
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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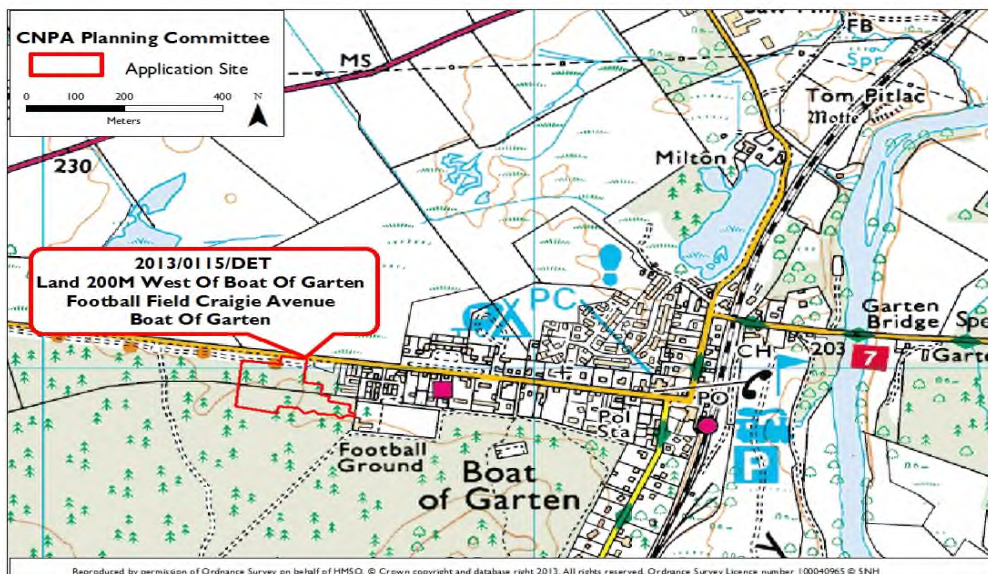
DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE ERECTION OF 30 HOUSES, 2 HOUSE PLOTS, ASSOCIATED ROADS AND FOOTWAYS ON LAND 200 METRES WEST OF BOAT OF GARTEN FOOTBALL FIELD

REFERENCE: 2013/0115/DET

APPLICANT: DAVALL DEVELOPMENTS,
AVIEMORE C/O BRACEWELL
STIRLING CONSULTING

DATE CALLED-IN: 15 APRIL 2013

RECOMMENDATION: APPROVE WITH CONDITIONS



Grid reference : 293490 818950

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

The Proposals

1. Planning permission is sought for the erection of 30 houses, and 2 house plots, and all associated roads and footways on an area of woodland on the western edge of Boat of Garten. The site covers 1.95 hectares and the public road which connects Boat of Garten with the A95 trunk road runs to the north of the site. A new access is proposed off the public road to serve the housing development, and would be positioned on the western side of the existing lorry park and recycling centre.
2. The existing residential properties in Craige Avenue are located a short distance to the east of the proposed site – the site area does not immediately adjoin the existing properties; an area of woodland (which is outside the site boundary) would be retained between the existing and proposed new housing development. Boat of Garten Community Hall is located adjacent to the south eastern corner of the site, while land to the south and west is part of the wider surrounding woodland.



Fig. 2 : Proposed site, adjacent to housing on the western side of the village (as viewed from the A95)



Fig. 3 : Proposed site layout

3. A total of 9 house types are proposed across the site. Of the 30 houses proposed, 10 have been identified as affordable housing. The remaining 22 are 'housing for sale.' The following table provides a summary of the house types proposed.



