

AGENDA ITEM 9

APPENDIX 5

2013/0073/MSC

2013/0074/MSC

MATTER 4 RESPONSE
SUGGESTED
CONDITIONS

APPENDIX 5 – MATTER 4 RESPONSE - SUGGESTED CONDITIONS

The following conditions are recommended to the Reporter on the basis of each of the numbered conditions being approved. A list of additional conditions relating to ecological matters is also suggested to be attached to any permission regardless of which conditions are approved. No conditions are being suggested to deal with the protection of either bats or otters, both European Protected Species. As previously stated, Planning Authorities are legally obliged to take proper account of Articles 12, 13 and 16 of the Habitats Directive. Planning permission cannot therefore be granted without the Planning Authority (decision maker) having satisfied itself that the proposed development...will not impact adversely on any European Protected Species. In these cases, up to date survey work has not been provided and therefore CNPA as Planning Authority is unable to satisfy itself. It would therefore be inappropriate for CNPA to knowingly put forward conditions that are believed to be unlawful.

Additionally, informatives are suggested. The conditions suggested are limited to general planning issues and those matters raised as a result of internal consultation relating to ecological, landscape and outdoor access issues. They are therefore subject to consideration of any further consultation responses and representations, to which CNPA would welcome the opportunity to comment on.

Condition 1:

1. No work shall commence on the development of any individual house within each plot until a formal planning application for that individual house including details of the following have been submitted to and approved in writing by the
2. Planning Authority. The development of each house shall thereafter be implemented in strict accordance with those approved details. The approved access and SUDs proposal must be implemented and operational prior to the occupation of any property. The details submitted must fully reflect the principles established in this planning permission by the design guide and also the conditions of the planning permission in principle:
 - (a) design and external appearance, external finishes (including samples of materials, where applicable) and siting of all buildings and other structures within the plot, including elevation and section drawings in the context of the site
 - (b) vehicular and pedestrian access, including full details of finishes and sections (where appropriate)
 - (c) off road parking provision, including garages (where applicable)
 - (d) SUDS drainage, including management and maintenance
 - (e) provision of storage of waste and recyclable materials facilities
 - (f) boundary treatments, including fencing, where applicable
 - (g) energy efficiency and sustainability measures
 - (h) hard and soft landscaping
 - (i) tree survey and tree protection measures
 - (j) ecological studies relating to any protected species, Species Protection Plans and mitigation (where applicable)

Reason: In order to secure a satisfactory high quality sustainably designed development in accordance with the requirements of the planning permissions in principle. To

ensure compliance with Policy 3: Sustainable Design, Policy 5: Landscape, and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Condition 1:2

3. No work shall commence on the development until full details outlining the control of the use of the emergency access route, including full details (siting, design and external appearance) of the demountable bollards are submitted and approved in writing by Cairngorms National Park Authority (in liaison with Highland Council Roads and Highland Council Flood Team). The development shall thereafter be implemented in strict accordance with those details.

Reason: In order to ensure satisfactory provision of emergency access routes in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

4. No development shall commence until the following details have been submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority:
 - (a) Public access to all paths within the site during construction works, including details of diversions, signage
 - (b) A path link to Corroul Road
 - (c) Full details of the management and maintenance in perpetuity of all paths within the sites

The provision of the paths together with those shown on the Landscape Plans hereby approved, shall thereafter be implemented, managed and maintained in strict accordance with those details.

Reason: To ensure the provision of public access and links within and outside the sites in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

5. No development shall commence on each phase of the development until full details of road calming measures (including signage) shall be submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council Roads Team. The development shall thereafter be implemented and maintained in strict accordance with those approved details.

Reason: In the interests of highway safety and in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Condition 1:3

6. No development shall commence until full details of the play equipment to be installed in the open spaces, as identified on the Landscape Plans, (including siting, design, external appearance) has been submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority.

Reason: To ensure that suitable outdoor play facilities are provided and maintained for the use of the occupants of the new development in accordance with Policy 3: Sustainable Design and Policy 5: Landscape and Policy 8: Sport and Recreation of the Cairngorms National Park Local Development Plan 2015.

