
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE DEVELOPMENT OF HOLIDAY APARTMENTS ON A SITE AT CONGLASS LANE, TOMINTOUL, MORAY.

REFERENCE: 09/115/CP

APPLICANT: MR. MICHAEL DRURY C/O COLIN THOMPSON, CHARTERED ARCHITECT, OLD CHAPEL ROAD, INVERURIE

DATE CALLED-IN: 1 MAY 2009

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

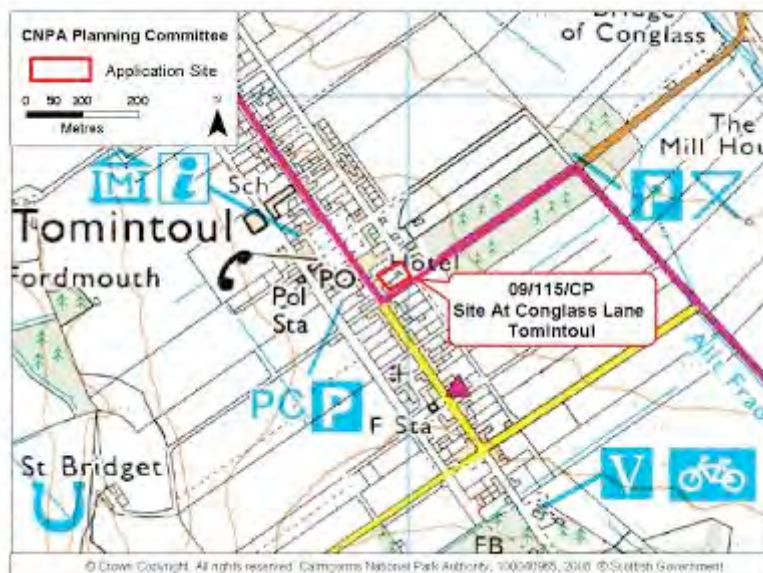


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is being sought in this application for the erection of a holiday apartment development in the south eastern area of Tomintoul, at the junction of the A939 / Lecht Road and Conglass Lane. The development is proposed to occupy a site which currently forms a garden area to the rear of the Whisky Castle retail outlet at No. 6 on the Main Street and the associated residence. The applicant, Mr. Michael Drury, is the proprietor of the retail and residential property as well as the proposed site. The identified site area extends to approximately 1,181m² (0.291 acres).
2. Planning permission was originally sought in this application for 7 holiday apartments and a managers / owners house. All of the proposed units were incorporated within an L shaped terrace, fronting onto the A939 public road and Conglass Lane. The original terraced design consisted of a combination of one and three quarter storey and two storey units. Each of the proposed holiday units was designed in a townhouse format, having individual door access from both the front and rear, and with accommodation spread over the ground and first floor. Each holiday unit was designed to accommodate an open plan lounge / dining / kitchen at ground floor level, as well as a bathroom, with a staircase leading to two bedrooms on the upper level, each with en suite facilities. Four units were proposed in the south western wing of the development, fronting onto the A939 Lecht Road, while the remaining three were within the Conglass Lane frontage. The managers / owners accommodation was proposed to occupy the pivotal corner unit, with ground floor accommodation consisting of kitchen, dining room, utility and bedroom and shower room. The ground floor accommodation also incorporated a reception area to serve the commercial element of the development. A large lounge, together with two en suite bedrooms was proposed on the upper floor.



Fig. 2 Originally proposed development with managers accommodation forming the corner point.

3. While the terraced holiday units were designed to have a relatively traditional appearance, the managers / owners unit was in contrast a contemporary design, incorporating a projecting two storey gabled section at the corner of the Lecht Road and Conglass Lane. The gabled element was proposed to have a combination of stonework on the side elevations, with timber and glazing on the front elevation.
4. As the buildings were proposed to be positioned along the perimeter of the site, car parking and open space were to the rear, within a courtyard area. The vehicular access onto Conglass Lane which serves the existing garden

also provides access to the rear of the commercial and residential property was proposed to be retained to serve the new development. The originally proposed layout included a total of 15 car parking spaces, with 11 of those being centrally positioned within the courtyard, while the remaining 4 spaces were proposed parallel to the north western boundary of the site.

