

# **AGENDA ITEM 5**

## **APPENDIX 2**

**05/495/CP**

**REPORT TO PLANNING  
COMMITTEE MEETING  
OF MARCH 2007**



## SITE DESCRIPTION AND PROPOSAL

1. The site for this application is generally to the south west of Carrbridge and essentially fills land between Carr Road and the B9153 where it enters the village (see fig 1).



**Fig 2 site entrance from B9153**



**Fig 3 Looking NE to bog woodland**

2. The southern part of the site starts alongside the B 9153 just before the village is left before a forested area (see fig 2). This is where access would be made to the site for all but 5 of the houses. The first part of the site is improved grassland where horses are currently grazed; this then blends into a forested area to the east where there is a predominance of Scots pine. A burn flows into the site from Landmark on the opposite side of the B9153. Further to the north east is an area of bog woodland (see fig 3). This includes a raised area that hosts a copse of mature trees.
3. The core area of bog woodland is to the north and east of the copse of trees. The back line of properties on Rowan Park and Ellanwood Road face onto a drier area that extends towards the bog woodland. Two key features extend across this section of the bog woodland one is an overhead electricity line the other being a footpath that originates from Ellanwood Road and provides access across the wet area by means of wooden decking. This would link into the distributor road for the development.



**Fig 4 Sustrans Cycle Route**



**Fig 5 Area adjacent Carr Road**

4. Moving northwards the next feature that crosses the bog woodland is a footpath which links Rowan Park to a forestry access track (see fig 4) that forms part of the Sustrans Cycle Network. This track leaves Carr Road near Carr Farm and follows a relatively straight line through plantation forestry.
5. To the east of the cycle route there is further plantation forestry, then a flat open area of ground which faces Carr Road and Carr Place (see fig 5).
6. The site essentially has four character areas with open ground that has been used for grazing at either end facing onto the B9153 and Carr Road/Carr Place respectively. Set back from the B9153 at the entrance to the site is where the affordable housing is proposed. Part of this site backs onto an area which is of higher natural heritage value where there are scots pine of a mix of ages over hummocky heather terrain. The next and most important character are relates to the bog woodland which is UK Priority Habitat. The largest zone is to the east of the site and is characterised by scots pine plantation, probably less than 50 years old. The site is not subject to ant conservation designations.

## PLANNING HISTORY AND BACKGROUND

7. There have been several applications at the site. The key proposal was an outline application for housing, amenity woodland, formation of roads, cycleways and footways and associated works which was refused by Highland Council in June 2004 (Highland Council Ref No 03/00292/OUTBS). The reasons for refusal put forward by the Highland Council Planning Committee related to the Badenoch and Strathspey Local Plan being out of date and that the proposed development would be detrimental to the character of Carrbridge and premature to the preparation of the Cairngorms National Park Local Plan. At the time the CNPA objected to the outline application on the grounds that it conflicted with the conservation and enhancement of natural and cultural heritage and also with the promotion of sustainable social and economic development. Concerns were expressed about the scale of the proposal and also about the affordable housing and its location separated from the remainder of the development.
8. An appeal was made by the developer and this proved successful with a decision letter from the Scottish Executive Reporters Unit granting permission in February 2005. The decision was for the principle of up to 117 dwellings with landscaping, roads, cycleway and ancillary works. The decision includes a range of conditions some of which must be fulfilled concurrently with the reserved matters application and others that must be fulfilled prior to any construction commencing at the site (a copy of the Scottish Executive Reporters conditions are attached at the back of the report).

9. The key areas that required information being submitted concurrently with the reserved matters application related to landscaping (including a 40 metre strip of planting opposite Landmark) and how retained habitats are to be protected, an area of open space opposite Carr Place and details on how this would be managed; a hydrology study with particular regard to the bog woodland and potential flooding; species survey for badgers, wood ants, squirrels. This condition also required a phasing scheme for the development. The condition indicated that development shall proceed generally from the south west to the north east. Except for the 24 affordable houses shown indicatively on the south western part of the site which shall be amongst the earliest completions. A range of conditions in relation to highways, infrastructure and their provision were also included.

## PROPOSAL

10. This reserved matters application was submitted with a range of details including hydrological report and species surveys. However, it was submitted on the basis of plots apart from the 24 affordable houses which included full design details. It was understood at the time of the outline that the Reporter was considering the applications on the basis of a plots layout with roads etc being the next application. However, a correct interpretation of the condition whether it was intentional or not indicates that the Reporter's condition actually required all of the design details for the houses plots and accesses with any reserved matters application. The developer has subsequently had to submit additional detail for all of the houses, plots accesses etc. This is part of the reason why the application has taken some considerable time to bring before the Planning Committee. The application was re-advertised in the Local press.

