
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Planning Permission in Principle for demolition of cottage and shed and the erection of two (2) houses at Mains of Curr Cottage, Dulnain Bridge

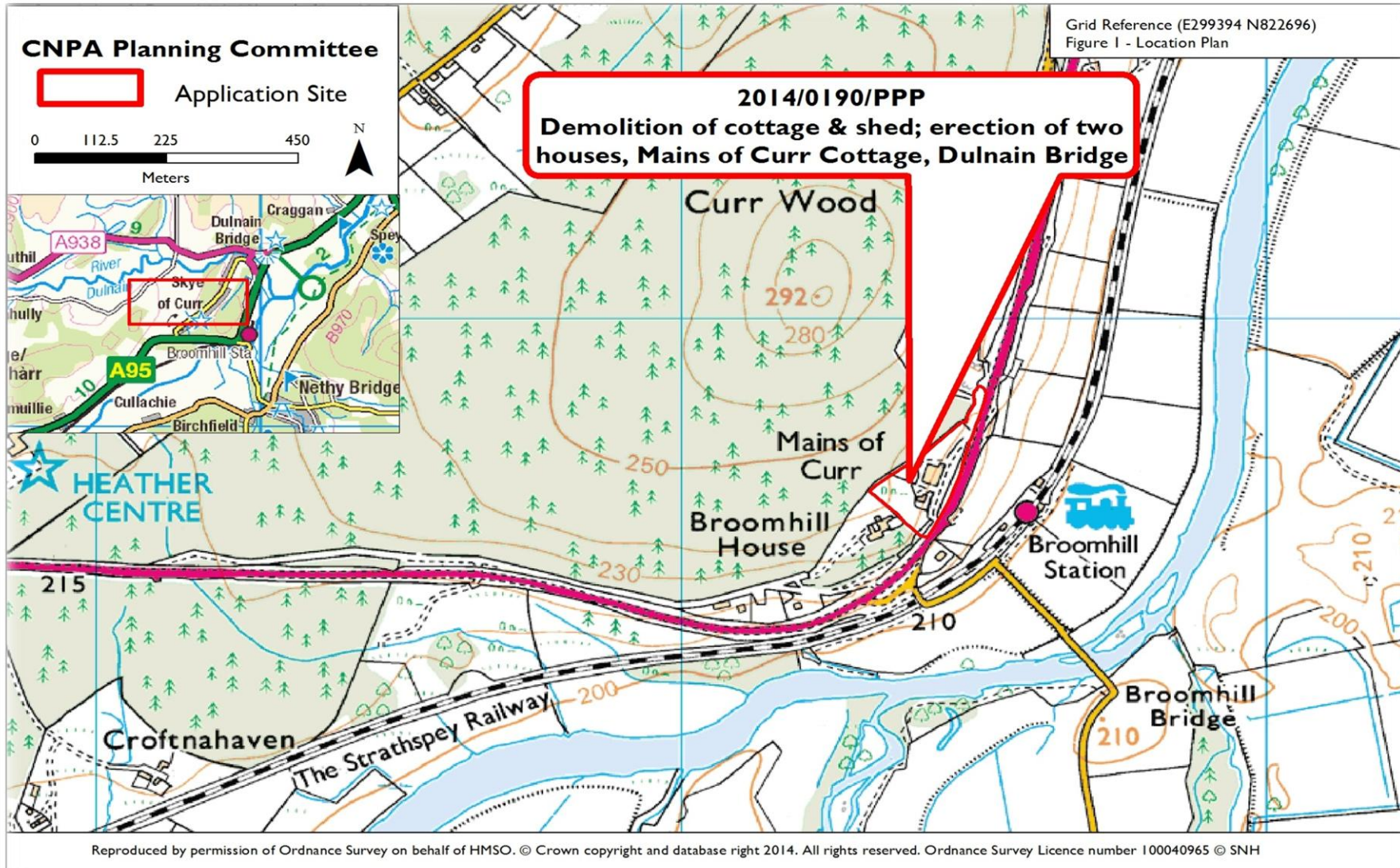
REFERENCE: 2014/0190/PPP

APPLICANT: Andrew Norvall, Reidhaven Estates

DATE CALLED-IN: 30 JUNE 2014

REASON FOR CALL IN: The proposed development raises new policy issues in relation to interpretation of Local Plan policies for housing outwith settlements, and enabling development for a future steading conversion which does not form part of this proposal. It therefore raises issues of significance to the National Park in terms of rural housing policies.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND AFFORDABLE HOUSING CONTRIBUTION



SITE DESCRIPTION AND PROPOSALS

Plans and Documents

1. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below and are available on the Cairngorms National Park Authority website at:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
Proposed Site Plan	PL02 C -	29.10.14	
Location Plan	PL01	09.06.14	
Existing Site Plan	PL03	09.06.14	
Mains of Curr Tree Survey by the Reidhaven Trust	none	29.10.14	
Design Statement by Matt Hamlett Architecture + Design	none	10 April 2014	
Bat Survey Report by Mick Canham Ecological Consultant	684	July – Sept 14	

2. Other supporting information included a 3D animation to show the existing and proposed site layout from a number of viewpoints.