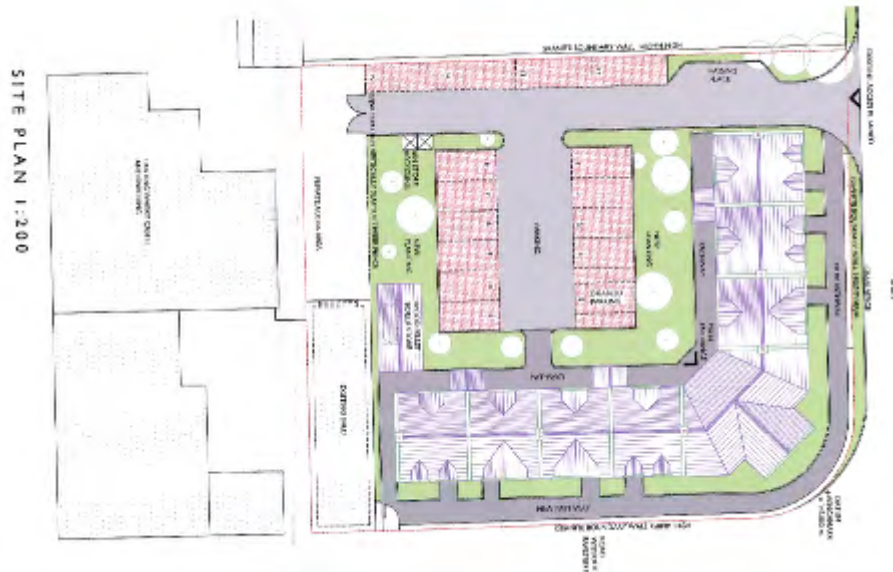


Fig 3 : Originally proposed site layout plan

Design Amendments

- Concerns were raised by the CNPA in the course of the assessment of this application in terms of the overall scale and extent of the development. Some design issues were also raised. Following a series of draft design changes and discussions with the CNPA, revised drawings were formally submitted on November 9th 2009 responding to the concerns raised. The number of holiday units has now been reduced to five, the managers / owners accommodation has been reduced in size, and the proposed end unit on Conglass Lane has now been designed to accommodate a ski equipment and bike storage area at ground floor level, with a small studio / bedsit on the upper floor, which would be utilised as staff accommodation.



Fig 4 : Proposed revised elevation (Lecht Road – A939)

- In terms of the actual design, whilst retaining the originally proposed L-shaped terraced form there has been a reduction in the height of the units, with the introduction of some one and a half storey, as well as the one and three quarter storey units and the omission of two storey elements. The

units have also now been designed to have the appearance of individual properties rather than a large homogenous building. This has been achieved through the introduction of varying roof heights, minor variations in the building line and the use of varying but nonetheless complementing window and door treatments and window positions. Elevation drawings of existing Main Street properties have been provided to illustrate that this approach is consistent with the existing pattern of organic development in Tomintoul. The managers / owners unit continues to be positioned in the pivotal corner of the L shaped structure, but has been significantly redesigned to replicate a more traditional appearance similar to the remainder of the new units. The prominent projecting corner gabled section has been replaced by a small turret feature which the agents have pointed out has been inspired by a similar feature on The Clockhouse Restaurant, which forms one of the corner buildings in Tomintoul village square. Streetscape drawings have also been provided to illustrate the proposed development in the context of neighbouring properties.

7. In conjunction with the amendments to the physical design of the proposed new structure the site layout has also undergone improvements. Car parking is now proposed primarily in a perpendicular arrangement immediately adjacent to the vehicular access. This has the benefit of facilitating the development of a centrally positioned coherent area of communal open space, as opposed to the original arrangement which consisted of fragmented areas of incidental green space, interspersed amongst the more dominant car parking arrangement. The amended site layout plan also identifies the proposed retention of trees at the existing entrance to the site.
8. Vehicular access continues to remain in its existing position off Conglass Lane. The access would also continue to provide access to the rear of the applicants shop and residence. The proposed development site would be demarcated from this area by the erection of a 1.8 metre high vertically slatted timber fence, which would include double entry gates to facilitate access to the yard at the rear of the Whisky Castle.



Fig. 5 : Proposed site area as viewed from the A939 (Lecht Road).

9. The materials proposed have been chosen to reflect those found on existing buildings. External walls are proposed to have a wet dash and dry dash render, with sills being exposed aggregate pre-cast concrete to match local stone. Natural slate is proposed on the roof, while all windows and doors would be painted timber. It is proposed to connect the development to the public water supply and waste water system.