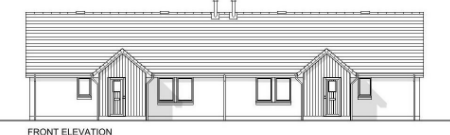



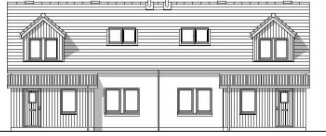

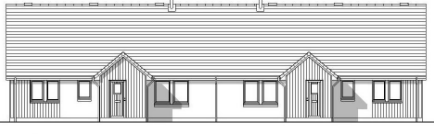
House type	Description	Number
	Type A; 3 bed detached; Integral garage; 133 square metres.	2
	Type D; 4 bed detached; Integral garage and car port; 155 square metres.	5
	Type E; 2 bed semi- detached; 66.5 square metres	2
	Type F; 4 bed detached; Integral garage; 217.2 square metres.	2
	Type J; 2 bed semi- detached; 83.6 square metres	4
	Type K; 2 bed detached; 102.2 square metres	1
	Type M; 3 bed semi detached; 90.2 square metres	4
	Type 2B4PV; 2 bed semi detached; 83.5 square metres; Affordable unit.	6
	Type 3B5PB; 3 bed semi- detached; 66.5 square metres; Affordable unit.	4

Table I : Proposed house types

4. The proposed house types are described in supporting information as being “indicative of the style and visual appearance which complements the rural setting.” Although incorporating a range of house types, forms and sizes, many proposed features and finishes are consistent across the whole development, including the general use of steeply pitched roofs and traditional pitched roof dormers with timber surrounds. A consistent combination of external finishes is also proposed on the various house types. Roughcast is the predominant finish, with stained timber clad panelling being used on selected features. Slate ‘lookalike’ tiles are proposed as the main roof finish over all habitable accommodation, with profiled metal sheeting proposed on garages and porches.
5. Front garden areas are proposed in an open plan format. Various areas of communal planting are identified at the front and side of a number of properties, with the potential to create a treed avenue effect. Timber screen fencing is proposed to demarcate private rear garden areas¹ - 1.8 metre high fencing is proposed between the open plan front and the enclosed rear gardens, while the rear garden boundaries of all properties forming the periphery of the site would consist of a 2 metre high timber screen fence.



Fig. 3 : 3D image of proposed development

6. The proposed layout reflects the aspirations of the Scottish Government’s advice on ‘Designing Streets’² as well as being designed to reflect the traditional street pattern of Boat of Garten, which includes grids of access roads on north / south and east / west axis. The layout is such that significant emphasis would be placed on non vehicular users, with several pinch points being incorporated into the design in order to slow vehicular traffic and create an increased awareness of pedestrian activity. Black tarmacadam is proposed as the main road surface, with granite setts being used at all pinch points / transition areas. Instead of conventional hard surface footpaths, a more informal approach is also proposed with the use of 2 metre wide grass service strips. In addition to encouraging greater pedestrian activity within the development, the layout also

¹ Internal boundary divisions between adjacent gardens would be in the form of post and rail fencing.

² ‘Designing Streets – A Policy Statement for Scotland’ (2010).

makes provision for continued access around the site and with the surrounding area.

Servicing

7. As noted above vehicular access is proposed via a new opening off the public road to the north. This includes a granite sett arrangement to demarcate the crossing point of the existing footpath linking the village to the primary school which is located some distance to the west, and a new link to join the footway network east to the village. The road layout also makes provision for potential vehicular and pedestrian access through the south eastern area of the proposed housing site to the Boat of Garten Community Hall and the surrounding ground which includes a car park, playground and sports pitch. A new pedestrian access point is also proposed from the south eastern corner of the development to link to existing pathways through the woodland.
8. Surface water drainage will be dealt with by means of soakaways and swales. Connection to public water supply and sewerage is proposed. A drainage impact assessment has been submitted in support of the application outlining these arrangements with indicative sustainable urban drainage layout plan provided.