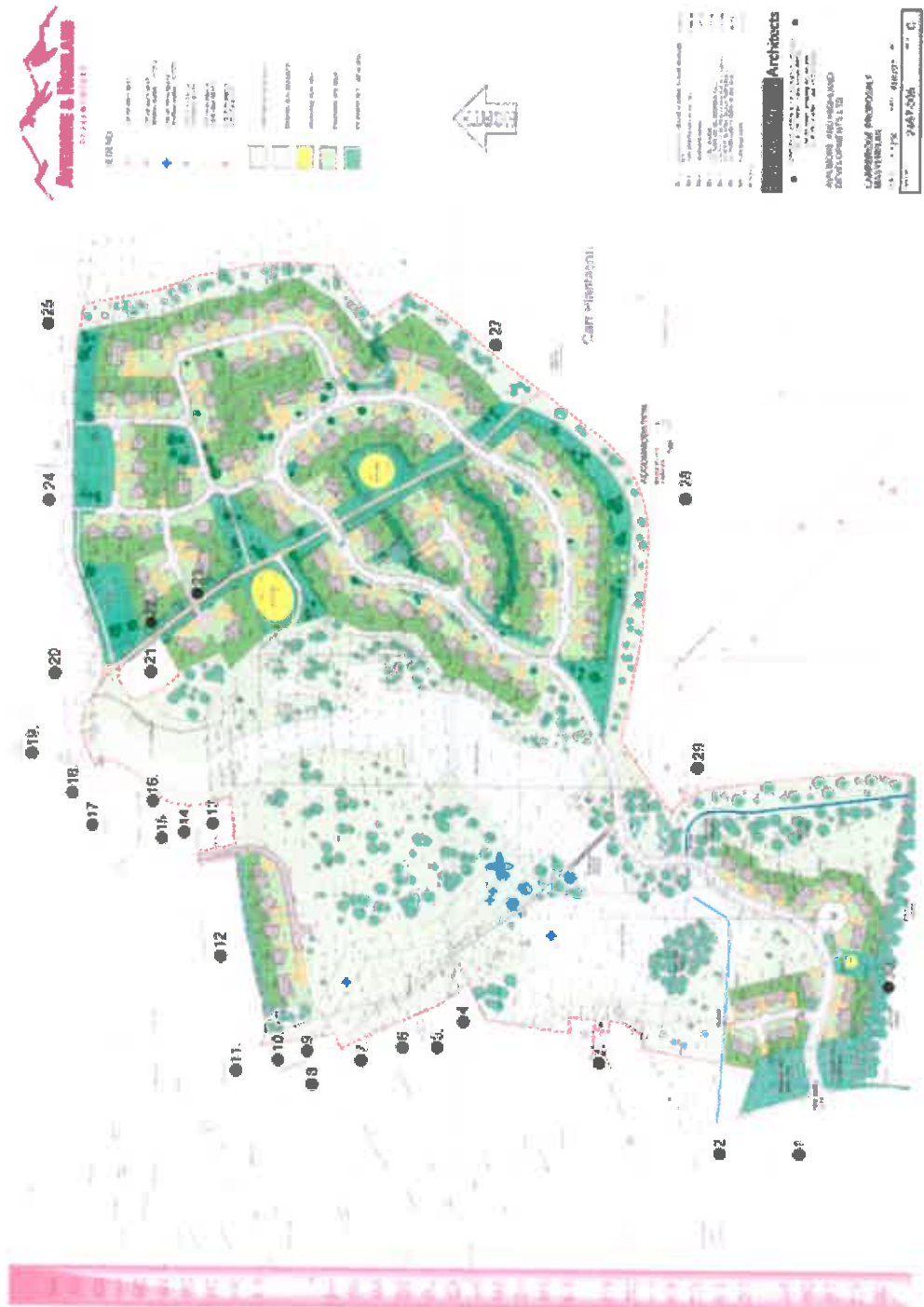


Fig 6 Layout Plan of Entire Site

11. The application itself is for 117 houses on an estate layout (see fig 6); all but 5 of the houses would be accessed from the B9153 at the southern entrance to Carrbridge. There would then be a 40 metre depth landscape belt as required by the outline approval. An estate road leads to the 24 houses with two private houses (Phase1) and a small play area. Most of this development would be on land that is currently used for grazing. However, because of the required landscaping belt, this pushes the development back into an area of hummocky terrain where a small number of trees, including Scots pine would have to be removed.



**Fig 7 Semi-detached affordable housing (phase 1)**

12. The affordable houses are semi detached two and three bedroom finished in render and timber facings with slate roofs (see fig 7). A footpath will be created between the affordable housing and Crannich Park. The affordable housing would be provided by Albyn Housing Society once completed by the developer.
13. Phase 2 of the development involves the construction of an estate road over a wet area, under power lines and then into the development area for phase 2 (40 houses). The original plans indicated an isolated dwelling close to the junction of the proposed road with a footpath that leads into the woodland from Ellanwood Road. This house has been deleted from the amended layout plan which gives full details of house types and plots. Within phase 2 the estate road splits into two to form a loop road into phase 3. Plots 28-37 are located on the west side of the road adjacent to the bog woodland with the remainder to the east. There is also a play area at the northern end of phase 2.
14. The only other vehicle access to the site comes from Ellanwood Road where 5 plots will be accessed. A requirement of the outline was that certain traffic calming measures be submitted alongside the reserved matters application and these have been submitted showing traffic calming measures along Carr Road.



15. Phase 3 is the final part of the area proposed to be developed, along with phase 3 the majority of the area is plantation woodland that would have to be felled. However, there are a number of plots to be located in 3 cul-de-sacs to the north of phase 3 on open land that is currently used for grazing. Phase 3 also includes a play area and amenity area with houses arranged around it and fronting onto it to reflect Carr Place opposite.



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION

**Figs 8, 9 & 10 selection of house types for private phases 2 and 3**



## DEVELOPMENT PLAN CONTEXT

16. In the national context, **SPP 3 Planning for Housing** encourages the provision of well-located, high quality new housing, suggesting that good housing can support economic competitiveness, social justice and sustainable development. Para. 6 of the document stresses that housing is a key factor in defining the character of cities, towns and villages. **SPP 3** concedes that the design of new housing is not always given sufficient priority and urges that the environmental impact of housing be given much greater importance. Para. 14, in discussing the Form of Development highlights the fact that good layout is at the heart of making residential environments safe and welcoming, with pedestrian activity adding vitality and increasing the feeling of personal safety.
17. **SPP 3** also highlights the relevance of good landscape design, stressing that it can make a significant contribution to environmental quality, but cannot compensate for poor layout and design. Para. 17 is of particular relevance in this current application, where it is stated that “new development should respect and where appropriate enhance existing vegetation and other natural features. Mature trees should be retained wherever possible and replanting should be undertaken where development involves their loss.” The document also suggests that developments can enhance a site’s wildlife value through retention, creation or management of natural features and wildlife habitats.
18. Other national level advice is contained in **NPPG 14 on Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”
19. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 emphasises the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality.

20. **PAN 65 – Planning and Open Space** describes open space as a valuable asset which is important for our quality of life. It concedes that the future growth of settlements will have implications for open space, but advises that this should not lead to a loss of amenity and should place a greater emphasis on the need for a “well-distributed, well-connected and accessible quality of open space.” **PAN 65** details the various types of open space including amenity greenspace, public parks and gardens, green corridors and natural / semi natural greenspaces. Para. 44 of **PAN 65** states that emphasis and importance attached to open space in development plans should be reflected in development control decisions and warns that “the credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside, without sound and clear justification.”
21. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation.
22. A detailed section on Landscape is also included in **PAN 67 Housing Quality**, which emphasises that the character and appearance of the land including its shape, form, ecology, natural features and the way they combine, is a key to designing houses that makes the most of its setting. It is advised that natural features should generally be conserved and emphasised, with additional new tree and shrub species complementing the area’s existing natural features. It also advocates the use of landscaping proposals to promote biodiversity.
23. **The Highland Structure Plan 2001** highlights a number of salient points as well as setting out a number of broad policies applicable to developments of the nature proposed. In relation to housing, section 2.2.1 of the Plan states that “the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities” and further states that “adequate provision of housing is also a pre-requisite of economic growth” whilst at the same time recognising that “it must be provided in a way which minimises the impact on the environment.”

24. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things; make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
25. **Policy H5 Affordable Housing** considers that the Council will, in association with other housing agencies, identify areas in Local Plans where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified. Affordable housing secured as part of a wider development should not be of significantly higher density or lower quality.
26. **Highland Council Development Plan Policy Guidelines 2003 were adopted by Highland Council prior to the formation of the Park Authority so are material to this case.** The guidelines consider that an objective target of 25% affordable housing provision should normally be expected of all future developments comprising 10 or more new or converted homes located within local housing stress areas. Carrbridge is identified as such an area.
27. The guidelines provide detailed advice into relationships, and distances between properties as well as requirements for open space and play areas, detailed advice is also provided on the size of private amenity areas in terms of the size of garden plots.
28. The main principle requirements of the Badenoch and Strathspey Local Plan that relate to Carrbridge are maintaining a good distribution and choice of housing sites for the short term; securing access improvements to open up a longer term supply of housing land; protect the character of established residential areas; safeguard natural assets and enhance the village centre, notably community woodlands and the riverside.
29. Development options consider that the choice of land for future housing is restricted by physical restraints, adjoining land uses and amenity considerations. These include commercial forestry, the golf Course, exceptional amenity woodlands, and crofting and farm land along the river floodplain. Away from these areas, a number of sites are capable of being developed. In the longer term however, the most appropriate development opportunities involve open land and forestry areas to the south—east, subject to improved access.