Site Description

3. The application site is located at Mains of Curr, to the west of the A95 Aviemore to Grantown road A95 trunk road and some 300m north of the turn-off to Nethy Bridge. The wider site here comprises an existing grouping at Mains of Curr of houses and steadings and it is prominently located above the A95. Some 80 metres to the south of the Mains of Curr grouping is a two storey residential property at Broomhill, set in its own grounds, which is a category B Listed building of architectural and historic interest. To the far north is Broomhill quarry. Woodland lies to the west sloping up from the site which itself slopes westwards above the public road. This woodland is listed on the Ancient Woodland inventory, and a core path runs through it. There are no other natural heritage designations on or adjacent to the application site.

4. The Mains of Curr grouping currently comprises:
- Mains of Curr cottage which is a single storey, hipped roof detached 1940s harl and slate bungalow occupying an elevated position on the western edge of the site to the rear of the farmhouse and steading
 - Mains of Curr farmhouse, a one and a half storey stone and slate traditional farmhouse positioned to the south of the steading building and outwith the application site
 - Mains of Curr steading which is a substantial, attractive U shaped traditional stone and slate steading with modern infill building in the centre of the "U". The steading is located to the north of the farm house. There is a further wooden barn type building and silage pit to the north of the steading complex.

It is understood that these steading buildings are no longer used for agricultural purposes because replacement buildings have been constructed on the other (east) side of the A95 at Croftnahaven where the farm land is located – the A95 having effectively split the Mains of Curr steadings from the landholding. (Consent was granted by the Highland Council for two agricultural buildings to form open barn and cattle court at Croftnahaven in 2011 - Reference 11/02659/FUL.)

5. Existing access to the site comprises two access points onto the A class road and an access track running round the front of the buildings to serve the existing farmhouse and a track to the rear serving the existing cottage.

Development Proposals

6. The application seeks planning permission in principle for two new houses at Mains of Curr Cottage. This will involve :
- Demolition of the existing bungalow at Mains of Curr Cottage and the erection of a replacement dwelling. An amended footprint is indicated, slightly to the south of the existing building's footprint, but partially overlapping with the existing footprint.
 - Erection of second new house on land to the north of the existing farm steadings currently occupied by wooden barn type building, silage pit/ hardstanding and waste ground.
 - Improvements to the existing northernmost access onto the A95 trunk road and the closing up of the existing second southernmost access onto the Trunk road
 - A new internal site access is proposed to access the replacement house site from the south running through current grass land. This will replace the existing access to Mains of Curr cottage which runs behind the steading building and further site works are indicated to separate the curtilage of the replacement house from the western (rear) elevation of the steading building;

The application site as outlined in red contains the proposed house sites with the farmhouse, steading and land to the south shown in blue as being under the applicant's control. These proposed developments are illustrated in **Figure 2** below:

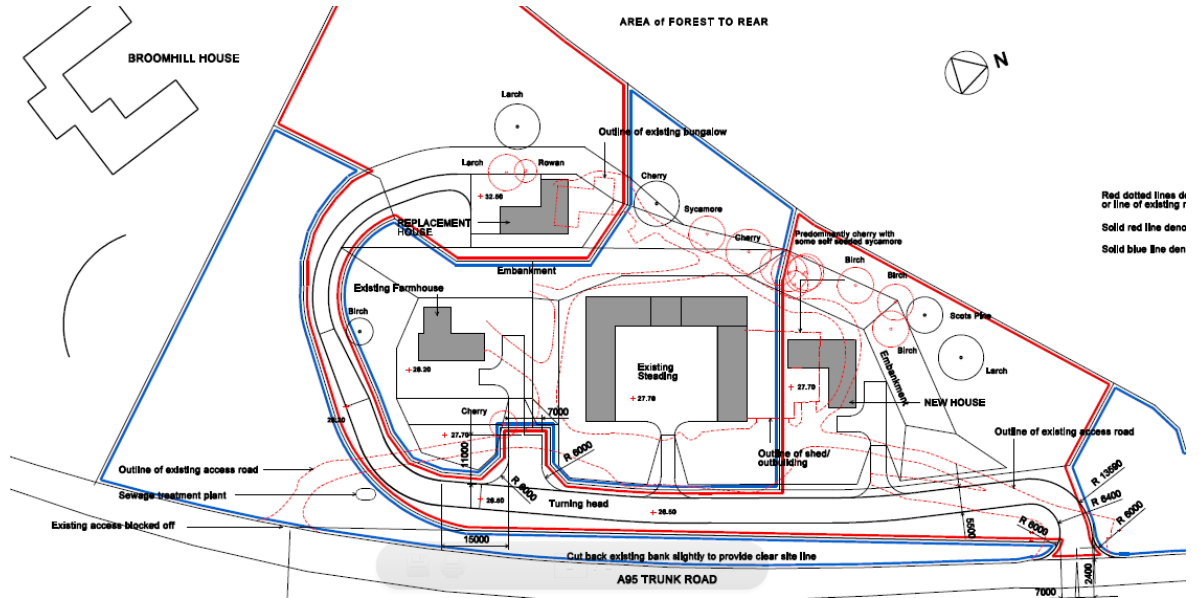


Figure 2: Layout Plan (Extract from applicant's location plan for information only)

