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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED:

Erection of 8 dwellinghouses, installation of replacement bridge and associated works (revised design) at Land 40 Metres North Of Little Orchard, Blair Atholl

**REFERENCE:** 2019/0263/DET

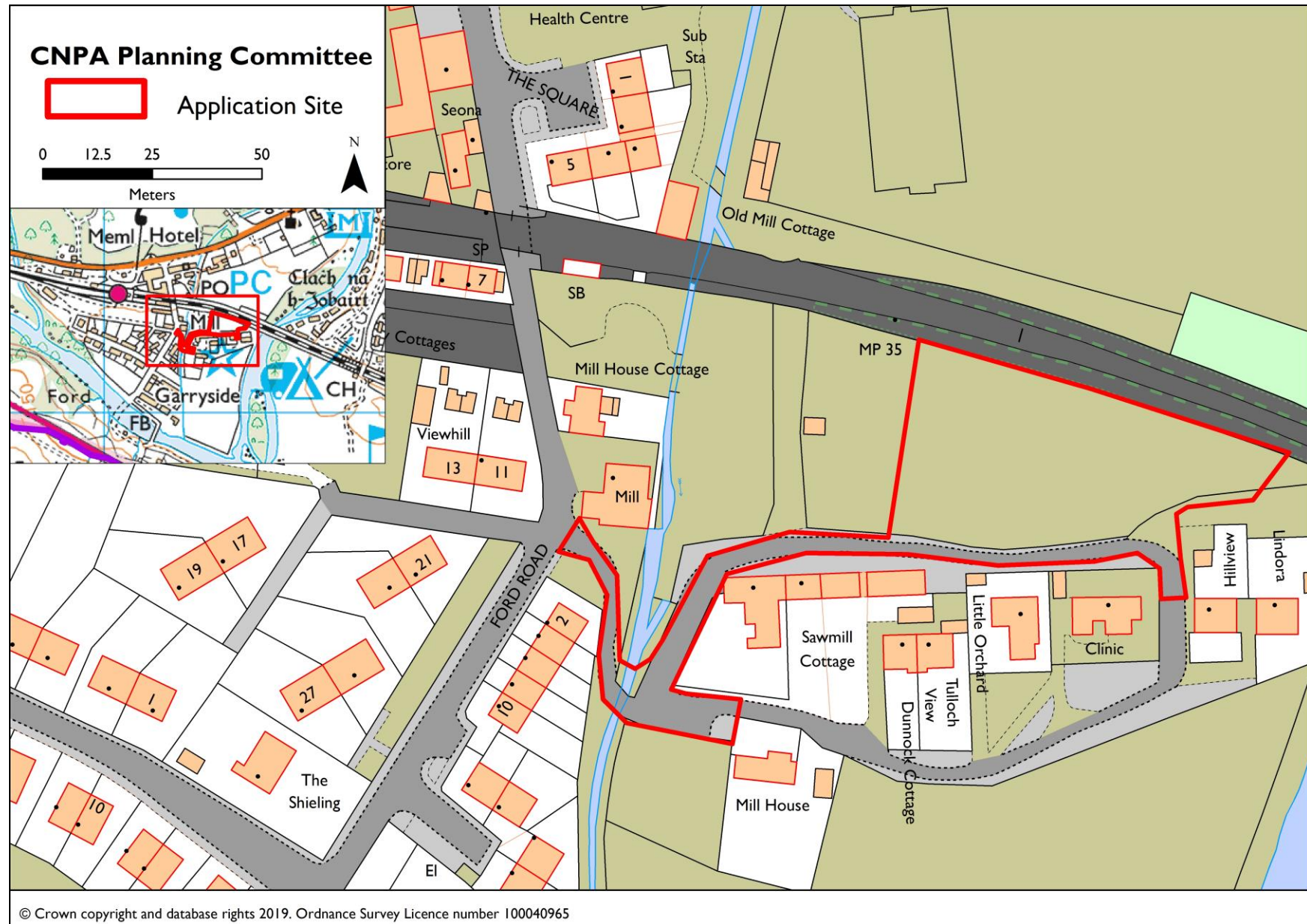
**APPLICANT:** Atholl Estates

**DATE CALLED-IN:** 19 August 2019

**RECOMMENDATION:** Approve subject to Conditions

**CASE OFFICER:** Katherine Donnachie (Planning Officer)

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

### **Site Description**

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

### **Proposal**

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:  
<http://www.eplanningnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PW9XK2SI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Location Plan	LOC1	13/12/2016	19/08/2019
Site Plan as Proposed (PV Panels)	P05 REV A	30/07/2019	19/08/2019
Site Plan Right of Way Temporary Diversion Proposal	P03 REV A	6/11/2017	19/08/2019
Public Access Statement	4734	21/11/2017	19/08/2019
Site Plan as Existing	E01	31/05/2017	19/08/2019
Proposed Site Plan – Surface Materials	600221-DG-0002-T2	01/02/2016	19/08/2019
Landscape Layout	CI750.001 REV E	01/08/2019	19/08/2019
Plant Schedule	CI750.PSI REV A	01/08/2019	19/08/2019
5 Year Landscape Maintenance Programme Schedule	CI750.MP2	01/11/2017	19/08/2019

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Planting Details Maintenance Schedule and Plant Schedule	C1750.002	01/11/2017	19/08/2019
Drainage and Flood Risk Assessment	6000221-REP-0002-01	04/09/2017	19/08/2019
Flood Routing Plans	600221-DG-0032-P3	04/09/2017	19/08/2019
Roof Plans	P09 – REV A	29/07/2019	19/08/2019
Solar Voltaic Panels			19/08/2019
Bridge – Construction Method Statement		01/06/2019	19/08/2019
Structural Details 01B	01.B	01/03/2019	19/08/2019
Structural Details 02A	02A	01/03/2019	19/08/2019
Structural Details 03A	03A	01/03/2019	19/08/2019
Site Location Plan – Watermill Bridge		01/03/2019	29/08/2019
Remediation Strategy – Phase III	1040-001-03	28/02/2019	29/08/2019
Hydraulic Bridge and Culvert Assessment	600221-CAL-0004-03	24/06/2019	29/08/2019
Mid Lade Photo Exhibit	600221-DG-0125-P2	28/06/2019	29/08/2019
Existing and Proposed Bridge Plans and Sections	600221-DG-0150-P1	05/08/2019	29/08/2019
