
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER, PLANNING OFFICER (DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: OUTLINE PERMISSION TO DEMOLISH STEADING AND REPLACE WITH DWELLING AND FOR SEPTIC TANK AND SOAKAWAY AT BLAIRNAMARROW, TOMINTOUL.

REFERENCE: 05/427/CP

APPLICANT: GLENAVON ESTATE, C/O DAVID LEGGE, ALTYPE PLANS LTD., THE SMALLHOLDINGS, KINLOSS, MORAY, IV36 3TS.

DATE CALLED-IN: 21ST OCTOBER 2005.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

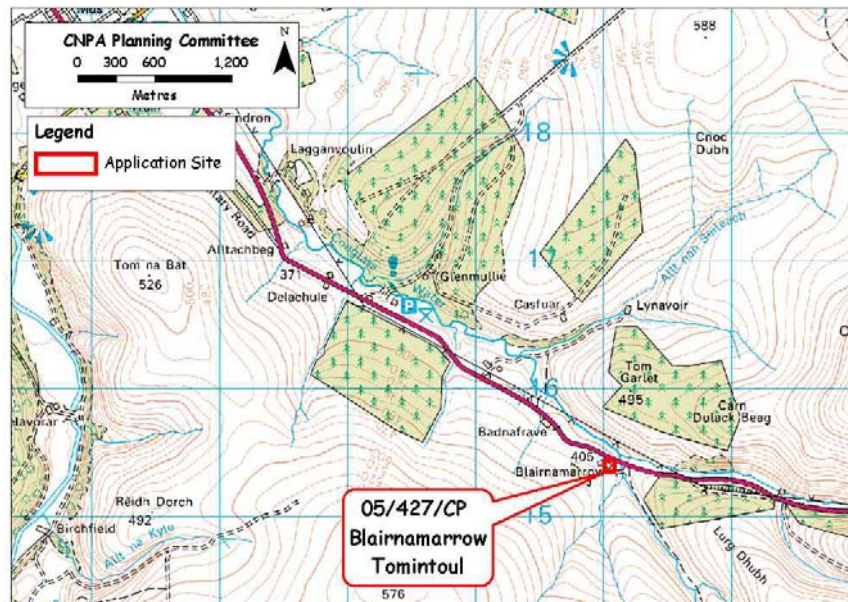


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Outline permission is sought in this application for the demolition of a steading and its replacement with a dwelling house. The subject site is located at Blairnamarrow, just off the A939, and is approximately 6 kilometres south east of Tomintoul and 4.5 kilometres north west of the Lecht ski centre. The site is part of Glenavon Estate.
2. The site area measures approximately 0.5 acres, with the existing steading set back towards the rear of the site area. The new dwelling house is intended to be located in the same position as the steading that is proposed for demolition. The front boundary of the site is set back from the existing A939, with a former 'cut off' section of the A939 and a Scottish Water pump house and associated ground between the public road and the site boundary. A traditional 1 $\frac{3}{4}$ storey dwelling house is located immediately to the north west of the subject site, and is approximately 8 metres from the side elevation of the steading. The dwelling house is also in the ownership of Glenavon Estate and is tenanted at present. The existing steading is a predominantly single height L shaped structure, of stone construction under a fibre cement roof. Due to changing ground levels in the vicinity of the structure, the projecting gabled section at the front has a double height appearance. There are a number of openings in the front elevation of the structure, with two large double width door openings in the front gable. The steading is located on the highest ground on the site, with ground levels gradually ascending towards the front boundary. Groundcover on the site is generally rough grassland.



Fig. 2 : Existing steading at Blairnamarrow

3. At the outset of this application it was proposed to utilise the existing access arrangements to serve the subject site and the proposed new dwelling house i.e. the track which extends for approximately 80 metres in a south easterly direction from its junction with the A939 and serves both the existing dwelling house and steading. However, due to difficulties in achieving adequate visibility at the junction with the public road, which emerged in the course of the assessment of this application, the access arrangements have recently been altered. The current proposal involves an extension of the identified site boundaries to allow for the creation of a new access extending inwards for

approximately 60 metres from the public road, to provide access to the proposed new dwelling house and also to serve the existing dwelling. In conjunction with this it is also proposed to close the entrance to the existing dwelling house. The details on the site layout plan refer to this closure taking effect “when wall on house starts.” The junction of the proposed new entrance with the public road is shown at a 90 degree angle, where improved visibility can be achieved.