30. Parts of the site are allocated for housing in the Badenoch and Strathspey Local Plan with the accesses expected to come from Crannich Park and Carr Road through established residential areas. A spine road was to connect the two sites driving a route through the bog woodland with development on either side. The allocations at the higher end of the estimated capacity of the site came to around 100 dwelling units. The requirements for these allocations included improved access including a new link to the B9153 extending to Crannich Place; and including partial widening of Carr road, stopping up at a suitable location and a footpath. Woodland should be retained as far as possible to create buffers between existing and future development

## CONSULTATIONS

31. The proposal has gone through several rounds of consultations with minor changes to the layout addition of footpaths and further information submitted particularly in relation to natural heritage. The consultation responses summarised below relate to the latest set of plans before the committee.
32. **Scottish Natural Heritage (SNH)** has no objection to the proposal but does have some comments to make:
1. **Landscaping.** SNH note and support the fact that a footpath link has now been made to the forest track orientated north-south. SNH recommend that a management scheme should be provided to show how natural habitat shall be retained.
  2. **Hydrology.** If the bog is on a perched water table surrounded by freely draining sands and gravels, it is important that the clay liner which contains the raised water table is not breached when the houses and road are built. As there is little fall across the wetland surface, piercing the clay lining in one area could drain or at least lower, water levels across the wetland. Therefore, SNH welcome the fact that there is a bund in the new plans. SNH also welcome the plans for a footbridge to replace the wooden decking just north of the phase 1 development. It would also be helpful to provide a footbridge to cross the wetland at the northern end of the site. SNH also note that the outflow ditch is being bridged by the road, so that water flow should not be impeded. SNH recommends that- the bund should be completed before work begins on the road of phase 1 of the housing. Outflow in flood conditions must be large enough to avoid water backing up to prevent potential for wood ants' nests flooding. The outflow ditch should not be dug out to a depth of more than half a metre below the existing base, so that the water table in the wetland is not lowered. Where the northern path crosses the wetland, a footbridge or similar structure should be provided.

### Natural Heritage Interests

33. A buffer of 25 metres should be left between the house curtilages and the bog woodland, to avoid damage and disturbance to the bog woodland from human activity.
34. During building and landscaping operations, the bog woodland should have a buffer of 25 metres between the bog and the building site. No machinery should enter the bog woodland, wetland or adjacent forest area and no materials shall be stored on or within 25 metres of the bog woodland. Fences shall ensure no direct access from houses fronting the bog woodland into that area to discourage access and tipping. No landscaping should be undertaken in the bog woodland and wetland areas, or the surrounding forest. Narrow headed ants need open sunny areas with access to Scots pine for feeding. Hence, no tree felling should be undertaken in the bog woodland or the adjacent forest. As previously discussed and agreed with the developers, all surface water should drain to soakaways. No surface water or other discharges shall be made into the wetland. This is to prevent increased nutrient levels in the bog woodland. It would be beneficial for the developers to carry out a survey for the narrow headed wood ants after the building works are completed, to demonstrate whether the wood ants are still on site.
35. **Cairngorms National Park Authority Natural Heritage Group** has carried out several detailed inspections of the site. Concern is raised regarding the eastern edge of the zone for affordable housing. This eastern edge would intrude into semi-natural woodland at its eastern edge resulting in the need for removal of some trees. Reduction in the width of the 40 metres deep landscaping belt at the entrance to the affordable housing would reduce the level of intrusion into the semi natural habitat at the eastern end of the zone. Areas of the development not earmarked for development should be safeguarded from damage by construction vehicles and activities including spoil accumulation as well as utilities trenches should be confined to these areas.
36. The Natural Heritage group urge that extant trees and ground flora are retained wherever possible, subject to an assessment of the potential for windthrow. All new trees and vegetation to be planted should be of local origin in order to enhance the natural heritage value of the area. Trees and shrubs shall be drawn from the following: Scots pine, Silver birch, Downy birch, Aspen, Rowan, Juniper. All trees to be planted should be protected from browsing.

37. The Natural Heritage Group has been particularly concerned about the relationship between the bog woodland and the wider site. The Badenoch and Strathspey Conservation Group requested a meeting at the site and a number of issues were discussed with particular regard to the bog woodland. The CNPA requested further investigation work and drainage experts carried out further site investigations. The Natural Heritage Group has considered these details and accepts that the evidence points towards the bog woodland being supported by a perched water table. Consequently, it is unlikely that the construction of housing on mineral ground to the east and the associated SUDS will have any direct impact upon the quality or quantity of water supporting the bog woodland.
38. The presence of a perched water table does however raise issues with regard to the construction of the access road, bridge and bund which are parts of the proposal. It is essential that the seal underlying the bog woodland is not broken; otherwise there is a risk of increased drainage and a drying of the bog surface damaging its structure and vegetation. Accordingly, it is recommended that a detailed construction method statement is sought for the construction of road and bridge adjacent to the wetland to ensure that these aspects of the development do not damage the bog woodland. The methods also need to put in place strict measures to protect areas of forest and ants nests to be retained.
39. **Scottish Environmental Protection Agency (SEPA)** acknowledges the receipt of the SUDS statement. Individual units are to be provided with soakaway systems. The hardstanding (roads and pavements) surface water drainage is to be via infiltration trenches (in Area 1) and to pit soakaways (in areas 2 & 3). These are in accordance with CIRIA C521 which recommends at least one level of SUDS treatment for residential developments. **These surface water drainage proposals are acceptable to SEPA.**
40. **Engineering Works** The applicant should be made aware that this proposal to cross the burn may require to be authorised by SEPA.
41. **Flood Risk** SEPA notes that the data provided on the drawings, which show levels on the plot sites and along the access roads to be at or above the 256.5m AOD level, as recommended to allow for the 200 year return period flood event. **This is acceptable to SEPA.**
42. **Scottish Water (SW)** do not object to this application. The Water Treatment Works has sufficient capacity to service this proposed development. Carrbridge Waste Water Treatment currently has sufficient capacity to service this proposed development. However, there may be issues arising with both the water and waste water network and the developer should discuss these directly with Scottish Water to ensure that the development does not have any detrimental impact upon existing services.

43. **Highland Council Housing** comment in relation to the level of affordable housing applying Highland Council Affordable Housing Policy 25 % of the total site should be affordable. It is noted that only 24 of the houses are to be provided by Albyn Housing Society which would leave a shortfall of 6 units to comply with the affordable housing policy. Albyn are intending to provide 18 houses for rent and 6 for Homestead. Highland Council would request that the Park Authority impose the 25% and it is suggested that a further 6 units for Homestead should be provided in the 2<sup>nd</sup> phase of the development. This will assist in meeting the demand for affordable housing into future years.
44. **Cairngorms National Park Authority Housing Policy Officer** has consulted Communities Scotland, Albyn and Highland Council. Communities Scotland point out that they would prefer a 25% provision of affordable housing in line with Highland Council policy. Albyn have indicated a waiting list of 175 for rented accommodation with 16 have a Carrbridge address, 48 live in other parts of Badenoch and Strathspey. This does not mean that the others have no connection to the area or reason for living there.
45. **Highland Council Area Roads Manager** recommends a range of conditions in relation to potential flooding issues and highways.
- 1 in 200 years flood event to be safely contained within the site without causing flood risk to properties or resulting in an unacceptable depth of inundation at any location and there shall be no increased flood risk to properties up stream or down stream of the development.
  - Where the finished level of any new road is higher than the existing ground level, house and plot levels shall be such that no ponding will occur in adjacent plots.
  - A suitable management and maintenance agreement shall be established in respect of any drainage measures that are not to be adopted by Highland Council or Scottish Water.
  - The existing 30 mph speed limit on the B9153 public road shall be extended southwards to an agreed location beyond the main access to the site. Existing signage and road markings shall be replaced or relocated as required. The developer shall bear all costs associated with speed limit extension.
  - Street Lighting on the main B9153 public road shall be extended southwards beyond the main access to the site.
  - A continuous roadside footway, 2 metres wide, shall be provided on the eastern side of the B9153 public road between Crannich Park and the main access to the site.