Bridge Handrail Sketch			29/08/2019
Metal Handrail With Mesh Infill			29/08/2019
Appointment of ECOW	4734/20190621-154755-447	21/06/2019	29/08/2019
Finishes For Bridge	4734/20190723-152404-689	23/06/2019	29/08/2019
Method Statement Version 2	MS REV 2	05/08/2019	29/08/2019
Demolition Method Statement	MS June 2019	01/06/2019	19/08/2019
Anti-Pollution Plan/Environmental Mitigation Statement		01/06/2019	19/08/2019
Housing – Construction Method Statement		01/06/2019	19/08/2019
Design Statement	4734	15/06/2019	19/08/2019
Ecological Survey Report		07/06/2019	19/08/2019
Hydraulic Bridge Assessment	600221-CAL-004-01	24/06/19	19/08/2019
Lade Visualisation			19/08/2019
Noise and Vibration Impact Assessment	R-7803-GH-MI	02/05/2017	19/08/2019
Contaminated Land Remediation Report	1040-002-04-01	20/06/2019	19/08/2019
Units 1 and 2 Plans Sections and Elevations (PV Panels)	P06 REV A	17/07/2019	19/08/2019

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Units 3 to 8 Plans Sections and Elevations (PV Panels)	P07 REV A	17/07/2019	19/08/2019
Material Samples of External Finishes	P08	16/07/2019	19/08/2019
Plant Schedule	CI750.PSI REV A	01/05/2019	19/08/2019
Surface Water SUDS Details 2	600221-DRG-0012-P2	17/07/2019	19/08/2019
Water Environment Photos			19/08/2019

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

6. Planning consent was granted in 2018 for eight, two-bedroomed houses on this site. The current proposal seeks full planning permission for a revised development. The key changes may be summarised as follows:
  - a) Installation of “in roof” photovoltaic (PV) panels on the southern facing (front) elevations of the housing blocks. This will take the form of a block of panels on the front of the two semi-detached units and four blocks of PV panels on the front of the terraced units;
  - b) Amendments to the front porch design to provide a simpler lean-to design;
  - c) Changes to the finishes of the parking layout to have a slightly enlarged parking area extending southwards to the access road, and largely tarmacked as opposed to the lockblock parking and tarmacked turning provision previously shown; and
  - d) Changes to previously approved landscape scheme which principally involve reducing the amount of proposed tree planting, and removing proposed hedging along western site boundary.
  
