

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Demolition of house, erection of 9 houses, formation of access track and path at Tigh Mhuileann, Boat Of Garten, Highland, PH24 3BG

REFERENCE: 2019/0215/DET

APPLICANT: Mr Hamish MacLeod

DATE CALLED-IN: 15 July 2019

RECOMMENDATION: APPROVE WITH CONDITIONS

CASE OFFICER: Robbie Calvert Graduate Planner



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site at Tigh Mhuileann currently comprises a mixture of grazing land, woodland, an existing 1970s detached bungalow and timber garage. It is located approximately 950m to the north of Boat of Garten, on the opposite side of the minor road CI 128 to an existing sawmill operated by BSW timber. A watercourse enters the site at the south western corner which connects to Milton Loch, with all watercourses feeding into the River Spey Special Area of Conservation (SAC). On the south and west, the site is bounded by grazing land. A high voltage 132kV pylon line runs along the southern border of the site, which is currently being by installing underground cables. Low voltage lines run along the western and northern boundary markers.
2. Access is proposed from the CI 128 minor road that runs from Boat of Garten to the A95 along the eastern site boundary via a new access point. To the south east of the site runs the core path from Boat to Drumullie (Core path ref: LBS71).
3. The application site is approximately 1.1 Ha in area and takes the form of an L-Shape. The site slopes gently from northeast to southwest and has a linear mound on its northern edge which separates it from the A95. To the eastern side of the application is an Aspen and Birch woodland which wraps around to the southern edge of the site. The woodland is approx. 0.6ha in size and is classified as native woodland in the Native Woodland Survey of Scotland.
4. The site is part of a proposed wider development with an associated application for the erection of three houses (2019/0245/DET) on land to the west.

Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:
<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUFKHRSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Site Layout Plan	BSW_3_002 Revision D2	June, 2019	12/11/19
Site Section Plan	BSW_3_003 Revision A	June, 2019	12/11/19
Location Plan Phases 1 and 2	BSW_3_001 Revision B	June, 2019	12/11/19
Landscape Plan	Landscape Masterplan Final Revision 4	05/02/20	06/02/20
General Arrangement	AA6178/EW/02 Revision C	23/01/19	30/01/20

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Title	Drawing Number	Date on Plan*	Date Received
Drainage Layout	AA6178/EW/03 Revision C	23/01/19	30/01/20
Landscape Sections	Landscape Sections Revision I	29/10/19	12/11/19
Tree Protection Plan	Tree Protection Plan Revision I	29/10/19	12/11/19
Environmental Protection Plan	AA6178/EW/04 Revision A	01/11/19	12/11/19
Passing Places and Road Width Plan	AA6178/EW/10	23/01/19	12/11/19
Barn House Elevations	BSW_3_021	June, 2019	15/07/19
Barn House Floor Plans	BSW_3_019	June, 2019	15/07/19
Barn House Sections	BSW_3_020	June, 2019	15/07/19
Croft House Elevations	BSW_3_015	June, 2019	15/07/19
Croft House Roof and Floor Plans	BSW_3_01	June, 2019	15/07/19
Croft House Sections	BSW_3_014	June, 2019	15/07/19
Fair and Square Elevations	BSW_3_012	June, 2019	15/07/19
Fair and Square Roof and Floor Plans	BSW_3_010	June, 2019	15/07/19
Fair and Square Sections	BSW_3_011	June, 2019	15/07/19
Foresters House Elevations	BSW_3_018	June, 2019	15/07/19
Foresters Roof and Floor Plans	BSW_3_016	June, 2019	15/07/19
Foresters House Sections	BSW_3_017	June, 2019	15/07/19
3 Bay Garage Plans and Elevations	BSW_3_022	June, 2019	15/07/19
2 Bay Garage Plans and Elevations	BSW_3_023	June, 2018	15/07/19
Existing Layout and Services	AA61788/EW/01 Revision B	12/09/18	10/10/19
Supporting Design Statement		17/06/19	15/07/19
Extended Phase I Survey Report		February 2019	15/07/19
Landscape Character Area			12/11/19
Drainage Impact Assessment	AA6178/8.4/DIA Revision B	30/10/19	30/01/20
Landscape Design Statement			12/11/19
Landscape and Mitigation Proposals		October, 2019	12/11/19
Landscape and Visual Impact Assessment		October, 2019	12/11/19
Typical Roadworks Details	AA6178/EW/07 Revision C	04/10/19	30/01/20
Construction Method Statement	AA6178 Revision A	01/11/19	12/11/19
Housing Need and Demand Assessment			12/11/19

