

**CAIRNGORMS NATIONAL PARK AUTHORITY**

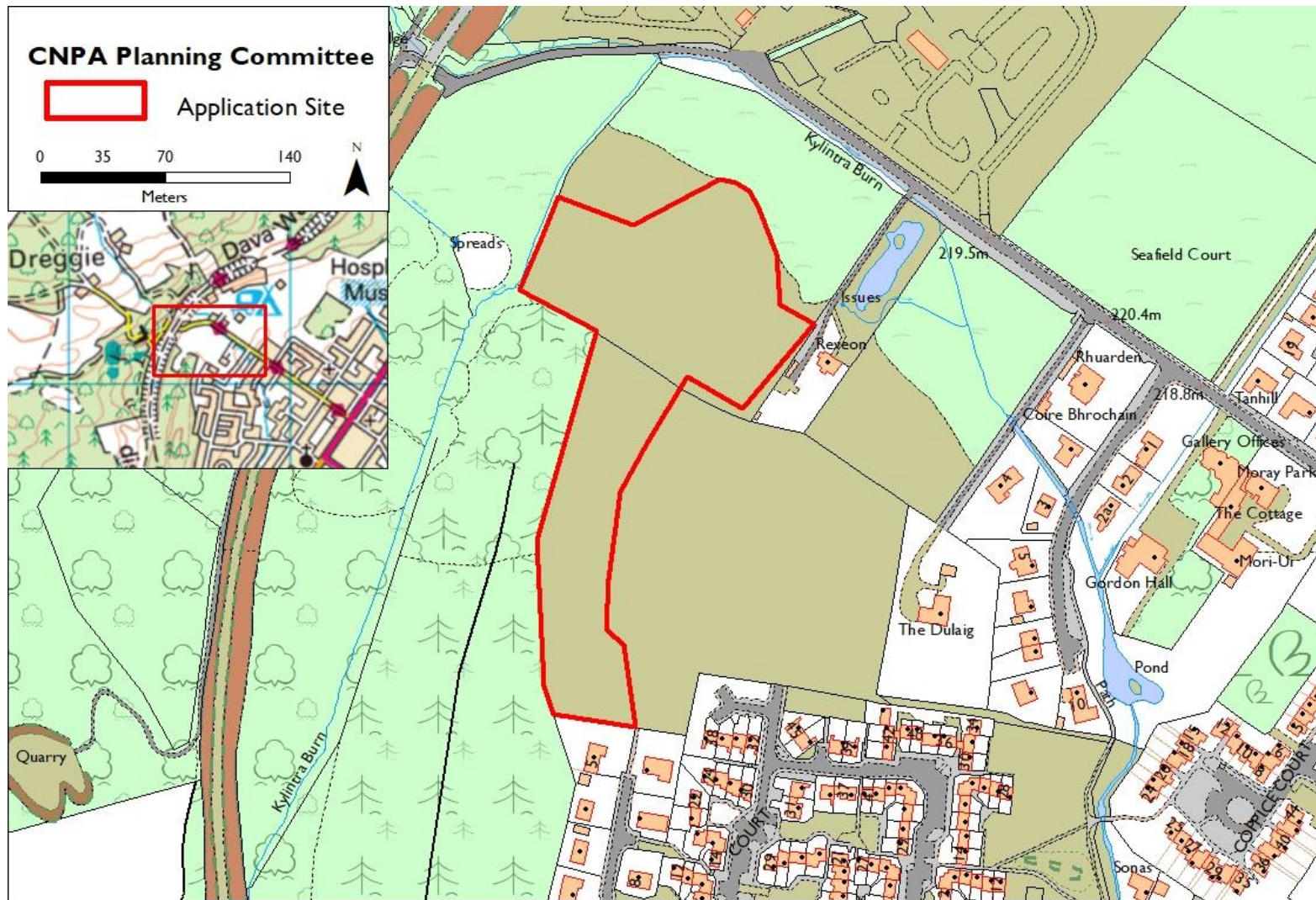
---

**DEVELOPMENT PROPOSED:**

Erection of 19 houses at 29 Dulicht Court Grantown On Spey

**REFERENCE:** 2022/0270/DET  
**APPLICANT:** RS McLeod Limited  
**DATE CALLED-IN:** 5 September 2022  
**RECOMMENDATION:** Approve, subject to conditions and developer contribution  
**CASE OFFICER:** Ed Swales, Monitoring and Enforcement Officer

