with policy, but it has now been removed from the proposal because of concerns about the ability to regulate and administer ownership, maintenance and public use of the area, in proximity to the mounded soakaway.
24. The central area of the site, including areas surrounding the existing steading, the existing access track through the site, and a triangular area of the sloping embankment on the south side of the track, is

designated “white land” ie. there is a presumption in favour of the principle of development. The proposal for the new “U”-shaped building accommodating Plots 1 & 2, is akin to the site of the existing steading, but its access, parking and rear garden areas lie within this “white land”. The proposed house on Plot 3, now sits on the triangular area of “white land” on the south side of the track. It appears that a building of some sort existed on this triangular area of ground at some point and this is reflected in the “white land” allocation in the Local Plan. Given, the presumption in favour of development in this particular part of the site, and the fact that one of the originally proposed houses has been removed, I now have no objections to the principle of one additional house in this location.

25. The rest of the sloping ground and the steep embankment down to the rear of “Heatherbank” to the south, is covered by the “Trees and Woodland” policy. This is the policy that is referred to by representees and it encourages planting along the embankment to provide some strategic amenity landscaping in the area. This policy is aspirational. It does not relate to protection from development of an existing amenity woodland area. Although its purpose is to encourage landscaping for the benefit of the wider area, it does not advise how this will actually be achieved. It is not Council or publicly owned land. The areas are all in private ownership. Despite the policy, the areas covered further to the west have not been planted out. From the outset, I took the view that, the provision of landscaping was clearly of benefit, but that the only likely mechanism for actually achieving it on the ground, was “on the back” of a planning permission for some related development. The result of this, is my acceptance of the principle of the proposed house on Plot 3 (its garden area does encroach slightly into the planting policy area), provided that substantial tree planting was included as part of the proposal on the south sides of the embankment. This is what is now proposed.
26. In light of the above, I now find the proposal acceptable and compliant, in principle, in terms of adopted Local Plan Policy.

Principle of Replacing the Steading

27. My initial discussions encouraged the retention and conversion of the steading, unless it could be satisfactorily demonstrated that this was not possible. The steading is not listed. The application is accompanied by a structural and constructional survey. The conclusion is that the external walls are only at a height of 2.1m above current ground levels and therefore there would be a need to increase wall head heights to meet current day requirements. Increases in wall head heights will affect the foundations which are single stone footings. Reducing the external and internal ground levels would have impacts for drainage (the site is low lying and may be affected by overtopping of a burn which traverses the site). Reducing internal floor levels would also expose foundation stones. Due to the low ground levels, it is

necessary to increase floor levels to mitigate against low lying surface water incursion. There is also a large crack on one of the walls which would mean a complete re-build of this part. The roof requires complete removal and replacement and the existing floor construction and level (below external ground level) is unsuitable for retention and re-use. It would also need complete removal and replacement.

28. The building because of its age, (it pre-dates OS maps from 1870) is no doubt of some local cultural heritage interest. However, its structural and constructional state is poor and there are concerns about wall head heights, stability of foundations, ground levels, and ground and surface water drainage/incursion. I do not consider that these problems are particular to this building and indeed, there are examples of steadings with similar problems, which have been converted. However, other factors need to be considered.
29. I accept that the problems with conversion in this instance will incur substantial cost and in particular some of the required solutions for dealing with the wall heights, ground levels and drainage concerns may indeed be difficult to resolve, without significant affects on the existing building or changing the character of the building. It is also the case that this steading lies within a defined settlement, and not in a countryside area where its replacement with new housing would not be acceptable without a land based justification. It could be argued that the site therefore constitutes a “brownfield” opportunity within a settlement where there are no restrictive policies applicable –“white land”. If the steading did not exist, then the site would be assessed in this way. Indeed, it is also the case that the removal of the steading would not require planning permission in its own right or at the most, may only require the submission of a Prior Notification (consideration of the method of the demolition and the restoration of the site only). The new build proposal also provides the opportunity of providing a more sustainable approach with greater scope for in-built energy efficiency eg. large south facing glazing for solar gain. Where possible, downtakings will also be re-used in the development.
30. I take the view that while retention of the building may still be technically possible, the factors detailed above persuade me that there is no significant planning justification, in this particular instance to resist the proposal to remove and replace the steading building.

