
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION UPDATE/REVISED RECOMMENDATION

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DEVELOPMENT PROPOSED: ERECTION OF HOUSE ON LAND 20 METRES NW OF DUACK LODGE, NETHY BRIDGE (FULL PLANNING PERMISSION)

REFERENCE: 07/408/CP

APPLICANT: MR & MRS R DUNN

DATE CALLED-IN: 2 NOVEMBER 2007

RECOMMENDATION: APPROVAL WITH CONDITIONS

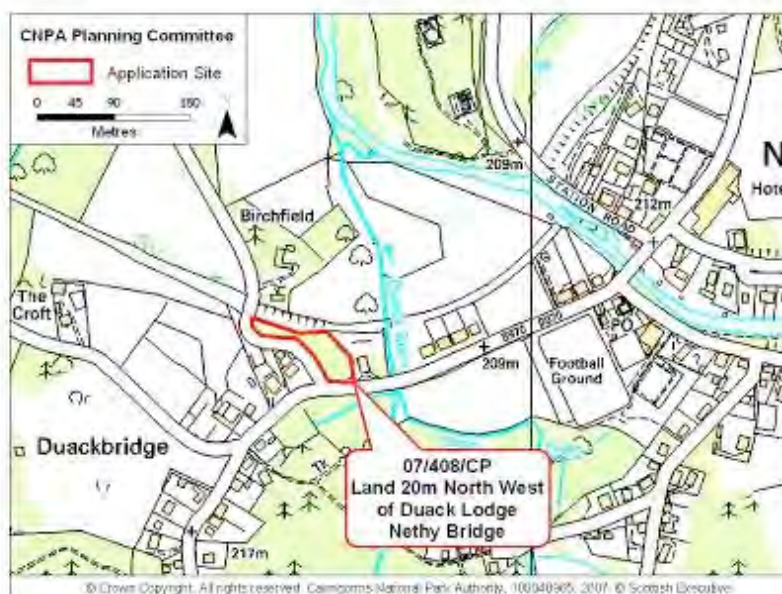


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located within the village of Nethy Bridge on the north side of the B970 as it leads out of the village towards Duackbridge (see fig 1). The site is bounded to the north and east by a former railway line and Duack Lodge and to the west by a track which serves Rothiemoon Farm. The southern boundary is formed by the B970.
2. The site itself is heavily wooded, particularly to the front where it borders onto the B970 and the site is subject to a Highland Council Tree Preservation Order (TPO). The topography of the site is undulating with a gap in the trees towards its centre where some felling has previously taken place and the natural topography creates a small hollow (see figs 3 & 4). This is a full application for a single dwelling at the site. The application was reported as an outline application to members at a meeting in October 2008. The Planning Committee was generally supportive of the application but deferred the proposal to request full details on construction method, details of services and a definitive layout and design for the dwelling to ensure that there was no unacceptable impact upon trees.



Fig. 2 Access to site from B970, the access to the site itself is on left of photo at 'wheelie bin'



Fig 3. View of site indicated for dwelling



Fig 4. View of site indicated for dwelling (in foreground)



Fig. 5 View of site entrance (B970 in background)

3. The application seeks full planning permission for a single dwelling at the site and the detailed layout and design is shown at figures 6 & 7. The proposed dwelling has a traditional footprint with some contemporary design features such as a glazed gable. Rubber slates recycled from car tyres would be used for the roof with walls finished in a combination of harl and timber. It is the applicant's intention to exceed building regulation standards on heating and ventilation. Given the treed nature of the surroundings significant glazed openings are proposed in all but the north elevations of the building.
4. The supporting planning statements (see back of report) recognise that there would be some tree loss at the site but that this would not affect the overall integrity of the woodland or undermine the integrity of the Tree Preservation Order. Approximately six scots pine and one sycamore would be removed to accommodate the house. Originally, two significant trees at the access to the site were considered to be under threat but these are now to be retained. A hand digging excavation will be carried out on the perimeter of the building footprint to identify tree roots. The applicants are willing to enter into a Section 75 Agreement to ensure the long term management of the woodland and to enhance its biodiversity value.
5. In terms of technical details water would be from the public supply. The original application did not specify means of drainage and a private system was considered. This could have resulted in significant impacts on the trees at the site. The application now proposes mains foul drainage connection with the sewer to be laid along the access entrance to the site (fig. 5) to ensure protection of trees. Electricity and telephone will be overhead to reduce potential for impacts upon tree roots. Once the house is complete the driveway would be finished in a grid mat filled with topsoil creating a breathable mat for grass to grow through and allowing tree roots to breathe.

