

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Formation of road and SuDS basin at Land between Perth Road and Station Road Newtonmore Highland

**REFERENCE:** 2022/0358/DET

**APPLICANT:** Tulloch Homes Ltd

**DATE CALLED-IN:** 7 November 2022

**RECOMMENDATION:** Approve subject to conditions.

**CASE OFFICER:** Alan Atkins - Planning Officer

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

### **Site Description**

1. The application site is located to the south of a wider site which has consent for the development of residential units, (applications 07/230/CP and 2018/0242/DET). The site covers an area of 0.31 hectares and is located between the B9150 Perth Road and Station Road, to the south west of the village of Newtonmore. The site currently consists of unused agricultural land and is flat in nature. There is a group of existing trees located to the south west of the site, which includes birch, pine, oak, cherry, aspen and rowan. Part of the south-west boundary of the site backs onto a corner of woodland planted by the Newtonmore Community Woodland Development Trust. To the north and east of the site is agricultural land with housing to the far north east. The southern edge of the site is bounded by a track known as The Coffin Road, which leads east to the old cemetery and railway line.

### **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=RKOEGVSI0CP00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Plan - Location Plan.	100184834	01/09/2022	07/11/2022
Plan - Overall Site Layout Plan	100184839	01/07/2022	07/11/2022
Plan - Site Layout Plan - SuDS Installation.	3295-02-500_A	01/01/2023	30/01/2023
Plan - SuDS Design - SuDS Construction Details.	191030-000-CAM-DR-C-025-B	14/06/2022	30/01/2023
Plan - Roads Adoption Plan.	191030-000-CAM-DR-C-005-C	14/06/2022	15/02/2023

Plan - Road Layout Plan.	191030-000-CAM-DR-C-003_C	14/06/2022	15/02/2023
Plan - Landscaping Plan.	TH NS 1-7-22SL01 REVB	07/10/2022	20/02/2023
Plan - Topographical Plan.	1001848s42	14/06/2022	07/11/2022
Plan – Road and Site Contours	191030-000-CAM-DR-C-12-B	14/06/2022	30/01/2023
Plan – Drainage Layout.	191030-000-CAM-DR-C-020-B	14/06/2022	30/01/2023
Plan – Drainage SuDS Cross Section	191030-000-CAM-DR-C-021-B	14/06/2022	30/01/2023
Plan – Surface Water Flood Routing.	191030-000-CAM-DR-C-026-B	14/06/2022	30/01/2023
<b>Supporting Information</b>			
Other - Design and Supporting Statement - SuDS Basin.	100184835	11/10/2022	07/11/2022
Other - Drainage Impact Assessment.	191030-000-CAM-RP-C-001REV1	01/07/2022	30/01/2023
SuDS Basin Embankment Stability Check			30/01/2023

\*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. It is proposed to form a Roads water SuDS infiltration basin to manage the surface water from the proposed adoptable public road. The proposed SuDS basin will serve the adjacent, approved housing development and replaces the previously approved underground storage solution. The SuDS basin will be an irregular shape with a width of 16.m at its narrowest point and 21.3m at its widest. The overall length of the basin will be 49.9m, with a maximum depth of 150mm. The basin will include a headwall with inlet pipe and a 100mm stone base. The majority of the SuDS basin will be below the current ground levels

apart from a small area of embankment which is located adjacent to the previously proposed pump station in the south of the site.

4. The proposals include the planting of grass seed at the base and side slopes of the basin and shrubs in the surrounding long grass. The area surrounding the basin will be sown with grass and a wildflower seed mix. There is further planting proposed in the north-west of the site with wetland tolerant native woodland species, and a mixture of native woodland species in the north-east including Birch, Pine, Oak, Cherry, Poplar and Rowan. In order to accommodate the revised SuDS basin design, a group of existing trees, located in the south west of the site, will be felled.
5. Plans of the proposal are attached as **Appendix I**.

### **History**

6. The following is a planning history for the proposed development site. The applications have been submitted to CNPA:
  - a) 2018/0242/DET - 20 affordable residential units and associated infrastructure – planning permission granted 17/10/2023.
  - b) 07/230/C - 81 new dwellings and construction of access road – planning permission granted 25 August 2011.