Impact of Development in terms of Siting and Design on Neighbours and Surrounding Area

31. There has been concern raised by representees (in particular, the occupants of “Heatherbank”) about the impact of the development on the amenity of other properties in the area. The main concern in this respect has been the proposal for houses on the southern part of the site and the potential removal of the embankment which encloses the north side of “Heatherbank”. After a detailed site assessment and the

submission of detailed site sections and levels, I concurred with the concerns expressed by the owners of "Heatherbank." The majority of the embankment would have been removed, in close proximity to "Heatherbank", and the houses would have had a detrimental impact on the amenity and privacy of that property. They would also have limited the opportunity to provide meaningful landscaping in line with the "Trees and Woodland" policy.

32. The revised proposal for one house positioned as far as possible to the north west side of the plot, with a retaining wall to the garden area, not only allows for more space for structural planting but allows for the retention of the highest part of the embankment and the steeply sloping south facing area down to "Heatherbank". The scale of the house has been reduced to fully one and a half storey and there are now no upper floor windows or elements facing the south. In this way, the amenity of "Heatherbank" is protected.
33. The reduction in the numbers of the houses has also meant that there is no requirement to upgrade the internal road to adoptable status. This retains the more informal, rural character of the development.
34. The designs of the buildings are based along traditional lines. The single house plot is of a traditional "country cottage" appearance with dormer windows, skews, vertical proportioned windows, and slate, wet harl and timber finishing materials. The replacement building for the steading, does have a larger footprint and is 700mm higher. However, its scale, character and general appearance is similar. The use of stone walls as boundary enclosures is welcomed.
35. I feel that the design and layout of the development is now acceptable. It will not detract from the rural, informal and open character of Duthil and will not now adversely affect the amenity of any adjacent property.

Road Access

36. One of the principle concerns of representees has been the ability of the applicant to meet the requirements for upgrading the existing road which leads from the A938 to the internal site access. The applicant does not own the road. In order to comply with the Council's policy of adoptable roads serving more than 4 houses (the existing road also serves some other properties further to the west), there is a requirement to upgrade this road, as far as the site, to adoptable standards.
37. The road is in effect a private road at present, owned by a third party, with the applicant having a servitude right of access over it. The road was put in as part of previous permissions for houses further west and Roads Construction Consent was applied for. However, for whatever reason, it was not built to these standards and the matter has rested since then. However, the Council, prompted by the applicants, has

now recognised that it has a duty to ensure that the road is adopted under The Security for Private Roadworks (Scotland) Regulations 1985. It has therefore served a Notice on the owner of the road, requiring them to comply with the Roads Construction Consent and upgrade it to adoptable standards. Failure to do this, will result in the Council carrying out the works, and seeking recompense. This has been contested by the owner of the road and the process is currently in the hands of solicitors.

38. Notwithstanding this, as I understand it, the right of the applicant to carry out the upgrade works without the permission of the road owner, under his current entitlement, remains unclear, but possible. The applicant is of the belief that he owns the land up to the east kerbside of the road. If this is the case then widening of the road and footpath provision could therefore be achieved on land within his control. Carriageway upgrades may not though be possible.
39. Whichever way, there are potential legal processes, outwith the remit of planning, that are required in order that any forthcoming planning permission for the current proposal and its access, can be implemented. I take the view that there is an adequate level certainty that the upgrade will occur, one way or another. It is possible and appropriate therefore to impose a suspensive condition, requiring that no development on the application site commences until such time as the road is upgraded to adoptable standards.
40. The proposal will not impact on the right of the owners of "The Old Manse Hotel" to access their property through the development site.

Drainage

41. Finally, the matter of drainage has caused some concern with representees and SEPA. As we know from previous applications in Duthil, there is no public sewer and there is a lack of dilution in the watercourses. The initial proposal for a treatment plant with a high quality discharge to a watercourse, raised concern with SEPA. The solution has been the proposal for 3 private treatment plants draining to an above ground mound system. This complies with technical requirements and SEPA are now content.

