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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Redevelopment of former secondary school site to create 12 affordable houses at Former Tomintoul Secondary School, Main Street, Tomintoul, Moray, AB37 9HA

**REFERENCE:** 2021/0043/DET

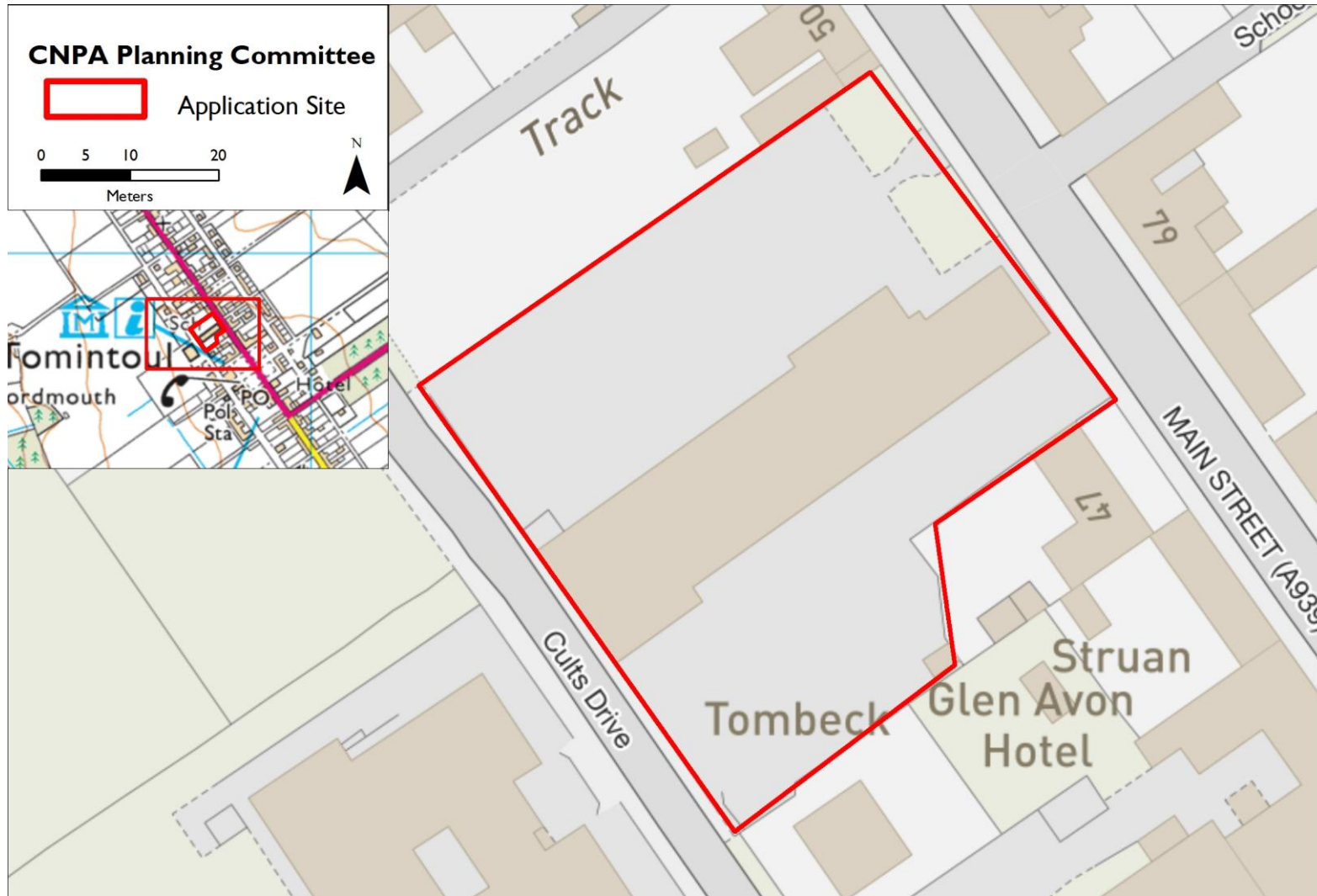
**APPLICANT:** Tomintoul And Glenlivet Development Trust