- Traffic calming measures to the satisfaction of the Highland Council, shall be provided in accordance with the submitted details, at the B9153 public road opposite Kinchyle House and at various locations on Carr Road.
- Visibility splays shall be provided and maintained on each side of the main site access road, the junction of Rowan Park/Car Road and at all internal road junctions and at all individual house accesses.
- Parking and manoeuvring space for at least 2 cars shall be provided within the curtilage of each property. At plots 9-13 and 23-27, inclusive, parking and manoeuvring space shall be such that all vehicles can enter and leave in forward gear.
- The existing vehicular access serving Carr Cottages shall be upgraded to the satisfaction of Highland Council at its junction with Carr Road. No vehicular access shall be permitted along the existing forestry road serving Carr Cottages between the turning head and the south eastern boundary of the site.

## REPRESENTATIONS

**The representations summarised below relate to the amended proposal, letters on the original proposal as well as the amendments are attached at the back of the report.**

46. **Carrbridge Community Council** has been consulted upon the application several times when plans have been amended and new information submitted. Copies of all of their responses are attached at the back of the report. The latest Community Council response raises general concern about the developer's track record. The main points are as follows.
47. The Community Council are totally against having the affordable housing in phase 1 for the following reasons: a) due to recent building of affordable housing at the Ecclefechan there is no current housing need (results of housing need survey carried out by Highland Small Communities Housing Trust) but there undoubtedly will be in the future. If houses are built now they will be filled now which would, arguably create a greater need in the future which we will be unable to meet. This is the largest development we are likely to have in the foreseeable future and therefore we have no specific expectation of any future affordable houses. b) The construction traffic will be passing through this development for the next 10 years creating a traffic hazard, pollution, noise and disruption for the families living there. To be socially responsible it should be the last to be completed. There is

absolutely no reason that construction should be organised for the convenience of the developer.

48. Questions are raised as to whether there is a sustainable heating plan for the houses. Will the minimum heights required by the hydrological survey be adhered to and how is this monitored. There is no indication that a Highland/Scottish idiom of style or finish will be maintained. Sewage disposal plans are not shown and it is anticipated that pumping will be required. Cycleways should be segregated from pedestrians but there is no detail as to how this will be managed and path widths do not seem to allow for this. There is no information as to how paths will be managed into the future; more information is required on play areas. The application does not address most of the stipulations made by the Reporter.
49. **The latest response from the Community Council dated 5 October 2006 accepts the suggested build rate set by the reporter of 15 per calendar year, but reiterates concerns relating to affordable housing and that it should be phased over the lifetime of the development with affordable houses at both ends of the development. Concerns are raised regarding 30 plots below 256.5 metres when the hydrological survey sets a general requirement that development should be above 256.5 metres.**
50. **The Community Council notes that several aspects are referred to be the developer as being dealt with by conditions. Clarification is sought as to whether the CNPA intend to involve the community in the development and formulation of these conditions.**
51. **Further concerns are raised regarding the complexity of the development and the record of the developer in relation to trees at the Ecclefechan site.**
52. Individual letters of objection are attached at the back of the report.
53. A resident of Crannich Park considers that services are not sufficient for such a large development. Concern is raised about houses being built by the same developer on Main Street and that Crannich Park is unsuitable for an increase in traffic.
54. A resident of Carr Road raises a wide range of concerns as to whether the proposal complies with the terms of the outline approval. The writer questions the extent and purpose of the bund adjacent to the bog woodland.
55. The developer has in turn replied to the points that have been made to the Community council and these replies are contained at the back of the report.

56. **The Badenoch and Strathspey Conservation Group** have stressed the natural heritage value of the site and have copied to the CNPA a range of papers with regard to the importance of species found at the site including narrow headed ants and red squirrels, it has been noted that 2 red squirrel dreys have been found in phase 1 of the development area. These papers and accompanying letters are attached at the back of the report.

## APPRAISAL

57. The starting point for an assessment of this proposal is the outline permission granted by the Scottish Executive Reporter for the principles of up to 117 dwellings and the access points for them. In several respects the Reporter's approval does not comply with the allocations set down in the Badenoch and Strathspey Local Plan. However, the plan allocation was essentially flawed in two ways firstly it allocated the bog woodland for development which raised natural heritage and hydrological/flood issues and also expected a large number of new houses to be accessed from roads that already served a significant number of houses. These are perhaps the key reasons regarding why the Reporter in my view departed significantly from the Local Plan allocation.
58. Consequently, the starting point is whether this proposal complies with the requirements of the outline approval and whether the siting and design of the 117 houses is acceptable as proposed. This report will cover a range of issues from natural heritage, affordable housing, details of access, potential for flooding and the siting and design of the houses proposed together with the phasing arrangements.

### Natural Heritage Issues

59. In its allocation of the site the Local Plan provided very little guidance in terms of protecting the natural heritage at the site and indeed allocated part of the bog woodland for development.
60. The main assessment of natural heritage has been based upon the conditions specified by the Reporter and the responses to this application by both SNH and the CNPA Natural Heritage Group.
61. The Reporter applied conditions to the consent which considered that the protection of the bog woodland was paramount. A condition was applied that a full hydrological study be carried out on the site and this was submitted along with the application. Initially, the study was found to be lacking in several respects. In natural heritage terms the key factor was to illustrate that the development would not damage the bog woodland. Concern was raised about the relationship of the surrounding site with the bog woodland. If there was a strong relationship (in hydrological terms) between the bog woodland and the

remainder of the site the development would affect the nutrient level of the bog woodland therefore changing its ecology. Secondly, any puncturing of the clay base layer on which the bog woodland is perched could result in its water levels being changed, potentially significantly. Either of these scenarios would in my view have made the outline permission unworkable because the Reporters decision gave priority to protecting this habitat without the necessary information to show whether this was possible in all practicality at the time.