The Applicants Case

10. The applicants have provided details to explain and justify the development proposal, noting at the outset that the proposed site is in an “easily accessible location and an ideal base to explore both Tomintoul and the surrounding Cairngorms National Park.” The holiday letting units are intended to serve as short to medium term holiday lease properties. Reference is made in the applicants submission to a significant decline in business in the large hotels situated around the Square in Tomintoul. The proposed development is in response to this, aiming to “buck this trend by providing a different type of accommodation to the hotels.” The new development is intended to provide more family based accommodation, offering self catering facilities and the availability of communal open space. The incorporation of the large store for the storage of sporting equipment such as skis and bikes is also highlighted, and the applicants suggest that “this development is perfectly suited to take advantage of the increasing demand for self catering apartments and houses in the Scottish tourism market.” It is intended to bring vital tourism to Tomintoul whilst also creating employment opportunities.
11. Details have been provided of the proposed operation of the development, where it would be run by the owner / managers living on site, in the purpose built three bedroom unit. The unit would also accommodate the reception and office facilities for the business, in the internal corner of the development, in a position which would be easily accessible by the occupants of the house as well as visitors to the holiday accommodation. The applicants consider that the on site management strategy would “give a more personal, family oriented and efficient service.”
12. Reference has also been made in the applicants submission to the design concept and the environmental sustainability credentials of the proposed development. The applicants consider that the development has a density which is similar to the historic towns of the Highlands and the north east and would create a formal streetscape. It is indicated that the development would be constructed to a high environmental standard “exceeding current building regulation requirements.” All units would be insulated to a high standard, and heating would be provided by a wood pellet boiler which is proposed to be located on site. Provision has also been made on site for bin storage and recycling bins.

DEVELOPMENT PLAN CONTEXT

Moray Council Structure Plan

- 13.** The Structure Plan discusses the subject of ‘New Housing in Built Up Areas’ and has a stated aim of setting standards for new housing, as well as promoting ‘brownfield’ development. The Plan supports the development of infill or brownfield sites which meet sustainability objectives, but also advises that “there should be a clear intention to enhance the form and quality of the urban environment, with particular care required to avoid over-development or ‘cramming’.”
- 14.** **Policy S/H3** of the Structure Plan states that “new housing will generally be directed to the settlements. Housing fitting in to built up areas must be acceptable in terms of the impact on the infrastructure, open space and community facilities, as well as its impact on the surrounding built environment.”
- 15.** One of the aims of the Structure Plan is to promote tourism development. The plan recognises that tourism is an important element of the Moray economy and is regarded as an area with growth potential. It is however recognised that “as with other forms of economic development a balance must be struck between encouraging growth and safeguarding the environment.”
- 16.** **Policy S/ED8** deals with Tourism Proposals and advises that the Council will generally support proposals which contribute to Moray’s role and image as a tourist area and that there will be a presumption in favour of proposals which expand or enhance existing visitor centres / facilities, or provide new facilities relevant to local themes or activities. Proposals are expected to

 - a. be compatible with policies to safeguard and enhance the built and natural environment and achieve high standards of design and siting;
 - b. fall within existing infrastructure capacities (roads, water, drainage etc.); and
 - c. where appropriate, demonstrate a locational need to establish on a specific site.
- 17.** Another of the aims of the Structure Plan is to achieve sensitive development through the Development Control process. Policy S/IMPI deals with ‘Development Siting, Layout and Design’ and states that “new development will require to be sensitively sited, designed and serviced. It should meet the following criteria –

 - a. its scale, density and character is appropriate to the surrounding area;
 - b. it can be successfully integrated into the surrounding landscape;
 - c. its meets wider transportation and local site energy efficiency objectives;
 - d. adequate infrastructure is available or could be made available in conjunction with the development;
 - e. consideration is given to the provision of infrastructure which meets the sustainable urban drainage principles using appropriate Sustainable Urban Drainage Systems;

- f. adequate social and community facilities are available or could be provided in conjunction with the development;
- g. it does not adversely affect nature, urban or historic conservation measures;
- h. it seeks to manage flood related issues;
- i. pollution is avoided, including pollution of ground water.