Traffic Statement	AA6178 Revision B	29/01/20	30/01/20
Geo-environmental Investigation Part 1	MM11842.RI.CT .SDM.SG	February, 2019	22/08/19
Geo-environmental Investigation Part 2	192659436_1_1	31/01/2019	22/08/19
Geo-environmental Investigation Part 3	MM11842	13/09/18	22/08/19
Bat Roost Assessment and Activity Survey	19/015/TIL/R01 Revision 1.2	19/06/19	15/07/19

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

6. Plans of the proposals are included within Appendix I.
7. The site is part of a wider proposed development with an associated application for the erection of three houses (2019/245/DET) on land to the west. The application seeks full planning permission for demolition of the existing house and garage, and the erection of 9 residential units including plot layout, infrastructure and landscaping. These units comprise of 4 semi-detached and 5 detached houses with 7 detached car parking garages, septic tank and soakaway, SUDS system and a new adopted “spur” road and internal road layout connecting the development to the main access road. There are no proposed changes to ground levels.
8. Vehicle access will be provided through a new 5.5m wide adopted spur road from the CI128. Internal tracks leading to houses will be 4m wide and constructed with a rolled dust finish on type-I sub base. New paths within the site will link to paths that require separate planning consent to link to the BSW sawmill to the east and a longer path linking to Milton Loch and Boat of Garten.
9. The site will be connected to the public mains water supply and take electricity from a low voltage underground line that serves the existing buildings on site. Foul water from each property will be conveyed via a private foul drainage network to a shared septic tank and soakaway system designed for a population equivalent of 50 people. This is proposed to be located to the south of the site, outside of the red line of the application but within the blue line.
10. It is proposed that both private tracks and the adopted carriageways will be drained using filter drains. The adopted road will include road gullies to collect and discharge into the non-infiltration drains, with water moving to two proposed infiltration basins.
11. Surface water from the properties will be collected and transferred to 5 raingardens, providing a minimum of 1.5m² stormwater storage per plot and natural filtration services. During high flow events overflow pipes will also carry excess water into perforated precast concrete manhole rings acting as additional storage and infiltration.
12. The house types are a range modern timber framed buildings intended to reflect a range of vernacular buildings. The walls and roofs of both houses and garages are clad in timber with either slate or corrugated roof materials.

13. A total of 22 car parking spaces have been provided, 5 of which have been indicated as visitor parking.
14. The application was originally supported by the following information:
 - a) **Design Statement;**
 - b) **Ecological Survey and Assessment Report; and**
 - c) **Bat Roost Assessment and Survey.**
15. During the progression of the application, the agent has provided additional and amended information in response to queries raised during the consultation process, which is summarised as follows:
 - a) **Amended and additional plans:** including amended general arrangements, drainage layout, typical roadworks details, proposed masterplan, landscape masterplan, tree protection plan and proposed site sections; additional plans for landscape design rationale, environmental protection measures and existing layout and services.
 - b) **Soils Investigations Report:** supplementing the Drainage Impact Assessment.
 - c) **Drainage Impact Assessment and amended Drainage Impact Assessment.**
 - d) **Transport Assessment and amended Transport Assessment.**
 - e) **CI 128 Road Passing Places Assessment.**
 - f) **Housing Need and Demand Assessments:** supplemented by an engagement event with the local community with a drop-in session held at the Boat of Garten Village Hall. The study concludes severe lack of affordable housing in Boat of Garten and that the development meets demand for both 3-4 bedroom houses and 1-2 bedroom houses. This supplemented by details of the affordable housing requirements of the Rural Housing Fund that would be used to fund the project.
 - g) **Landscape and Visual Impact Assessment:** that concludes that the proposals will have a low impact on the landscape at local level only and a low impact on visual receptors close to the site.