62. The hydrology report as first submitted did not prove that the development as proposed could be carried out without affecting the bog woodland and the developer's engineers have been asked several times to go back to the site and dig further test pits to confirm whether there is a relationship between the bog area and surrounding ground waters. Their final visit resulted in an additional test pit being dug close to the bog woodland which indicated that ground water was encountered 3.55 metres below ground level and the pit showed evidence of water approximately 100 mm above that ground level. The report indicated that the level of the water table within the development area to be below that of the bog woodland. The CNPA Natural Heritage Group has been consulted upon these details and concur that the evidence points to the bog woodland being supported by a perched water table on a clay liner. Consequently, it is unlikely that the construction of the housing on ground to the east and the associated SUDS will have any direct impact upon the quality or quantity of water supporting the bog woodland. An e-mail copied to me from an objector still raises concern on this issue and that there has been a rise of 1 metre in the water table between test pits being dug and suggests that a ground water monitoring regime is put in place. The conclusion is that it is unlikely that there would be a flooding problem, or a detrimental impact upon the bog woodland from surface water run off. Neither SEPA or Highland Council TEC Services have objected to the scheme on grounds of potential flooding. However, I am mindful that the whole of the Reporters decision on the outline proposal was based upon the integrity of the bog woodland. Because of this, and while I am willing to recommend approval of the scheme, a condition is included to ensure that a ground water monitoring regime is put in place during the course of the development to ensure that any problems can be identified during the course of work and remedial measures taken if necessary (details of monitoring arrangements have just been received as this report was being written).
63. Scottish Natural Heritage do not object to the scheme but have recommended that works do not take place within 25 metres of the bog woodland and that house curtilages are set back 25 metres from the site. However, the terms of the outline permission identify the general route of the road. The road is very close to the bog woodland at one point but under the terms of the outline its route cannot be moved because to move it further away from the bog woodland would mean that it would be outside of the red line approved by the Reporter on the

outline scheme. A construction method statement is required by condition in this area to ensure that the bog woodland is protected. By far the majority of curtilages are 25 metres away from the bog woodland shown on the indicative plan; some cannot achieve this distance because of the road line, plots 25-30 being closer because of the road line.

64. In relation to the proposed protective mound adjacent to the bog woodland this is effectively to protect the integrity of the bog woodland from the nearest part of the development and to ensure that there is no drainage of water from the wetland area.
65. In summary, in terms of protecting the hydrology at the site I am convinced that the developer has gone as far as possible under the terms of the outline consent in protecting the bog woodland. A protective line of fencing will be erected on the site prior to the commencement of development to ensure that no works, machinery or stored material encroaches in any way into this sensitive area.
66. The outline planning application requested a survey of the site for species of notifiable interest. In my view, this should have been carried out prior to outline consent being granted as it may have had significant implications for the extent of the site capable of development with particular regard to Narrow Headed Ant nests. Nonetheless, a range of surveys have been provided with this detailed application.
67. Part of the site is host to several nests of narrow headed wood ants that are a red data book species and are identified as being endangered within the UK. A detailed survey has been carried out by a specialist on behalf of the developer. This survey originally only identified the nests of narrow headed ants only but it was pointed out that the condition on the outline approval related to all wood ants and not just one species. Subsequently, the site was resurveyed and nests of other species have been identified on the layout plan. This illustrates that Narrow Headed Ant prefers the open heath areas around the perimeter of the bog woodland and along the wayleave of the overhead electricity lines. The locations of the nests as surveyed show that the majority are set at some distance from the development area. The nests that are closer would effectively be protected from construction disturbance by the protective fence for the bog woodland and surrounding trees.
68. The layout plan identified several nests of other species of wood ants (*Formica Aquilonia* and *Lugubris*). Two nests would be protected and 5 nests would be re-located. Scottish Natural Heritage has been consulted upon this issue and has no objection in principle to the translocation, this would have to be done at the developers expense and the expertise of SNH involved. This issue is covered by a condition at the end of the report.

69. In relation to other species a survey was carried out in relation to Badgers and Common wintergreen and squirrel dreys. The survey found that there was no evidence that badgers or red squirrels will be affected by the development. While red squirrels clearly forage in the area no dreys were found. The proposed development was considered unlikely to reduce the habitat sufficiently for it to have a significant effect on the population, given that healthy viable populations occur throughout the wider area. However, the Badenoch and Strathspey Conservation Group have noted two red squirrel dreys in the vicinity of phase 1 of the development. In relation to this it must be noted that the majority of the phase 1 affordable development is on open, improved ground. Unfortunately, the requirement of the 40 metre buffer zone at the front of the development adjacent to Main Street pushes phase 1 backwards into an area of Scots pine where some trees would inevitably be lost. I would have preferred a situation where the development was brought nearer to the road (reducing the 40 metre buffer zone) to protect the back area but under the terms of the outline this is not possible. However, given the concerns of the Conservation Group I have added a condition that a further survey for squirrel dreys is carried out prior to the commencement of any development. Should dreys be found that would be affected by the development they would have to be protected. This is entirely reasonable given the length of time that has elapsed between the original survey (2005) and the present day.
70. The Common wintergreen that had previously been identified on the site could not be located during the survey, However, a planning condition will ensure that the plant is protected/re-located should it still be in evidence.

### **Affordable Housing**

71. The outline approvals allowed for up to 117 houses with 24 being affordable and are to be provided by Albyn. The condition on the outline stated that not less than 24 dwellings shall be affordable to the satisfaction of the planning authority in the light of its own criteria. At the time of the outline being considered by Highland Council and the Reporter the Highland Council Development Plan Policy Guidelines were the adopted policy of the Highland Council and therefore should have been material to that decision. The guidelines consider that an objective target of 25% affordable housing provision should normally be expected of all future developments comprising 10 or more new homes. Because of the wording of the condition I feel it is entirely reasonable in this instance to ask for more affordable despite this being a reserved matters application. The wording of the condition also expresses that the affordable provision should be to the satisfaction of the planning authority's own criteria. It is clear that 20% provision is not to the satisfaction of Highland Council's own criteria which sets the bar at 25%. In addition to this, the commentary of the Reporters decision considers that a significant proportion of the housing should

be affordable but can find no evidence on which to place a request for more than the 24 units being put forward by the developer.

72. All of the above mounts a powerful argument for more affordable on the site. The developer argues that they have provided 8 affordable units nearby at the Ecclefechan. However, this in my view is irrelevant as the policy guidelines refer to sites and not overall provision in settlements. The Ecclefechan was specifically picked out as an affordable housing project. Balanced against this, in all practicality the current application site may be the last large housing site available at Carrbridge for some time. The Community Council have expressed concern that there may be too many affordable units at one time taking the Ecclefechan and this site for 24 together and raise concern as to how provision into the future would be made. I would also reiterate such concerns. The conditions on the outline effectively stipulate that the 24 houses identified at the south western corner of the site have to be amongst the earliest completed. I have concerns about this arrangement as they are not particularly well integrated into the site as a whole. However, the stipulations of the outline tend to indicate that they should be developed in the location shown and be the among the earliest to be built, it is difficult to depart from this premise because if say 12 of the units were moved into phase 2 this would result in the them not strictly being among the first to be built because the area vacated by the 12 units would have to be filled with a number of private houses that would have to be constructed at the same time as the affordable.
73. While there would be difficulties in changing the location and the timing of the 24 affordable houses to be built it is my view that the outline permission does allow considerable room to request more affordable houses in the later phases of the development. This would result in a better mix of affordable/private through the development as a whole. Indeed, Communities Scotland and Highland Council Housing have expressed support for the 25 % criteria being applied and that a further 6 houses should be provided. Given the clear criteria set out in the guidelines, and despite this being a reserved matters application refusal of the scheme could be justified without further affordable housing provision. In the light of this discussion part of my recommendation is formed on a requirement that the applicants provide 6 more affordable houses within the later phases of the development.
74. A key difficulty is how this would be dealt with. After negotiations the developers are prepared to offer a further 6 units in phase 3 of the development. However, they wish to offer these above the total number 117 dwellings approved and not as plots on the existing layout. The additional 6 houses cannot simply be added to this application because this would take it outside of the terms of the outline permission which is for up to 117. This would mean that a condition or agreement would have to specify that phase 3 is redesigned to accommodate an additional 6 (affordable houses). The design of the development in