4. Although this is an application for outline permission indicative drawings have been provided of the type of ‘traditional style dwelling’ house envisaged on the site. The drawings submitted show a 1 $\frac{3}{4}$ storey L shaped dwelling, incorporating a traditional porch in the front elevation. The floor plans indicate three bedrooms and bathroom at first floor level, with the ground floor area including a kitchen/ living / family room and also a lounge, study and utility room. A wet dash finish is detailed for the exterior, under a slate roof. A private water supply is proposed to serve the property, with foul drainage being disposed of via a septic tank and soakaway.



Fig. 3 : Front and rear elevations of indicative dwelling house type.



Fig. 4 : Built example of indicative house type

5. No details have been provided regarding the background to the need for the proposed demolition and replacement of the steading with a new dwelling house despite this information being sought in the course of the application assessment.
6. Some additional information has been received from Bidwells, acting as estate factor for the applicant, Glenavon Estate. In terms of the historical significance of the steading it is stated that it comprises of an old byre that has been extended to include a mill. It is thought that the old byre was “probably built in the 1700s and the mill added later” and the submission also notes that the current configuration of the building is shown on a map dated 1872. The submission also refers to the

original structure having had a slate roof, and suggests that its later replacement with a fibre cement roof was probably due to a need to reduce loading on the walls.

7. In terms of the quality of the existing structure, it is the opinion of the chartered surveyor from Bidwells that the “building is not structurally sound and is in danger of collapse.” This is in “most part due to a lack of foundations coupled with poor structural integrity within the fabric of the walls” and the submission suggests that it is not worthy of retention in its current state “which would be cost prohibitive.” A number of photographs have also been included in the submission to demonstrate the nature of the building and in particular showing the byre “built on single rough course stone foundations laid on the clay subsoil.” Evidence is also provided of numerous cracking faults, including the failure of a main lintel in the mill section of the building and also the separation of areas where the wall has been repaired with cement.



Fig. 5 : western elevation



Fig. 6 : southern (rear) elevation



Fig. 7 : northern (front) elevation



Fig. 8 : northern elevation

DEVELOPMENT PLAN CONTEXT

8. **Planning Advice Note 72 : Housing in the Countryside** sets out its purpose to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. **PAN 72** identifies the conversion or rehabilitation of rural buildings as an example of one of the main opportunities to accommodate housing in the countryside. It details the benefits of this type of activity including

bringing a building back to life whilst also providing an opportunity to sensitively conserve the built heritage. **PAN 72** provides advice on factors such as scale, materials and design.

9. **PAN 67** discusses **Housing Quality** and although a lot of the guidance contained therein is directed towards larger scale developments than the current proposal, many aspects of it can be applied to all house building activity. **PAN 67** notes that the planning process should seek to ensure that development is planned and designed so that it contributes to achieving the goals of social justice, economic competitiveness and environmental quality. The creation of a sense of identity and place is encouraged as well as creating a sense of what is distinctive about the locality and the region. To achieve this, there are five essential components to be taken into account – layout, landscape, scale and mix, details and materials, and maintenance. In terms of landscape **PAN 67** highlights the contribution of landscape design to environmental quality, particularly where it begins to mature. It advises however that landscape design cannot compensate for poor layout and design and that developers should consider landscape as a part of the design and layout from the outset of the development process. With reference to details and materials, **PAN 67** warns that the quality of development can be spoilt by poor attention to detail and advises that “important aspects include building styles, the detailed design of features such as doors, windows and porches, and the texture, colour, pattern, durability and ease of maintenance of materials.”