7. No development shall commence until full details of how the swales are to be planted/vegetated have been submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority.

Reason: To ensure that a high quality landscaped sustainable development in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

8. No development shall commence until a detailed Maintenance and Management Plan for all the areas identified as 'Landscape Open Space Area' on Plan 216 P13 (Maintenance and Management Areas), is submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority. The Plan shall include the protection, management and maintenance of including hard and soft landscaping and any structures therein (e.g. cycle parking, seating or play equipment)

The maintenance and management plan shall also include enhancements to biodiversity and provide definitive and binding management and maintenance arrangement for these areas in perpetuity. The development shall thereafter be implemented in strict accordance with the approved maintenance and management plan.

Reason: To ensure protection, management and maintenance of the existing woodland together with all open areas within the sites in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

9. Notwithstanding the details on Plan 216/15 and 216/16, hereby approved, the layout on these plans should be adjusted to retain the views identified on Plan 11 and submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority. These gaps/views shall thereafter be retained in perpetuity. Openings within the proposed planting at the locations identified by the arrows on Plan 11 shall be retained in perpetuity to maintain open views to the mountains and surrounding hills. These gaps shall be designed in to the Landscape Plan and maintained at a minimum of 20m in width where no vegetation growth interrupts the view.

Reason: To ensure that a high quality sustainably designed development is implemented in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

10. Notwithstanding the detailed hedging mixes identified for the garden perimeters on Plans 216/P15 and 216/P16, a beech/holly hedge mix must be used and thereafter hard pruned annually to produce a defined (not sprawling) boundary.

Reason: To ensure that a high quality sustainably designed development providing opportunities for wildlife is implemented in accordance with Policy 3: Sustainable

Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Condition 1:4 – SUDS and drainage

11. To be guided by consultation responses and representations.

Conditions 11/12 - Phasing

12. None recommended by CNPA based on internal consultation. To be guided by consultation responses and representations.

Conditions 12/13 – Design Guide

13. Notwithstanding the details included in the Design Guide, hereby approved, the Design Guide shall be amended to incorporate (1) any amended details identified in the submission of additional drawings on 16 January 2015, specifically P14, P15 and P16; (2) a plan identifying the three character areas; (3) any recommendations/mitigation promoted in Habitat/Species Protection Plans following detailed survey work on Bats, Otters, Water Vole and the Devil's-bit scabious mining bee; and (4) the removal of the reference to hedging around the overall site boundary (p.22). No detailed planning applications shall be submitted until the amended Design Guide has been submitted to and approved in writing by the Cairngorms National Park Authority as Planning Authority.

Any submissions made for individual houses shall thereafter be designed in strict accordance with the details set out in the approved Design Guide.

Reason: To ensure greater clarity for future house builders resulting in a high quality sustainably designed development, which takes in to account the protection and enhancement of the natural heritage, on these sites, in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Conditions 14/15 – Contour Site Plan

14. To be guided by consultation responses and representations.

Conditions 16/17 – Construction Method Statement

15. To be guided by consultation responses and representations.

Conditions 17/18 – Management and Maintenance Statement

16. To be guided by consultation responses and representations.

Conditions 19/20

17. To be guided by further consultation with Highland Council Archaeological Officer. Condition wording previously suggested by this Officer after April 2014 consultation undertaken by CNPA is detailed below:

No development shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by Cairngorms National Park Authority as Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the historic interest of the site in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015

General Conditions relevant to approvals of Conditions 1 (1:1, 1:2 and 1:3) and 12/13.