Supporting Information – Design and Sustainability

9. A short supporting Design and Sustainability Statement has also been submitted with the application which sets out how the application is considered to deliver a development which complies with Local Plan policies , covering the following:
 - Houses will be “super” insulated to minimise energy use
 - Supplementary heating systems such as wood burning stoves and solar water heating to supplement oil use
 - Orientation to maximise solar gain together with shelter from trees
 - Use of locally sourced timber
 - Use of rural vernacular design and finishes
 - Good quality pedestrian links
 - Proximity to recycling centre

Supporting Environmental Information

10. The application site is located on woodland as noted earlier. Although there are no specific designations on the site itself it is close to the Special Protection Area at Abernethy Forest and is part of the network of woodlands used by capercaillie in Strathspey. There has been extensive ongoing consideration for the last 2 years on how to mitigate the potential impacts upon capercaillie (as a result of increased recreational use of the woods by residents of any new housing), as well as mitigation of the impacts generated from the existing housing. This has resulted in the development of a suite of proposed mitigation measures which are attached as Appendix I.

11. These measures are summarised in the table below:

Measure	Overall outcome this will achieve
<u>Measure 1:</u> Requesting that people keep dogs on a lead on paths in the areas of medium and high brood habitat quality during the period 1st April – 15th August.	No increase in disturbance to capercaillie by dogs ranging off-paths in the sensitive parts of the woods at the sensitive time of year .
<u>Measure 2:</u> Requesting that people stay on paths in the areas of medium and high brood habitat quality during the period 1st April – 15th August.	No increase in disturbance to capercaillie by people off-paths in the sensitive parts of the woods at the sensitive time of year.
<u>Measure 3a:</u> Develop native vegetation screening alongside paths in the areas of high brood habitat quality.	No increase in disturbance (especially visual disturbance) to capercaillie from an increase in people using existing paths.
<u>Measure 3b:</u> Prior to any new housing being occupied, install temporary screening (e.g. hessian) into areas necessary to deliver an effective screen before vegetation grows sufficiently.	No increase in disturbance (especially visual disturbance) to capercaillie from an increase in people using existing paths.
<u>Measure 4:</u> Limit construction access to the development site, and retain a screen of trees around the site.	No increase in disturbance of capercaillie arising from construction.
<u>Measure 5:</u> Fencing any new development within the woodland, and providing a single direct access to the woods at the east end of the development.	No new informal ‘desire line’ paths in the woods.
<u>Measure 6:</u> Promoting, improving and/or developing alternative off-lead dog walking areas and routes close to the village.	No increase in disturbance to capercaillie by dogs ranging off-paths in the sensitive parts of the woods at the sensitive times of year.

12. Work is ongoing on implementing measures 1 and 2 (behaviour of walkers and dogs) through signage, the work of the seasonal Ranger in Boat of Garten, and leaflets. A resident’s information pack is also proposed for the future occupants of the proposed housing. Work is also ongoing on implementing measure 3 (a) (screening of paths) by the Estate who have prepared the areas of land for replanting. Measure 3 (b) (screening) will be implemented by the developer who will provide temporary screening (details to be agreed with the CNPA and SNH) before occupation of the first house on the scheme. Measures 4 and 5 (fencing around application site) will also be implemented by the developer. Finally Measure 6 (alternative dog walking area) will be implemented by fencing of a dog walking area by the river on land under the control of the Estate, with CNPA promoting and implementing this measure.
13. A number of environmental studies have been submitted with this application, which were carried out for an earlier application for a larger development at this site (see planning history section below) These studies considered impacts upon various species including bats, squirrels and capercaillie.