**DATE CALLED-IN:** 15 February 2021

**RECOMMENDATION:** Approve subject to Conditions and Developer Contribution

**CASE OFFICER:** Stephanie Wade Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

- The site relates to the former secondary school site in Tomintoul. The site lies within the centre of the village and covers approximately 3400 square metres. Tomintoul is a planned village with a traditional grid layout with the central north/south Main Street. The site has been cleared earlier this year of the former school building and playground. It is bounded to the northeast by Main Street and Cults Drive to the southwest. Existing residential properties lie to the northwest and a large detached villa and the Glen Avon Hotel lie to the southeast. Tomintoul Primary School is located opposite the site on Cults Drive. The street edge of the village is characterised by small scale house frontages. There is a predominance of traditional sandstone buildings varying between one and two storeys.

### Proposal

- The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QO9NSXSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Plan - Location Plan	PL-01	18/01/21	15/02/21
Plan - Site Plan	PL-201 Rev.F	26/04/21	26/04/21
Plan - Block Plan	PL-200 Rev.C	15/04/21	16/04/21
Plan - Plots 1 & 2 Elevations	PL-500 Rev.B	01/01/21	15/02/21
Plan - Plots 1 & 2 Proposed Floor Plan	PL-300 Rev.B	01/01/21	15/02/21
Plan - Plot 3 & 4 Elevations	PL-501 Rev.B	01/01/21	15/02/21
Plan - Plot 3 & 4 Proposed Floor Plan	PL-301 Rev.B	01/01/21	15/02/21
Plan - Plot 5 Elevations	PL-502 Rev.C	15/04/21	16/04/21
Plan - Plot 5 Proposed Floorplan	PL-302 Rev.C	15/04/21	16/04/21
Plan - Plot 6 & 7 Elevations	PL-503 Rev.C	15/04/21	16/04/21
Plan - Plot 6 & 7 Proposed Ground Floor plan	PL-303 Rev.C	15/04/21	16/04/21
Plan - Plot 8 & 9 Proposed Floor plan	PL-304 Rev.B	01/01/21	15/02/21
Plan - Plot 8 & 9 Elevations	PL-504 Rev.B	01/01/21	15/02/21
Plan - Plot 10 Elevations	PL-505 Rev.C	15/04/21	16/04/21
Plan - Plot 10- Proposed Floor Plan	SK-305 Rev.C	15/04/21	16/04/21

Plan - Plots 11 & 12 Proposed Floor Plans	PL-306 Rev.C	15/04/21	16/04/21
Plan - Plots 11 & 12 Elevations	PL-506 Rev.B	01/01/21	16/04/21
Plan – Drainage Layout	140346/2000 Rev.C	26/04/21	26/04/21
Plan – Street Elevations	PL-507 Rev.A	15/04/21	16/04/21
Plan - Tree Survey Drawing			16/04/21
Plan – Kerbing Layout	140346/1003 Rev.B	26/04/21	26/04/21
Plan – Road Layout	140346/1000 Rev.C	26/04/21	26/04/21
Plan – General Arrangement Landscaping	40141-IFL-T1-DR-L-10-001-P02	23/04/21	26/04/21
<b>SUPPORTING INFORMATION</b>			
Other - Tree Survey Schedule		14/04/21	16/04/21
Other - Tree Survey Report		01/04/21	16/04/21
Other - Bat Activity Surveys and Ecological Walkover Survey	VI	13/10/20	15/02/21
Other - Drainage Impact Assessment	140346		15/02/21
Other - Design Statement			15/02/21
Other- Agent Comments in Response to Roads			15/04/21
Other – Response to Consultee Comments		16/04/21	16/04/21

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

3. This application seeks planning permission for the erection of 12 dwellinghouses with associated access, servicing arrangements and landscaping works. The development includes a range of semi-detached and detached house types, ranging from single storey to two storey dwellings. All units are proposed to be affordable dwellings. The housing accommodation schedule is as follows:

<b>Number of Units</b>	<b>Accommodation Type</b>	<b>Number of Bedrooms</b>	<b>Type of Affordable Housing</b>
4	Semi-detached	2	Social Rent
3	Semi-detached	3	Social Rent
2	Detached	3	Social Rent
1	Semi-detached	2	Discounted Sale
2	Detached	3	Discounted Sale

4. Three units of accommodation are proposed as live/work houses and are to be suitable for use as an office, workshop or studio. All dwellings have a modern design form whilst referencing the traditional proportions of dwellings within Tomintoul. The

external finish of the dwellings comprise a simple palette of: rendered elevations, with elements of coloured Cedar weatherboard cladding, under a concrete tile roof; and UPVC fenestration and doors.