Moray Council Local Plan (2000)

18. The proposed site is within the identified settlement boundary of Tomintoul. The Local Plan includes a village statement on Tomintoul, which refers to its origins as a planned estate village. Objectives for the settlement include the promotion of Tomintoul as an outdoor sports holiday location in both summer and winter and to retain the planned layout and improve the visual appearance.
19. The Plan recognises the importance of having a sufficient range of tourist accommodation and facilities to ensure that visitors can be attracted and retained within the area. **Policy L/EDI6** concerns Tourist Facilities and Accommodation. The policy states that proposals for holiday accommodation and tourist visitor attractions will in principle be supported, given their function as part of the tourism infrastructure. Applications for holiday accommodation will be subject to the same guidance and advice as applies to housing in the countryside for siting and location. Part (V) of the policy also confirms that developments built as holiday accommodation should be retained for that purpose, and not permitted to become permanent residences and that conditions will be applied to planning consents in order to control this aspect.
20. The Implementation Section of the Local Plan includes **Policy L/IMPI** on Development in Built-Up Areas, where it is the policy in considering planning applications to ensure that proposals for development do not harm the character of the general surrounding area. Applications are expected to take account of the main uses of land and buildings in the vicinity and the mix of such uses and the architectural quality of the area. Development should neither conflict nor detract from the character, amenity and design of an area. It is expressly stated however that the policy is not intended to preclude appropriate new development and is not intended solely to maintain the status quo.
21. Guidelines are provided on Character, Amenity and Design. The character of an area is assessed by a number of factors including its main uses and the architectural style of the area. The amenity of the area is assessed in terms of both the people who will occupy the development site and the adjoining occupiers. The most important aspects of amenity which are considered worth protecting are –
- i. Privacy – for both occupants and surrounding neighbours;
 - ii. Traffic – the introduction of increased traffic movement and resulting noise can significantly detract from the amenities of the area;

- iii. General disturbance - protection is required from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations;
 - iv. Sunlight / daylight – adequate levels of sunlight and daylight should be safeguarded for surrounding properties and afforded to new developments.
22. The design of new development is required to relate to the type of development in the immediate vicinity, as well as the wider context and setting. The Local Plan advises applicants to avoid design proposals which compromise the appearance of design characteristics of the surrounding area. The appropriateness of a design will be assessed by having regard to –
- The scale of adjoining development;
 - The materials, finishes and colours used in nearby developments;
 - Any features on or near the site worthy of reproduction, protection or enhancement; and
 - The principles of site sensitive design (pitched not flat roofs, vertical not horizontal windows etc.).
23. **Policy L/ IMP3** of the **Moray Local Plan** is about New Building Design. Standardised solutions to building design are not encouraged. Design solutions which seriously compromise the amenity and character of the area will not be permitted. In terms of materials, the Local Plan encourages the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances.
- Cairngorms National Park Plan (2007)**
24. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under a number of headings which are of relevance to the development proposal – conserving and enhancing the Park; and enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.
25. In relation to Enjoying and Understanding the Park there is recognition that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality. The Plan contains a number of strategic objectives for outdoor access and recreation, which include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.

CONSULTATIONS

26. The consultation response from the **Transportation Department** of Moray Council recommends that a number of conditions are attached in the event of the granting of planning permission. Conditions include requirements for the width of the vehicular access, the provision of car parking spaces on the site, the provision of a turning area within the curtilage of the site; and the provision of a new section of public footpath along the A939.
27. The **Contaminated Land Section** at Moray Council considered the proposal. There is no objection to the development. It is recommended that an advice note be included in the event of the granting of planning permission advising that the property has been identified as being in the vicinity of potential sources of contamination.
28. **Scottish Water** does not object to the planning application. However the response highlights that any planning approval granted by a planning authority does not guarantee a connection to Scottish Water infrastructure. Scottish Water note that Tomintoul Waste Water Treatment Works currently has capacity to service the proposed development. At the time of receipt of the response earlier this year **Scottish Water** stated that Blairnamarrow Water Treatment Works had limited capacity available for demand. As Members will however be aware planning permission was recently granted for a new water treatment works facility at Blairnamarrow, on which work is on going at present.
29. **Scottish Water** has also advised that in some circumstances it may be necessary for the Developer to fund works on existing infrastructure in order to enable their development to connect. This matter was brought to the attention of the applicant in writing by the CNPA.
30. **Tomintoul and Glenlivet Community Council** has been consulted on the proposal when it was originally submitted to Moray Council and again by the CNPA upon receipt of the amended proposals. No response has been received to date. Members will be verbally updated at the planning committee in the event of receipt of a response.