Conclusion

42. **This proposal has evolved as issues in relation to policy, design, impact on neighbours, infrastructure provision etc. have arisen. However, I feel the proposal has now reached an acceptable stage in respect of all the considerations. I therefore recommend approval.**

Conserve and Enhance the Natural and Cultural Heritage of the Area

43. The revisions to the proposal have resulted in a development that has generally positive implications for this aim. The creation of structural landscaping, as sought by the Local Plan, in some areas of the site is positive. Although the loss of the steading can be argued to be negative, I feel that this is off-set by the quality of replacement development proposed.

Promote Sustainable Use of Natural Resources

44. The proposal aims to achieve some sustainable targets, such as use of passive solar gain, harvesting and re-use of rainfall, orientation of buildings to minimise the impact of north winds, implementation of sustainable construction standards, use of local materials, including timber, and re-use where possible, of existing duntakings.

Promote Understanding and Enjoyment

45. The proposal has no implications for this aim.

Promote Sustainable Economic and Social Development

46. The development will provide small scale development activity in Duthil which will benefit the broader economic and social development of the community.

RECOMMENDATION

47. That the Committee support a recommendation to:

Grant Full Planning Permission for the Demolition of Steading and Erection of 3 No. Dwellinghouses, at Steading and Land to the West Boundary of the Old Manse Hotel, Duthil, Carrbridge, subject to the following conditions:

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. No development on the site shall commence until the existing partially constructed road leading from the A938 public road to the internal point of access to the site, has been upgraded to an adoptable standard, including the provision of a 2 metre wide footway on the east side, all to the satisfaction of the CNPA acting as Planning Authority and Highland Council's Area Roads Manager.
3. Prior to the commencement of any development, including any site clearance or demolition work on site, a photographic record shall be made of the steading and its immediate surroundings, in

accordance with the attached specification, and thereafter submitted for the further written approval of the CNPA acting as Planning Authority, following consultation with Highland Council's Archaeology Unit.

4. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no house extension shall be formed, and no greenhouse, shed or garage erected, on any of the approved plots, without the prior written approval of the Planning Authority.
5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling, other than those shown on the approved drawings, shall be erected on the site without the prior written approval of the Planning Authority.
6. That the on-site method of disposal of surface water, shall be in accordance with the submitted Drainage Impact Assessment (HGA Consulting Engineers, November 2006), the approved drawings, and the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000.
7. The development, including the areas around the mound soakaway, shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
8. In addition to the landscaping scheme required by Condition No. 7 above, tree planting, of a species and variety, height and number, in accordance with a scheme to be submitted to and approved in writing by the CNPA acting as Planning Authority, prior to the commencement of development on site, shall be undertaken in the embankment and sloping areas hatched in green, on the approved plan drawing no. 1635:100 A. This plan

shall take account of the existence of a septic tank in the location, and shall be carried out at the latest, during the planting season next following the commencement of development.

9. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, the sloping landscaped areas and the embankment, hatched in green on the approved drawing no. 1635:100 A, and referred to in Condition No. 8 above, shall remain, in perpetuity, as an area of structural tree planting, and shall not be incorporated into the functional and useable private garden area of the approved dwellinghouse on Plot 3. For the avoidance of doubt, no ground excavations beyond the retaining wall shown on the approved drawing no. 1635:100 A, shall take place without the further written approval of the CNPA acting as Planning Authority.
10. That prior to the commencement of any of the works listed below, exact details and specifications (samples may be required), shall be submitted for the further written approval of the CNPA acting as Planning Authority;
 - the dwellinghouse wall finishes – including the proposed renders and timber stain/colour;
 - the windows;
 - the skews on Plot 3;
 - the stone boundary walls and their pointing.
11. Visibility of splays of not less than 4.5 metres x 120 metres shall be provided in both directions at the junction of the adoptable road required by Condition No. 2 above, with the A938 road prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
12. Visibility of splays of not less than 4.5 metres x 30 metres shall be provided in both directions at the junction of the site access with the adoptable road, required by Condition No. 2, prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Neil C. Stewart

13 September 2007

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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

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