5. Each dwelling is proposed to be heated by air-source heat pumps and solar photovoltaic panels will be installed on a roof-slope of each dwelling. Regarding drainage, the dwellings are proposed to be connected to the public sewer which serves the area. A shared surface water soakaway is proposed to be constructed in the centre of the development and all roads and parking areas within the scheme are to be constructed from permeable surfacing which will discharge into the shared soakaway.
6. Vehicular access is proposed off of the main street in Tomintoul, joining the A939. Regarding parking arrangements, a total of 24 parking spaces are proposed within the site to serve the dwellings, with spaces predominately sited within the curtilages of the dwellings and four spaces within the central square. A pedestrian access link is proposed to be constructed through the site joining the Main Street to Cults Drive. The proposal includes lawned areas for soft landscaping purposes with beech hedging, trees and shrubs.
7. The application is supported by the following information:
  - a) **Design Statement-** outlines the ethos behind the chosen design solutions for the development.
  - b) **Drainage Impact Assessment-** confirms that the following survey work, the ground conditions of the site are considered to be suitable for disposal of surface water to the ground by infiltration using permeable surfacing and soakaways. Regarding foul water, the Drainage Strategy confirms that this will be collected by a conventional piped drainage system and connected to the Scottish Water public sewer. This system will also be connected to the neighbouring property at No.47 to maintain its link to the public sewer. Surface water runoff from the roofs of the dwellings, the driveways, access road and central courtyard are proposed to be disposed of within the site by provision of infiltration systems. The central courtyard is proposed to be constructed of permeable block pavements with a soakaway below, formed of modular storage units with capacity to accommodate the surface water from the whole courtyard area together with runoff from all of the dwellings. Regarding maintenance, the document confirms that the surface water system will remain in private ownership and maintained by a factor on behalf of the developer.
  - c) **Ecological Surveys-** Ecological survey work submitted in support of the application includes Bat Activity Surveys and an Ecological Walkover Survey undertaken by Highland Ecology and Development Ltd. The two bat activity surveys were undertaken ahead of the demolition works of the former buildings on site and concluded that the former building was not used by roosting bats during the active period. A Stage I Tree Assessment also confirms the adjacent five trees to the site have a low/negligible bat roost potential. The walkover survey notes that the small area of amenity grassland within the site makes it of low suitability for reptiles and swift boxes should be incorporated into the new development.

- d) **Tree Survey**- confirms that the five trees directly adjacent to the proposed development site were subject to surveying. All five trees were considered to be healthy and in fair condition with the crown spread overhang and rooting areas likely to extend to within the development site. Tree protection measures are advised to be incorporated within any construction scheme.
8. During the progression of the application and in response to the comments from the original consultation, revisions were made to the original scheme with adjustments to the proposed road and footway network including the visibility splays and path widths. The proposed bin storage area has also been moved from the central courtyard to just off of the vehicular access from Main Street, so that they can be uplifted by the refuse vehicle from the Main Street.
9. Plans of the proposal are included within **Appendix I**.

### History

10. The site benefitted from planning permission for the redevelopment of the school site to provide nine dwellings, which gained consent in March 2018 under planning application reference 2017/0325/DET. Although that application has not been implemented and is to be replaced by the alternative scheme put forward in the application being considered within this report, the Old School has been demolished following approval of demolition warrants through Moray Council.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

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

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

## Planning Guidance

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

Policy 1	New Housing Development Non-Statutory Guidance (2015)	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	X