Processing of Application

16. This application was originally submitted incorrectly describing 12 houses. The application was subsequently revised to describe 9 houses and additional information was submitted. The application was subsequently re-notified to neighbours, re-advertised to local press and statutory consultees were re-consulted.

History

17. The site has a long-established use for agriculture and for the residential use of the current house, Tigh Mhuileann. The neighbouring BSW sawmill has expanded to its current size since 1973.
18. There are a small number of historic planning applications relating to the application site. Planning permission was granted on 14/05/2004 for change of use to public sales/display area, office and parking (04/00061/FULBS).

19. In 2018, Planning Permission in Principle was sought for the demolition of house, erection of 9 houses, composed of 4No. semi-detached and 5No. detached houses. (8/02776/PIP). The application was withdrawn on 29/06/2018.
20. An application for the erection of three houses (2019/0245/DET) on land to the west of the site is running concurrently with this application.

Habitats Regulations Assessment (HRA)

21. A Habitats Regulations Assessment has been undertaken to consider the effects of the proposal upon the conservation objectives of the Natura Sites on the River Spey Special Area of Conservation (SAC) and the following Special Areas of Conservation: Boat of Garten woods, Abernethy Forest, Kinveachy Forest, Craigmore Wood, Cairngorms and Anagach Woods.
22. The proposal was not considered to have an effect, either direct or indirect on the following species within the SPAs: Scottish crossbill, Capercaillie, osprey, dotterel, golden eagle, merlin and peregrine falcon. The assessment highlighted the need to assess the proposal against its likely effect on the River Spey SAC. It was concluded that subject to mitigation measures identified in the appropriate assessment and applied through conditions to any consent, the proposal will not adversely affect the integrity of the River Spey SAC. A copy of the HRA is attached at **Appendix 2**.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

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

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

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

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

Cairngorms National Park Local Development Plan 2020

25. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is yet to conclude, the Proposed Plan and its contents currently carry limited weight.

CONSULTATIONS

Summary of the Main Issues Raised by Consultees

26. **SEPA** advised that potential impact upon groundwaters from such a large sewage discharge meant stringent treatments standards and significant investigatory and monitoring work was required for SEPA to issue a license for the foul drainage system. The following information was requested:
- a) Installation of three boreholes/piezometers recording location, groundwater quality depth of groundwater and flow direction, hydraulic gradient, aquifer permeability, description of unsaturated zone and consideration of the presence and concentration of various substances in the effluent.
 - b) Details of proposed SUDs systems.
27. When re-consulted on proposals SEPA highlighted in the Drainage Layout drawing, no. AA6178/EW/03 Rev A, the septic tank and soakaway appear to be located outside the application boundary and reiterated advice previously provided.
28. **SNH** advised on possible impacts significant effect on the River Spey SSSI/SAC and impacts on capercaillie from potentially increased recreational use and disturbance in Boat of Garten Woods:

- a) **River Spey SAC** - the proposal is likely to have a significant effect on the River Spey SAC unless waste water arrangements are in place that ensure that neither the water course or the River Spey SAC are negatively impacted upon by nutrients or other pollution arising from the septic tank or soakaway.
 - b) **Capercaillie** - on balance it was concluded that recreational disturbance to capercaillie Boat of Garten Wood would not increase as a result of the proposal and is therefore unlikely to have a significant effect either directly or indirectly. An appropriate assessment of this element is therefore not required.
29. When re-consulted on proposals SNH concluded that there would likely be a significant effect on the freshwater pearl mussel and otter features of the River Spey SAC and therefore objected to the proposal unless it is made subject to conditions that ensure foul water drainage proposals are satisfactorily designed, implemented and managed in order to minimise any risk of pollution which may affect internationally important natural heritage interests. In accordance with the Habitats Regulations Appraisal carried out by CNPA if the appropriate mitigation is followed, there will not be an adverse effect upon the integrity of the River Spey SAC.
30. **Scottish Water** advised that they had no objection to the proposal.
31. **The Highland Council (Transport Planning Team)** object to the application, advised that the information submitted with it was inadequate and requested more information in order to fully assess the impacts of the proposal.
32. Following a number of stages of further information being submitted and reviewed, The Highland Council Transport Planning team continue to object for the following reasons:
- a) Car parking for detached houses does not meet Council guidelines.
 - b) No proposals have been provided to demonstrate that path connection to Boat of Garten can be delivered and the site is not accessible by public transport.
 - c) Surface water drainage system for roads not adequate for adoption.