6. The site has a considerable planning history, with 3 applications for a house at the site being refused in the early 1990's. Proposals involved an alternative road access to the one proposed here which resulted in reasons for refusal. However, reasons were also based upon the proposal being detrimental to local amenity and character and that proposals would involve the loss of trees. A fourth application in 1995 was resolved for approval by the Highland Council Planning Committee. However, this was to be subject to a Section 50 Legal Agreement to ensure that the whole of the site remained in the same ownership/occupation and that a long term management plan be provided for the management of the woodland on the site. It was considered at the time that a full time presence on the site would enable the better management of the trees. An agreement was never signed so no planning permission was ever issued.
7. The CNPA Planning Committee will also recall granting permission for an ancillary dwelling unit to the rear of a property known as Malvern to the west of this site.

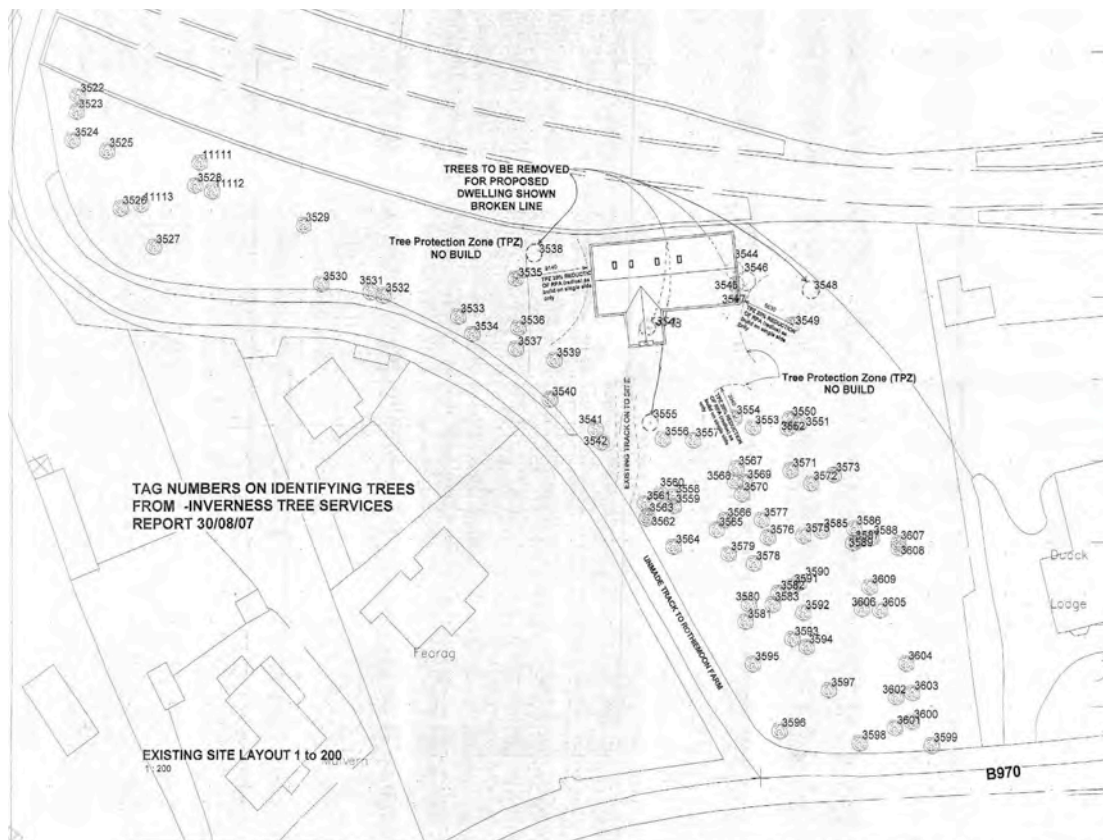


Fig. 6 Layout Plan

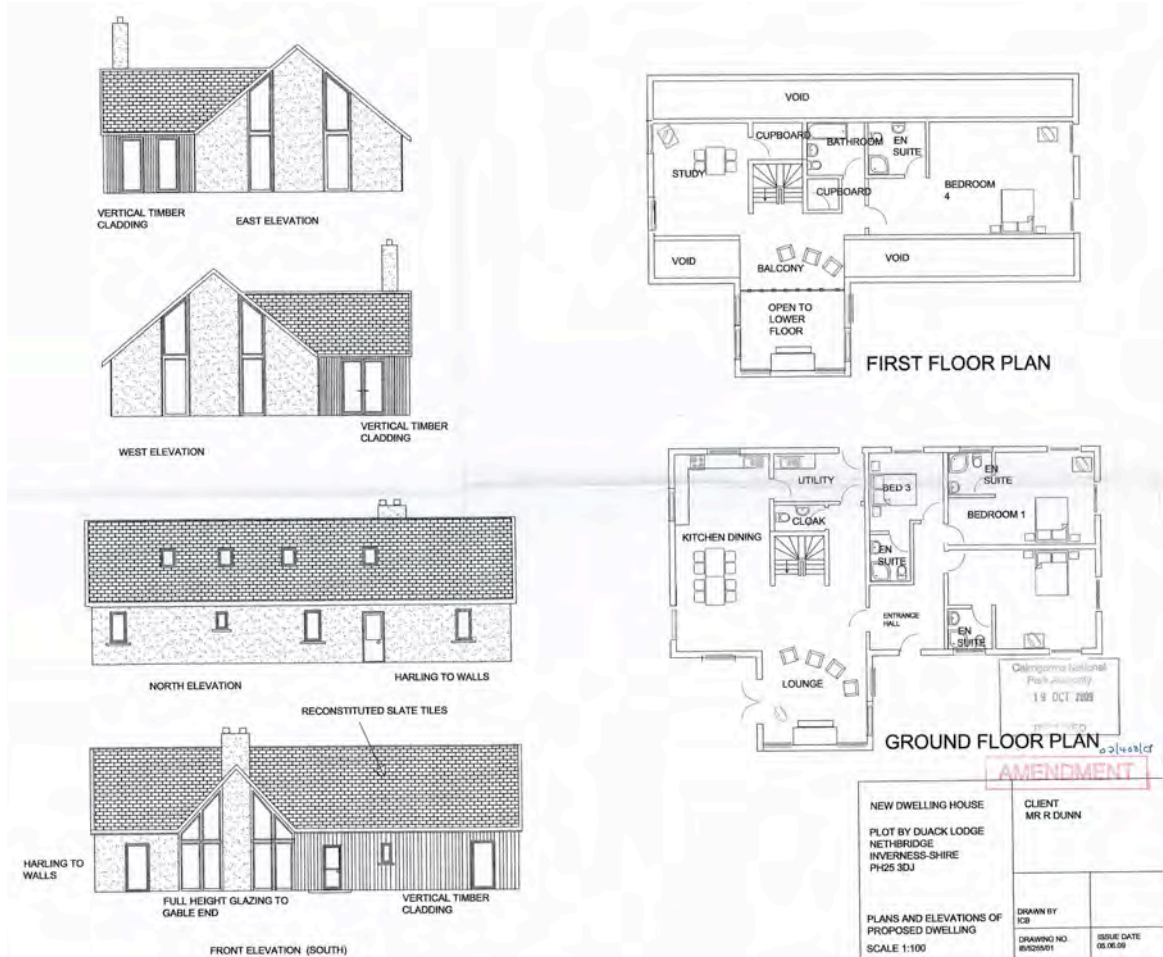


Fig. 7 – Elevations/Floor Plans

DEVELOPMENT PLAN CONTEXT

- The **Highland Structure Plan 2001** states that policies for “housing development aim to steer demand to appropriate locations within existing settlements.” **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.

9. Settlement policy objectives are discussed in more detail in the **Badenoch and Strathspey Local Plan 1997**, where the attractiveness of smaller settlement centres for house building is identified. It is stated that although a balanced population structure and good mix of accommodation would help to consolidate a basic range of services and facilities in such centres, “inappropriate scale or siting of development must be controlled.”
10. The Landward section of the plan considers **Woodland and Trees 2.5.4**. The Council will protect existing trees and established woodland areas including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside. Generally development should not be sited within 20 metres of the trunks of large or mature trees, and careful consideration will be given to the effect of related access and services on their stability.
11. The Local Plan sets out the development principles relating to Nethybridge and three objectives of particular relevance to the current proposal are to “ensure that new development maintains a scale and form compatible with the village character and reflects the ‘street’ layout” that development “protects the village setting, notably the adjoining semi-natural woodlands, open land and river edges”. Development should also safeguard the main areas of amenity woodland, consistent with the community’s development requirements. Under the heading of Development Factors it is emphasised that the main objectives are to avoid over-development within the existing village and retain its character, including important open spaces. Reference is also made to the need to reinforce the existing ‘street form’ based on the established roads, and it is also advised as a priority that “provision must be made to secure substantial core woodland areas” describing them as being valuable for amenity, recreation and wildlife which would help to integrate future development within the wider village setting.
12. **Policy 4.1.3 Infill** in the Local Plan considers that in the interest of safeguarding the character of established residential areas, there will be a presumption against further infill housing where development would involve felling significant trees.