### **Habitats Regulations Appraisal**

7. A Habitats Regulations Appraisal (HRA) has been undertaken (13/01/2023) to consider the effects of the proposal upon the conservation objectives of the River Spey Special Area of Conservation (SAC) The full appraisal is attached at **Appendix 2**.
8. The River Spey SAC is located approximately 300m from the application and the qualifying interests are otter, freshwater pearl mussel, sea lamprey and Atlantic salmon. Given that there are no drainage channels or tributaries in the intervening land between the development site and the River Spey, there is no connectivity between the site and the River Spey SAC. Furthermore, due to the distance and positioning of the proposals in relation to the River Spey SAC, there will be no disturbance for any otter that may be using the river. Therefore, there are no effects on habitats and supporting processes of the qualifying interests.
9. The Habitat Regulations Appraisal concluded that the proposed development at Newtonmore is unlikely to have a significant effect on the protected sites at the River Spey SAC.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 1	Tackling the Climate and Nature Crises	<b>X</b>
POLICY 3	Biodiversity	<b>X</b>
POLICY 14	Design, Quality and Place	<b>X</b>
POLICY 18	Infrastructure First	<b>X</b>
POLICY 22	Flood Risk and Water Management	<b>X</b>
<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	
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 DESIGN 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	

10. 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>

### 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	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Design and Placemaking 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	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	

## CONSULTATIONS

12. A summary of the main issues raised by consultees now follows:
13. **Scottish Water** have stated that they no objection to this planning application. However, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.
14. Any conflict with identified Scottish Water assets will be subject to restrictions on the proximity of the development site. Written permission must be obtained before any works are started within the proximity of any Scottish Water apparatus.
15. Scottish Water records indicate that there is live infrastructure in the proximity of the development site, in the form of an 80mm mains pipe at the junction of the proposed access road and the B916 Perth Road. This being the case, the applicant must identify any potential conflicts with Scottish Water assets and contact The Asset Impact Team via the customer portal for an appraisal of the proposals.
16. **NatureScot** have stated that they agree with the conclusions of the Habitats Regulations Assessment and have no further comments to make regarding the application.
17. **Highland Council Contaminated Land Officer** has stated that there are no known contaminated land issues present within the site boundary. Therefore, the Contaminated Land Service have no comments to make regarding this application.
18. **Highland Council Flood Risk Management Team** have withdrawn their objection to the proposals. In terms of drainage, the Flood Risk Management Team are satisfied that ground conditions are suitable for the use of infiltration SuDS. In addition, given that the southern end of the basin has been raised in height, any risk of flooding will be low, and any flooding that does occur will be minor and manageable within the road network. It is recommended that any consent issued should include a condition that the final detailed drainage design should be submitted.
19. **Highland Council Transport Planning Team** have stated that the principle of draining the roads to a roads only infiltration basin, and future adoption, has been accepted by the Roads Authority. However, the detailed

design of the SuDS basin has not yet been agreed through the Roads Construction Consent Process.

20. In addition, the extent of infrastructure to be proposed for adoption by the Roads Authority is detailed on the revised Roads Adoption Plan. The latest drawing now shows the extent of SuDS basin land being promoted for adoption. Furthermore, the visibility splays as shown on the revised Roads Adoption Plan are considered to be acceptable.
21. **CNPA Landscape Officer** has stated that the proposed development will not result in significant adverse effects on landscape interests of the National Park. As a result of the felling of a group of existing trees in the west of the site, there will be some local adverse effects as a result of the proposals. However, the proposed planting of native trees and shrubs will provide sufficient mitigation, and the inclusion of biodegradable tree and shrub shelters is considered a positive addition.
22. **CNPA Ecology Officer** has stated that the River Spey is located 300m from the application site boundary, and, given the lack of water pathways, there is no connectivity between the proposed development site and the River Spey Special Area of Conservation (SAC) Given the proposed works are out-with the SAC site, there are no direct impacts on the River Spey SAC.
23. A small block of trees including birch, oak, cherry, aspen, rowan and pine are to be felled to accommodate the proposed development. Given the loss of native trees, this will result in some adverse effects. However, this will be mitigated through the proposed planting of native trees and shrubs.
24. The application site may have the potential to support nesting birds during the nesting season. Therefore, there is potential for substantial effects if nests are destroyed during felling and construction work. However, any effect can be mitigated if all works are undertaken out-with the main nesting season. Therefore, it is recommended that a suitably worded condition is included that no development should commence during the period of March to mid- August.
25. In addition, it is recommended that a suitably worded condition is included that the planting scheme shown on the submitted Landscape Plan is implemented in full, and that a Landscape Maintenance Plan is submitted for approval prior to works commencing on site.
26. **Newtonmore Community Council** have not made any comments on the proposed development.

## REPRESENTATIONS

27. There have been no representations submitted as a result of this application.



## APPRAISAL

### Principle of Development

28. The main planning considerations are considered to be the principle of development; the impact upon the landscape; environmental impacts; servicing and access.
29. The principle of development on this site has already been established through the approval of planning permission 07/230/CP and 2018/0242/DET. The proposed SuDS basin will replace the system of stormbloc trenches used to dispose surface water, as per planning consent 07/230/CP. Therefore, the proposed development is considered to be acceptable in terms of principle, subject to compliance with other relevant Local Development Plan policies.