Other issues requiring resolution were highlighted as follows:

- a) Condition should be included to maintain visibility recommended visibility splay from the access road junction to the C1128.
 - b) Condition required to ensure C1128 from the access road to the a95 junction is a minimum of 5.5 metres wide.
 - c) Individual driveways for the dwellings at the entrance of the site to the north-east are amended to have an angle of no less than 75°.
 - d) Turning head to be enlarge for refuse vehicles as a part of the Road Construction Consent (RCC) process.
 - e) Passing places be added to private tracks to prevent damages to verges.
 - f) Layout for two houses at the southern bounds be amended so residents do not have to reverse into adjacent driveways.
 - g) All road construction details be treated as indicative and be agreed through the RCC process.
33. **The Highland Council (Flood Risk Management Team)** initially objected to the drainage strategy for the site, but following the submission of further information,

withdrew the objection subject to a suitably worded condition requiring final detailed drainage design be submitted for review and approval.

34. **The Highland Council (Forestry Team)** objected to the proposed development pending further information to identify the impact of proposals on trees. The forestry officer was consulted on additional details provide but has not commented further. However, the CNPA's heritage team are satisfied that conditions can be applied to protect trees and manage impacts.
35. **CNPA Landscape Officer** advised that overall the approach of landscaping of the site is welcomed, sitting well within the wider landscape contributing to both visual amenity and enhancing biodiversity. They request conditions on landscape planting, establishment, ground preparation and long-term management to include the aspen woodland to the north of the site.
36. **CNPA Ecology Officer** is satisfied that conditions can be applied to address potential impacts on species, habitats and protected sites.
37. **CNPA Outdoor Access Officer** supports the inclusion of facilities to promote active travel
38. **Boat of Garten Community Council** advised that they had no objection to this application and were supportive of the design and mix of housing proposed. However the following concerns were noted:
 - a) Concerns were raised over the safety of the junction to the north of the proposed development joining the A95.
 - b) Concerns were raised over the ecological impact over a path connection to Milton Loch.
39. A copy of their full response is attached at **Appendix 4**.

REPRESENTATIONS

40. One letter of objection has been submitted from the Badenoch and Strathspey Conservation Group (BSCG) which is attached in **Appendix 3**.
41. The main points of concern are highlighted and surmised below:
 - a) Site unallocated in LDP.
 - b) Ecological value of surrounding woods.
 - c) Increased disturbance of Capercaillie.
 - d) That the development should be connect to public sewer.
 - e) Surface water run-off.
 - f) Planting plans.
 - g) Buffer between trees and houses.
 - h) Replacement period for failed trees.
 - i) Maintenance of private track and affordability.
42. One general comment has been submitted from the Boat of Garten Community Company and Boat of Garten Wildlife Group which is attached in **Appendix 3**.

43. The groups were supportive of considerations made to the potential impact on surrounding woodland, the Milton Loch and associated tributaries.

APPRAISAL

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

Principle of Housing

45. **Policy I.5:** New Housing Development (Affordable Housing Developments) of the Cairngorms National Park Local Development Plan 2015 provides support for development of 100% affordable housing where it meets a demonstrable local need shown through community needs assessments, housing needs and demand assessments or other information available at the time of application. This application is for 100% affordable housing in an area with an identified need for affordable housing.
- Policy I.3b:** New Housing Development (Other Housing in the Countryside) supports housing proposals on a rural brownfield site. Part of the application site is on a site of an existing house. The principle of the proposal is considered to be acceptable in accordance with the requirements of Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015, subject to the other planning considerations outlined below.