Fig. 8 : Extract from Badenoch and Strathspey Local Plan (1997) – Settlement Map 4, Nethy Bridge (site is dark green area left and above 4.2).

13. Under section **4.5.2 of the Local Plan Amenity** is considered and the section states that the Council will safeguard remaining open spaces important to the character and amenity of Nethybridge and specific mention is made of woodland.
14. **Section 4.5.5** of the **Local Plan** discusses the settlement edges of Nethybridge, which includes lands allocated for Forestry / Restraint. It highlights the importance of land adjoining Nethybridge to the community's setting, nature conservation and the rural economy. The Plan states that the land is not allocated for specific purposes and in conjunction with this advises that it will be safeguarded from sporadic development. **Section 4.5.6** clarifies that it is the Council's objective to retain the treed character and setting of Nethybridge.

Tree Preservation Order

15. An emergency Tree Preservation Order was served on lands in the Duack Bridge area of Nethybridge on 31st March 2006, including the area concerned as a result of trees being felled on this site. Following this a period of consultation commenced with various representations. **The TPO was confirmed at a meeting of the Badenoch and Strathspey Area Committee of Highland Council on 7th August 2006.**

Cairngorms National Park Plan 2007

16. Strategic Objectives under conserving and enhancing seek to ensure that development complements and enhances the landscape character of the Park and that new development within settlements and surrounding areas should complement and enhance the character, pattern and local identity of the historic and built environment. Strategic Objectives for forest and woodland management seek to promote multi-objective forestry; enhance the condition of existing woodland cover to complement landscape character and other land-uses and to promote the value of woodlands as a major sustainable tourism asset.

Cairngorms National Park Local Plan Post Inquiry Modifications May 2010
(NOTE: While not yet adopted the policies of the plan are a significant material consideration in determining proposals)

17. **Policy 4 Protected Species** considers that development that would have an adverse effect on any European Protected Species will not be permitted unless there are public health, public safety or other imperative public interests reasons and there is no alternative satisfactory solution and that the development will not be detrimental to the maintenance of the population of that species concerned.
18. **Policy 5 Biodiversity** considers that development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan , UK Plan, or Scottish Biodiversity list will only be permitted where the developer can demonstrate to the satisfaction of the planning authority that the need and justification for the development outweighs the contribution of the area of habitat or species and that significant harm to the ecological integrity of the habitat or species is avoided, minimised or where unavoidable compensatory and/or management measures are provided.
19. **Policy 4 Landscape** considers that there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Proposed development that does not complement and enhance will only be permitted where any significant adverse effects are clearly outweighed by social or economic benefits of national importance and all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting layout etc...
20. **Policy 11 The Local and Wider Cultural Heritage of the Park** considers that there will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance or its setting.
21. **Policy 20 Housing Development within Settlement Boundaries** is of particular relevance. This policy states that settlement boundaries have been identified which indicate the extent to which these settlements may expand during the Local Plan period and new housing development should be contained within these boundaries. Housing proposals within these settlement boundaries will be considered favourably where the development a) occurs within an allocated site identified within the proposals map; or b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. The proposal should reinforce and enhance the character of the settlement, and accommodate within the development site appropriate amenity space, and parking and access arrangements.

22. **Policy 16 Design Standards for New Development** considers that design of all development will seek where appropriate to minimise the effect of development on climate change, reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness while encouraging innovation, use complimentary landscaping and materials, demonstrate sustainable use of natural resources, reduce the need to travel and accord with design standards and palette of materials as set out in the Sustainable Design Guide.
23. **Policy 29 Integrated and Sustainable Transport Network** considers that development proposals will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park through use of methods to reduce travel dependency, promotion of sustainable transport modes, creation or linking to any existing hierarchy of travel modes based upon walking and cycling including core paths network, safe routes to school etc..
24. **The Settlement Proposals section of the plan identifies Nethy Bridge as an intermediate settlement. The site for this application is located within the settlement boundary.**