## CONSULTATIONS

### Summary of the main issues raised by consultees

13. **Scottish Water** has no objection to the proposal but this does not confirm that the proposed development can currently be serviced, and advises that a formal application must be submitted to Scottish Water. They also confirm the development will be serviced by Tomintoul Waste Water Treatment works and also requires a formal capacity application to Scottish Water.
14. **Aberdeenshire Council Archaeologist** advises that no archaeological mitigation is required.
15. **Moray Council Transport Planning Team** originally had a holding objection to the requirement of amendments to the scheme.
16. Following the submission of revised information, the Team confirm the removal of their holding objection and provided the following comments:
17. This proposal is for the redevelopment of a former school to a residential development consisting of 12no units. A new remote footpath is to be provided through the site directly linking Main Street to Cults Drive, along with provision of a new section of footway along the site frontage onto Cults Drive. Roads Construction Consent shall be required for these elements. A Traffic Order is present for Main Street adjacent, relating to previous waiting restrictions associated with the former

school. Although the markings have been removed from the carriageway the order itself will require to be formally revoked. The internal courtyard area shall remain private and shall not be adopted by the Roads Authority (only the section of remote footpath shall be adopted within the site). Details for the provision of baffle barriers shown on the cycle path link through the development are not acceptable as shown and will be subject to changes required for Roads Construction Consent. The Team recommend the inclusion of planning conditions covering: a construction traffic management plan; evidence that the statutory process to revoke the existing no stopping traffic regulation order has been completed; installation of temporary signage during construction; installation of the footway, parking areas and access prior to occupation of dwellings; revisions to dropped kerb locations; and no obstructions to visibility splays.

18. **Moray Council Flood Risk Management Team** has no objection to the application and no conditions are required.
19. **Moray Council Contaminated Land Officer** has no objections and having reviewed the contamination assessment report, the Officer accepts the findings of the report.
20. **Moray Council Developer Obligations Officer** originally advised that contributions would be required for demand responsive transport and for healthcare services to upgrade the Dufftown medical centre.
21. **CNPA Landscape Officer** raises no objection to the scheme noting that from the information submitted, the layout and design of the proposed houses would fit with the local landscape character and SLQs and would have some positive effects. The proposed gardens and landscape planting are limited in extent and the central square will comprise a large expanse of concrete pavements, but the proposal nonetheless includes hedges, trees, shrubs and amenity grass which should contribute positively to the housing design and spatial qualities. The tree survey report, schedule and drawing should also ensure protection of existing trees that contribute to the local landscape character and SLQs, particularly the Beech to the south. The Officer recommends the inclusion of planning conditions to confirm the landscape maintenance post year 1 together with a Construction Method Statement.
22. **CNPA Ecology Officer** welcomes the measures incorporated for bats and birds within the scheme and the landscaping details providing new tree, shrub and hedge planting. The Officer notes that there are limited ecological issues since the site is cleared, however, a construction method statement is required by condition to help safeguard any reptiles, bats and birds and contain any soil to the site. The Officer is disappointed that the proposed SUDs scheme for the site does not incorporate any gain for biodiversity. Regarding nearby designated sites, the Officer confirms that previous consideration of the site through the original planning application concluded there is no connection to the River Spey Special Area of Conservation and a Habitats Regulations Appraisal is therefore not required on this occasion.
23. **CNPA Outdoor Access Officer** has no specific comments on the scheme.



24. **Kirkmichael and Tomintoul Community Council** has provided no comments on the proposal.

## REPRESENTATIONS

25. The application was advertised when first submitted. One letter of public representation has been received noting their support for the scheme. A copy of their response can be found at **Appendix 2**. Within the representation, the respondent does raise concerns regarding parking and road accessibility on Cults Drive and seeks that the primary school No Parking Zone on Cults Drive is extended to cover the service entrance to the Glenavon Hotel.

## APPRAISAL

26. The main planning considerations are considered to be: the principle of development; the impact upon the landscape, layout and design; the environmental impacts; access and servicing and developer contributions.

### Principle of Development

27. The principle of redeveloping the site to provide housing was originally established under the previous application in accordance with the 2015 Local Development Plan Policies. **Policy I: New Housing Development** of the Cairngorms National Park Local Development Plan 2021 provides support for new housing development where it is located within an identified settlement boundary subject to that development: meeting the requirements for the settlement, and reinforcing and enhancing the character of the settlement.
28. The settlement objectives for Tomintoul as outlined within the 2021 Local Development Plan, includes the following objectives:
- a) Support the provision of housing that meets the needs of the local community; and
  - b) Deliver development to support the community and local economy.
29. The development is put forward for consideration by the Community Trust on behalf of the community to provide 12 affordable dwellings in a central location within Tomintoul, making use of a brownfield site. In accordance with **Policy I.4**, the site would provide a mix of tenure with properties available for discounted sale and for social rent, as well as providing live/work flexibility for a number of the units in support of the local economy. The units provide a range of sizes helping to secure a balanced housing stock with smaller dwellings of 2-3 bedroom homes being provided within the site.
30. The proposal also accords with **Policy I.5** which seeks the provision of affordable housing within development schemes of at least 25% of the development. In this case the proposal looks to provide 100% affordable housing which is welcomed.