Moray Development Plan – Structure Plan

10. Chapter Two of the Structure Plan deals with the Environment and policies on Landscape and the Built Heritage are of particular relevance in this particular application. The subject site is within a designated Area of Great Landscape Value and the Structure Plan advises that any development proposals within such areas will be required to incorporate best principles of siting and design. **Policy S/Env 3 : Scenic Designations** asserts that “areas of scenic quality will be protected from inappropriate development.” In terms of the Built Heritage, **Policy S/Env5** states that the “Council will seek to conserve and promote Moray’s built heritage as a valuable, but finite resource and shall encourage enhancement, active use and access to building heritage wherever possible.”
11. On the subject of housing, the **Moray Structure Plan** operates a presumption in favour of housing in the countryside in rural areas in the south and east (**Policy S/H4**) in a number of circumstances, including situations that involve the re-use, replacement or rehabilitation of existing buildings. The **Structure Plan** also contains Development Control policies applicable to a proposal of this nature. **Policy L/IMP2 : Development in Rural Areas** requires that proposals are compatible in terms of character, amenity and design and integrate sensitively into the environment.

Moray Development Plan – Local Plan

12. **Policy L/ENV 7** of the Local Plan requires that development proposals within Areas of Great Landscape Value will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the landscape character of the area. Within such areas detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes are required with any planning application. On the subject of the Built Heritage, the Local Plan contains a section on Vernacular Buildings¹ and **Policy L/ENV16 : Local Buildings (not protected by statute)** states that the Council will generally seek the retention and reuse of vernacular buildings in preference to their demolition and redevelopment.
13. **Policy L/HC2 : Re-Use of Derelict Sites and Existing Buildings** provides detailed policies which are compatible with the policies applicable to Local Buildings. The policy states that the “Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills etc. where the renovation of the original building is sensitively designed and is to form the core of the new development.” It is the Council’s policy to normally seek the restoration of an existing building in preference to demolition and re-development, and in particular where a building is considered to be of some architectural merit locally, for example, a substantial stone built farm building, “and is considered structurally sound for residential use, the Council will resist proposals to replace it, and may insist on renovation and re-development.”
14. **Policy L/HC2** also addresses the principle of replacement of an existing building, which will only be accepted where there is visible evidence of the structure of the existing building. In such instances, it is advised in the Local Plan that the siting of a new dwelling should be similar to that of the previous building in terms of orientation and distance from the road.
15. **Policy L/ED16** requires that proposals in countryside locations demonstrate the landscaping measures that will be taken to assist with the integration of the site into its rural setting, as well as providing for on site amenity.
16. Distinct from the policy on the replacement of existing buildings, the **Moray Local Plan** also includes a specific policy (**L/HC3**) entitled New Houses in the Open Countryside. I do not propose to provide a detailed account of the policy. Despite the fact that this proposal if granted would ultimately generate a new dwelling house at Blairnamarrow, it falls within option two of the Strategy for housing i.e.

¹ The Moray Local Plan defines Vernacular Buildings as “those which epitomise local character but are offered no statutory protection.”

Re-use / Replacement as opposed to option three i.e. Open Countryside.

17. The Local Plan includes an extensive policy section on Development Control, providing guidelines on character, amenity and design, with the latter primarily referring to new building design only.
18. **For information purposes only:** The subject site is located within General Policy Area 2 as identified and defined in the **Cairngorms National Park Consultation Draft Local Plan**. Within such areas it is the policy that development will only be permitted “where it is demonstrated that there is no alternative and that the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.”
19. **Section 3** of the **Consultation Draft Local Plan** discusses a number of topic policies, of which many are relevant to the type of development proposed. **Policy 2** on **Protected Species** states that proposals for developments that would have an adverse impact on any European Protected Species will not be permitted unless there are public health or public safety or other imperative reasons of overriding public interest, and there is no satisfactory alternative, and the development would not be detrimental to the maintenance of the population of species concerned. Section 3.5 of the draft Plan stresses the importance of considering the value of habitats and species in all planning decisions and ensuring that appropriate measures to conserve and enhance biodiversity are implemented through the planning process.
20. **Policy 3 : Biodiversity** states that proposals that will enhance or restore existing habitats and that will not have any other adverse effects, will be considered favourably. **Policy 3** also advises that the developer should be required to undertake a survey of the area’s natural environment where there is evidence or likelihood to suggest that a habitat or species may be present on or adjacent to a site and could be adversely affected by the development.