7. As this is an application for planning in principle there are no details at this stage of house types, ground works etc. However the application is accompanied by a Design Statement which outlines that the proposed new development will provide finance for the future upgrading and conversion of the existing steading to residential use. Although this land is under the control of the applicants, these future proposals for the steading do not form part of the current application as noted earlier. A copy of the Design Statement is attached as **Appendix I**.

8. The design statement explains the pre-application history of the site and outlines how the site could be developed with the new houses remaining subservient visually to the central steading building. Supporting images extracted from 3D modelling have been submitted to illustrate how this may be achieved. **Figures 3 (a) and (b)** show the existing and indicative layouts.



Figure 3(a): Visualisation/Modelling of Existing Site Layout *(extract from applicant's design statement for information only)*

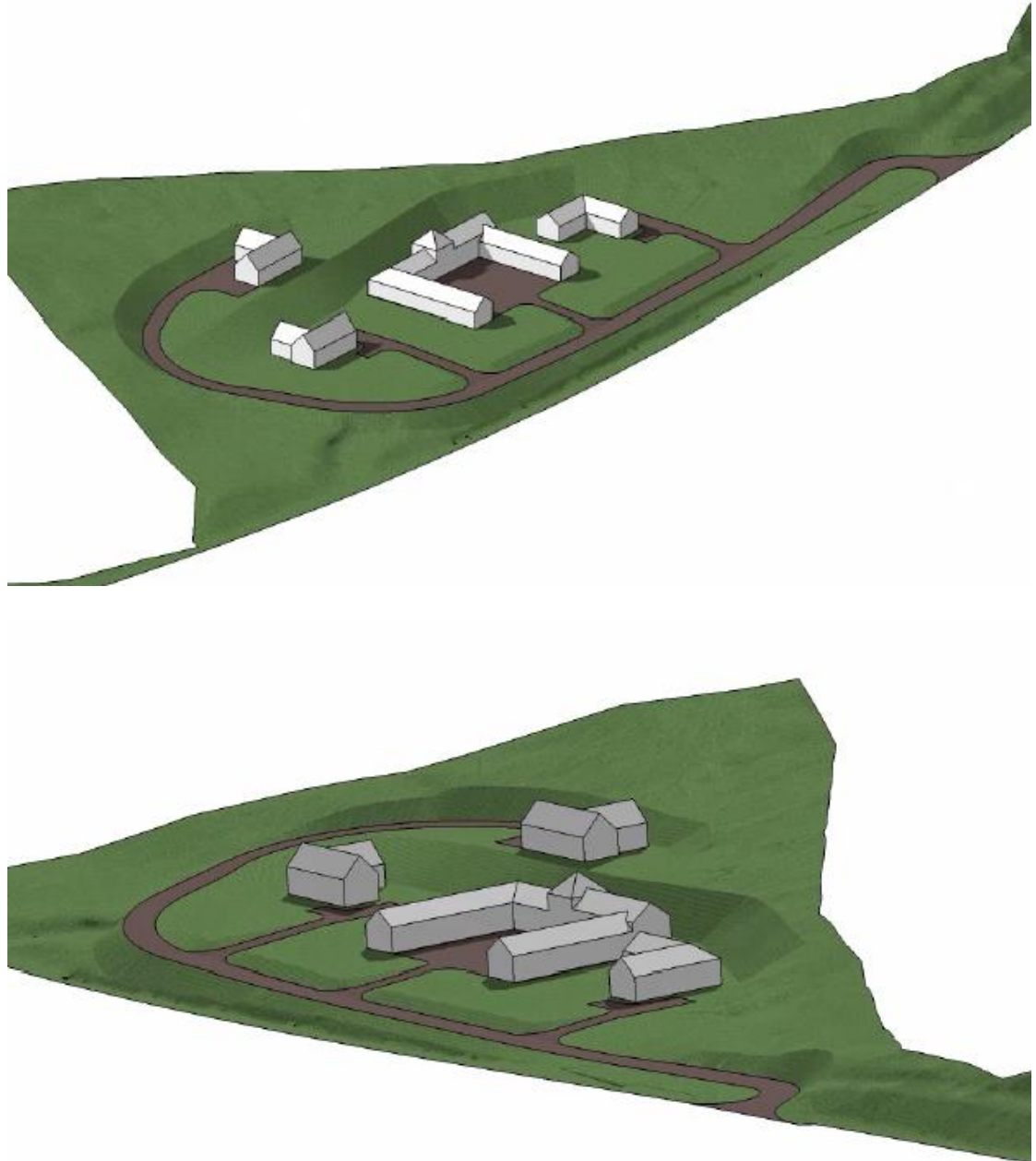


Figure 3(b): Visualisation/Modelling of Potential Site Layout (extract from applicant's design statement for information only)