7. These proposals are illustrated in the plans contained in **Appendix 1 – Plans**. Plans of the originally approved elevations and layout are attached as **Appendix 2 – Original Plans**. All suspensive planning conditions associated with this original consent have been discharged and initial work has started on site in terms of access arrangements.
  
8. The applicants contacted the Cairngorms National Park Authority to ask if the changes now proposed could be dealt with as non-material variations to this original consent. Whilst some of the changes were considered to be non-material the proposal for new photovoltaic panels on the roofs within a Conservation Area were considered to be materially different whereby planning consent was required.
  
9. The overall layout remains unchanged in that the positioning of the housing units is the same, laid out in two blocks, one separate building of two semi-detached houses in the north-west portion of the site, and a second terraced building of six units set to the north of the access road. A parking area is still proposed in the south west part of the site in front of the semi-detached block. Finishes are now proposed as being all tarmac as opposed to the previously shown differentiation of car parking finished in gravelled paving with the main turning area tarred. Two small areas of amenity land previously identified for SUDs have been relocated to the western side of the new buildings. Informal footpath access through to the River Tilt to the east is to be retained. No street lighting is proposed at the site.

10. The terraced block is to be built on a slight curve to follow the natural line of the access lane here with further roadside parking provided along this frontage. All properties will have covered entrances with ramped access. Changes to these covered entrances are now proposed which simplify the design by providing a lean to arrangement instead.
11. The proposed housing is intended to be rented out as affordable housing with the aid of the Scottish Government's Rural Housing Fund in order to provide affordable accommodation for local residents. The Scottish Government has agreed to fund feasibility work in relation to this scheme for the proposed development and it will have to comply with the terms of the rural housing fund scheme in order to receive support from the Fund. These terms seek to ensure that rent levels are affordable, equating to what is generally known as intermediate or mid-market rental.
12. The proposed houses are all of single-storey, hipped-roof design with front pitched roof porch details along with lean-to porch features. Proposed finishes are still white roughcast walls and timber detailing, and grey natural slates roofs. Zinc roofing is proposed to pick out entrance features and the porch roofs. The doors and windows will be wood painted white, with black UPVC rainwater goods.
13. Low-key landscaping is still proposed although the detailing has changed since the original approval. Site boundaries are also low-key, being post and wire fencing.
14. Connection is proposed to public water and drainage supplies with surface water to be disposed of via a SUDS scheme comprising filter trenches and bio-retention. The existing access is to be used with a new bridge constructed immediately to the north of the existing bridge which will be removed. This is in order to facilitate emergency vehicles and improved access. Work has commenced on this on site. A tarred entrance into the application site of this existing access lane with turning head in the site is proposed.
15. The original application was supported by a number of documents including:
  - a) Ecological Survey Report;
  - b) Phase 2 Site Investigation Report;
  - c) Drainage and flood risk assessment;
  - d) Design Statement;
  - e) Noise and Vibration Impact Assessment;
  - f) Visualisations of the proposed development;
  - g) Landscape scheme and maintenance details; and
  - h) Information to show how measures will be taken to ensure pedestrian access to the River Tilt is maintained during construction, along other access lanes to the south.
16. Further to the granting of the original consent material was submitted to fulfil all suspensive conditions as noted earlier. This approved material has been submitted with the current application for completeness. This is because, if approved, this current application will be a standalone consent whereby it is important that all relevant material forms part of any permission.

## History

17. The erection of 8 dwellinghouses for the land 40 metres north of Little Orchard in Blair Atholl was granted planning permission subject to conditions at the April 2018 Planning Committee meeting (2017/0264/DET).
18. Prior to this there was no recent formal planning history on the site. Pre-application advice on the potential for housing development here was sought in 2016 to which the CNPA input via Perth and Kinross Council.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	<b>X</b>
POLICY 7	RENEWABLE ENERGY	<b>X</b>
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

19. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:  
<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### Cairngorms National Park Local Development Plan 2020

20. The emerging Cairngorms National Park Local Development Plan ("Proposed Plan") which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is yet to start, the Proposed Plan and its contents currently carry limited weight. In addition, proposals and policies which received heavy objection following the public consultation process are afforded even less weight.

21. The site is not covered by any specific designation in either the Proposed Plan or the adopted Local Development but lies within the settlement boundary.