phase 3 is of a relatively low density and I am confident that it could be redesigned to accommodate 6 more houses. The applicants would prefer this to be dealt with by planning condition. The difficulty of this would be that this would effectively be a condition requiring another planning application to be made to vary the layout being considered here. Whether 6 plots are designated in phase 2, or 3 for affordable, or whether they are achieved by increasing the density on part of the site is perhaps, of less concern than actually achieving extra affordable housing in principle. However, having taken legal advice it is clear that requiring a reworking of the existing layout to increase the density of phase 3 to accommodate 6 more affordable would not be lawful. Because of this, a Section 75 Agreement is proposed that 6 of the plots in either phase 2 or 3 are designated for affordable. Such an agreement would offer more certainty from the CNPA's point of view and mean that the developer could not appeal against this requirement while developing the first phase of the site. Because of this, in my view, a legal agreement is the most appropriate way of gaining extra affordable housing at the site and would give the most confidence that it would be delivered.

### **Layout and Design**

75. The scheme is based on a distributor road as indicated on the outline providing access to the site from Main Street to the south west for the whole of the site except for 5 plots to be accessed from Rowan Park.
76. The distributor road serves the 24 affordable houses and small play area first which are arranged around a cul-de-sac, and a circular courtyard area. Direct pedestrian access is provided into Crannich Park by a footpath, although a condition ensures that a 2 metre wide footway will also be provided between the site access and Crannich Park along Main Street, these options give good pedestrian access into the village from the affordable housing area.
77. The houses themselves are semi detached single storey and one and a half storey with the majority being 2 bedrooms with 4 3-bedroom units. There are 2 private houses next to the affordable area (plots 25 and 26). As mentioned previously I am of the view that the houses are not particularly well integrated with the existing village, although they would have good footpath links into the village. Ultimately, this area has been set for the affordable by the outline which in combination with the environmental constraints of the site allows little room for manoeuvre. The houses are arranged so that they are facing towards the street and are single storey and one and a half stories in height. The houses use a combination of render and timber finishes with slate roofs and use a range of projecting forms such as dormers, gables and porches to add visual interest. In terms of their basic forms and material they bear a strong similarity with the houses recently approved by the CNPA and constructed by the developer on Main Street in the village. I have no objection to the designs and while the plots are of a smaller size than

the private houses this reflects the ratio of the house footprint to the plot which is increased due to the larger nature of the private houses.

78. Moving north eastwards the distributor road skirts the edge of the bog woodland where a path will connect in from Ellanwood Road. The distributor road splits at the start of phase 2 which incorporates plots 27-61. Phase 2 is made up of a range of 3 and 4 bedroom houses based on seven different design templates. The houses are arranged along street frontages with individual driveways in permeable surfacing. Footways are provided set back from the vehicular road to help create the general character of tree lined avenues. A planning condition will ensure that wherever natural ground vegetation would be retained and kept in situ or stored for potential relocation in landscaped areas.
79. The majority of houses are one and a half storey height with a small number of single storey houses. The houses exhibit a traditional Scottish vernacular with steeply pitching roofs and timber dormers and window frames and porches. They are not dissimilar to houses recently constructed by the same developer at Aviemore but exhibit the use of timber and glazed panels to a greater extent. Several of the house types exhibit a narrow plan form with single depth rooms which again reflects a more traditional Scottish vernacular rather than a square box approach which places as much emphasis upon the depth of the house as the length.
80. Part of phase 2 includes 5 plots to be accessed from Rowan Park and in terms of neighbouring amenity and potential overlooking these are the only plots that have a close relationship with existing housing in the village. These houses are to be accessed from Rowan Park and form a back to back relationship with the existing houses essentially creating a short street of similar character to Rowan Park. Highland Council Development Plan Guidelines consider that the minimum acceptable distance between windows of habitable rooms that are directly facing each other is 18 metres. 20 metres is the absolute minimum distance that is achieved in this case and the houses are positioned so that they directly face the gaps between houses on Rowan Park rather than facing habitable rooms directly. The positions of these houses accord with Highland Council's detailed guidelines and purely reflect existing spacings and separation distances on Rowan Park. Consequently, this part of the scheme is considered acceptable in terms of its relationship with existing properties
81. On its northern side phase 2 includes a significant play area to the south of Carr Cottages which is linked by a footpaths to Carr Road and Ellanwood Road this will allow existing residents to gain easy access to the area and the site is well located at the junction of a number of footpaths but with no roads or parking areas nearby which will encourage people to walk to the area.

82. The distributor road forms a loop around into phase 3 which is divided from phase 2 by the existing forest track that forms part of a Sustrans route which apart from the 2 loop road crossings will be maintained as is. It is from this point onwards development is distributed by means of smaller loop road and corresponding cul-de-sacs which exhibit a home zones approach with pinch points and permeable block paving surfacings, all of which combine to create a more pedestrian friendly environment. On entering these areas the change in the design, geometry and surfacing of the road will contribute significantly to slowing down cars by making drivers feel that they are in a primarily pedestrian environment. In accordance with the outline approval a public amenity space will be formed opposite Carr Place to reflect the form of that area with houses facing onto the amenity area.
83. The house types in phase 3 are the same as in phase 2 but placed in a slightly less formal arrangement following the more informal road layout and smaller geometry of bends in the layout. There is a another play area of significant size within this part of the development, again it is located in an area away from motor vehicles which gives over a considerable amount of space to landscaping. This area is particularly well overlooked by the sustrans cycle route and the rear of a range of houses. No details have been given regarding the height of any boundary fences of the dwellings facing onto this area but it will be important that only low boundary features are permitted in this area. A condition is proposed to ensure that this is the case.
84. In terms of connectivity the outline approval specified that certain footpaths be provided. The CNPA access team has looked at the proposal in detail and further connections have been provided, particularly by a footpath which skirts the eastern edge of the bog woodland. In addition, the developers have agreed to provide a further/bridge platform structure to ensure that the route between the phase 2 play area/sustrans route can be walked dry shod across a small section of the bog woodland to Rowan Park.
85. Concern has been raised by the Community Council that not enough information has been provided in relation to play areas. However, the layout plans clearly show where the play areas would be located together with their size. In addition a factoring agreement has been provided showing that maintenance checks, litter collection etc will be carried out on a regular basis. This is very much along the lines of factoring agreements that have been set up for other large developments and has been copied to the Community Council. It is not for the planning system to approve exactly what play furniture shall be placed on the play areas, although information will be sought by a further planning condition to ensure that there is some play equipment is provided and to ensure that it provided prior to the first occupation of any phase. Any play equipment will have to be approved by Highland Council TEC Services and meet specified requirements of the play equipment industry. Again, street lighting details will be requested by

condition but the exact nature of this will be approved by Highland Council TEC Services who deal with the standard of street lighting required. I have met the Community council a couple of times to look at the proposal. Because of community concerns relating to a range of matters they asked if they could be involved in the formulation of planning conditions and I copied them into a draft of the typical conditions that we would use.