Landscape Issues, Layout and Design

46. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. This is reinforced by **Policy 3:** Sustainable Design, which seeks to ensure that all new development is sympathetic to the traditional pattern and character of the surrounding areas, local vernacular and local distinctiveness.
47. The overall the approach to landscaping of the site is considered appropriate, sitting well within the wider landscape contributing to both visual amenity and enhancing biodiversity. This is supported by submitted Landscape Visual Impact Assessment that concluded that proposals will have a low impact on the landscape at local level only and a low impact on visual receptors close to the site.
48. Subject to appropriate planning conditions to ensure the approval of final details of landscaping, layout and design, the proposal is considered to accord with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Environmental Impacts

49. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there are no adverse effects on European Protected Species and other biodiversity interests.
50. The Habitats Regulations Appraisal (HRA) for the application concludes that the development will not result in an increase in disturbance to Capercaillie so will not have an impact on European SPA sites designated for Capercaillie. The HRA also concludes that with the use of an appropriate condition to control waste water discharge, the proposal will not have adverse effects on the site integrity of the River Spey SAC.
51. Further conditions can be applied to ensure that impacts on other species and habitats are avoided and necessary mitigation measures incorporated in the development so the application is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

Flooding and Surface Water Drainage

52. **Local Development Plan Policy 10:** Resources requires that all development should be free from significant risk of flooding, not increase the risk of flooding elsewhere, not add to the area of land requiring flood prevention measures and not affect the ability of the functional flood plain to store or move flood waters. This policy also requires that all development should avoid detrimental impacts on the water environment, with existing and potential impacts up and downstream of the development, particularly in respect of potential flooding, to be addressed. It presumes against unnecessary culverting of watercourses and any unnecessary engineering works in the water environment. This policy also requires that surface water be treated in accordance with the SUDS manual.
53. The proposals will not increase flood risk and incorporate appropriate SUDS. Although Highland Council Transport Planning team continue to object to the detail of surface water drainage from roads, this is on the basis that the details are not to an adoptable standard. A condition can be applied to ensure that details are submitted for approval that comply with the council's requirements. Subject to an appropriate condition regarding amended details of detailed drainage design and roads drainage infrastructure the proposed development is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Servicing and Access

54. **Policy 3:** Sustainable Design and **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
55. The principle of a road access to the site from the C1128 minor road is considered acceptable subject to maintenance of an appropriate visibility splay. The internal layout of new road for adoption and private access tracks is also considered

acceptable. The Highland Council Transport Planning Team continue to object to the fine detail of a number of elements of road infrastructure including the location of visitor car parking and adopted road turning head in addition to the roads drainage. Some of the issues they raise will be addressed through the separate Roads Construction Consent (RCC) process that the applicant will need to apply for separately. The road turning head, revised parking provision for visitors cars and additional passing places on private tracks can be addressed through a condition for a revised roads layout plan.

56. The ability for residents to travel to nearby facilities without the need for private car has been an important consideration in this application. The full details of footpath provision toward Boat of Garten and the BSW sawmill site have not been provided with the application, but both are capable of being delivered on land within the control of the applicant. A suspensive condition that prevents development until detailed consents for those paths have been approved and a further consent that prevents occupation of any dwellings until the construction of those paths have been completed, will provide assurance that these necessary parts of infrastructure are provided as part of the overall development.
57. Subject to appropriate conditions, the proposed development is considered to comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Developer Contributions

58. **Policy 11:** Developer Contributions of the Cairngorms National Park Local Development Plan 2015 sets out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements. The development is not predicted to have an impact on the capacity of Boat of Garten Primary School or Grantown Grammar School and no contribution is considered necessary. The proposed development is considered to comply with Policy 11: Developer Contributions of the Cairngorms National Park Authority Local Development Plan 2015.