9. The design statement also sets out the rationale for replacing the existing bungalow, which is largely because the existing house is incapable of rehabilitation in that:
 - its foundations would be compromised by the removal of ground required to renovate the steading building in the future
 - associated to this, if the steading renovation proceeded this would result in removal of the access track to the bungalow, and formation of a new road access to a 1940s bungalow is not financially justifiable

- The building does not relate visually either in location or design and does not accord with the local vernacular being of no architectural merit
 - It is constructed of plaster on a single skin brick wall with external render finish, and is damp and cold. Improvements would be expensive
10. Accordingly it is submitted that the existing bungalow is unworthy of rehabilitation and that an appropriately designed replacement house would enhance the natural and cultural heritage of the area.
11. The case for the new house to the north is set out as being on the basis of a rural brownfield site, and the Design Statement explains why it is considered that new development here will improve the landscape and comply with planning policies.
12. Proposed servicing will be connection to public water supplies and provision of a biodisc sewage treatment plant to serve the existing and proposed dwellings – this will be located on land to the south, within the applicant’s control.

Site History

13. A planning application was submitted in 2004 for the change of use of the steading buildings to farm shop, tea room and children’s play area (Reference 04/391/CP). This application was called in by the Cairngorms National Park Authority (CNPA) for determination and was subsequently withdrawn by the applicants. At this time the Trunk Roads Authority expressed concern regarding increased use of the access points onto the trunk road.
14. There has been ongoing pre-application discussions between CNPA officers and the applicant’s agent since late 2012 regarding submission of a planning application. The agent was advised to contact the Trunk Roads Authority at an early stage; provide information to demonstrate how the development could be designed to ensure it did not compromise the setting of the steading and surrounding area; and to make a case for the replacement house in policy terms with any submission. Pre-application discussions also related to the principle of conversion of the steading and a submission covering this and the new housing.

DEVELOPMENT PLAN CONTEXT

National policy

15. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

16. The SPP sits alongside four other Scottish Government planning policy documents:
- The **National Planning Framework (NPF)** which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - **Circulars**, which contain policy on the implementation of legislation or procedures.
17. Policies within the SPP seek to encourage rural development whilst protecting and enhancing environmental quality. SPP also sets a context for delivery of rural development, including housing, and the need for planning policy to set out the approach.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

18. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
19. Three long term outcomes for the Park are set out as follows:
- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

20. Specific policies of the Plan seek to promote and enhance the special qualities of the Park including policy 2.3 which seeks to conserve and enhance the special landscape qualities and to enhance opportunities to enjoy and experience the landscapes of the Park. Policy 2.4 seeks to conserve and enhance habitat quality and connectivity whilst Policy 2.8 seeks to enhance the design and sense of place in new development, by amongst other matters promoting a high standard of sustainable design, energy efficiency, sustainability sourced materials and construction in new development. and to facilitate the rehabilitation of redundant rural buildings.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

21. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
22. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
23. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
24. *Policy 22: Housing Development Outside of Settlements:* which outlines the circumstances where new housing will be supported, which includes situations where the development is sited on rural brownfield land. Rural brownfield land is defined as sites that are “occupied by redundant or unused buildings or where the land has been degraded by a former activity.”
25. *Policy 21: Housing Development in Rural Groups:* which allows for new housing development to be considered in rural groups of three or more dwellings that does not add more than one third to the existing size of the group, enhances the character of the group and does not detract from the

landscape. (Supplementary planning guidance on rural housing groups provides more information on this policy)

26. Policy 23: Replacement Houses: which allows for the replacement of existing house which are structurally unsound or cannot be rehabilitated. It presumes against replacement of existing dwellings unless
 - a) The existing house is structurally unsound or incapable of rehabilitation;
 - b) Has been vacant for at least ten years;
 - c) Is not a listed building
 - d) Would incorporate the existing footprint, unless an alternative site would minimise any negative environmental, social or economic effects of the development.
27. Policy 16: Design Standards for new development which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide
28. Policy 6: Landscape which sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Where development does not complement and enhance the landscape character, any significant adverse effects must be clearly outweighed by social and economic benefits of national importance and all adverse effects must be minimised and mitigated.
29. Policy 5: Biodiversity which seeks to ensure that new development does not have an adverse effect on species or habitats identified in the biodiversity plans.
30. Policies 4: Protected Species which presumes against any development which would have an adverse effect European Protected Species
31. Policy 9: Listed Buildings and Policy 11: The Local and Wider Cultural Heritage of the Park which seeks to ensure that listed buildings and features of architectural interest are preserved and to presume against development which does not protect or conserve and enhance features of cultural/historic interest.
32. Policy 3: Other Important Natural and Earth Heritage Sites and Interests which seeks to ensure amongst other matters that development does not adversely affect ancient woodland.
33. Policy 19: Contributions to Affordable Housing which seeks to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 sets out that proposals for one or two open market houses will be required to make a contribution to affordable housing provision by way of a cash payment towards meeting the housing need in the local area, More advice is contained in the supplementary guidance on affordable housing.