CONSULTATIONS

25. **Highland Council Area Roads Manager** commented that the track should be upgraded to an adoptable standard from the B970 to the northern extremity of the site. Visibility splays shall be provided on either side of the proposed access. It is also recommended that conditions are attached to ensure that any access gates to the plot open inwardly; that no water shall discharge onto the public road and that the property shall be free from the effects of a 1 in 200 years flood event.
26. **SEPA** has been consulted upon the application. In terms of flooding SEPA note that the site is outwith the indicative limits of flooding as shown on SEPA's maps. And SEPA has no historic record of the site flooding.
27. With regard to foul and surface water drainage details would have to be agreed with SEPA and Building Control. Given that the site is within a village served by mains drainage there would be an expectation that foul drainage would discharge to the public sewer.
28. **Highland Council Forestry Officer** has been consulted on the initial proposal and on the later submitted information. The initial response notes that the whole site is covered by Highland Council Tree Preservation Order (HC67 Duack Lodge, Feorag, Malvern). The Officer would not give support to the felling of protected trees to create space for housing development. Policies of the Badenoch and Strathspey Local Plan are noted which seek to safeguard the character of the settlement and a presumption against further infill where development would involve the felling of significant trees. The Forestry Officer

notes that 6 trees have already been felled and that the felling of another nine is proposed to accommodate the development. The Forestry Officer concludes by stating that support cannot be given for the proposal as it would involve the loss of trees protected by a TPO and that the proposal goes against the Local Plan policy on infill development.

29. Highland Council Forestry Officer has provided detailed comments upon further information provided and notes that the tree survey highlights that although the majority of trees are “not of outstanding quality” the vast majority are of moderate and high quality and value and that the tree constraints plan notes that the tree cover on the site is of a category A rating overall as an arboricultural feature.
30. The positioning of the house in the sunken area of the site will mean that trees which are situated generally to the east south and west of the proposed development would leave the dwelling in full shade throughout the day. It is therefore likely that there would be ongoing pressure to have further trees removed. There are also concerns about a number of trees adjacent to the access road. The tree constraints plan notes that a single dwelling would involve the removal of a number of trees but goes on to note that a total of 30 trees would have to be reassessed in terms of their retain-ability in relation to any detailed plans. The Forestry Officer cannot lend support to an application that could result in the loss of up to 30 mature trees. Birch woodland on the perimeter of the site is also mentioned by the report as a constraint, but has not been surveyed or indicated on any of the drawings.
31. Given the undulating nature of the site there would have to be a fair degree of cut and fill. This is likely to have implications for tree roots.
32. The applicants have demonstrated that on paper it may be feasible to fit a dwelling in the site, but there is no room to actually construct it. The Forestry Officer cannot agree that the proposals will not affect the integrity of the TPO. There would be likely to be an immediate loss of at least 7 trees if the development is permitted and this is likely to increase given the comments in the Tree Constraints Plan. It is considered that it should not be necessary for a landowner to enter into a Section 75 Legal Agreement in order to consider positive management of the woodland. This should be an ongoing process. The Forestry Officer points out that the TPO was placed on the site some years after the last application that Highland Council were minded to approve because of a threat to trees which were regarded as being of high amenity value.
33. The Forestry Officer points out that Highland Council’s Badenoch and Strathspey Local Plan section 2.5.4 states that “The Council will protect existing trees and established woodland areas including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside”. It goes on to say that “Generally, development should not be sited within 20 metres of the trunks of large or mature trees, and careful consideration will be given to the effect of related access and services on their stability.”