Other Issues Raised in Consultations and Representations

59. A number of concerns and comments were raised in relation to the path connection to Milton Loch. That path is not part of this planning application and further detail planning application will be required to be determined before any consent for it is issued and before development of this proposal could start.

CONCLUSION

60. The proposed development is for 100% affordable housing in a location where it will help meet local need. The site is considered to be capable of being developed and serviced in this way without significant landscape or environmental effects. There are a number of points of detail that have not been sufficiently addressed through the

application, but conditions can be applied to ensure they are fully resolved at appropriate stages either prior to development, prior to occupation or during the construction and maintenance of the development. Subject to those conditions, the proposed development is considered to fully comply with Local Development Plan policies and we recommend approval of the application.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Demolition of house, erection of 9 houses, formation of access track and path at Tigh Mhuileann, Boat Of Garten, Highland, PH24 3BG subject to the following conditions:

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

Conditions

- 1. No development shall commence until the full details of foul water treatment and discharge that demonstrates no significant effect on the River Spey SAC have been submitted to and approved in writing by the CNPA acting as planning authority in consultation with SEPA. The details must include a full groundwater investigation undertaken in accordance with SEPA guidance (WAT-RM-04 Indirect Sewage Discharges to Groundwater section 1.1) and the outcome of the investigations must satisfy requirements under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) for any discharges to land or the water environment from private foul drainage systems.**

Reason: To ensure that foul water drainage proposals are satisfactorily designed, implemented and managed in order to minimise any risk of pollution which may affect natural heritage interests including the River Spey Special Area of Conservation in accordance with Policy 3 Sustainable Design and Policy 4: Natural Heritage, of the Cairngorms National Park Local Development Plan 2015.

- 2. No development shall commence until detailed planning permission has been granted for footpaths at least 1.5 metres wide connecting to Boat of Garten and to the sawmill off the C1128.**

Reason: To ensure that satisfactory arrangements for the active travel are provided in accordance with Policy 3: Sustainable Design.

- 3. No development shall commence until full details of the final drainage scheme have been submitted to and approved in writing by the CNPA acting as Planning Authority in consultation with the Highland Council Transport Planning and Flood Management teams.**

The approved drainage scheme shall be implemented and maintained in accordance with the approved details in full prior to the occupation of any dwellings within the development.

Reason: To ensure that satisfactory arrangements for the disposal of surface water are provided in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

4. **No development shall commence on site until a revised Road Layout Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. The approved road layout plan shall thereafter be implemented in full.**

Reason: To ensure that all residential units are served by an adequate road network in the interests of road safety, in accordance with Policy 3 Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

5. **No development shall commence until a revised Construction Method Statement (CMS) has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority.**

The development shall thereafter proceed in accordance with the approved CMS with monitoring reports provided by the Ecological Clerk of Works to the Cairngorms National Park Authority acting as Planning Authority, at agreed intervals, during the construction phase for watercourse crossings for the construction road serving the site, unless otherwise agreed in writing with the CNPA.

Reason: To ensure that trees on and around the site which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 and that there are no adverse impacts to, or disturbance of reptiles, nesting birds, and bats, and otter which are a European Protected Species and one of the qualifying interests of the River Spey Special Area of Conservation, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

6. **No development shall commence until a revised Landscape and Maintenance Plan in accordance with BS EN ISO 11091:1999 and Woodland Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The revised plans must include:**
- a) **A plan showing numbers and locations of each tree and shrub species;**
 - b) **Planting schedule to show for each species, the total number, type, and size at planting;**

- c) **Specification for planting to include ground preparation, planting operations and protection from herbivores;**
- d) **A plan that demonstrates woodland is excluded from garden boundaries and is protected by stock proof fence of at least 1.1-1.2m tall; and**
- e) **Long term woodland management plan for the woodland area to the east of the application site identified in blue on the approved Site Location Plan which will ensure the long term health of the woodland and promote biodiversity.**

The approved Landscape and Maintenance Plan and Woodland Management Plan shall thereafter be implemented in full and maintained in accordance with the approved detail. Any plant losses within the first five will be replaced at the next planting season.