---



© Crown copyright and database rights 2023. Ordnance Survey Licence number 100040965

## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site lies within the wider application site for the Beachen Court housing development which was originally for 43 house plots plus 10 affordable houses located to the northwest of Grantown on Spey. The site was previously grazing land with the lower part of the site bounded by the Kylintra Burn which leads into the River Spey Special Area of Conservation (SAC). To the north lies Beachen Woods, a popular walking area within the town. Access for this part of the site is taken from Seafield Avenue. 42 dwellings have now been built which are a mix of house types and purchase methods.

### **Proposal**

2. 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=RHF9X7SI0C P00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
<b>PLANS</b>			
Plan - Location Plan	RSMD/GO S/SDA/LP A	01/07/22	02/09/22
Plan - Site Layout	RSMD/GO S/SDA/SL A	01/07/22	01/09/22
Plan - Floor elevation plan plots 40-42 56-57 60-61	RMDL/373 /001	01/06/22	02/09/22
Plan - Floor elevation plan plots 43-46, 50, 52, 54-55, 58-59	RMDL/373 /002	01/06/22	02/09/22
Plan - Floor Elevations plots 47-48	RMDL/373 /003	01/06/22	02/09/22
Plan - SUDS POND 1 - PLAN & SECTIONS	147132/2 0 C	11/05/16	02/09/22

Plan - Proposed Drainage Layout	10223/PD 2	01/04/23	24/04/23
Plan - Soil Dispersal Area	RSMD/GO S/SDA/00 1 A	02/08/22	02/09/22
Plan – Proposed Site Levels	10223/PD 1	01/04/23	24/04/23
<b>SUPPORTING INFORMATION</b>			
Other - Design Statement			02/09/22
Other - Surface Water Management Plan	10223/04 12	01/04/23	24/04/23

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

3. The application seeks to vary the original permission which granted consent for 10 building plots to the north and northwest boundaries of the site. It is now proposed to build 19 properties over these plots, which will include 3 detached houses and 16 semi-detached houses. The units will not be subject to affordable housing requirements as the applicant has clarified that the overall site provides more than the required numbers of affordable units.
  
4. The new layout requires a new drainage arrangement, and the applicant is proposing a SuDS pond formed beyond the northmost point of the houses. This part of the site has been used for depositing unused soil and rocks from the site which would be dispersed to create a more natural looking area and thus avoiding moving this material off the site. Plans of the proposal can be found at **Appendix 1**.

## **History**

5. The wider site has the following permissions:
  - a) 2016/0060/DET was the original application approved for the site. This application was for the creation of 43 house plots and associated infrastructure. This was approved along with 2015/0394/DET which was for the erection of 10 affordable housing units. This was approved in October 2016 and established the wider strategic landscaping that the current application sits within.
  - b) 2017/0286/DET was for the erection of 16 houses, permission for this was granted in December 2017.
  - c) 2019/0275/DET was for the erection of 13 houses, permission for this was granted in November 2019.
  - d) 2019/0254/DET, 2019/0259/DET and 2019/0353/DET were approved for the erection of individual housing units on the site of the current application.

- e) There have also been other infrastructure applications approved across the overall site.

### **Habitats Regulations Appraisal (HRA)**

6. A Habitats Regulations Appraisal has been undertaken to consider the effects of the proposals upon the conservation objectives of the Natura Sites as listed within the document attached at **Appendix 2**.
7. The Kyalintra burn, which runs to the north of the site, is connected to the River Spey SAC and so there is potential for likely significant effects on Otter, Atlantic salmon, sea lamprey, fresh water pearl mussel (disturbance and pollution during construction phase in particular the construction of the SUDs outflow and foul drain connection, sediment release from ground works, entrapment of species, disturbance from recreational activity of public) which are qualifying interests of the SAC and therefore a potential effect on its site integrity. However, the HRA concludes that as long as standard good practice measures are applied to the development, including that no construction works are undertaken within 10 metres of any water course, all the conservation objectives would be met and there would be no effect on site integrity.
8. Regarding the relevant Anagach Woods SPA and the qualifying interest of Capercaillie, the HRA concludes that there will not be any likely significant effect to Capercaillie and as such this conservation objective of the relevant SPA is met.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045
POLICY 1	Tackling the Climate and Nature Crises
POLICY 2	Climate Mitigation and Adaptation
POLICY 3	Biodiversity
POLICY 4	Natural Places
POLICY 9	Brownfield land, vacant and derelict land and empty buildings
POLICY 14	Design, Quality and Place
POLICY 15	Local Living and 20 Minute Neighbourhoods
POLICY 16	Quality Homes
POLICY 17	Rural Homes
POLICY 22	Flood Risk and Water Management
POLICY 23	Health and Safety
POLICY 29	Rural Development