31. The principle of housing on this site is considered to be acceptable in terms of **Policy I: New Housing Development** subject to compliance with other relevant Local Development Plan policies.

### **Layout, Amenity and Design**

32. **Policy I: New Housing Development** and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seek to reinforce and enhance the character of the existing settlement and encourage new development to be sympathetic to the traditional pattern and character of the area, whilst encouraging innovative design and finishes.
33. The planned layout of Tomintoul is very distinctive, characterised by a rectilinear road/street pattern. Street frontages are strongly characteristic, with relatively low scale house fronts with either no front garden or very small front gardens. The proposed layout follows the general grain of the street pattern, with active frontages along Cults Drive and the Main Street and dwelling scales appropriate to the wider street scene. The proposal also looks to utilise an internal square/courtyard layout which is not considered to be out of keeping with the wider development pattern. On this basis the proposal is considered to comply with the specific policy requirements of **Policy I** and **Policy 3**.
34. In terms of residential amenity **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects amenity currently enjoyed by neighbouring occupants to sites and affords sufficient private amenity ground and off street parking with the development. The proposed dwellings are located such that there will be a sufficient level of privacy between them and the existing houses that lie adjacent to the site. The proposal has been sympathetically designed to ensure that no windows of the proposed dwellings would give rise to any overlooking. Each property is proposed with its own individual, private garden and car parking spaces. No letters of public representation have been received from any neighbouring occupants raising concern to the scheme. Taking this into account, the proposal is considered to accord with the amenity requirements of **Policy 3**.
35. Regarding design, **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that all new development delivers high standards of design and contributes to the sense of place. It should minimise the effect of climate change and make use of sustainable resources. The design of the proposed dwellings adopts a modern approach whilst utilising traditional proportions and scale, which is evident with the local architectural vernacular. The site is considered to have capacity for the number of dwellings proposed and the density is therefore considered acceptable to the site size. Air source heat pumps and solar panels are proposed to be installed for each dwelling to aid the minimisation of energy usage.
36. On this basis, the proposal is considered to accord with **Policy 3: Design and Placemaking** and **Policy I: New Housing Development** of the Cairngorms National Park Local Development Plan 2021.

## Landscape Impacts

37. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
38. The Cairngorms National Park Landscape Officer considers that the layout and design of the proposed houses will generally relate well to the distinct landscape character and SLQs of Tomintoul, including existing buildings. The inclusion of some positive contemporary elements and features are welcome, such as the inclusion of some strong colour, wooden exterior cladding and PV panels.
39. There are several trees which lie outwith the boundary of the site which make a positive contribution to the green infrastructure of the village and a planning condition is therefore recommended to ensure tree protection measures are implemented within the site for the trees during any construction period.
40. A landscape plan has been submitted proposing a range of trees, shrubs, climbers and ground cover that should contribute positive to the local landscape and residents' amenity. Specifically the CNPA Landscape Officer considers that the network of hedges and garden trees will be of value for providing a landscape structure throughout the scheme. A planning condition is recommended to ensure the landscaping scheme is maintained post year 1.
41. Subject to an appropriate landscape conditions regarding a construction method statement, material samples and long term landscape maintenance details, the proposal is considered to comply with **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021.

## Environmental Issues

42. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity whilst **Policy 10:** Resources sets out the need to fully consider impacts on flooding and water resources.
43. Due to the baseline being a cleared, brownfield site, the CNPA Ecology Officer confirms that there are therefore limited ecological issues. Regarding designated sites, the proposal is not considered to have connectivity with the River Spey SAC and a Habitats Regulations Appraisal is therefore not required on this occasion. Ecological enhancements are included within the scheme including bat and swift bricks, and landscaping providing amenity grass, tree, hedge and shrub planting. A revised Tree Protection Plan now includes the required root protection zones to be protected during construction and a Construction Method Statement is recommended as a planning condition which should include measures for reptiles.
44. It is noted that there are no 'green' SUDs incorporated within the proposed development. The CNPA Ecology Officer suggested the inclusion of this as a

biodiversity enhancement on both the previous application permitted and for the current application being considered and the applicants were encouraged to review this. The applicants acknowledge the benefits of such a system but given the size and mix of tenure together with scheme viability and maintenance reasons, they are unwilling to adopt this approach. This is unfortunate, however the proposed SUDs as presented within the scheme satisfies the standards specified in relevant guidance. Given this, the proposal is considered to comply with **Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021**.