REPRESENTATIONS

31. One letter of representation has been received. Ms. Glenice Wigginton of the Lecht Drive in Tomintoul objects to the development proposal on the grounds that there could potentially be sixteen people inhabiting the proposed dwellings which would directly overlook her home and garden. She considers that the added noise and activity levels would be a grave intrusion on her privacy.

32. The applicants, Mr. and Mrs. Drury, responded in writing to Ms. Wigginton and also provided a copy of their response to the CNPA. The applicants concede that there would be extra noise during the building stage, but consider that this is to be expected. The applicants make reference to there being little human usage in the area to the front of the proposed holiday letting units as the proposal does not include front gardens. Reference is also made to any potential noise generated by traffic and parking, highlighting that this would occur to the rear of the properties proposed opposite the objector.
33. The applicants also raise two points in response to the suggestion of the development being an intrusion on privacy. It is stated that the holiday letting units would be for short periods, where it is assumed that users would generally be out during the day and that any upstairs areas, which they concede would overlook the objectors garden, would primarily be used at night time. Finally, Tomintoul is described as a vibrant and established Highland tourist village where strangers are a part of the culture. The applicants state that the “apartments are proposed in that they will both satisfy present needs from tourism for self catering without every cottage being taken over as a holiday let.”
34. CNPA comment : The concerns raised by Ms. Wigginton have been considered in the assessment of the development proposal. It is understood that the representees dwelling house is located on the corner of the Lecht Road and Lecht Drive, opposite the proposed site. The gable end of the dwelling is directly opposite the proposed site, with a small garden area located to the rear, adjacent to and visible from the Lecht Road, as it is bounded only by a low wall. It is acknowledged that four of the proposed holiday units, as well as the managers / owners unit would be located on the opposite side of the street to Ms. Wiggintons’ property and would therefore introduce development and associated increased movement into an area which has previously been in use as garden ground. In acknowledging this however, regard must also be had to the situation of both the proposed site and the representees property within a village setting, where the historic pattern of development has tended to be of a compact, higher density form, with buildings positioned close to the roadside, creating a strong streetscape. Due to the existing set back of Ms. Wiggintons’ property from the public footpath and the proposed set back of the new buildings on the subject site (set back from the existing boundary wall by approximately 4 metres), the degree of separation that would be achieved between the representees’ property and the proposed new structure is in excess of the separation distances in the normal street setting. In this respect the introduction of buildings of the nature proposed in this location is acceptable.
35. In terms of the concerns about increased noise and activity, the majority of the units in the proposed new building (with the exception of the managers unit and the small staff studio / bedsit on Conglass Lane), are holiday rental units and would not therefore be occupied on a permanent basis. In addition, the site layout is such that the majority of activity would be likely to take place within the courtyard area of the site, to the rear of the proposed new

structure. This relatively concealed area accommodates the vehicular access, car parking facilities and communal open space, and would also provide access to the proposed reception area. Each of the properties has been designed to facilitate direct rear access from the courtyard area, in addition to the individual entrances on the frontage of the building.

APPRAISAL

36. There are a number of issues to consider in assessing the development proposal, including planning policy, the nature, scale and design of the development and its position at a prominent location at one of the key entrances to the village of Tomintoul.
37. In terms of Structure Plan and Local Plan policy, the development is consistent with Moray Council objectives for the development of Tomintoul. Objective includes promoting the village as a sports holiday destination in both the winter and summer seasons, and the provision of high quality self catering accommodation could accordingly be considered beneficial in raising the profile of Tomintoul. The proposed site layout and development design also complies with a further objective of retaining the planned layout and improving the visual appearance. Standing at a prominent entry point to the village, the proposed development of this site would assist in strengthening the streetscape and urban fabric of this area, and would provide stronger definition to the village perimeter, whilst still adhering to the traditional planned layout.
38. The development of the proposed tourist accommodation is entirely consistent with **Policy L/ED 16 Tourist Accommodation and Facilities**. The policy supports the principle of holiday accommodation, subject to such development being designed to comply with the same standards applied to residential development in respect of siting and location. The applicant has also been made aware of the Moray Local Plan requirement expressed in Part (V) of the policy where developments built as holiday accommodation are required to be retained for that purpose, and not permitted to become permanent residences, with such restrictions being imposed through a condition applied to any grant of planning permission. The applicant is agreeable to the imposition of such a condition on the holiday units.