34. The Forestry Officer also draws attention to the Nethy Bridge section of the Local Plan and its intentions to safeguard the character of the settlement and avoid the felling of significant trees.
35. In conclusion the Forestry Officer cannot support the application as it would involve the loss of at least 7 and as many as thirty mature Scots pine trees protected by a TPO.
36. The **CNPA Landscape Officer** has commented on both the initial proposal and the proposal based upon the additional environmental information submitted during the application process. The initial response from the Landscape Officer notes that the trees are protected by a TPO. The reason for this was in order to protect the group because of its outstanding importance to the amenity of the area. The group is valuable to the area because it provides a line of trees across the general development alignment that breaks up the cumulative effect of housing in the area. This is a key characteristic of the settlement of Nethy Bridge which describes itself as the 'forest village'.
37. The Landscape Officer's response goes on to consider that there would be direct and indirect threats to the trees in the form of the development itself and of the effect of service runs on the trees and potential pressure for further removal given light implications and potential concern from future occupiers about the movement of the trees in high winds.
38. It is considered that there would be pressure to remove trees initially and in the foreseeable future. In the end a significant number of trees could be removed. In conclusion it is difficult to see how a dwelling could be built on this site without seriously compromising the valuable and protected group of trees.
39. On the basis of the additional arboricultural assessment the CNPA Landscape Officer provided further comments. The assessment identifies many of the concerns originally raised. However, it is not considered that the assessment resolves some of the objections that have been raised. The issue of direct impacts is well quantified but the interpretation seems partial. While the statement that the majority of trees are not of outstanding quality may be factually correct it would be an unusual site if the majority of trees were of outstanding quality. When broken down into categories 86% of the trees are in good or acceptable condition. This suggests a reasonably robust woodland.
40. As previously mentioned there are direct and indirect impacts. The direct impacts appear to be from the removal of five trees for the house and potentially two for the access. Of these the five are all category B and the latter are category A. There are an additional 6 trees that will be affected by the access but the report recommends that with appropriate materials the risk is manageable.

41. Across the site the loss of five trees would not affect the integrity of the group and consequently not its TPO status and the removal of the five trees within the site would have little impact on the visual qualities from outwith. The two by the access are more significant as they are good specimens and by virtue of their location visible from the roadside, albeit in passing. The benefit of removing them for arboricultural reasons has not been established though it is clearly desirable to remove them for access reasons they should be retained.
42. Making safe conclusions about the extent of tree removals is hampered by the lack of detailed proposals and this is a concern of the author of the arboricultural report and ground modelling for construction may have a negative implication for other trees on the site but this is undetermined. **Consequently, a number of meetings were held on the site which have informed the construction statement put forward.**
43. The **CNPA Ecologist** comments as follows: A detailed report has been prepared by a local ecological consultant on the bio diversity of the site. The report confirms the presence of few species of note. The report does not identify if bats roost on the site, stating that bats have been observed in the vicinity and are “probably currently present” at the site. Red squirrel feeding signs were evident. However, no dreys were recorded on the site. An active rookery of around thirty nests is located on the site. No rare pinewood flora was identified however, both juniper and ostrich plume moss occur across the site.
44. It is difficult to estimate the impact of the proposal. However, it should be possible to locate the building and access in such a way as to limit ecological damage on the site. For example as recommended by the ecological consultant juniper shrubs should be safeguarded from damage. However, concerns are shared with the Landscape Officer that subsequent to any property being constructed and inhabited, existing vegetation such as mature trees and juniper shrubs which do not lie within the footprint of the building or its access would be removed or damaged in order to accommodate garden space or to increase light levels.
45. In addition, a bat survey should be carried out and if permission is granted a squirrel survey would have to be carried out just prior to the felling of any trees given that a drey can be constructed relatively quickly.
46. In conclusion, it is hard to assess the ecological impacts of the proposal. The removal of five pine trees in itself may be unlikely to bring major ecological consequences for the integrity of the site. However, subsequent activities in future years such as further tree felling and garden creation could weaken the ecological integrity of the site.

REPRESENTATIONS

47. **Nethy Bridge Community Council** originally endorsed this application and would urged the CNPA Planning Department to grant permission for Mr & Mrs Dunn to build a residence on the site. **The additional information submitted was sent to the Community Council. The Community Council has no objection and express support for the proposal.**
48. A number of representations both in support and objecting to the application were received when the application was first presented to Planning Committee. These have been copied and are attached to the back of the report. **Neighbours were re-notified of the new full details of the proposal and no representations have been received.**

APPRAISAL

49. The application seeks full permission for a single dwelling at the site. There are a number of principle and detailed issues to consider.
50. As with all planning applications the starting point is the planning policy that relates to a particular site.
51. The Badenoch and Strathspey Local Plan provides the basis for considering the application. Section 2.5.4 refers to woodlands and trees and gives a specific commitment to the protection of existing trees and established woodland areas. This includes small groups of trees or individual granny pines which are important landscape, wildlife and amenity features. The Nethybridge section of the Local Plan under 'Principles' refers to the need to protect the village setting, notably adjoining semi-natural woodlands, open land and river edges. The site itself is allocated as amenity woodland in the Local Plan. Further policy on infill considers that there will be a presumption against further infill housing where it would involve felling significant trees. The CNPA Local Plan Post Inquiry Modifications identify the site as white land within the settlement where infill development in principle is acceptable where it is compatible with neighbouring uses. In this case, there are no neighbouring uses that would conflict with the use of the site for residential.
52. The above policies set out the context for the application site and indicates a stance of protection for the trees and restraint upon the development in that area. The site hosts a significant group of trees and on this basis the application was recommended for refusal when it was presented to Planning Committee on this protective policy basis. However, the policies do not preclude residential development, though they do set a high bar for a proposal to become acceptable.
53. The applicants and their agents had carried out much additional work in support of this application including a tree report, wildlife survey, together with plans showing how a dwelling could be accommodated on the site. Moving on from the last planning committee the applicant has carried out additional work on how a dwelling would be constructed and have supplied detailed plans showing the