Planning History

14. The site has a long and complex history. It was part of a much larger allocation in the 1997 Badenoch and Strathspey Local Plan for housing, a school and commercial uses. An application for development dating from 2002 (before the National Park was designated) was not determined by Highland Council and was appealed to Scottish Government on the grounds of non determination. CNPA had objected to Highland Council that the proposal would have an adverse effect on the woodland as a valuable natural resource and habitat and as an integral part of the setting of the village. SNH had also objected to the application. The appeal was dismissed by the Reporter in 2006 largely on the basis of it not being demonstrated that there would be no adverse impacts upon capercaillie.
15. A reduced allocation was included in the Deposit Cairngorms National Park Local Plan 2007. Following the Local Plan Inquiry, the Reporters recommended that the allocation should not be considered as part of the effective land supply and should be removed. In considering the post-inquiry modifications at the Board meeting on 14 May 2010, Members agreed to remove the allocation, but to leave the settlement boundary so that a smaller and more appropriate development could still be considered on its merits within that boundary. This was in recognition of the need for affordable housing in particular within Boat of Garten and the Convener confirmed that planning staff would take forward discussion with the community and other partners to this end. The current Cairngorms National Park Local Plan was adopted on 29 October 2010 and reflects this position.
16. CNPA convened the Boat of Garten Housing Working Group in October 2010 following approval of the Local Plan. The aim of the Group was to bring together the range of parties necessary to address relevant issues and help facilitate delivery of the housing that the village requires, while conserving capercaillie and providing high quality recreational experiences for the people of Boat of Garten and for visitors. The Group was chaired by ex-Councillor Stuart Black and includes representatives of the Community Council and community, Seafield and Strathspey Estates, Highland Council, SNH, Highland Small Communities Housing Trust, Housing Associations and staff from CNPA. The Group has met on several occasions, prior to and since the determination of the application (08/272/CP) referred to below, and prior to the submission of the current planning application. For the avoidance of doubt, the Group has been briefed on, but not directly involved in, pre-application discussions and has been looking at the wider issue of housing provision in the village, not solely in relation to this site. The Group has also been involved in discussion of wider mitigation measures to address capercaillie conservation and recreational use around Boat of Garten.
17. A full application(reference 08/272/CP) for 77 houses, primary school site and amenity ground considered at the January 2011 meeting of the CNPA Planning Committee when it was recommended for refusal on numerous grounds, including the impacts upon capercaillie. The application was deferred at this meeting to enable further information on mitigation of the impacts upon

capercaillie to be submitted. This took a number of months and the applicants produced a substantial report. Following submission of this information the application was considered again at the November 2011 meeting when it was refused.

18. The reasons for refusal related to:
 - the principle of the development on a site which had not been identified as part of the housing land requirement;
 - it not being demonstrated that there would not be a unacceptable impact upon capercaillie
 - unacceptable impacts upon red squirrel
 - layout and design did not reflect the setting of the site
 - failure to provide access to village hall
 - contrary to aims of National Park.
19. It was acknowledged in the Committee report at the time that some of these issues could be addressed by revisions to the proposal. In taking the decision to refuse the application, Members stressed the importance of continuing to work with the Boat of Garten Housing Working Group to look at how to provide affordable housing for the village.
20. Finally, in relation to planning history, planning consent was granted by the CNPA in 2004 for the erection of the community hall and relocation of play area. This was subject to a planning condition as follows which is relevant to the current application in relation to access arrangements – it stated as follows:
“Should alternative vehicular access become available the current access from Craigie Avenue to the site shall be stopped up for vehicular traffic in a manner (but not for pedestrians and cyclists) to the satisfaction of the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Area Roads Manager”

DEVELOPMENT PLAN CONTEXT

National Policy

21. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government’s policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim “to achieve the right development in the right place.”
22. SPP sets out the Scottish Government’s objectives of creating successful places and achieving quality residential environments which should guide the whole process of delivering new housing. It highlights that the siting and design of new housing is required to take account of its setting to create places with a distinct character and identity. The importance of protecting natural heritage is also stressed with an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but

the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.

23. In terms of national policy also relevant are the Scottish Government publications “Designing Streets” and “Designing Places” which emphasise the need to create communities with a strong sense of place. Designing Streets expressly sets out that street design must consider place before movement explaining that street design should meet the six qualities of successful places (as set out in Designing Places) these being : distinctive, safe and pleasant; easy to move around, welcoming, adaptable, and resource efficient and sustainable.
24. The need to create inclusive environments is stressed and the fundamental importance of designing development to make the most of its setting in the landscape and so avoid today’s common failing of looking and feeling as if the development could be anywhere.

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

25. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are:
 - A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.
 - Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are also of relevance to the current proposal. Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements.

Structure Plan Policy

Highland Council Structure Plan (2001)

26. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from these principles.