Reason: In the interests of amenity and to ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 and to ensure that trees on and around the site which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

7. **No development shall commence on site until a revised Tree Protection Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The revised plan is to demonstrate that no development will encroach on tree protection areas and provide appropriate buffer zones to sensitive habitats including woodland and suckering aspen, in accordance with tree protection provisions as set out in BS8545:2014. Works shall thereafter be undertaken in accordance with the approved plan.**

Reason: To ensure that trees on and around the site which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

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

Reason: To ensure the development complements and enhances the landscape in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

9. **No development shall commence until a revised Typical Roadwork Details document has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. The development shall thereafter be constructed in accordance with the approved details.**

Reason: To ensure that satisfactory arrangements for the active travel are provided in accordance with Policy 3: Sustainable Design.

10. **No development shall commence until details of the provision and ongoing maintenance of visibility splays measuring 2.4 metres by 60 metres to the north and 2.4 metres by 120 metres to the south as measured at the junction of the new proposed access road and the C1128 have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. No residential unit shall be occupied until these works have been implemented in accordance with the approved details and will be maintained thereafter in accordance with the approved details throughout the lifetime of this consent.**

Reason: In the interests of road safety to ensure that safe access is provided to the site and that the development is appropriately serviced in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

11. No residential unit shall be occupied on site until new footpaths at least 1.5 metres wide connecting to Boat of Garten and to the sawmill off the C1128 have been constructed in compliance with details approved by the planning authority in consultation with the Highland Council Transport Planning Team.

Reason: To ensure that satisfactory arrangements for the active travel are provided in accordance with Policy 3: Sustainable Design.

12. No external lighting shall be installed on site until details of the type of lighting, position, direction and intensity have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Any external lighting shall be installed and operated in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect European Protected Species including bats in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 and to minimise landscape character impacts by retaining a rural aspect to the development in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015

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

Reason: To ensure that provision is made for affordable housing as considered in this application in accordance with Policy 1: Housing Development and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

14. No residential unit shall be occupied until it is connected to public water and private drainage supplies.

Reason: To ensure that the development is appropriately serviced in accordance with Policy 10: Resources and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

15. No residential unit shall be occupied until the access road (including associated footpaths) and parking serving it has been constructed and surfaced in accordance with the approved details.

Reason: To ensure that all residential units are served by an adequate road network in the interests of road safety, in accordance with Policy 3 Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

16. No residential unit shall be occupied until a private management and maintenance agreement for all internal access roads, parking areas and footways that are not adopted, has been submitted to and agreed by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Highland Council's Transport Planning team. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the private management and maintenance agreement approved shall be implemented in perpetuity.

Reason: To ensure that all residential units are served by an adequate road and path network in the interests of road safety and to promote walking and cycling, in accordance with Policy 3 Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

17. No residential unit shall be constructed on site until details of the provision of bat boxes throughout the site have been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority.

Thereafter the development shall be implemented in accordance with those approved details before occupation of the residential unit(s) on which the relevant bat boxes are to be located. The boxes shall then be maintained and retained in situ.

Reason: To ensure the provision of enhanced opportunities for bat roosting in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2015.

18. All driveway and car parking space dimensions shall comply with the Council's Roads and Transport Guidelines for New Development.

Reason: In the interests of road safety and to ensure safe access and egress for the development in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

19. The development hereby approved shall be constructed in accordance with the approved plans and sections.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The person undertaking the development is advised that Road Construction Consent will be required from the Roads Authority (Highland Council) as per the comments of the Highland Council Transport Planning Team available on the CNPA website.
5. It is recommended that all new housing incorporates integrated flexibility for home-working and high speed fibre broadband connections.
6. Construction work on the application site (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.

7. The person undertaking the development should note that they will require to apply to Scottish Water for formal connection to public water supplies at which time the Agency will review capacity – further details available in their consultation response. They will also require to contact Scottish Water’s Assets Impact Team with regard to any Scottish Water infrastructure on the application site – contact service.relocation@scottishwater.co.uk.

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.