34. Policy 29: Integrated and Sustainable Transport Network which seeks to ensure that adequate consideration is given to maintaining or improving the sustainable transport network and requires submission of transport assessment where impacts are considered to be significant. This should cover local transport impacts.

Supplementary Planning Guidance

35. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. With this application the key document is the Sustainable Design Guide which sets out the principles to be considered when planning new development in the Park along with guidance on affordable housing delivery

Proposed Cairngorms National Park Local Development Plan (LDP)

36. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
37. The emerging policies in the LDP have been checked and these do not raise any particular new planning issues, being similar in intent and purpose to policies contained in the adopted Local Plan. Policy 9 on Replacement Houses does contain reference to supporting proposals to replace existing housing stock where the existing house is structurally unsound and incapable of rehabilitation or of non standard construction.

CONSULTATIONS

38. **CNPA Ecology Officer** initially sought additional information relating to (1) a bat survey to establish if bats were roosting in the building proposed for demolition and (2) further information on impacts on trees as a result of the development.
39. A bat survey was duly submitted which demonstrated that there was no evidence of bats roosting. However it is considered that the proximity of the site to good bat foraging habitat means that ecological enhancement should be sought by way of use of bat bricks in the design of the new building. Further habitat enhancement is recommended in the form of swift nest sites.

40. A tree survey report was also submitted showing trees to be retained and those to be removed. 15 trees are proposed for removal, including older larch plus 28 regenerating stems some of which are less than 7 cm in diameter. It is considered that the removal of the larger trees should be compensated by 3 to 1 replacement with smaller trees replaced on a 1 for 1 basis in order to provide an ecological enhancement – this would equate to around 70 trees/shrubs and could be provided on adjacent land in the applicant's control as well as the application site itself.
41. The officer has also considered the characteristics of the site and proposed development and considers that before any trees are felled surveys for red squirrel and breeding bird nests (if felling is proposed within bird breeding season) should be undertaken.
42. In conclusion the officer considers that the proposed development will have an impact on ecology which can be satisfactorily mitigated by conditions to cover:
- Landscape plan
 - Retention of aspen deadwood on site
 - Pre felling checks for red squirrels
 - Building design to include enhancements for birds and bats
43. **CNPA Landscape Officer** notes that the development is on a prominent site close to a busy road and offers the opportunity to enhance the currently run down appearance of the building cluster and site. The officer is content with the proposed grouping of new development in terms of potential fit in the landscape and also with the principle of the proposed ground works providing they are suitably detailed in any future submission.
44. It is highlighted that any future proposals should be appropriately designed and detailed and any visibility improvements onto the A95 should be designed to achieve a natural finish. A detailed landscape plan will be required and this should cover the entire site (including adjacent land outlined in blue as being under the applicant's control) to ensure that the proposals complement and enhance the landscape as required by policy.
45. **Dalnain Bridge Community Council** was consulted and no response has been received to date.
46. **Highland Council Forestry Officer** notes that there are a number of visually significant trees on the site which add greatly to the character and setting of the existing buildings. The officer has no objections to the application providing planning conditions are attached to ensure that any subsequent matters specified in conditions applications include plans to show impacts upon trees, planting proposals, maintenance programme and also that no trees to be cut down or damaged in the interim period.

47. **Highland Council Roads Officers** note that as the proposal is for only two houses with access directly onto the A95 road, transport matters will be considered by the Trunk Roads Authority. Suitable arrangements will require to be made for collection of waste and recyclables. The applicant should note that with any future proposal for conversion of the steading which may increase the number of residential units is unlikely to result in the internal roads being considered for adoption.
48. **Transport Scotland** has been consulted given that access is taken onto the trunk road. They have no objections subject to planning conditions being attached to cover the following matters
- The upgraded northern access to be formed and the existing southern access closed off before any works commence
 - An unclimbable stock proof fence of a type to be provided and maintained along the site boundary with the trunk road.
 - A secure bin store area to be provided adjacent to the access.