27. Some key policies include Policy NI – Nature Conservation which advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
28. The Structure Plan also includes a section on biodiversity highlighting the need to protect, and where possible enhance biodiversity and to monitor any change. Policy L4 Landscape Character also highlights the importance of enhancing landscape. The importance of housing is also stressed with other policies relating to sustainable design.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

29. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265> All policies of the Plan apply to new development. The application site lies within the settlement boundary of Boat of Garten as defined in the Local Plan. Boat of Garten is identified as an intermediate settlement in the settlement hierarchy of the Plan.
30. Part of the application site is identified under the designation C I which states that the site to the west of the village is to be retained in order to support the community and it would be appropriate for a new school and/or other uses which support the economic development of the settlement and its sustainable community. Any proposal must take account of the high environmental sensitivity of its context. The design of any development to retain as much of the existing woodland on site as possible. (The current consultation draft of the Cairngorms Proposed Local Development Plan identifies the site for housing with no specific site allocated for a school.)
31. The following current planning policies are of particular relevance to the application.
32. Policy I:Natura 2000 Sites which sets out that any development likely to have an effect on a Natura 2000 site will be subject to an appropriate assessment and where this is unable to ascertain that the development will not adversely affect the integrity of the site, the development will only be permitted where that are no alternative solutions or there are imperative reasons of overriding public interest including those of a social or economic reason.
33. Policies 4 : Protected Species and 5 :Biodiversity which presume against any development which would have an adverse effect on habitat or species identified in the Cairngorms Local Biodiversity Plan or upon European Protected Species.

34. Policy 6: Landscape which sets out that there will be a presumption against development which does not conserve and enhance the landscape character of the National Park unless any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects can be mitigated.
35. Policy 16: Design Standards for Development which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of the sustainable design guide
36. Policy 18 – Developer contributions : which sets out that developments which give rise to a need to increase or improve facilities or infrastructure or will normally require the developer to make a fair and reasonable contribution in cash or in kind towards the additional costs or requirements. Further detail is provided in the Supplementary Planning Guidance on Developer Contributions.
37. Policy 19 – Contributions to affordable housing : this seeks to ensure the delivery of a wide range of housing options to a wide range of households in the Park and requires that development to incorporate a proportion of affordable housing. Further detail is provided in the Supplementary Planning Guidance on Affordable Housing.
38. Policy 20: Housing Development within Settlements which explains that settlement boundaries have been identified to indicate the extent to which the settlement may expand during the Local Plan period and that new housing should be contained within these boundaries. Housing proposals within the settlement boundaries will be considered favourably where it occurs on an allocated sites or where it 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. This support is also subject to the proposals reinforcing and enhancing the character of the settlement and accommodating appropriate amenity space parking and access arrangements
39. Policy 34: Outdoor Access- which supports developments which improve opportunities for responsible outdoor access.
40. Other servicing and technical policies apply which seek to ensure that development is satisfactorily serviced, including Policy 12 :Water Resources; Policy 29: Integrated and Sustainable Transport Network and Policy 36:Other Open Space Provision

Supplementary Planning Guidance

41. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

42. The Sustainable Design Guide sets out the principles to be considered when planning new development in the Park, whilst the Natural Heritage Supplementary Planning Guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. It sets out the six key principles used to assess planning applications in relation to natural heritage.
- Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park;
 - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
 - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
 - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on-site mitigation and off site compensation;
 - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
 - Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.

CONSULTATIONS

43. ***Scottish Natural Heritage (SNH)***: note that their objection to previous proposals related to the potential to disturb capercallie using the adjacent woodland, (which would have a significant effect on capercallie populations in four nearby SPAs) and that they had previously advised that this could be reduced through mitigation.
44. SNH now refer to the work that has been undertaken since the previous refusal of planning permission in November 2011, involving the developers, the Estate (landowners), the local community, CNPA and SNH in developing a set of mitigation measures. The aim of the mitigation measures is to reduce existing levels of recreational disturbance to capercallie in the woods, and to avoid any increase in disturbance from any new housing development of the scale proposed in this application. Full details of the mitigation measures have been submitted in support of the application.
45. SNH highlight that the proposed site lies within woodland at Boat of Garten, which is not designated, but is nonetheless known to be well used by capercallie, which are part of the wider metapopulation in Badenoch and Strathspey.³ SNH has assessed the connectivity between Special Protection

³ Four of the five Special Protection Areas (SPAs) designated to safeguard the Strathspey metapopulation are close to Boat of Garten woods – Craigmore Wood, Kinveachy Forest, Abernethy Forest, and Cairngorms.