<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2022 – 2027	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DEISGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER OBLIGATIONS	<b>X</b>

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

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

10. Within the Cairngorms National Park Local Development Plan 2021, the site forms part of a wider allocated area for housing, under allocation Grantown on Spey H1.

### **Planning Guidance**

11. 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	Housing Supplementary Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Design and Placemaking Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Non-Statutory Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, 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 Obligations Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

12. **NatureScot** were consulted on the HRA, but at the time of writing the report offered no comment.
13. **Scottish Water** confirm that the applicant has submitted a Pre-Development Enquiry which was approved in April but are unable to confirm the surface water proposals until a later stage of the process.
14. **The Highland Council Transport Planning Team** confirm that provided Scottish Water will be willing to vest the new surface water drainage and SuDS infrastructure and Highland Council Flood Risk Management Team are content that the proposals will safely accommodate the predicted flow demands whilst maintaining acceptable discharge rates, they have no objection to the proposals as submitted. They they request that any permission issued includes a requirement to make a £5000 contribution towards active travel improvement projects within the Grantown-on-Spey.
15. **The Highland Council Flood Risk Management Team** is satisfied with the principle of the proposed surface water drainage scheme and with the location of the proposed detention basin but require more technical detail on a range of matters to remove their objection.
16. **CNPA Ecology Officer** recommends that bat/birds boxes should be installed on the new houses, that landscaped areas incorporate planting of wildflowers /native shrubs and that a tree protection plan or method statement for protection of remaining trees on site during construction is required.
17. **CNPA Outdoor Access Officer** notes the significance of facilitating public access and dog walking opportunities in the Beachen Woods and adjacent areas as this will assist in ensuring no additional recreational pressures are put on other woodland areas of Grantown on Spey. They recommend that the developer includes links from the housing development to the local paths in this adjacent woodland.
18. **CNPA Landscape Officer** states that the principle of the development is acceptable however they require the area proposed for aspen suckering to be fenced off from grazing with access gates installed for access purposes. Also the seeding and planting mix around the SuDS pond and soil dispersal area

will be required to be conditioned. A contour plan of the soil dispersal area is also required to ensure that it is landscaped to a natural finish.

19. **Grantown Community Council** were consulted but offered no comment.

## REPRESENTATIONS

20. A number of representations were submitted during the application process. Copies of all the public representations can be found in **Appendix 3**. The following is a summary of the objections.

- a) The access to the build site, currently the site is accessed from Seafield Avenue then through an existing residential area onto the site, this is a matter for environmental health rather than a planning matter, as is the working hours.
- b) Concerns regarding the overlooking of some proposed units into an existing property.
- c) There are concerns the drainage impacts and flood risk haven't been fully addressed at the application stage. Where the SuDS drains is also of concern.
- d) The path that connects the site to the SuDS pond, required for maintenance will create an antisocial impact not currently in place on the site. There is also concern of how this will be constructed. It is considered that moving the path to avoid the area and run it from plots 57 and 58 to the SuDS pond would remove this aspect of the objection.
- e) Areas of existing habitat should be monitored to ensure there is no significant loss of important habitat.
- f) There is concern the application form contained incorrect information regarding the ownership of the site.
- g) An Environmental Statement was submitted during the original application and as this statement is now 7 years old the information should be reviewed.
- h) Slope stability of the bank to the rear of plots 43 to 53 should be fully investigated to ensure there is no risk of slippage.
- i) The proposed house design should take into account local vernacular, and include lower roof heights, particularly on plots 43 to 53.