Fig. 6 : Streetscape drawing – existing and proposed buildings

39. Revisions have been made to the overall design in the course of this application in order to ensure that the development integrates with the historic built fabric of Tomintoul, in terms of scale, design and materials. As

already detailed, streetscape drawings have been provided to illustrate the proposed development in the context of existing surrounding buildings and reference has also been made to the amended design incorporating many features found on older properties on the Main Street in the village, as well as using materials which reflect those commonly used in the local area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

40. The proposed development site is not the subject of any natural or cultural heritage designations other than its location within the Cairngorms National Park. The proposed design and layout follows and replicates the historic higher density, planned layout of Tomintoul and would strengthen the built environment in this area of the village, which is one of the key entry points.

Promote Sustainable Use of Natural Resources

41. No details have been provided regarding the sourcing of construction materials and it is not therefore possible to assess whether or not this aspect of the development complies with this aim. The development includes a wood pellet boiler and the raw material for the operation of this would be from a sustainable source.

Promote Understanding and Enjoyment of the Area

42. The development of high quality self catering facilities represents the introduction of a new tourist accommodation type in the village of Tomintoul, which would be of benefit in attracting visitors to the area and could thereby encourage greater understanding and enjoyment of the area by users of the facility. Provision is also made in the proposed development for the storage of ski equipment, bicycles and other sporting equipment, which would also be of benefit in encouraging people to visit with their equipment and experience the outdoor opportunities available in the area.

Promote Sustainable Economic and Social Development of the Area

43. The introduction of additional tourist accommodation facilities would be of benefit in attracting increased visitors to the area, which would in turn be of benefit in generating increased expenditure in the locality. Increased employment opportunities may also be available within the proposed new development.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant full permission to erect holiday apartments on a site at Conglass Lane, Tomintoul, Ballindalloch subject to the following conditions –

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006.

2. The proposed holiday letting units (identified as unit no's 1 – 5 on the floor plans, drawing no. 0605/06-20) shall only be used as short term tourist accommodation and shall be retained and operated as a single commercial entity. The holiday letting units shall not be sold separately or be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation shall exceed two months in any calendar year unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority.

Reason: In accordance with the application detail and to ensure that in accordance with the social and economic development aim of the Cairngorms National Park the units are used for commercial purposes in connection the operation of tourist facility.

3. The units identified as 'managers accommodation' and 'bedsit' respectively on drawing no. 0605/06-20 shall be used for the provision of owners / staff accommodation and shall be retained as part of the overall single commercial entity. The 'managers accommodation' and 'bedsit' shall not be sold separately from the remainder of the development.

Reason: In accordance with the application detail and to ensure that in accordance with the social and economic development aim of the Cairngorms National Park the units are used in connection the operation of tourist facility.

4. Prior to the commencement of any wall rendering works, sample panels, approximately 1 metre square, of the render shall be prepared on site for the inspection and further written approval of the CNPA acting as Planning Authority. The render shall be applied in accordance with the agreed specification.

Reason: In the interests of visual amenity and in the interests of the character of the building.

5. Prior to the commencement of development comprehensive drainage measures according with SUDS principles shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Moray Council. The SUDS scheme shall be

implemented in accordance with the agreed details and shall be operational prior to the occupation of any unit within the development.

Reason: To ensure that adequate surface water drainage provisions are in place

6. Prior to the commencement of development detailed drawings of the wood pellet boiler store and the bin / recycling store shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The structures shall be erected in accordance with the agreed specifications.

Reason: In the interests of the visual amenity of the area and to ensure the orderly development of the site.

7. The following roads requirements shall be adhered to :
 - (a) The width of the vehicular access shall be 3.7 metres and have a maximum gradient of 1:20 measured for the first 5.0 metres from the edge of the carriageway. The part of the access over the footpath / verge shall be to The Moray Council specification and shall be surfaced in bituminous macadam;
 - (b) No water shall be permitted to drain, or loose material be carried onto the footpath / carriageway;
 - (c) 12 no. private parking spaces shall be provided on the site. At least one of the parking spaces shall be allocated as a disabled parking space;
 - (d) A turning area shall be provided within the curtilage of the site in order to enable vehicles to enter / exit in a forward gear.