Areas and Boat of Garten woods and has concluded that if part of the capercaillie metapopulation using the Boat of Garten wood were to be negatively affected by this proposals, then the conservation objectives of the SPAs could be affected. However, if the capercaillie in Boat of Garten wood could continue to live in the wood and breed successfully, then the population using the SPAs would be unaffected.

46. They advise that the proposal could lead to increased disturbance to capercaillie, particularly from increased recreational use in the woods. Accordingly SNH advise that the proposal is likely to have a significant effect on capercaillie⁴ in four nearby special protection areas (SPAs) That their own appraisal indicates that the development will not adversely affect the integrity of these sites and that in their view the package of mitigation measures will ensure that the development does not increase disturbance to capercaillie in the wood.
47. They advise that an Appropriate Assessment should be undertaken by the CNPA. (This has been undertaken as part of the CNPA's Habitats Regulation Assessment and SNH were also asked to input to the Habitats Regulations Assessment undertaken by the CNPA.)
48. **RSPB** advise that even with the proposed mitigation the development is likely to lead to additional unacceptable disturbance to capercaillie in the wood due to displacement of current recreational use further into the woods and disturbance from dogs. As a result they object to the application and have asked to be **heard** at Committee. They highlight that this is a finely balanced judgement based on the lack of certainty that the package of mitigation measures will be sufficient to prevent an increase in disturbance.
49. RSPB have suggested a range of further measures which they consider should be implemented including enhanced capercaillie monitoring, more restricted access, extending of dates for seasonal signage, prohibition of dog ownership through title deeds for new residents and annual review of the mitigation measures. They have also highlighted the need for an appropriate assessment to be carried out and the need for it to conclude, beyond reasonable scientific doubt, that the proposal will not adversely affect site integrity. RSPB have asked to be given the opportunity to comment upon the assessment. (As noted above this has now been undertaken as part of the CNPA's Habitats Regulation Assessment procedure. RSPB's response has been included within this report and is set out at stage 7)
50. **Scottish Water** : have not responded at the time of writing, although they have provided input to the CNPA Habitat Regulations Assessment confirming that their waste water treatment works will be upgraded to accommodate this development
51. **SEPA**: have not responded at the time of writing.

⁴ A qualifying interest of the four nearby SPAs.

52. **Highland Council Flood Prevention Team** has no objections
53. **Highland Council Forestry Officer** : notes that the proposal is in an area of recently thinned, mature Scots pine woodland and has expressed a number of concerns about the proposals as follows:
- loss of around 1.6 hectares of forestry land would be contrary to the Scottish Government's Control of Woodland Removal Policy.
 - proposed felling will expose non-windfirm woodland edge around the outside of the site which could increase the risk of windthrow
 - development would be at the expense of the woodland rather than co-existing with it
 - narrow nature of the proposed 20 metre roadside retention strip of trees, may limit management options
 - no professional assessment of the trees to be felled
54. The Forestry Officer highlights that he has not been involved in any pre application discussions with this site and concludes that a detailed landscape plan should be submitted to show how the development will be integrated into the landscape. It should be noted that further to this consultation response, additional landscape information has been provided by the applicants and the CNPA Landscape Officer has assessed this information.
55. **Highland Council Roads Officer** : has no objections to the application subject to various planning conditions being imposed to cover the following key matters
- Provision of visibility splays
 - Provision of pedestrian links (he notes that the remote footways will not be adopted by the Roads Authority)
 - Parking provision
 - Extension of 30 mph signage and provision of gateway feature
 - Provision of footway from site access to lorry park frontage
56. He further notes that vehicular access to the Community Centre is to be available via the application site, and that, whilst the shared surface is not ideal for this purpose, this is acceptable on the understanding that access to the Community Centre will remain available through Craigie Avenue. He also notes the community have previously expressed a desire to have traffic calming measures and possibly a formal pedestrian crossing point on Deshar Road, and as the Council has no available funds for this a suitable contribution from the developer could be considered. Finally he notes that if access to a future school site is proposed through the application site then demonstration of suitability will be required.