CONSULTATIONS

21. In a consultation response from **Scottish Natural Heritage** it is stated that there is no objection to the proposal, although the response also offers further detailed comment on some aspects of the proposal. It is noted that the subject site is approximately 100 metres from the Conglass Water which is a tributary of the River Spey which has been included within the extension of the River Spey Special Area of Conservation. The SAC has been designated for its important populations of freshwater pearl mussels, Atlantic Salmon, sea lamprey and otter. The consultation response assumes that any work undertaken at the site would be carried out in accordance with best working practice guidelines and advises that the developer should be advised of SEPA's Pollution Prevention Guidelines for working in or near watercourses, which should ensure that no pollutants are released into the river that could adversely impact on the qualifying features of the SAC. **SNH** consider it unlikely that any qualifying feature will be affected either directly or indirectly.

22. The consultation response from **Scottish Natural Heritage** also refers to European Protected Species, and in particular bats at the site, noting that the applicants agent has supplied a bat survey report. The **SNH** consultation response details the fact that bats use a range of buildings and structures as breeding and resting places and reference is also made to The Wildlife and Countryside Act 1981 (as amended) which provides full protection for certain animal and plant species. The bat survey report submitted was based on a detailed inspection of the buildings, both internally and externally in September 2005. The survey evidence indicates that there are no bats or bat roosts present on the site and that the development is therefore unlikely to have any adverse impact on bats. On this basis **SNH** has no objection to the proposal. Nonetheless the report recommends that "the applicant remains vigilant for signs of bats during the proposed development work and if they come across any bats or signs of bats, all work in that area must cease immediately and SNH should be contacted for advice."

23. The bat survey report also noted that swallows and feral pigeons have used the buildings for breeding. **SNH** consequently highlight in their consultation response that all wild birds, their nests and their eggs are protected by law. **SNH** require that any development of the steading at Blairnamarrow is carried out in a manner that complies with the Wildlife and Countryside Act 1981 (as amended) with respect to swallows, pigeons and breeding birds. **SNH** recommend that no works are carried out in any area likely to be used by breeding birds during the breeding season, which is taken to be from 1 April to 31 July inclusive.

24. The **Contaminated Land** section of Moray Council upon initial examination of the development proposal requested further information on a number of issues including a site history relating to the steading on the site. Upon receipt of a response to the queries raised the **Contaminated Land** section has recommended that a number of conditions be attached in the event of the granting of planning permission. The first condition requires that all work cease in the event of significant unsuspected contamination being found until an appropriate investigation is undertaken to determine the nature, extent and potential impacts of the contamination and the agreement of a remediation method statement. In addition, due to the past agricultural use of the site, it is stated that there is always potential for contamination to have arisen and one of the recommended conditions therefore requires that no development shall commence until the developer has ensured that all asbestos has been removed from the site by a specialised licensed contractor and disposed of to a suitable waste site. A report is also required to be submitted to validate the removal and disposal of the asbestos.
25. In a comment on the proposed private water supply, the **Development Services** section of Moray Council have stated that the details of the supply, as provided by the applicants agent, indicate that the supply has sufficient yield to supply the proposed development.
26. The Transportation section of **Moray Council** objected to the originally proposed access arrangements to serve the proposed site i.e. use of the existing access. Further to significant revisions to the proposed access arrangements a revised recommendation has been received from the Transportation section. It states that there are no longer objections to the proposal based on the revisions to the access arrangements, which show the new access being "sited at a position where visibility in both directions onto the fast section of road is good." The consultation response also states that the "benefits to road safety that can be achieved by moving from the current sub standard and dangerous position (where both visibility and the alignment of the access cause concern) to this revised location are considerable." It is also noted that by 'Stopping Up' the existing access as proposed, the changes will significantly enhance safety for users of the existing house as well as the proposed new development. A set of conditions have been recommended to be attached in the event of the granting of planning permission. Conditions include the provision of adequate on site car parking provision and a turning facility within the curtilage of the site, and also stipulations regarding surfacing between the edge of the public road and the proposed gate.