design of the dwelling together with a ground works statement and construction method statement for how the dwelling would be accommodated on the site. In the first instance hand digging survey will take place to identify tree roots and the building will be micro sited to avoid these roots and the base for the dwelling will be a slab with thickened edges rather than conventional strip footings to minimise disturbance to tree roots. The route onto the site for services was a key concern at the previous planning committee meeting. The statement confirms that the route for all services will be along the access track into the site. At the entrance to the site a goalpost arrangement will limit the size of the vehicle allowed on the site, thereby protecting the tree canopy. The key concern last time around was that the proposal did not include sufficient information to ensure the protection of the trees. Concern was expressed that the CNPA's hand could be forced into granting permission for a scheme that would in detailed construction have unacceptable impacts upon the trees. The statement submitted gives considerably more comfort that trees at the site will be protected during construction and enables an expression of support for the development.

54. The applicants are willing to sign up to a Section 75 Agreement to commit to a programme of sympathetic management of the woodland. This was the case when Highland Council Planning Committee resolved to grant planning permission for a house at the site in 1995. However, the agreement was never signed. Given the relatively small nature of the site I am of the view that the application of a Section 75 Agreement for this issue alone would be excessive. Because all of the land is in one ownership and is modest in size a planning condition will be sufficient in gaining details about the future management of the woodland on the site.
55. Some concern had originally been raised by objectors regarding potential detail of the proposal. Birchfield House is a 'B' Listed Building to the north of the site. However, intervisibility is extremely limited due to the tree cover. I am generally convinced that a house could be accommodated on the site without affecting the setting of this building given the separation and providing the tree cover is generally maintained. With regard to neighbouring amenity I am convinced that a dwelling could be accommodated on the site without causing any unacceptable overlooking to neighbouring property. **It is important to note that the latest information and design of the dwelling has not resulted in any objections from neighbours. No objections have been made to the latest design proposals.**

Technical Issues

56. When last presented to Planning Committee there was some concern about drainage and access arrangements. The access arrangements immediately onto the site from the track have been covered above. The Area Roads Manager had requested an adoptable road to the northern perimeter of the site. However, the road issue has been covered previously by an application at Rothiemoon Farm considered by the CNPA at a recent Planning Committee Meeting. Because of the scale and nature of this application it was decided that an adoptable road should be provided between the B970 and Rothiemoon. I am of

the view that the single dwelling proposed by this application on its own would not justify an upgrade to the short section of road between the B970 and the access to the site. The Area Roads Manager has requested that any gates to the access open inwardly. However, this would result in excavations being required close to the trees. Consequently a condition requires the submission of any boundary detail including gates. Some concern was expressed to the applicant that the drainage details had not been decided and that any scheme to dispose foul drainage at the site, because of the area likely to be required for a septic tank/soakaway solution could have a considerable effect upon tree roots at the site. The proposal is now to utilise the mains system with a connection along the track from the B970 onto the site under the vehicle access route to avoid the need for an additional service run that could disturb tree roots on the site. Where any excavation would be required adjacent to tree roots this would be carried out by hand.

Conclusion

57. In summary, the stance of the Badenoch and Strathspey Local Plan points towards the safeguarding of the trees and the character of the area as being the primary policy objective. This resulted in the recommendation being one of refusal when the application was first presented, not because a dwelling was out of the question in terms of principle but because of the difficulties of assessing the potential impacts of the proposal upon the trees in particular. The containment of all service runs to the site access together with doubts about the foul drainage method being resolved significantly reduces potential tree impacts upon the site. The ground works statement together with construction methods also remove doubt as to how a dwelling could be constructed at the site. This does lead to some detailed planning conditions which are in effect a result of the detailed effort that has been put into the proposal. Consequently, the proposal is recommended for approval, subject to planning conditions, which seek to ensure that the site is developed in accordance with the statements and surveys submitted.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

58. The site is set in a group of Scots pine trees that are important to the setting and character of this part of the village which has been recognised by the TPO status. The proposal would clearly result in the loss of a limited number of these but the detailed proposals now presented lend confidence that the character of this part of the village can be conserved while also providing the applicant's with a dwelling.