57. ***Highland Council Housing*** It is understood that this site has been identified as a priority project by Highland Council and one which they would hope to deliver as rented housing in terms of the affordable component . Highland Council have now confirmed that the 10 affordable homes form part of the Strategic Development Plan that has been lodged with Scottish Government. This funding is at risk if the Boat of Garten project cannot be delivered and, as such, other “shadow projects” would then require to be brought forward.
58. ***Boat of Garten Community Council:*** have confirmed strong support for the proposal, following extensive community consultation over the past 18 months, since the refusal of a previous housing proposal on the land in November 2011 and have requested to be **heard** at Committee. The Community Council confirms that it also supported the previous proposal, but notes that “*this application meets with even greater approval as it is seen as a much more suitable size for this village community.*”
59. It is explained in the consultation response that the main principle upon which the community support is based is the “*importance of balancing the needs of the human population with the needs of the wildlife in the surrounding woodland.*” The need for a sustainable community in Boat of Garten is highlighted, and in particular the need for affordable housing. The Community Council response suggests that if Boat of Garten “*is denied this more modest development then it is our contention that the sustainability of the community is at significant risk.*” As an example, reference is made to young families having difficulty finding affordable accommodation locally and having to accept housing elsewhere. They further note that the development offers the opportunity to provide improved access to the community hall and meets the various criteria set out in their housing principles for the village.
60. ***CNPA Access Officer:*** notes that Boat of Garten woods already support a high degree of outdoor access and recreation, being the closest area of woodland to the most densely populated part of the village with existing issues identified regarding off lead dog walking and capercaillie which is why work was initiated on tackling this by signage and appointment of a seasonal Ranger.
61. In this context the importance of noting that the proposed mitigation measures (apart from the new resident’s pack) will apply to *all* residents in the village, not just new residents is highlighted , with the collective implementation of the measures being crucial to success. The approach of management rather than restriction is supported and the mitigation proposals are viewed as a practicable solution. It is finally noted that the opportunity should be taken to incorporate pedestrian access to the Community Hall car park to allow direct access to the Hall. (This is provided for in the layout)

62. **CNPA Heritage Manager and Ecology Officer** : have considered the application in detail. The Ecology Officer has advised that there are some deficiencies in the survey information provided with the application and that some is now four years old, and in the event of the application being supported further more detailed surveys with attendant mitigation measures detailed would be required. An updated survey will also be required in respect of squirrels, pine marten and badgers together with conditions requiring provision of nesting boxes for bats and swifts.
63. Otherwise the loss of this pinewood (which is of relatively recent age) can be satisfactorily compensated for by other planting being undertaken by the landowner (Seafield Estates) who are in the process of expanding the extent of the contiguous pinewood habitats
64. As noted by Scottish Natural Heritage an Appropriate Assessment requires to be undertaken for this proposed development. This has been carried out by the CNPA as part of a Habitats Regulations Assessment of the development and this has been the subject of consultation with SNH and RSPB. This detailed assessment has considered the impacts of the development on its own, and in combination with other plans and projects, upon Natura sites to establish whether there are any likely significant effects on the qualifying interests of the sites.
65. Whilst the Boat of Garten site is not designated as a Natura site, it hosts a significant proportion of the population of capercaillie which are a qualifying interest for four nearby SPAs, (Abernethy, Kinveachy, Cairngorms and Craigmore Wood) with Boat of Garten acting as a “stepping stone” for the capercaillie meta population as they move between areas. The significance of Strathspey for the UK’s capercaillie population is highlighted with 75% of this population located in Strathspey. It is the potential impacts upon capercaillie that form the crux of the assessment
66. The Heritage team have considered the impacts arising from the development in terms of disturbance to capercaillie and have concluded that, with all the mitigation measures in place and working collectively as predicted ,the development will have no adverse effect upon the conservation objectives of the SPAs and that it will not damage the integrity of these sites. A copy of the Habitats Regulations Assessment is attached as Appendix 2 .
67. **CNPA Landscape Officer** advised that there is scope for a housing development of this scale on the edge of the village which could complement, and over time enhance, the landscape of the settlement. However it is critical that the landscape design and management is driven by the objective to integrate the development into its woodland context with the current proposals giving insufficient reassurance that this will be achieved.
68. Further information is therefore sought on management of the woodland around the housing site, fully detailed landscape plan including tree protection around the site together with details of the boundary treatments in and around the site which should reflect the need for a suitable visual treatment.