Reason: In the interests of ensuring traffic safety and general safety in the area.

8. Prior to commencement of development a full scheme drawing for the extension of the existing public footway on the A939 outside the gable end of No. 7 Main Street to the existing gateway / proposed widened opening in the existing boundary wall of the site, shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Moray Council Roads Authority.

Reason: In the interests of clarity and in the interests of public safety.

9. Prior to any unit coming into use, a new section of 1.2 metre wide public footway, the details of which shall be provided in accordance with the requirements of condition no. 8 of this permission, shall be installed in accordance with the details agreed in Condition no. 8.

Reason: In the interests of public safety and ensuring that provision is made pedestrian activity.

10. In the event that unsuspected contamination is found, all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Moray Council Environmental Health (Contaminated Land) Section.

Reason: In order to safeguard the health and safety of the occupants of the properties, the building structures and the local environment from the effects of harmful ground contamination.

11. Prior to the commencement of development detailed SUDS proposals shall be submitted and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority and thereafter shall be implemented in accordance with the agreed measures. The detailed proposals shall also include evidence of a suitable management and maintenance agreement in respect of SUDS measures, hard and soft landscaped areas, roads, footpaths or cycle paths not intended or not suitable for adoption by a statutory authority.

Reason: In the interests of maintaining the area in an orderly manner.

12. All car parking areas, driveways and other hard standing areas shall have a durable, dust free, porous surface.

Reason: In the interests of achieving orderly development.

13. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

Reason: In the interests of the visual amenity of the area.

14. Prior to the commencement of development, a detailed landscaping plan shall be submitted for the agreement of the Cairngorms National Park Authority, acting as Planning Authority. The landscaping plan for the entire site area shall include comprehensive details of all species (which should be of indigenous origin), planting location and numbers to be planted. All new landscaping shall be carried out in accordance with the approved details. The landscaping of all communal areas within the proposed development shall be completed prior to the first occupation of any of the units. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason: In the interests of the visual amenity of the area.

Advice notes:

- (a) The applicant/developer is advised to contact Scottish Water, which whilst not objecting to the application, has highlighted that there may be water network and waste water network issues.
- (b) Moray Council have advised that the following transport related issues be brought to the attention of the applicant / developer: -
- (i) No building materials / scaffolding / builder's skip shall obstruct the public road (including footpaths) without permission from the Moray Council Roads department;
 - (ii) Construction consent for the footway will be required under Section 21 of the Roads (Scotland) Act 1984;
 - (iii) The applicant shall be responsible for ensuring that surface / ground water does not run from the public road into his property;
 - (iv) The developer should contact the Street Lighting section of Moray Council at Ashgrove Depot, Elgin (tel no. 01343 557300, ext. 7343) to discuss lighting proposals;
 - (v) The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to the commencement of operations;
 - (vi) The applicant shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road;
 - (vii) The Transportation Manager at Moray Council must always be contacted before any works commence. This includes any temporary access which should be agreed with the Transportation Manager prior to work on it commencing.
- (c) The Moray Council will not adopt the footway with the site and shown behind the existing boundary wall of the A939. The maintenance of this footway will be the responsibility of the landowner / developer.
- (d) The property has been identified as being in the vicinity of the following potential sources of contamination: -
- Road vehicle works approximately 21 metres to the North as indicated on Map F (present day ordnance survey maps);
 - Road vehicle works and fuel tank approximately 34 metres to the south as indicated on map groups D and E (1959 – 1971 Ordnance Survey Maps and 1969 – 1992 Ordnance Survey Maps respectively).

The Moray Council does not have information to confirm whether or not the ground has been contaminated. However, it is recommended that the matter is investigated prior to proceeding with the proposed works. Should contamination be identified the applicant / developer should contact the Environmental Health section of Moray Council immediately and carry out agreed remediation works. For advice on researching / investigating a site, please visit the Council's website at www.moray.gov.uk/ContaminatedLand. Alternatively the Environmental Health Section can be contacted on 01343 563345 or by e-mail to contaminated.land@moray.gov.uk.

- (e) All persons involved in development work at the site shall remain vigilant for signs of bats. In the event that any bats or signs of roosting bats are found, all work in that area must cease immediately and shall not proceed further until the advice of Scottish Natural Heritage has been sought. All further works shall only proceed in accordance with the stipulations of Scottish Natural Heritage.

Mary Grier

2 December 2009

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