Fig. 9 : Approaching the proposed site from the east



Fig. 10 : Existing access off the A939 serving Blairnamarrow steading and adjacent dwelling house



Figs. 11 & 12 : general location of proposed new access off the A939

REPRESENTATIONS

27. No representations have been received in respect of the proposed development.

APPRAISAL

28. There are a number of issues to consider in the assessment of the proposed development, including the acceptability of a development of this nature, its compliance with planning policy and its implications for the aims of the National Park and in particular the first aim.
29. In terms of Structure Plan and Local Plan policy, as outlined in paragraphs 13 and 14 of this report, the **Moray Development Plan** includes policies which encourage the conversion / rehabilitation of existing buildings in the countryside, to the extent that there is a clear intention to resist proposals for the replacement of vernacular buildings where they are considered to be of local architectural merit and structurally sound for residential use and instead insist on renovation and re-development. In this particular instance, given the substantial stone built nature of the structure, where a portion of it is thought to have been in situ for the past 200 years, together with the relatively prominent nature of the site and its visibility from the public road, which is itself a heavily trafficked 'A' class route, it is possible to consider the structure to be of local architectural merit and consequently it could also be considered to be part of the cultural heritage of the area.
30. In the course of assessing the application efforts were made to ascertain the condition of the structure and in particular a structural survey was requested. Although a detailed survey was not forthcoming the Chartered Surveyor acting on behalf of the agents for Glenavon Estate supplied some information to verify its condition, describing it as 'not structurally sound', 'in danger of collapse' and stating that "it is not worthy of retention in its current state which would be cost prohibitive." I do not consider that the issue of cost provides justification for the demolition and replacement of a building such as the steading at Blairnamarrow, as opposed to its re-use. However, on the basis of the remainder of the details provided by the surveyor it is my view that a case has been advanced to verify that the building is no longer structurally sound (please see attached photographic extracts from the surveyor's appraisal). Consequently I do not feel that it is possible to insist on the renovation and re-development of the structure.
31. The proposal must therefore be assessed in the context of the replacement policy as detailed in **L/HC2 : Re-use of Derelict Sites and Existing Buildings**. The policy accepts the principle of "replacement of an existing building" and does not refer to any requirement that replacement buildings to be within the same use class as the original. The main criteria for accepting the principle of replacement of an existing building is that there is visible evidence of the structure of the existing building to the extent of "level 4" with that level essentially referring to the existence of a partial shell of a building to window sill height. There is no requirement at this level to be able to ascertain the full extent or former use of the building. The concept of replacing a former agricultural building with a new residential property

as proposed in this application is therefore acceptable in structure plan and local plan policy terms.

32. Despite the proposal being compliant with the basic policy on the replacement of existing buildings, it is nonetheless necessary to take into account the potential impacts of the proposed development on the natural and cultural heritage of the area. The existing byre / mill on the site undoubtedly represents an aspect of the cultural heritage of the area and any potential loss of this is lamentable. However, the practicalities of the situation must also be taken into account and in particular I feel that it is necessary to acknowledge the case that has been made in relation to the poor structural condition of the existing building, coupled with the fact that it has not, according to the agents acting for the applicants, actively been used for its original agricultural / milling purposes for several years. In the event that the structure was to remain in its unused and deteriorating state, it is highly likely over time that the structure would be lost, with little to signify its former use other than the ruins of the property in this relatively prominent location. The structure is not a listed building, and although it is representative of a local vernacular building, it is not the only building of this kind within this area of the National Park. Many other structures of a similar nature remain, some of which are in better condition and offer greater opportunities for preservation in a quest to conserve the cultural heritage of the area.
33. In terms of the natural heritage implications of the proposed demolition of the building, the response from **Scottish Natural Heritage** as detailed in paragraphs 22 – 24 of this report does not consider that the development would affect either directly or indirectly any qualifying features in relation to European sites.² In addition, a bat survey of the existing structure verified that there are no bats or bat roosts present on the site and consequently the proposal would not have any impact on bats, which are a European Protected Species. Although there is evidence that the building has been used for breeding by swallows and pigeons **SNH** do not consider that development on the site would interfere with bird interests as long as all works are carried out in a manner that complies with the Wildlife and Countryside Act 1981 (as amended).
34. A further issue which has implications for the conservation or enhancement of the natural heritage of the area is associated with the proposal to create a new access to serve the development site and also the existing dwelling house. Various permutations of access provision have been put forward by the applicants in the course of this application including use of the existing access lane which forms a junction with the public road at a 45 degree angle and at a point where there is restricted visibility. This was discounted following the