REPRESENTATIONS

49. The application was advertised in the local press and no representations were received.

APPRAISAL

Principle

50. With regard to the principle of this development, the agent has submitted information in the Design Statement (**Appendix I**) which highlights the link between the current development and financing of a future renovation and conversion of the main, attractive steading buildings. This is not part of this application and should a future application be submitted for this aspect then it would be considered under the terms of planning policies for conversion and reuse. However, at present this cannot be reasonably seen as justification for new housing at Mains of Curr whereby the current application for two new houses requires to be considered in the light of the relevant planning policies for new housing in the countryside.
51. In this regard as the grouping at Mains of Curr comprises only two houses, with a significant separation on site from a third house at Broomhill to the south, Local Plan Policy 21 for Housing Development in Rural Groups does not apply. Accordingly the key planning policies are Policy 22 for new Housing Development Outwith Settlements on brownfield land and Policy 23 for Replacement Houses.
52. As noted earlier (paragraph 24) Policy 22 supports new housing in the countryside on brownfield land and it is considered that the existing agricultural buildings and uses which comprise the site to the north of the steading fit into the Local Plan definition of brownfield land. Accordingly the principle of this site is considered to comply with policy.

53. With regard to the replacement house site, Policy 23 (see paragraph 26 earlier) presumes against replacing an existing house unless it is demonstrated to be structurally unsound or incapable of rehabilitation. (Others provisos including the need to incorporate the footprint of the original building and for the house to have been vacant for ten years are set out). In this case a structural report has not been submitted to demonstrate that the building is structurally unsound. However, the agent has argued with some justification that the existing house is currently in sufficiently poor condition/construction as to be beyond upgrading to modern standards and as such its replacement with a house of suitable design and scale would be justified under Policy 23 of the Local Plan, albeit on an amended footprint to achieve better solar gain and outlook.
54. It is therefore considered that the principle of the new development accords with Local Plan policies providing there are no adverse impacts upon the residential amenities or the environment; that the development is of a good design which fits well within the existing landscape; and that the development can be satisfactorily serviced. These matters will now be considered in more detail below.

Residential Amenity

55. The replacement dwelling, though occupying an elevated position in relation to the rest of the site would be located some in excess of 20 metres from the main rear elevation windows of the existing farmhouse and be some 80 metres distant from the dwelling at Broomhill located to the south across a fully tree and hedge screened boundary. This dwelling would therefore be located sufficiently far from the existing houses to maintain the privacy and residential amenity of the existing dwellings.
56. Other than an indicative footprint, no design details have been submitted at this stage in respect of the new dwelling to be located to the north of the steading. However, the separation distances of some 8 metres between the gable-end of the 'L' shaped dwelling and the northern side elevation of the steading would provide for suitable separation distances between the two buildings.
57. It is therefore considered that the proposed development would comply with Policy 16 of the Local Plan in respect of maintaining the privacy and amenity of neighbouring dwellings.

Environmental Issues

58. Woodland located to the west and north of the application site is listed on the Ancient Woodland Inventory and is separated from the application site by a fence. As such, the proposed development would not impact upon the integrity of the Ancient Woodland.

59. A bat survey has been submitted demonstrating there will be no impact upon bats as a result of the proposed demolition. There are not considered to be any other adverse impacts upon wildlife providing works are carried out in accordance with the Ecology Officer's comments (paragraph 38 -42) in respect of pre construction surveys for squirrel dreys and working outwith the bird breeding season.
60. Some loss of trees and vegetation would occur and a tree survey has been submitted to illustrate the impacts. These impacts could be mitigated and ecological enhancement achieved in the long term by ensuring through appropriate planning conditions covering:
- Submission of landscape plan to secure replacement of lost trees at an increased ratio, using native tree and shrub species.
 - Provision to for habitat for birds and bats in new buildings
61. As the application is for planning in principle these matters could be satisfactorily addressed by planning conditions requiring submission of sufficient information at the next planning (matters specified in conditions) stage. On this basis it is considered that the proposal complies with Local Plan Policies 3, 4 and 5 which deal with ecological matters.

Landscape and Design Impact

62. This site is located in an elevated, prominent position relative to the A95 trunk road from Grantown on Spey to Aviemore. In this context the proposed sites relate well visually to the established grouping of houses and steading at Mains of Curr.
63. The proposed site to the north of the steading, if suitably designed and landscaped, could fit in well providing the new house was subservient in scale to the main steading buildings. Although this is an application for planning in principle only, supporting information demonstrates that this could be readily achieved.
64. Similarly, the replacement house offers an opportunity to secure a landscape improvement by replacing an existing building of limited architectural merit with one meeting modern standards of energy efficiency and design. This is of course subject to a good quality design coming forward, but as noted above the supporting information has demonstrates how this could be achieved in terms of massing and scale. It will thereafter be for the Planning Authority to ensure that any subsequent planning applications for approval of matters specified in conditions to comply with these objectives.
65. As noted earlier, replacement planting will be required at a higher ratio to compensate for any environmental impacts and this can also help achieve a landscape improvement together with retention of trees which is possible as set out in the tree survey.