45. Regarding other environmental matters, it is confirmed that the site is not at risk of flooding from any source nor will it impact on any neighbouring residential properties in terms of flooding. The Moray Council Contaminated Land Officer has no objections to the scheme. The proposal is therefore considered to comply with **Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021**.

### **Servicing and Access**

46. **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
47. Regarding water connections, the proposal would be connected to the mains water in the area, of which Scottish Water have no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity.
48. Turning to foul water measures, it is proposed that the site is connected into the Scottish Water mains sewer and the Tomintoul Waste Water Treatment Works. For surface water runoff arising from the site, it is proposed that this is dealt with by the installation of traditional soakaways within the central area of the site to deal with both access road runoff, parking bays and roof water runoff. The Moray Council Flood Risk Management Team has no objection to the scheme and no specific comments on the proposed drainage measures. On this basis the proposed surface water and foul water drainage measures are considered to be acceptable in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
49. **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** states that all new development must include an appropriate means of access, egress and space for off street parking. The development will be satisfactorily accessed from the existing public routes, Main Street and Cults Drive. Following revisions to the scheme in relation to vehicular manoeuvrability within the site, visibility splays, and pedestrian access links, the Moray Council Transport Planning Team confirm they have no objection to the scheme subject to conditions being imposed seeking road safety refinements as contained within their consultation response.
50. The internal road layout is proposed as a shared space with pedestrians and will not be adopted by the Council. It is noted that the Council will adopt the proposed footway

link through the site which will connect Main Street to Cults Drive. There is adequate off street vehicular parking provision to serve the scheme and subject to the appropriate conditions being attached, it is considered that the application satisfies the roads requirements of **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021**.

## Developer Contributions

51. **Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021** states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. The Policy also requires contributions to affordable housing where applicable and where no affordable housing is provided on site.
52. There is capacity at both the catchment Primary and Secondary schools to accommodate this development and as such no mitigation is necessary. The Moray Council Developer Obligations Officer has identified that developer contributions are required towards demand responsive transport. The applicant has been made aware of this and has indicated their agreement for its payment prior to the issuing of any decision notice.
53. The Moray Council Developer Obligations Officer originally indicated that a contribution would be required towards the extension of the medical centre in Dufftown which requires extension. However, although Tomintoul is covered by the Dufftown medical practice, there is a medical centre in Tomintoul from where local healthcare facilities are provided. Although NHS Grampian have noted that improvements to the Dufftown medical centre will indirectly increase capacity at the Tomintoul Branch, the proposed development does not give rise to the impacts in Dufftown and officer do not consider this meets the tests for requiring a contribution. In addition, the applicant has provided information on the funding and costs for the proposal and it is clear that the project cannot afford the total contribution that would be required. Taking account of the direct impacts of the development, alongside financial information submitted on behalf of the applicant, CNPA officers recommend that a contribution towards healthcare services should not be required.
54. The proposal is considered to accord with Policy 11: Developer Obligations subject to the payment of the demand responsive transport contribution.

## Other Issues Raised in Consultations and Representations

55. All matters raised by consultees and third parties have been addressed above. No comments have been received from the Community Council on this occasion. One letter of support has been received from a member of the public. It is noted that within this, they raise concern regarding parking and road accessibility on Cults Drive. As required by the Moray Council Roads Authority, planning conditions are to be attached to any subsequent decision notice relating to the agreement of the temporary 'no stopping' signage during the construction works and the permanent 'no stopping

signage' and renewal of the road markings on Cults Drive to ensure the restrictions on Cults Drive are maintained.