² In this instance, the European site in question is the River Spey SAC of which the Conglass Water is a tributary.

recommendation of the Roads Department of Moray Council to refuse planning permission on the basis of the proposal representing an unacceptable hazard to traffic safety. The second site layout proposed involved the creation of a new access through the subject site (also serving the existing dwelling house to the west) which would lead onto the disused cut off section of the public road, and following this route to its junction with the public road. This proposal was later withdrawn when it transpired that the cut off road / track was not in the ownership of the applicants. The current proposal, as detailed earlier in this report involves the creation of a new access to serve the existing dwelling and the proposed new dwelling.

35. The new access is proposed to adjoin the public road at a location which would achieve significantly improved visibility when compared to the existing access arrangement and this offers indisputable traffic safety benefits. However, the route of the access from its junction with the public road involves traversing through an area in which there are a number of mature trees, which collectively contribute to the overall setting of the existing dwelling house and indeed could also be of assistance in assimilating the proposed new dwelling house into the landscape. The most recent site layout plan provided fails to identify the location and extent of tree loss likely to accommodate the new access route nor is it sufficiently detailed to provide accurate details of the width or specification of the access. Based on a recent examination of the site, I estimate that the route identified could necessitate the felling of at least ten trees. However, the extent of tree felling could be minimised with alterations to the route of the access to wind its way more sympathetically through the trees. Consequently it is my view, in the event of consideration being given to the granting of planning permission, that a condition should be included requiring revised proposals for the route of the access track to minimise the extent of tree felling and also providing specific details on the extent of tree felling or any other works to be undertaken in relation to the trees on site, for example, cutting back branches etc, all of which should be submitted for the agreement of the CNPA acting as Planning Authority prior to the commencement of development.
36. Finally, on the subject of the design of any new dwelling house on the subject site, it should be borne in mind that the drawings currently accompanying this application are indicative, as outline permission only is sought at this stage. Whilst the indicative dwelling house is a relatively simple, traditional property and largely reflects the design features of the existing adjacent dwelling I have some concerns regarding a structure of this scale and height at the proposed location, due to the relatively high degree of visibility and the fact that it represents such a departure, visually and architecturally, from the building which it is intended to replace. It is my view that a lower level structure, perhaps designed to take account of differing ground levels in the vicinity, as well as incorporating finishes which reflect to a greater degree the stone structure currently on site (possibly even utilising the

stone from the existing structure), would offer greater opportunity to create a building which could assimilate more successfully into the surrounding landscape. The issue of design is a matter which could be regulated and addressed by way of the inclusion of an appropriate condition in any grant of planning permission.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The development proposal would result in the loss of a traditional stone steading and as such cannot be considered to assist in conserving the cultural heritage of the area. The development could have implications for the natural heritage of the area, in particular the potential loss of trees, although this is an issue which could be ameliorated by relatively minor alterations to the route of the proposed access.

Promote Sustainable Use of Natural Resources

38. As this is an application for outline permission, only indicative drawings for a proposed dwelling house have been submitted and it is not therefore possible to determine whether or not the development would assist in promoting the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

39. The development would not make any particular contribution to this aim, although an appropriately designed dwelling house at this location would be unlikely to detract from visual qualities of the area or affect the enjoyment of the area by the general public.