## **Planning Guidance**

22. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

### **Summary of the main issues raised by Consultees**

23. **Network Rail** was consulted in view of the proximity to the railway line. The agency has no objections in principle to the revised proposal, but due to the close proximity to the railway line requests that certain matters are taken into account to ensure that construction is undertaken in a safe manner which does not disturb the operation of the railway. Accordingly they will require details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line to be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. They advise that this can be covered by an advisory note if the application is supported.
24. **Scottish Natural Heritage** was consulted on the original application in relation to designated sites in the area and had no comments.
25. **Scottish Water** has no objection to the application. They previously advised that there is sufficient water supply for the proposed development in the Killiecrankie water treatment works. They were unable to confirm capacity within the Blair Atholl waste water treatment works until a Pre-Development Enquiry form was submitted by the applicant. They further noted that they would not accept a surface water connection to their sewerage network.
26. **SEPA** was originally consulted as the site lies within an area of medium probability surface flooding. The Agency had no objection on flood risk grounds and requested a condition be attached to ensure that the capacity of the new bridge is the same as the bridge that is being replaced to ensure that there was a neutral effect on flood risk. A



condition was duly attached and the submitted details approved in consultation with SEPA and the Council Flood Prevention Team.

27. **Historic Environment Scotland** was consulted as the site has the potential to affect the Blair Castle garden and designed landscape designation and has no comment.
28. **Perth and Kinross Council's Conservation Officer** was consulted and has no objections to the proposal.
29. **Perth and Kinross Council's Contaminated Land Team** previously advised that a preliminary risk assessment be undertaken given the previous uses of the site and surrounding area (sawmill on site and gasworks to south) which may have affected the potential for residential use. A planning condition was duly attached and the submitted details approved in consultation with the Team.
30. **Perth and Kinross Council's Environmental Health Team** was consulted on the original application and considered that double glazing as suggested by the applicants was sufficient to address any potential noise issues from the railway.
31. **Perth and Kinross Council's Structures and Flooding Team** is satisfied with the proposals, noting that arrangements for the soffit level of the proposed replacement bridge have already been agreed with the previous application (2017/0263/DET).
32. **Perth and Kinross Council's Strategy and Policy Team** noted that the development is intended to be rented out with the aid of the Rural Housing Fund as low cost housing. Perth and Kinross Council has supported this project via the rural housing fund process and will continue dialogue with the applicant to ensure the affordable criteria is met. They have also re-confirmed that there are no capacity issues with respect to the primary school education and no developer contributions will be required.
33. **Perth and Kinross Council's Transport Planning Team** was consulted and do not have any comments.
34. **CNPA Ecology Officer** was consulted on the original application and was generally satisfied with the material submitted subject to conditions being attached relating to construction method statements and landscaping. This information was secured by condition and material submitted duly approved.
35. **CNPA Landscape Officer** was consulted on the original application and considered the development to be in character of the surrounding area providing variety was introduced through landscaping and boundary enclosure treatment along with using the proposed SUDS scheme to enhance biodiversity and landscape interests and create a more "relaxed" layout. This information was provided and forms part of the approved application and conditions.
36. **CNPA Outdoor Access Team** was consulted on the original application and information to ensure that public access was maintained to the River Tilt during and

post-construction. Material was submitted and approved during the consideration of the application.

37. **Blair Atholl and Struan Community Council** was consulted on the original application and offered strong support for the development, considering that it would create needed new housing in the village on a site which was unlikely to attract a conventional developer.

## REPRESENTATIONS

38. No representations have been received.

## APPRAISAL

### Principle

39. The principle of housing development within a designated settlement is well established by **Policy 1**: New Housing Development of the Cairngorms National Park Local Development Plan 2015. This sets out in Policy 1.1 Housing in Settlements that all new housing developments within settlements will be supported where they occur within a designated site or where they reinforce and enhance the character of the settlement maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. The development site readily complies with these principles being located within Blair Atholl and using a vacant site located adjacent to existing residential uses.
40. The site is also well located in terms of the amenities and facilities of Blair Atholl, being within ready walking distance of these. As such is considered to be a sustainable location complying fully with **Policy 3**: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 which seeks to ensure that development is sited to make sustainable use of resources.
41. In addition it is important to note that the principle of the housing development is also already well established through the granting of planning permission in 2018.
42. In these overall circumstances the principle of this development is well established and complies with policy providing the detail of the current proposals is satisfactory. In this regard the servicing, general layout and design is already agreed with an existing live consent in place whereby it is only the detail of the changes now proposed that is up for consideration.