## APPRAISAL

### Principle

21. **Policy 1: New Housing Development** of the Cairngorms National Park Local Development Plan 2021 supports new housing that is located on an identified



allocated site or within identified settlement boundary. The site lies within the boundary of the allocated site, H1 as identified in the adopted local plan.

22. **Policy 16: Quality Homes** of NPF4 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives.
23. The application is for the increase from 10 units to 19 units along the top (west and north) of the site.
24. The original proposal was for 10 detached, larger units across the same part of the site. The proposal seeks to vary this from detached to a variety of semi-detached and detached houses, 3 bedrooms or under. The footprint of these new units will be the same as previously consented with the exception of the 8 units where plots 7-10 were proposed which will now take the form of a cul-de-sac rather than a line of houses.
25. The principle of the proposed residential development is considered to be acceptable subject to compliance with other relevant Local Development Plan and NPF4 policies.

### **Affordable Housing**

26. **Policy 1.4 Designing for Affordability and 1.5 Affordable Housing** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure developments have an emphasis on smaller units rather than larger units and provide 25% affordable housing provision.
27. The proposed development has a strong focus on smaller units that are more likely to be affordable on the open market to people living and working in the area than the originally conceived larger plots of the site. The provision of affordable housing units has been catered for across the wider site through the housing that has already been approved and completed, with 13 units by Highland Housing Alliance making the 25% contribution required by planning policy. However, the wider site has already made a more effective contribution to local housing need than many developments do with an initial 10 affordable units having been approved in a first phase of development and the developer having opted to build smaller units using the government's former "Help to Buy" scheme for first time buyers in another phase of development. The proposed development on mainly smaller units, broadly targeted at local housing demand, is considered to comply with policies 1.4 and 1.5 of the Cairngorms National Park Local Development Plan 2021

## Layout, Amenity, and Design

28. **Policy 14: Design, Quality and Place** of NPF4 supports development that is consistent with the six qualities of successful places, including health and wellbeing, and safe and pleasant places for people to meet. **Policy 1: New Housing Development and Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seek to reinforce and enhance the character of the existing settlement and encourages new development to be sympathetic to the traditional pattern and character of the area whilst encouraging innovative design and finishes.
29. The properties are designed to be similar in terms of design and external finishes to the existing units on the site with white render and timber cladding, whilst incorporating design measures to avoid linear features along the skyline of the prominent west side of the site. The proposed units fit into the development and link to the roads, paths and open spaces that already make it an attractive part of Granttown-on Spey. The proposals are considered to comply with Policy 14 of NPF4 and Policies 1 and 3 Cairngorms National Park Local Development Plan 2021.
30. In terms of residential amenity, Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects the amenity currently enjoyed by neighbours and affords sufficient private amenity ground and off-street parking. Each property will be set within reasonably sized plots with its own private garden and car parking and has sufficient distance between new and existing properties to ensure there will be no issues of overlooking or loss of privacy and an adequate level of amenity will be afforded to future occupants. The proposal therefore complies with Policy 3 in this respect.
31. A Construction Traffic Management Plan will ensure construction traffic, through the existing residential areas is undertaken safely and avoids larger vehicles being on the roads during potentially busy periods of the day. This will minimise disturbance to nearby residents during construction.

## Environmental Issues

32. **Policy 1: Tackling the climate and nature crisis and Policy 3: Biodiversity of NPF4** plays a critical role in ensuring that development will secure positive effects for biodiversity and require that significant weight is given to the global climate and nature crisis. **Policy 4: Natural Places of NPF4** is intended to protect, restore and enhance natural assets including protected areas. **Policy 4: Natural Heritage** of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact

on protected species and where this cannot be avoided that appropriate mitigation measures are provided.

33. The Habitats Regulations Appraisal for the development concludes that as long as best practice measures, including no construction within 10m of the water courses, are incorporated as part of the management of construction, there will be no effect on the site integrity of the River Spey SAC. This can be secured through an appropriate condition.
34. Since development of the site commenced in 2017, a number of temporary exposed sandy banks have been created that have been used for nesting by sand martins. Breeding birds are protected from disturbance and a condition will be imposed to ensure no breeding birds are disturbed.
35. The development fits within an existing landscape design approved for the wider site but includes new areas of change where appropriate seeding can create diverse grassland habitats and allow existing aspen on the boundary of the site to sucker. The addition of bird and bat boxes to the new properties will also provide potential breeding habitat for species that would not otherwise have bred on the site.
36. Subject to the inclusion of appropriate conditions, the proposed development will comply with Policies 1, 3 and 4 of NPF4 and Policy 4 of the Cairngorms Local Development Plan 2021.