Promote Sustainable Economic and Social Development of the Area

40. No case has been advanced to suggest that the proposal would make any positive contribution towards this aim. The location of another single house in the countryside has the potential to add to servicing costs for the local community in terms of services such as school transport, refuse collection, fire and health etc and would tend to promote reliance upon the private car.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant outline planning permission to demolish a steading and replace with a dwelling house and for a septic tank and soakaway at Blairnamarrow, Tomintoul, subject to the condition detailed hereunder :

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings, means of access thereto, means of enclosure and landscaping proposals shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters.
2. Notwithstanding the indicative design drawings submitted, the proposed dwelling house shall be designed in accordance with the traditional vernacular architecture of the area and shall reflect the form and scale of the existing structure on the site that is to be demolished. All external materials shall visually compliment existing properties in the area. In particular, all windows and doors shall be timber; the roof shall have a traditional slate finish; and the use of natural stone from the existing steading on the site shall be incorporated into the design.
3. Prior to the commencement of works on site the new access shall be formed and the existing access shall be permanently and effectively closed off (in accordance with the details shown on drawing no. AP REF 6294 as modified on 12 September 2006) by the erection of a boundary fence and associated vegetation to match the existing adjacent boundaries. The new access shall serve the new dwelling house and also the existing dwelling house located to the west of the identified site area.
4. The section of access between the edge of the public road and the proposed gate shall be surfaced in bituminous material to prevent loose chippings being carried out onto the public road.
5. Parking provision shall be at the following rate and should be available before the dwellinghouse is occupied :
A minimum of 2 spaces for 3 or less bedrooms;
A minimum of 3 spaces for 4 or more bedrooms.
In addition existing parking provision shall be retained for the existing house.
6. A turning facility shall be available within the curtilage of the site so that all vehicles are able to enter and exit in a forwards direction.

7. An application for approval of reserved matters shall include detailed proposals to show the proposed access route altered to minimise the extent of tree felling. A detailed site layout plan shall include accurate dimensions of the access road and shall also identify (a) the location, species type, height and girth of all existing trees within and adjacent to the identified site boundaries, and (b) identification of the exact location, species type and number of trees to be felled.
8. No development shall commence on the site until a scheme (prepared in accordance with section 7, BS59837, the Tree Protection Plan) for the retention and protection of all existing semi mature trees, has been submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority.
9. An application for approval of reserved matters shall be accompanied by a detailed landscaping plan, including details of all proposed boundary treatments. The landscaping shall be implemented and maintained in accordance with the approved plan. The plan shall include details of the siting, numbers, species (which shall be appropriate to the rural setting) and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
10. No surface water shall discharge on to the main road.
11. All public services for the development including electrical, communal television and telephone cables, shall be undergrounded throughout the site.
12. An application for approval of reserved matters shall include exact specifications of the finishing materials for all external hard landscaping, including the access drive, parking and turning areas, and footpaths.
13. No works shall be carried out in any area likely to be used by breeding birds during the breeding season, which is taken to be from 1 April to 31 July inclusive.

14. The applicant / developer shall remain vigilant at all times during the development works for signs of bats and in the event of finding bats or signs of bats, all work in this area shall cease immediately and may only proceed in accordance with further guidance from **Scottish Natural Heritage**, in conjunction with the Cairngorms National Park Authority, acting as Planning Authority.
15. In the event that unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Contaminated Land section of Moray Council.
16. No development shall commence until the developer has ensured all asbestos has been removed from the site by a specialised licensed contractor and disposed of to a suitable waste site. The details of removal and disposal shall be submitted by the developer in writing to the Cairngorms National Park Authority acting as Planning Authority, for approval no later than fourteen days prior to the commencement of these works. Within six weeks of completion of the agreed works a report shall be submitted by the developer, in writing to the Cairngorms National Park Authority as Planning Authority for approval which validates the removal and disposal of the asbestos.

Determination Background :

The Planning Committee of the CNPA determined to call in the application at the meeting of 21st October 2005. Following an examination of the proposal and receipt of the relevant consultation responses, a detailed request for further information on a number of aspects of the proposal was issued to the applicants agent on 29th November 2005. A response was received on 15th May 2006 and after consideration of the information it was necessary to request clarification on a number of points on 25th May 2006. Various partial responses were received on 10th August and 29th August 2006, with the final response, which included an amended site layout plan and significantly revised access arrangements submitted to the CNPA on 13th September 2006.

Mary Grier
16th October 2006

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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.