66. Works to close the existing road junction and improve the northern junction, together with other site works such as new access road, will need to be carefully undertaken to achieve a natural effect and conditions can be imposed to secure sufficient information to ensure this is the case with any applications for matters specified in conditions. Some of the landscaping will be required to take place outwith the application site as outlined in red, but still on land in the control of the applicant as outlined in blue and appropriate planning conditions can therefore be imposed to this end.
67. In these overall circumstances, it is considered that the opportunity to achieve a good landscape setting for development can be secured and that the proposed development, in principle, complies with Local Plan Policies 6 and 16 on landscape and design.
68. As noted in paragraph 55 above, the development is located be some 80 metres distant from the dwelling at Broomhill, a Category B listed building, located to the south across a fully tree and hedge screened boundary. As such it is not considered that the proposals will have an impact upon the architectural or historical interest of the listed building or its setting. The proposal therefore complies with Local Plan Policies 9 and 11.

Servicing and Other Issues

69. The proposed development involves rationalising access arrangements at this site and overall should help secure an improvement in road safety by closing off an access point with limited visibility. As noted earlier providing such works are carried out with care paid to the environmental impact then this is acceptable in planning terms. The Trunk Roads Authority have no objections to subject to appropriate planning conditions being attached and again these require submission of further detail at the matters specified in conditions stage.
70. No details of drainage have been submitted other than an indication of siting of private drainage system and again this can be covered by planning conditions requiring submission of necessary information at the next stage. It is therefore considered that the development can be satisfactorily serviced. As such the development is considered to comply with Local Plan Policy 29 Integrated and Sustainable Transportation Network.
71. The final planning issue relates to contributions to affordable housing which is a policy requirement for all new housing. In this case the applicants have indicated agreement to making the appropriate financial contribution for the new house proposed (only one new house as one is a replacement) and this may be secure by legal agreement or up-front payment. This commitment ensures compliance with Policy 19 relating to contributions for affordable housing.

CONCLUSION

72. In these overall circumstances it is considered that the proposed development complies with planning policies and with the aims of the National Park. Approval is therefore recommended subject to suitable planning conditions designed to ensure the proposed development reflects the aspirations of the design statement and complements and enhances the landscape and environment.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

73. The proposed development complies with this aim by offering the opportunity for delivery of enhanced landscaping to compensate for loss of trees and provision of ecological habitat enhancements on site. Planning conditions can be imposed to ensure that the development achieves this aim.

Promote Sustainable Use of Natural Resources

74. As this is an application for planning in principle only it is not possible to fully assess this – however conditions may be attached to ensure that any future development is suitably and sustainably designed to support this aim.

Promote Understanding and Enjoyment of the Area

75. The proposal may partly support this aim by providing an opportunity for people to live in the National Park and enjoy its facilities and amenities. If future development is suitably designed it will not detract from this aim.

Promote Sustainable Economic and Social Development of the Area

76. The proposed development will help support the social and economic development of the area by providing a range of housing units, with the associated construction work providing an opportunity for supporting the local economy.

RECOMMENDATION

That Members of the Committee support a recommendation to **GRANT PLANNING IN PRINCIPLE FOR PLANNING PERMISSION IN PRINCIPLE** for the demolition of cottage and shed and the erection of two (2) houses at **Mains of Curr Cottage, Dulnain Bridge**, subject to:

(a) **within 6 months of the Planning Committee's decision, the applicants first entering into an appropriate legal agreement or the provision of an up-front payment relating to contribution towards affordable housing provision in the area.**

(b) **the following planning conditions**

- I. A further application or further applications for approval of the matters specified below in this condition I shall be submitted for approval of the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall commence until the written approval of the Planning Authority of all such matters has been given, and the development shall thereafter be carried out in full accordance with that approval. The matters are as follows:
 - a) Full details of the layout and siting of the all the proposed development which shall reflect, in terms of massing and scale, the information supplied within the design statement and visualisations accompanying this application;
 - b) Full details of the external appearance and finishing materials of all of the proposed development which shall reflect the principles contained within the design statement accompanying this application. This shall include a sustainable design statement/checklist.
 - c) A detailed landscaping scheme and tree protection plan for the whole site including proposed landscape features; trees and shrubs to be retained and planted covering details of species, planting density, size and number: and details of future maintenance including ground preparation , fertilizing, staking and protection. The landscape scheme shall cover land outlined in blue on the approved layout plan in addition to land within the application site as outlined in red. The landscape scheme shall reflect the requirement for trees to be replaced on a 3:1 basis (except those smaller than 30cm in diameter where 1:1 replacement will suffice).Planting to be of native species incorporating aspen with existing Aspen deadwood to be retained .The plan shall detail the impacts of any underground services.