### Landscape Impacts, Design and Layout

43. **Policy 5**: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. **Policy 3**: Sustainable Development also seeks to ensure that new development is suitably designed and sympathetic to the pattern and character of the surrounding area.

44. The site is discretely located within Blair Atholl, adjacent to the railway line and other buildings and housing. It forms an obvious development site and as noted with the previous application carefully designed housing with suitable landscaping would readily comply with policy 5. Work was carried out to ensure that a good standard of landscaping was achieved with the previous application. The current submission now shows some changes to landscaping which will involve fewer trees being planted and removal of proposed hedging.
45. This is not considered to be ideal for the site and further discussion is required to ensure that a suitable level of landscaping is implemented appropriate to the location. This should be readily capable of resolution and can be addressed by an appropriate planning condition in the event of the application being approved. On this basis in landscape terms the application is considered to comply with Policy 5.
46. **Policy 9:** Cultural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that development affecting listed buildings has no adverse effect on the structure or the setting, and conserves and enhances the structure and the contribution it makes to the cultural heritage of the National Park. The policy also requires the layout, design, scale, siting and use of the development to be appropriate to its character and setting and that development in a Conservation Area enhances its character. **Policy 3:** Sustainable Design similarly requires development to be sympathetically designed and sustainable and to reinforce and enhance the character of the settlement.
47. In this regard the proposed site is located within a Conservation Area close to listed buildings and it was previously considered that the modest scale of the buildings, with terraced houses fronting the site to reflect the buildings lines opposite and the semi-detached block set back into the site, reflected the informal layout of this part of the Conservation Area. Proposed finishes were also considered to be entirely appropriate to the area along with the proposal for communal landscaping and open areas.
48. The current proposals for solar PV panels on the southern aspect of the roofs would be unlikely to have a significant impact upon the landscape character of the area or the character of this part of the Conservation area. Similarly the minor changes to the porch design are entirely acceptable. The Perth and Kinross Council Conservation Officer concurs with this view raising no objections to the proposals. As such the proposal is considered to comply with policy.
49. Finally, the proposals for solar PV panels on the southern aspect of the roofs further supports Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 which seeks to make sustainable use of resources, including energy.

## Amenity Issues

50. In terms of residential amenity Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development protects the amenity currently enjoyed by neighbours.

51. In this regard the houses, which in terms of siting remain unchanged, are sufficiently distant from other residential properties to ensure no loss of amenity. Amenity in respect of the potential for noise nuisance from the railway can continue to be safeguarded by the installation of double glazing through planning condition. Accordingly the application is considered to comply with Policy 3: Sustainable Design.

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

52. **Policy I.4:** Contribution towards Affordable Housing of the Cairngorms Local Development Plan 2015 requires that provision generally be made for 25% affordable housing provision on sites. This is exceeded with the current submission which is effectively for 100% affordable rented housing.
53. The housing will continue to be rented in accordance with the Scottish Government's Rural Housing Fund requirements, the purpose of which is to increase the supply of affordable housing in rural areas. This will help ensure that rents remain affordable and suitable planning conditions can be attached again to this end. On this basis the proposals are considered to comply with policy on affordable housing.
54. **Policy I I:** Developer Contributions of the Cairngorms National Park Local Development Plan 2015 set out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.
55. The impacts of the development have been previously considered and it was considered that there are no capacity issues with primary education. There was also not considered to be any impacts which would require other community facilities or services to be improved or increased. Indeed the introduction of new residents should help support the facilities of the village. In these circumstances the proposed development is considered to comply with Policy I I: Developer Contributions.

### **Environmental Impacts**

56. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity.
57. Impacts on ecological interests were fully considered with the previous live application and appropriate conditions attached and discharged to secure environmental protection.
58. Landscaping of the site provides an ideal opportunity to enhance biodiversity with comments made by the CNPA heritage team previously taken on board to achieve this, and the opportunity taken to ensure that the arrangements for surface water disposal incorporated measures to enhance biodiversity. Subject to some minor changes as noted earlier the landscaping may readily achieve these objectives and on this basis the application is considered to comply with Policy 4: Natural Heritage.