### **Landscape Issues**

37. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development. This is reinforced by **Policy 3: Design and Placemaking** which seeks to ensure that all new development is sympathetic to the traditional pattern and character of the surrounding areas, local vernacular and local distinctiveness.
38. The proposed development connects into a wider approved landscape design but includes new elements where more detail is required to provide certainty over the management of surrounding areas inside the development site and on nearby ground controlled by the applicant. In particular: the area to the north-west of the site, where there is an area of aspen, requires to be fenced off to allow suckering of the aspen and protection from grazing; areas where surplus topsoil is to be spread read require contour plans and details of seed mix for seeding acid grassland and; the seeding of the SUDs basing with appropriate species are all required and can be secured through condition.

39. Subject to suitably worded conditions to ensure the proper establishment of an appropriate landscape scheme the development is considered to comply with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development 2021.

### **Flooding and Surface Water Drainage**

40. **Policy 2: Climate mitigation and adaptation** of NPF4 requires that development minimises emissions and adapts to current and future impacts of climate change. **Policy 22: Flood Risk and Water Management** of NPF4 ensures that future flood risk is not exacerbated by development and facilitates the delivery of sustainable flood risk management solutions.
41. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 requires that all development should be free from medium to high-risk flooding, not increase the risk of flooding elsewhere, not add to the area of land requiring flood prevention measures and not affect the ability of the functional flood plain to store or move flood waters. Developments should incorporate SUDs as proportionate to the scale and nature of the development. The policy also requires that all development should avoid unacceptable detrimental impacts on the water environment.
42. The development itself is beyond any areas at risk of flooding and incorporates an appropriate a surface water drainage scheme that is acceptable in principle. However, further technical details would require to be approved before development could be allowed to commence and an appropriate condition is proposed to secure those details.
43. Subject to this condition the proposed development is considered to comply with Policies 2 and 22 of NPF4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

### **Access and Servicing**

44. **Policy 15: Local Living and 20 Minute Neighbourhoods of NPF4** supports development that is consistent with the principles of local living and 20 minute neighbourhoods, helping to ensure our homes and wider neighbourhoods meet all of our needs. As part of this, it recognises that affordable housing options, ability to age in place and housing diversity are an integral part of more liveable places. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to promote sustainable transport methods and active travel and maximise opportunities for responsible outdoor access. **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to

make a fair and reasonable contribution in cash or in kind towards additional costs or requirements.

45. The proposed development fits within an existing a road layout with extended footways and is within acceptable walking and cycling distance from local amenities and public transport links. Proposed parking provision for each plot is considered sufficient and accords with Highland Council's guidelines. The Transport Planning Team seek a contribution of £5000 towards active travel projects within Grantown.
46. Subject to the recommended conditions and financial contribution to support active travel improvements in Grantown-on-Spey, it is considered that the proposals comply with Policy 15 of NPF4 and Policies 3 and 11 of the Cairngorms National Park Local Development Plan 2021.

### **Other Issues Raised in Consultations and Representations**

47. The area to the rear of plots 43 to 53 is currently a bare sandy bank and will be reprofiled and planted as part of the landscaping of the site and progression of the development. All other relevant issues raised by consultees and third parties have been addressed. Any other matters raised are not material in the determination of this application.

### **CONCLUSION**

48. The proposed development is for housing on an allocated site within the development plan with an existing consent for fewer but larger house plots. The proposed development will deliver a greater number of more within a size range that is better suited to the local demand. It fits into an already successful development and subject to appropriate conditions, will complete the housing allocation in a way that creates an attractive part of Grantown-on-Spey and connects to existing services and infrastructure as well as integrating nature and landscape features within the development. Subject to these recommended conditions the proposed development is considered to comply with the policies contained within National Planning Framework 4 and the adopted Local Development Plan and approval is therefore recommended.