56. The Council's Archaeologist has no objections to the scheme.

## CONCLUSION

57. The redevelopment of the former school will bring this vacant, derelict site back into use. The introduction of housing will fulfil a local need which will benefit the local community, through the provision of both discounted sale and social rent units. The development is sympathetically designed and will enhance the existing layout and character of the village. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of suitable conditions. Subject to these recommended conditions and the payment of the developer contribution figure, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to Approve the Redevelopment of former secondary school site to create 12 affordable houses at Former Tomintoul Secondary School Main Street Tomintoul Moray AB37 9HA subject to:**

- 1) Conclusion of an appropriate agreement or upfront payment regarding the developer contribution in respect of demand responsive transport; and**
- 2) The following conditions:**

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

### Conditions

- I. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council as Planning Authority acting as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:**
  - a) duration of works;**
  - b) construction programme;**
  - c) schedule for delivery of materials and plant;**
  - d) full details of temporary arrangements to safeguard pedestrian movements during the construction period;**
  - e) full details of any temporary construction access;**
  - f) full details of any temporary closures or diversions;**
  - g) details of restricted times for deliveries to the site when school children are travelling to/from the nearby school;**

- h) measures to be put in place to prevent material being deposited on the public road;
- i) traffic management measures to be put in place during works including any specific instructions to drivers;
- j) parking provision, turning, loading and unloading areas within the site for construction traffic;

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

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

2. **No development shall commence on site until a Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
- a) The approach to site preparation, soils management, restoration and reinstatement;
  - b) Construction stage SUDs;
  - c) Confirmation that works will take place outside of bird breeding season
  - d) Reference to the amended tree protection plan and measures;
  - e) Construction pollution prevention measures;
  - f) Programme of works;
  - g) Details of how reptiles will be safeguarded during construction works;

**The construction of the development shall thereafter be implemented in accordance with the approved details.**

**Reason:** The works are to be undertaken in an environmentally sensitive area. It is therefore necessary for a Construction Method Statement to be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

3. **No development shall commence on site until the tree protection measures have been installed on site in accordance with the approved tree protection plan and maintained in accordance with those details for the duration of construction.**

**Reason:** To ensure that trees adjacent to the site, which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site until a detailed landscaping management and maintenance scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and implemented in accordance with the approved timescale and details thereafter.**

**Reason:** To ensure the development conserves and enhances the landscape character and that an appropriate landscape setting is provided and maintained in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence on site until evidence has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority to confirm that the statutory process to revoke the existing no stopping Traffic Regulation Order for the Old Secondary School site on the west side of Main Street has been completed.**

**Reason:** In the interests of an acceptable form of development in relation to road safety and management interests as required by the Moray Council Transport Planning Team and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence until a revised kerbing layout has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Moray Council as Roads Authority. The revised kerbing details shall include the provision of a dropped kerb crossing point on the west side of Cults Drive opposite the proposed east side dropped kerbs (to enable pedestrians to cross Cults Drive from the site). Thereafter the kerbing shall be provided in accordance with the approved details and completed prior to the first occupation of any dwelling.**

**Reason:** The provision of details currently lacking from the submission to ensure the provision of suitable facilities for pedestrians in the interests of road safety in accordance the Moray Council Road Authority requirements and with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. Prior to the demolition of the existing frontage wall adjacent to Cults Drive, details of the temporary signage to be erected to support the 'no stopping' restrictions associated with the school, including the locations of the signage shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Moray Council as Roads Authority and thereafter implemented in accordance with those details for the demolition works.

**Reason:** To ensure an acceptable road markings and signage are maintained during construction in the interests of road safety and in accordance with Policy 3:



Design and Placemaking of the Cairngorms National Park Local  
Development Plan 2021.

8. No residential unit shall be occupied until the details of the permanent 'no stopping' signage including the location has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Moray Council as Roads Authority. Thereafter the signage shall be implemented in accordance with the approved details and the existing road making on Cults Drive shall be refreshed to support the 'no stopping' restrictions prior to the occupation of any dwellings.

**Reason:** To ensure an acceptable road markings and signage are reinstated on completion of the development in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

9. No development shall commence on the construction of the dwellings, hereby permitted, until samples of the proposed external finishes for the dwellings and samples or details of the solar panels, hereby permitted, shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure the development conserves and enhances, and is sympathetic to the existing character of the settlement in accordance with Policy 3: Design and Placemaking, of the Cairngorms National Park Local Development Plan 2021.

10. No residential unit shall be occupied until all parking, paths, turning and access arrangements, including visibility splays have been fully implemented in accordance with the approved details.