59. Given the previous use of the site **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 is also relevant in respect of environmental impacts. This requires that assessment is carried out in relation to any development affecting contaminated land with appropriate remedial actions taken as necessary depending on the outcome of investigations. This matter was resolved with the previous application and conditions to ensure implementation of all agreed measures can be attached in the event of the application being supported.
60. Finally, with respect to environmental issues, **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 also requires that new development should be free from flood risk. This matter was fully assessed with the previous application and the implementation of the agreed details can be secured by planning condition.

## Renewable Energy

61. **Policy 8:** Renewable Energy of the Cairngorms National Park Local Development Plan 2015 requires proposals for renewable energy to be considered favourably where they contribute positively to the minimisation of climate change, complement the sustainability credentials of the development, and where they conserve and enhance the special qualities of the National Park
62. **Policy 7:** Renewable Energy Supplementary Guidance sets out that solar energy proposals require to be assessed against all of the policies including the inclusion of locational and design assessments. Proposals need to ensure that adequate consideration has been given to the impact on the site, the wider impacts on the surroundings, the impact on the National Park and its special qualities, and the impact on local communities. Due to the small scale of the proposed PV solar panels the impact on the site and the wider surroundings are unlikely to be significant and as noted earlier the landscape impacts are considered to be satisfactory. The development is therefore considered to comply with Policy 8.

## Servicing

63. **Policy 3:** Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment. Again servicing in term of public water, drainage, access/parking and public access was fully considered with the previous application and arrangements remain unchanged. The application is therefore considered to comply fully with policy.
64. In terms of overall vehicular access to the site involving erection of a new bridge and removal of the existing bridge, this was considered to be satisfactory by the technical consultee at the time and, as noted by the Roads Authority, the current proposals do not change this.

## CONCLUSION

65. The principle of the housing development has been previously approved through granting of planning permission subject to conditions (2017/0264/DET). The current application proposes minor changes to this permission which are considered to be entirely acceptable subject to ensuring landscaping remains of a good standard. The proposed development will provide new affordable housing, well-located and well in excess of policy requirements within the village of Blair Atholl which is greatly welcomed. Building new housing of appropriate design, layout and scale, as proposed, on vacant land will enhance the character of the Conservation Area. In addition the site can be serviced and accessed to the satisfaction of the appropriate authorities and environmental issues have been addressed previously.
66. The inclusion of PV solar panels on the southern elevations of the roofs is not considered to have a significant impact upon the landscape character of the area or the character of this part of the Conservation area and through supporting climate change mitigation is supported. Accordingly the application is considered to comply fully with all relevant planning policies of the Cairngorms Local Development Plan 2015 and approval is recommended subject to appropriate planning conditions to ensure implementation of previously agreed conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Erection of 8 dwellinghouses, installation of replacement bridge and associated works (revised design) at Land 40 Metres North Of Little Orchard Blair Atholl for the following reasons/subject to the following conditions:**

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

1. **No development shall commence on the construction of the houses hereby approved until a revised landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This scheme shall reflect the requirement for an appropriate level of planting on the site to enable the development to reflect the character of the surrounding area.**

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

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

2. No house shall be occupied until the contaminated land measures have been implemented in accordance with the approved Phase 3 Remediation Strategy and validation of implementation by a suitably qualified professional has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Perth and Kinross Council's Contaminated Land Team.

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

3. The new bridge shall be installed in accordance with the approved details and the old bridge removed in accordance with the approved Construction Method Statement before any house is occupied unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority.

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

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

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

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

**Reason:** To ensure that the amenity of residents is protected and disturbance minimised in relation to reducing the potential for noise nuisance from the adjacent railway line in accordance with Policy 10: Resources and

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

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

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

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

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

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

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

**Reason:** To ensure that satisfactory arrangements for the disposal of surface water and landscaping are provided and that the development conserves and enhances the landscape in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

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

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

10. The houses hereby approved shall be constructed in accordance with the approved plans and sample details.



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

11. All work shall take place in accordance with the approved Construction Method Statement (Rev 2), Demolition method statement, and ECOW additional details with monitoring reports from the Ecological Clerk of Works provided to the Cairngorms National Park Authority acting as Planning Authority in accordance with the approved details.

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

### **Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
5. The person undertaking the development should note the consultation comments of Network Rail relating to the need to ensure that construction is undertaken in a safe manner which does not disturb the operation of the railway. Details of all changes in

ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line to be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Contact Network Rail Asset Protection Engineer, 151 St Vincent Street, Glasgow G2 5NW, telephone 0141 555 4352, email [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

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

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.