### **RECOMMENDATION**

**That Members of the Committee support a recommendation to APPROVE the Erection of 19 houses at 29 Dulicht, Court Grantown on Spey subject:**

- a) An appropriate contribution towards Active Travel improvements within Grantown on Spey and;**
- b) 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 until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CEMP shall include:**
  - a) **The identification of a 10m buffer from watercourses within which no construction apart from an outfall from an approved SUDS scheme within the Surface Water Management Plan shall be undertaken;**
  - b) **A pollution prevention plan demonstrating that there will be no pollution or sedimentation of water courses during construction;**
  - c) **Details of pre-construction surveys for Otter and Species Protection Plan with standard mitigation measures to prevent harm to otters that might enter the site during construction.**
  - d) **Bird protection plan to ensure to disturbance of birds during the bird breeding season, including mitigation measures to protect known colony of nesting sand martins.**
  - e) **Details of an appropriate inspection and reporting regime to the Cairngorms National Park Authority by an appropriately qualified Ecological Clerk of Works to supervise works and ensure compliance with the measures of the approved CEMP.**

**Thereafter the development shall be implemented in accordance with the approved CEMP.**

**Reason:** To ensure that there is no effect on integrity of the River Spey SAC, or to protected species and breeding birds using the Policies 1: Tackling the climate and nature crisis, 3: Biodiversity and 4: Natural Places of NPF4 and with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 2 **No development shall commence on site until a revised Surface Water Management Plan and Drainage Layout have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. This must incorporate but not be limited to the following:**
  - a) **Cross sections showing simulations for 2 year (or Qbar level), 30 year and 200 year plus climate change level/freeboard and surrounding finished ground levels to demonstrate that the SuDS basin can accommodate predicted storm events;**

- b) Spill point and hydrobrake details;
- c) Clarification of the details of the discharge location confirming whether this is to be direct to a watercourse;
- d) Details of any new or rerouted watercourses;
- e) Plans of the receiving watercourse showing culvert size and number of inlets, together with photographs – it must be demonstrated that the new discharge location will not increase the flood risk in the discharge area;
- f) Details of land drainage or justification if no land drainage is necessary.

Thereafter the development shall be implemented in accordance with those approved details.

**Reason:** To ensure that satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and Policy 22 of NPF4.

- 3 **No development shall commence on site until a Construction Traffic Management Scheme has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Transport Planning Team. The scheme shall include but is not limited details of timings to reflect the need to minimise residential disturbance during construction. Thereafter the development shall be implemented in accordance with those approved details.**

**Reason:** To ensure there are no adverse impacts on the road network in relation to road safety and that construction traffic associated with the development causes minimum disruption to residents in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policy 23: Health and Safety of NPF4.

- 4 **No development shall commence on site until a fully detailed Landscaping Scheme and a Landscape Maintenance Programme for both hard and soft landscaping measures associated with the development of has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This shall include, but not be limited to:**
- a) hard landscaping material details and any boundary fencing;
  - b) soft landscaping plant and tree species and planting specifications
  - c) details of footways and of path connection to neighbouring woods.
  - d) the location and specification of the SUDS pond maintenance path and details of seed mixes for the SUDS area.
  - e) Contour plan for the spreading of excess topsoil and appropriate acid grassland meadow seed mix;

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

**Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhance biodiversity and ensure the development will not have an adverse impact on the landscape setting or ecological quality of the development in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 as well as Policies 3: Biodiversity and 4 Natural Places of NPF4.

- 5 **No development shall commence on site until a revised Tree Protection Plan (to meet BS5837) has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. The tree protection plan should include protection of existing trees on site as well as protection of the Aspen suckering area. No development shall commence on site until the tree protection measures have been implemented on site in accordance with the approved plan. Thereafter all trees shall be retained and maintained in accordance with the approved Tree Protection Plan and Landscape Maintenance Programme throughout the lifetime of the development hereby approved unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

**Reason:** To ensure a proper assessment of the potential tree loss and to protect those trees which contribute to the landscape character and biodiversity of the area during and after construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 as well as Policies 3: Biodiversity and 4 Natural Places of NPF4.

6. No residential unit shall be constructed on site until details of the provision of bat and bird boxes throughout the site have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority.

Thereafter the development shall be implemented in accordance with those approved details before occupation of the residential unit(s) on which the relevant bat 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 and bird roosting in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2021 and Policies 3, 4 and 9 of NPF4.



## **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 outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.**

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.