18. No development shall commence on site unless details for the provision and maintenance of the habitat of *Andrena Marginata* (Solitary Mining Bee) either by the retention of or creation of suitable habitat in the form of species rich wildflower meadows containing *Succisa pratensis* (Devil's-bit Scabious) and other areas for nesting have been submitted to and approved by the CNPA as Planning Authority. These details must be informed by a survey for the nesting and feeding habitats for *Andrena marginata* which shall also be submitted to and approved by the CNPA as Planning Authority. The habitats shall be retained and provided prior to the first occupation of any dwelling and maintained thereafter in strict accordance with the approved details

Reason: In order to maintain and protect the population, resting places and habitat of a protected species in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

19. No works shall commence on the implementation on the phase(s) [*Phase 4 if Conditions 11/12 are approved by Reporter*] adjacent to the wetland area until details for the retention and enhancement of the wetland area centrally positioned within the woodland area and identified within Design Guide have been submitted to and approved in writing by the Cairngorms National Park Authority as Planning Authority. The works shall thereafter be implemented in strict accordance with the approved details before any house is occupied within that adjacent phase (s). [*Phase 4 if Conditions 11/12 are approved by Reporter*]

Reason: To minimise environmental disturbance and maintain biodiversity in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2015.

20. No development shall commence on site unless a pre-construction survey for squirrels has been undertaken by a suitably qualified and experienced practitioner and the results, together with any proposals for mitigation of any impacts have been submitted to and approved by the CNPA as Planning Authority. This survey shall be undertaken in accordance with recognised guidelines and will consider the impact upon red squirrels as a result of any tree work.

Reason: To ensure the protection of squirrels in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

21. No work shall commence on the construction of the houses in each Phase until details of a scheme for the provision of nesting boxes for bats and swifts is submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. Any house identified for provision shall not then be occupied until such time as provision has been made in accordance with the approved details.

Reason: To ensure that biodiversity enhancements within the site in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

22. No development shall commence on site unless a survey for water voles has been undertaken by a suitably qualified and experienced practitioner in accordance with recognised guidelines and the results, together with any proposals for mitigation of any impacts have been submitted to and approved in writing by the CNPA as Planning Authority.

Reason: To ensure the protection of water voles in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

23. Post and Rylock type fences of a height of no more than 1070mm height with 1800mm spacing between posts, as indicated in the Design Guide, hereby approved, shall be used for the demarcation of the boundaries to all dwellings, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to assist in the free movement of wildlife, to minimise environmental disturbance and maintain biodiversity in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any order revoking, re-enacting or modifying that Order), no fences other than those expressly authorised by this permission shall be constructed on the boundaries of the site, including those to/between dwellings/plots hereby permitted by this permission without the prior approval of the Planning Authority.

Reason: In order to assist in the free movement of wildlife through wildlife corridors, to minimise environmental disturbance and maintain biodiversity in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

25. No development shall commence on each phase until full details of street lighting has been submitted to and approved in writing by Cairngorms National Park Authority as Planning Authority. The development shall thereafter be implemented in strict accordance with those details.

Reason: In order to secure a high standard of design within the development and to minimise any impact upon wildlife in accordance with Policy 3: Sustainable Design and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

SUGGESTED INFORMATIVES:

1. Please note that this is a permission for matters specified in condition (MSC) and must therefore be read in conjunction with the planning in principle permissions (references 07/144/CP & 07/145/CP) and all the conditions and legal agreements applying to these permissions must also be adhered to in full including time periods for commencement of development.
2. It is recommended that all construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays, there shall be no work or deliveries of materials on Sundays and Public Holidays. Reference should be made to Highland Council's for details.
3. You are advised that in issuing any planning permission that this does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland, Trunk Road and Bus Operations. Permission can be gained by contacting the Route Manager (A95), Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained
4. You are advised that with any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. These can be found at www.Scottishwater.co.uk. Furthermore, Scottish Water has provided advice regarding capacity and funding of any works. A copy of their advice is attached to this decision notice.
5. You are advised that all storage for the collection of waste and recycleable materials shall be in accordance with Highland Council's Roads and Transport Guidelines for New Developments.
6. It is recommended that bird and squirrel feeders be provided in domestic gardens to benefit local red squirrel and bird populations and to facilitate their movement from adjacent woodland.
7. Any demolition or renovation works to Dalfaber Farmhouse would need to be undertaken only during the summer months and the works informed by a pre-construction check of the presence of roosting bats. Alternative bat roosting opportunities such as bat bricks would need to be in place prior to any construction works being undertaken.