- d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and fixed datum point. This information to include all proposed ground works and accesses proposals, and shall reflect the requirement to ensure that all ground re contouring (including at the access points onto the A95 trunk road) are natural in appearance and profile. Details of excavations to include information on how a stable, vegetated and attractive solution will be achieved with consideration of stone/stone faced retaining structure if required.
- e) Construction method statement outlining how the removal of the existing cottage will be undertaken with reuse of materials and full details of reinstatement of the site of the former building
- f) Full details of provision of total of two bat brick and one swift nesting boxes to be installed in the new houses
- g) Full details of the proposed means of disposal of foul and surface water from the development
- h) Full details of the proposed access arrangements including visibility splays (as indicated on the approved layout plan); closing off of existing southern access point; upgrading of existing northern access point and internal access roads including surface and edge details
- i) Full details of arrangements for waste management and collection to reflect requirement for a bin storage area at the access point
- j) Full details of all proposed boundary enclosures including provision of an unclimbable boundary along the site boundary with the A95 trunk road – such details to reflect the rural location and include landscaping as appropriate to ensure suitable separation from the trunk road and to deter direct pedestrian access.
- k) Full details of car parking/vehicle turning areas

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. All existing trees and vegetation on site shall be retained, and no trees be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, until such time as a landscape plan is approved under the terms of Condition I, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development complements and enhances the landscape in accordance with local plan policies on landscape and biodiversity

3. No work shall commence on site until the upgraded northern access to the site is formed and the existing southern access closed off in accordance with the details approved under the terms of Condition I.

Reason: In the interests of road safety.

4. No house shall be occupied until an unclimbable stock proof fence has been erected alongside the site boundary with the A95 trunk road in accordance with the details approved under the terms of Condition I.

Reason: In the interests of road safety.

5. No house shall be occupied until the internal access and drainage serving it has been completed in accordance with the details approved under the terms of Condition I.

Reason: In the interests of road safety and to ensure the development is appropriately serviced.

6. No house shall be occupied until a secure bin store area adjacent to the access has been provided in accordance with the details approved under the terms of Condition I.

Reason: In the interests of road safety, and to ensure adequate provision for waste management, in accordance with planning policies.

7. Bat bricks and swift nesting boxes shall be incorporated into and retained within the design of any new buildings with details supplied with any planning applications submitted under the terms of Condition I. The house(s) shall not be occupied until the bat bricks and swift nesting boxes are provided in accordance with the approved details.

Reason: To ensure that the development complies with Local Plan policies Biodiversity and European Protected Species and provides an ecological enhancement on site.

8. The new house to be constructed to the west of the existing Mains of Curr Cottage shall not be occupied until the existing cottage is demolished and the area previously occupied by the cottage incorporated reinstated in accordance with the details approved under the terms of Condition I.

Reason: To ensure the development complies with Local Plan policy on replacement houses.

9. The landscape plan approved under the terms of Condition I shall be implemented in accordance with the approved details in the first planting season following occupation of any house on the site. The landscaping shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the development complements and enhances the landscape in accordance with local plan policies on landscape and biodiversity.

10. There shall be no felling of trees on site until a pre-felling check for red squirrel dreys is undertaken with the results submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority before any felling takes place.

Reason: To ensure that the development complies with Local Plan policy on biodiversity.

Informatives:

The following notes do not form a statutory part of this Decision Letter. However, it is recommended that you study them closely and, where appropriate take professional advice, as they contain information which may assist in ensuring that the development is properly carried out.

1. The application or applications for approval of all matters specified in conditions to a grant of Planning Permission in Principle must be made before whichever is the latest of the following dates:
 - a) The expiration of three years from the date of the grant of the planning permission in principle;
 - b) The expiration of 6 months from the date on which an earlier application for the requisite approval was refused;
 - c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed/where the earlier application is subject to a review by virtue of Section 43A(8), the expiration of 6 months from the date when such review against refusal was dismissed;

Approval of the specified matters can be made for:-

- i.) Different matters; and
- ii.) Different parts of the development, at different times

In relation to any matter under parts (b) and (c) above, only one application for approval of matters specified in conditions may be made after the expiration of 3 years from the date of the planning permission in principle. Unless development is started within 2 years from the grant of the last approval of matters specified in conditions attached to the planning permission in principle, the planning permission expires.

2. 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 Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
3. If any tree felling works are proposed during the bird breeding season (April to July inclusive in any year) then a pre constructions survey of the area shall be undertaken to check for breeding bird nest sites
4. A copy of the Bat Survey should be passed to any contractors to ensure that good practise is followed during construction

5. The developer should note that further advice on provision of bat boxes is available on the Bat Conservation Trust Website at:
http://www.bats.org.uk/pages/bat_boxes.html#Integrated%20bat%20boxes.
Information on swift nesting boxes further information may be found on the Concern for Swifts project website
at:www.concernforswifts.com/Opportunities.asp

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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.