86. Overall I am convinced that under the terms of the outline approval the layout, density and design of the houses provides a reasonable and acceptable approach to the detailed development of the site.

### **TECHNICAL ISSUES**

87. A range of technical issues are now considered as required by the terms of the Reporters outline approval.

### **Flooding and Drainage**

88. Concern was raised at the time of the outline regarding the potential for flooding, although it was noted at the time that SEPA considered that the site was not at risk from flooding they did consider that groundwater behaviour on the site merited further study. A hydrological report was considered by SEPA who initially objected to this application because of the lack of a sustainable urban drainage scheme. The developer has been in consultation with SEPA and a scheme has been produced. The SEPA response on this application is very clear, they emphasise that they have no objection to the proposal in terms of flood risk and consider the drainage details to be acceptable.
89. Concern has been raised that some of the plots are at or slightly below the minimum level of 256.5 metres. The developer's engineering consultancy has been back to the site several times to dig further test pits which has aided the assessment of flood risk on the site from interaction between ground water and surface water run off. SUDS proposals have been provided up front indicating soakaways for each house with a combination of trenches and soakaway blankets. The report concludes that the adoption of the SUDS measures will ensure that impact on existing conditions is minimised these details have been scrutinised by SEPA and found to be acceptable. The hydrological and hydrogeological assessment commissioned by the developers indicated that all houses around the un-named burn to be built above a minimum level of 256.5 metres. Some concern was raised by the Community Council that certain plots were below this. The agent has responded by pointing out that the gardens of plots 5-10 are below this contour but the houses themselves are not. In any case the gardens will be raised by six inches using material from elsewhere. Concern was raised that other plots on the site were below this level. However, these are outside of the area influenced by the burn and subject to a differing hydrological regime. The report pints out that the

development, generally is located within an area with a high permeability regime due to the underlying soils.

## Highways

90. The Area Roads Manager has provided a detailed response to the application. The outline consent incorporated a range of conditions with regard to highways. The main off site works related to traffic calming and pedestrian safety measures on Carr Road, footway widening in front of Kinchyle on Main Street and the relocation of the 30 mph speed limit together with a corresponding extension of street lighting on the B9153.
91. All of these conditions still apply to the development and the developer has been working with Highland Council TEC Services to ensure that they can be achieved. In fact a detailed plan was submitted to TEC Services back in 2005 and the Area Roads Manager confirmed that the proposals would be acceptable in principle. However, they would still have to be subject to a separate, suitable, public consultation exercise.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

### Conserve and Enhance the Natural and Cultural Heritage of the Area

92. It is difficult to make a clear assessment of the proposal against this aim. At the stage of the outline application the CNPA objected in principle to the development of much of this site for a range of reasons. I am of the view that the CNPA made the right decision at the time as both the original allocation of the site and in some respects the Reporters decision had evident problems. Therefore, I cannot consider that the proposal fully accords with this aim. The key question is the proposals compliance with the outline approval. The key natural heritage concern relates to the bog woodland and its immediate environs. However, the information submitted with the application has shown how the bog woodland can be effectively retained. The other key natural heritage factor related to the narrow headed ant. The surveys show that the nests of the ant are mostly some distance from the area to be developed and the closest can be protected by means of planning condition. The character of the area will undoubtedly change because of this development; however, the acceptance of this degree of change was implicit in the allocation of the Local Plan and the decision made by the Planning Reporter. The relatively low density approach of phases 2 and 3 should allow a significant amount of landscape planting to make sure that the site is successfully assimilated into its woodland setting.

### **Promote Sustainable Use of Natural Resources**

93. The principle of the proposal relates to housing close to an existing settlement with a range of facilities. The additional houses will be likely to support the economy and facilities that the village already has. The house sites are well linked with the existing village by means of a range of footpaths so walking into the centre of the village will be encouraged.
94. There is little information in terms of where materials will be sourced. However, local timber may be used for the timber sections of the houses and the proposals are being put forward and will be built out by a company which resides in and runs its business from Aviemore.

### **Promote Understanding and Enjoyment of the Area**

95. The proposals result in the loss of a significant area of amenity woodland. However, this was implicit in the allocation of the site and the decision made by the Planning Reporter. The scheme does provide a number of footpaths that will help to promote the enjoyment of the area and the bog woodland in particular.

### **Promote Sustainable Economic and Social Development of the Area**

96. The additional houses will provide support for the existing economic and social facilities of the village. The development also provides affordable housing for the local and wider community. The scheme would provide continued employment for workers in the local building industry. As noted in the body of the report this development falls below the 25% requirement for affordable housing hence the requirement for a further 6 units in a later stage of the development. The addition of these units is crucial to ensure that there is a supply of affordable in future.

## RECOMMENDATION

97. That Members of the Committee support a recommendation to: **GRANT APPROVAL of Reserved Matters Planning Permission** for 117 houses with associated infrastructure, roadways, footpaths on land bounded by Crannich Park, Rowan Park and Carr Road, Carrbridge subject to the following:
- A. **That the applicants enter into a Section 75 Planning Agreement to provide an additional 6 affordable houses within either phase 2 or phase 3 of the development hereby approved.**
  - B. **The following conditions:**
    - 1. This approval relates solely to the reserved matters referred to in the Scottish Executive appeal outline planning permission reference number PPA/270/312 Highland Council reference number 03/292/OUTBS. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.
    - 2. The development shall be carried out in phases in accordance with the submitted phasing plan and no phase shall be commenced until the previous phase has been completed to an extent acceptable to the CNPA acting as Planning Authority. Apart from the 24 affordable houses shown in the south west zone of the site not more than 15 dwellings shall be completed in any one calendar year.
    - 3. Prior to the commencement of development, a detailed construction method statement shall be submitted for the agreement and written approval of the CNPA acting as Planning Authority, in consultation with SEPA. The method statement shall address construction work for the road in the vicinity of the bog woodland and temporary measures proposed to deal with surface water run-off during construction, destination of any spoil to be excavated and details of any material to be brought onto the site and where it will be stored.
    - 4. Prior to the commencement of the development a specific construction method statement for the bridge at the end of phase 1 and the section of road and bund to be constructed adjacent to the bog woodland shall be submitted to and approved by the CNPA acting as planning authority in consultation with SNH and SEPA. The bunded area shall be completed prior to the construction of houses in phase 1 unless otherwise agreed in writing by the CNPA acting as planning authority.