**Reason:** To ensure that the site is satisfactorily serviced and accessed in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

11. No lighting shall be installed on site until details (position, type and intensity) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The lighting, if being provided, shall be installed and operated in strict accordance with the approved plans.

**Reason:** To ensure that the development does not adversely affect European Protected Species including the commuter bats in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

12. No residential unit shall be occupied until it is connected to a public water supply and a public drainage supply.

**Reason:** To ensure that all residential units are adequately served by public services in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

13. Notwithstanding the provisions of Class 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking or re-enacting that Order) all boundary enclosures shall be provided in accordance with the approved plans and any proposals for other boundary enclosures shall not be carried out unless planning permission is first granted by the Planning Authority.

**Reason:** To ensure that the layout of the development fits into the setting of the immediate area in accordance with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

14. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the residential units as indicated on the approved plans, shall be retained in perpetuity as twelve units of affordable housing accommodation.

**Reason:** To ensure that provision is made for affordable housing in accordance with Policy provision of the Local Development Plan and that the tenure remains as considered in this application in accordance with Policy 1: Housing Development and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

15. The width of the new shared vehicular access onto the A939 Main Street shall be 5.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to the Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to the Moray Council specification including provision of backing kerbs installed along the rear of the existing footway (across the full width of the new access to delineate and protect the edge of the footway).

**Reason:** To ensure acceptable infrastructure at the shared development access is implemented in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

16. Direct vehicular access onto the UI36H Cults Drive and the A939 Main Street shall have a maximum gradient not exceeding 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the accesses to the Moray Council specification including provision of backing kerbs installed along the rear of the prospective public footway (across the full width of the new access to delineate and protect the edge of the footway).

**Reason:** To ensure acceptable infrastructure at the individual development accesses in the interests of road safety and in accordance with Policy 3: Design and

Placemaking of the Cairngorms National Park Local Development Plan 2021.

17. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Moray Council as Roads Authority.

**Reason:** To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

### Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The applicants should submit a formal connection application to Scottish Water following the granting of planning permission for review of the availability of capacity.
5. You are advised that should any work commence within the bird breeding season, (April to September) then pre-construction surveys for breeding birds must be undertaken.

6. It is recommended that bat bricks and swift bricks should be incorporated into the construction of the dwellinghouses. A leaflet or letter must be provided to new owners explaining the bat and swift bricks and that these are not to be removed or tampered with to ensure the ecological interests of the site are maintained.
7. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Bank Holidays to minimise disturbance to residents in the area.

*Moray Council Road Authority Informative*

8. You are advised that the approval of the Moray Council Roads Authority is required for any works affecting the public road and for any road construction consent or any other requirements under the Roads legislation.
9. Planning consent does not carry with it the right to carry out works within the public road boundary.
10. The formation of the new section of footway on Cults Drive will require the setting back of existing Street Lighting infrastructure.
11. Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations] (new footway on Cults Drive frontage and new Remote footpath through site). Advice on this matter can be obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)
12. Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)
13. The existing Traffic Order on Main Street “Main Street (A939), west side: From 63 metres or thereby north of the projected north kerb line of The Square, in a northerly direction, for a distance of 43.56 metres or thereby” requires revocation. All costs associated with the revocation of the Traffic Order shall be met by the developer. The applicant should contact Moray Council Traffic Team [kevin.price@moray.gov.uk](mailto:kevin.price@moray.gov.uk) to discuss the requirements for this.
14. Public utility apparatus may be affected by this proposal. The developer shall contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out, the costs of which shall be at the expense of the developer.
15. No building materials/scaffolding/builder’s skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

16. An existing public bin currently located on the boundary fence onto Main Street will require to be relocated. For advice on this and any other street furniture which needs to be repositioned please email [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk) The costs for any works required shall be met by the developer.
17. It is noted that the provision of Electric Vehicle (EV) chargers and/or associated infrastructure is not a requirement as part of the Cairngorms National Park Local Development Plan. However the applicant has shown the provision of EV infrastructure as part of this development. In order to assist the developer with the provision of the EV charger infrastructure, Moray Council's guidance on Electric Vehicle (EV) charging requirements can be found here:  
<http://www.moray.gov.uk/downloads/file134860.pdf>
18. The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.
19. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
20. The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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