### Landscape Impacts

30. **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 of high standard.
31. The proposed development will not result in any significant impacts on the landscape character of the National Park. The development has been designed to ensure that these effects will be kept to a minimum, and any local impacts will be mitigated through the proposed planting of native trees and shrubs in the south west and south east of the application site.
32. In light of the above, the proposed development is considered to comply with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

### Environmental Impacts

33. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity.
34. Although the River Spey SAC is located approximately 300m to the south of the development site, there are no protected sites within the application site boundary. It is considered that the proposed development will not have any significant adverse ecological impacts on the site and the wider area, nor will there be any significant adverse impacts on species of conservation concern in relation to the current proposals.
35. Given that it is proposed to fell a small group of native trees, there will be some impact on the ecology of the site. However, any impact will be mitigated against

through the proposed planting of native trees and shrubs. This being the case, any consent issued will include a condition that the proposed planting scheme is implemented in full, as per the submitted Landscape Plan, and that a Landscape Maintenance Plan is submitted for approval prior to works commencing on site.

36. There may also be a risk of impact to breeding birds, and, therefore, any consent issued should include a condition that all works (including felling) should take place out with the breeding birds season. If this is not possible, a pre-works survey should be carried out, and a protection plan submitted for any nests found.
37. Subject to the recommended conditions, it is considered the proposals will comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

### **Servicing and Access**

38. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 sets out the need to fully consider impacts on flooding and water resources, requires that all development should avoid unacceptable detrimental impacts on the water environment and should demonstrate that any impacts can be adequately mitigated.
39. It is proposed that the access road will be drained via road gullies to a road water sewer, which will discharge into the proposed SuDS basin. This strategy has been agreed by the Council's Flood Risk Management Team. However, any consent issued will include a suitably worded condition that the final detailed drainage design is submitted for approval prior to works commencing on site.
40. The applicant has demonstrated that the site is out-with the 1 in 200 year plus climate change return period flood extents, and that the proposed finished floor levels are a minimum of 600mm above this design event. This being the case, Highland Council Flood Risk Management Team have withdrawn their objection on the grounds of flood risk.
41. The SuDS basin has been designed to accommodate run-off from a 1 in 1000 year plus climate change event without overtopping. The southern end of the basin has raised embankments to contain the water, and these have been designed to be impermeable and protected against the risk of failure/breach. Therefore, any flooding during such an event will be minor and the impact manageable within the road network.
42. The proposed SuDS basin is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
43. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily accessed.

44. The proposed development will be accessed via the B9150 Perth Road and then by the southern vehicular access road. The proposed access road also includes a maintenance lay-by for the SuDS basin. There is sufficient space proposed for a service vehicle to access the site and manoeuvre to enable it to egress in a forward gear, thus addressing any road safety implications in accordance with Policy 3: Design and Placemaking.
45. The proposed development is considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

## CONCLUSION

46. The proposed SuDS basin at Newtonmore will not introduce any significant landscape and environmental impacts and is considered to be acceptable. Any remaining points of detail that have not been sufficiently addressed, with particular reference to species protection and drainage, will be resolved through the imposition of appropriate conditions. Subject to these recommended conditions, the proposed development is considered to comply with the relevant local development plan policies of the Cairngorms National Park Local Development Plan 2021 and is recommended for approval.

## RECOMMENDATION

**That Members of the Committee support a recommendation to approve the formation of roads SuDS basin (07/230/CP and 2018/0242/DET) at Land Between Perth Road And Station Road Newtonmore Highland 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.

### Conditions

1. **No development shall commence on site until a Maintenance and Management Plan covering a period of at least five years following construction, including the care of existing and proposed trees and shrubs, is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**  
**Reason:** To avoid biodiversity loss and to ensure the establishment, retention and protection of the proposed planting in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.
2. **No development shall commence on site until full details of the final drainage design are submitted to and approved in writing to the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council's Transport Planning and Flood Management teams. Thereafter the approved drainage scheme**

**shall be implemented and maintained in accordance with the approved details in full.**

**Reason:** To ensure the satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Sustainable Design Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

3. All felling, ground preparation and construction works should take place out with the breeding bird season (March to August inclusive). If this is not possible, then a pre-start breeding bird survey must be carried out by a suitably qualified and experience ecologist to confirm that no breeding birds will be disturbed must be completed.

**Reason:** To avoid harm to breeding birds, and to comply with species protection legislation, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

4. All proposed planting of trees and shrubs shall be carried out in full accordance with the approved Landscape Plan.

**Reason:** To ensure that the proposed planting comprises of species that are commonly found within the Cairngorms National Park and that thrive locally in accordance with Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

### **Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period, then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the

development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

4. 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 or Bank Holidays to minimise disturbance to residents in the area.
5. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre- Development Enquiry (P.D.E.) Form, and submit to Scottish Water via the customer portal, or contact Development Services.

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.