Promote Sustainable Use of Natural Resources

59. From the indicative plans submitted and from conversations with the applicant it is clear that a highly sustainable building project is proposed. The dwelling has been designed to exploit solar gain where possible despite the presence of the trees. The intention is that the roof will be covered in an innovative recycled rubber material that appears similar to slate.

Promote Understanding and Enjoyment

60. The proposal would have few implications for this aim, although if the tree group were to be threatened then there could be minor implications for people's enjoyment of the local landscape.

Promote Sustainable Economic and Social Development

61. The scheme would provide a house for a local business person within an existing settlement in the Park.

RECOMMENDATION

62. That members of the Planning Committee support a recommendation to **GRANT Full Planning Permission** for the erection of a dwelling on land NW of Duack Lodge, Nethy Bridge subject to the following conditions:

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

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

2. Prior to the commencement of development, details shall be provided for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Forestry Section of Highland Council, of appropriate tree protection measures for every retained tree, before and for the duration of construction of the development. The tree protection measures shall accord with BS : 5837 (2005) and shall include fencing which is fixed to the ground outwith the root protection area and crown spread. All agreed protection measures shall be implemented in full thereafter and retained for the duration of construction activity.

Reason : In order to ensure that adequate protection is afforded to trees in the vicinity of the development site.

3. No trees shall be uprooted, lopped, topped, felled or damaged without the prior written consent of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Forestry Section of Highland Council.

Reason : In order to conserve the natural heritage of the area.

4. Foul drainage shall be to the mains system as indicated by the application and foul drainage measures shall be complete and ready for use prior to the first occupation of the dwelling hereby approved.

Reason: In order to ensure that this site within the settlement is served by mains drainage and to ensure that the facility is ready for use prior to occupation of the house.

5. Prior to the commencement of the development hereby approved a management plan for the conservation management of the site as a whole site as indicated on the submitted site location plan shall be submitted to and approved by the CNPA. The site shall thereafter be managed in accordance with the agreed plan.

Reason: In order to ensure that natural heritage interest at the site is retained and positively managed.

6. Prior to the commencement of any works above the base foundations samples of materials to be used on the roof, walls finishing and external joinery and for boundary features shall be submitted to and approved by the CNPA acting as planning authority.

Reason: To ensure finishes that are appropriate to the design of the house and its setting.

7. The development shall be constructed in accordance with the submitted construction method statement unless otherwise agreed by the CNPA acting as planning authority. Once hand excavations have been carried out cross sections of the proposed siting of the house shall be submitted to and agreed in writing by the CNPA these will form part of the construction method statement. The development shall be carried out in accordance with the agreed cross sections and method statements for the site.

Reason: To ensure adequate protection of trees and ground vegetation at the site.

8. Prior to the commencement of development at the site an additional red squirrel survey shall be carried out, submitted to and agreed by the CNPA acting as Planning Authority. Any mitigation measures recommended shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason: To ensure adequate protection of species at the site.

9. Prior to the commencement of the development at the site a bat survey shall be carried out, submitted to and agreed by the CNPA acting as Planning Authority. Any mitigation measures recommended shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason: Given the length of time since the original survey an additional survey nearer to the time of any development is required to ensure protection of this important species.

10. Prior to the commencement of development at the site details of the surface water drainage system shall be submitted to and approved in writing by the CNPA. The soakaways shall be constructed in accordance with the agreed detail and retained/maintained thereafter.

Reason: To ensure an adequate surface water drainage system that will not result in unacceptable impacts upon the environment of the site.

11. A visibility splay in the easterly direction on the B970 shall be established and maintained in accordance with the requirements of the CNPA acting in consultation with Highland Council Area Roads Manager.

Reason: In the interests of highway safety.

12. No fences, walls, gates or other means of enclosure shall be erected on the site without the prior written permission of the CNPA acting as planning authority.

Reason: To ensure that these matters can be subject to future detailed consideration.

13. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no dwelling extension shall be formed, and no greenhouse, shed, garage or other building shall be erected without the prior written consent of the CNPA acting as Planning Authority.

Reason: To ensure that development that would otherwise not require specific planning permission can be controlled to protect important trees at the site.

Andrew Tait - 12 August 2010

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