5. Prior to the commencement of the development a detailed hydrological monitoring scheme shall be put in place to protect the bog woodland. The underlying water table depth shall be monitored at regular intervals to be agreed with the CNPA. Detailed results shall be submitted to the CNPA acting as planning authority. If water table levels are found to be jeopardising the integrity of the bog woodland any construction in that area shall cease and remedial measures taken to ensure the integrity of the bog woodland.
6. Prior to the commencement of the development further natural heritage surveys shall be carried out to identify the presence of any squirrel dreys on the whole site and to identify whether there is Common wintergreen evident to the rear of Rowan Park. If either is found within the area then measures for their protection/translocation shall be submitted to and approved by the CNPA. Any measures shall be in place prior to the commencement of the development hereby approved.
7. Prior to the commencement of the development hereby approved plans for the relocation of ants nests indicated on plan shall be submitted to the CNPA for the methodology and destination of ants nests to be translocated. The methodology shall include measures to ensure that all of the ants nests (of all species identified) to be retained and those to be moved are monitored to enable an evaluation of the success of protection and translocation measures to be adopted. All nest protection and trans location work shall be carried out prior to the commencement of development by expert persons to be agreed between the developer and the CNPA.
8. The works detailed hereunder shall be approved by the CNPA acting as Planning Authority, in consultation with the Roads Authority, and shall be timeously completed to be available for use prior to the occupation of any house within a relevant phase as agreed with the CNPA and Roads Authority.
  - All roads, including appropriate traffic calming features, shall be designed and constructed to a standard suitable for adoption in compliance with the requirements of Highland Council's Road Guidelines for New Development;
  - Footpaths and cycle paths shall be provided to connect the development to the existing network of paths in the general area of the site in accordance with layout plan 2467-015 received 23 January 2007;
  - Contiguous roadside footpaths, 2 metres wide, shall be provided generally in accordance with the submitted details.

9. Drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of SEPA and Scottish Water and Highland Council TEC Services. The measures provided shall ensure the following :
- The post development run off for a 1 in 25 years flood event shall be attenuated to the level of the corresponding pre development run off for a 1 in 2 years flood event;
  - 1 in 200 years flood event to be safely contained within the site without causing flood risk to properties or resulting in an unacceptable depth of inundation at any location and there shall be no increased flood risk to properties up stream or down stream of the development;
  - Where the finished level of any new road is higher than the existing ground level, house and plot levels shall be such that no ponding will occur in adjacent plots;
  - A suitable management and maintenance agreement shall be established in respect of any drainage measures that are not to be adopted by Highland Council or Scottish Water;
10. The final SUDS scheme for any individual phase of development shall be implemented and operational prior to the occupation of any development in that phase.
11. Full details of play areas including surfacing and equipment to be sited on those areas shall be submitted to and approved in writing by the CNPA the play areas (including installation of equipment) shall be completed with attendant footpath links and ready for use prior to the first occupation of any house within each phase of the development that the play areas are located in.
12. Landscaping and amenity and play areas shall be maintained in accordance with the submitted factoring management agreement unless otherwise agreed in writing by the CNPA.
13. The bog woodland and its immediate environs and the wayleave corridor of the overhead electricity line shall be managed in accordance with the management recommendations set out in the wood ant survey report submitted with the application to protect and encourage *Formica exsecta* (narrow headed ant). A further more detailed statement setting out exact management activities and timing of those activities shall be submitted to and approved in writing by the CNPA in consultation with SNH prior to the commencement of the development hereby approved.

14. The surface of all pathways through the site shown on the layout plan, other than those intended for adoption by Highland Council, shall be a permeable material in keeping with the woodland nature of the site. Prior to the commencement of development, details of the extent of pathways affected by this condition, details of the proposed surfacing and details of the proposed width shall be submitted for the agreement of the CNPA acting as Planning Authority.
15. An additional footbridge/walkway capable of accommodating horse traffic shall be provided at the northern end of the bog woodland to link the Phase 2 play area with Rowan Park. The footpath along the northern boundary of the site along Carr Road shall be extended to the end of the site. The footbridge/walkway shall be provided prior to the commencement of phase 2 of the development.
16. Prior to the commencement of the development full details indicating safety measures both physical and in terms of information including details of how access along existing footpaths and the Sustrans cycle route will be maintained at all times during and after the course of the development shall be submitted to and approved in writing by the CNPA acting as planning authority.
17. Parking and manoeuvring space for at least two cars shall be provided within the curtilage of each property at plots 9-13 and 23-27 arrangements shall be so that such that all vehicles leave the plot independently in forward gear.
18. All car parking areas, driveways and other hard standing areas shall have a durable, dust free, porous surface.
19. Existing access to Carr Cottages from Carr Road to be upgraded to a standard acceptable to Highland Council Area Roads Manager.
20. Visibility splays to be provided at all plots to meet the requirements of Highland Council Area Roads Manager
21. In accordance with the submitted layout plan a continuous roadside footway, 2 metres wide, shall be provided on the eastern side of the B9153 public road between Crannich Park and the main access to the site prior to the first occupation of any houses at the site.
22. Design details for street lighting shall be submitted to and approved by the CNPA and shall be provided to the satisfaction of Highland Council's Senior Lighting Engineer.

23. The name of the housing development shall reflect the character, tradition and natural and cultural heritage of the area and shall be agreed in writing with the CNPA as Planning Authority prior to the commencement of development. Directional house number / name plaques in a durable, sustainable material shall be placed at each road junction within the development.
24. Adequate temporary car parking accommodation in areas to be agreed with the CNPA shall be provided on the site for the use of employees engaged in construction work on the site. The agreed car parking areas shall subsequently be maintained for this purpose until the relevant phase for which the parking is required is complete.
25. All public services for the development, including electrical, cable television and telephone cables, shall be located underground roads and footpaths throughout the site unless otherwise agreed in writing by the CNPA. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
26. Detailed plans illustrating the detailed siting and design of any pumping station buildings to be provided at the site shall be provided prior to the commencement of any development at the site.
27. A fence to protect natural habitats and trees shall be erected in accordance with the tree protection line indicated on drawing No 2467-015 received 23 January 2007. Prior to the commencement of any development the exact line of the fence shall be agreed on site by the CNPA acting as Planning Authority. The fence shall be erected prior to the commencement of any development (including any felling operations). Public access shall be maintained through the fence at points to be agreed by the CNPA.
28. Notwithstanding the structural landscaping plans submitted the development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained (including ground vegetation), together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, existing ground vegetation should be removed and stored and used in subsequent amenity areas and areas to be landscaped and shall ensure:-
  - (a) Completion of the scheme during the planting season following the completion of each phase of the development, or such other date as may be agreed in writing with the Planning Authority.

(b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

29. Trees from the following list of species shall be incorporated into the detailed plans Scots pine, Silver birch, Downy birch, Aspen, Rowan, Juniper. No landscaping shall be undertaken in the bog woodland area and the wayleave corridor other than work intended to maintain the integrity of the existing habitats.

30. Exact details and specifications of all proposed external finishing materials (including roofing materials, fencing and surfacing material for all footways) shall be submitted for the further approval of the CNPA acting as planning authority before any work commences on site.

#### ADVICE NOTE

You are advised that SEPA consent may be required for the crossing of the burn within phase 1 of the development site.

#### DETERMINATION BACKGROUND

This proposal has taken some considerable time to bring forward to the Planning Committee. The main reason for this is that the initial submission did not fully take into account the requirements of the Reporters conditions. The initial application indicated that the developer sought consent for roads infrastructure and plots, then plots would be sold off to individuals who would then make their own applications based upon a design guide. However, it was clear from the condition that no development could commence until the layout and the design of the houses had been approved. Because of this a re-submission was made with additional details and the scheme was re-advertised. In addition the developer has been asked several times to go back and carry out further survey work at the site in relation to wood ants and hydrology.

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2 March 2007

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