69. Some additional information has been provided by the applicant but this is not considered to be sufficient to cover all the points raised above. It is understood that the applicants are however willing to look further at this matter with a view to providing a sufficient level of detail and to ensure management of the woodland edge.
70. ***CNPA's Economic Development Manager*** : advises that though the development does not contain any specific economic development areas, housing development will deliver three inherent, and not insignificant, benefits to the economy in relation to:
- benefits to local contractors during the construction phase of the development
 - benefits to local employers through addressing the issue of shortage of appropriate affordable housing currently available in the area (the minimum requirement for affordable housing is 25 % under Local Plan policy but this proposal would deliver 33.3%) and
 - benefits to local businesses through an increase in demand for goods and services due to an increase in the local population and therefore an increase in spend in the local economy.
71. It is further noted that the provision of 10 affordable units should lead to a retention of young families in the area and attract economically active people to live in the area. This is important in terms of ensuring the sustainability of a small village such as Boat of Garten
72. ***CNPA's Affordable Housing Officer***: has provided general background to the housing situation in the village. He advises that there are an estimated 280 houses in Boat of Garten, 8.5% of which are rented out by Council/Housing Association with average re-let occurrence of 1-2 properties per year. Approximately 25% of the village's housing stock are holiday homes with median house prices higher than average.
73. The Community have frequently expressed concern regarding the need for affordable housing and the support it could offer for the local school where the roll is declining. The Boat of Garten Housing Working Group has met regularly to consider how to address housing needs in the village .
74. Against this background, Highland Council officials and Scottish Government have continued to make affordable housing provision in the village a strategic priority with funds earmarked for Boat of Garten in the Council's 2012- 2015 programme with 8 out of the 10 affordable houses highlighted in this development for Council houses for rent - the most affordable tenure of all.
75. In conclusion the Affordable Housing Officer advises that the affordable housing quota exceeds the present policy guideline of 25% and the Council's commitment to provision is greatly welcomed, with an evidenced local need for the housing in the community.

REPRESENTATIONS

76. The application was advertised in the local press and nine representations have been received objecting to the application, which are attached as Appendix 3. One of the parties has requested to be **heard**.
77. Key concerns can be summarised as follows
- Large scale developments such as this do not support sustainable development as they exclude smaller firms from participation and require further large scale development to sustain ongoing development.
 - Contrary to Local Plan, to Reporter's findings which removed this designation from the Plan, National Park Partnership Plan and to previous refusal by CNPA on this wider site.
 - Adverse landscape impact of erosion of woodland setting of village –does not conserve and enhance landscape.
 - Sufficient housing development has taken place in Boat of Garten
 - Approval of this site will lead to further development in the woodland
 - Damaging to wildlife with capercaillie mitigation measures unproven and insufficient
 - Mitigation measures in respect of alternative dog walking routes may give rise to environmental impacts in these locations.
 - Contrary to Habitat and Birds Directive as there is no certainty that there will not be any adverse impacts upon capercaillie population.
 - Core purpose of National Park is to conserve wildlife and economic development should not be permitted at expense of conservation.
 - Adverse impacts upon protected species (including invertebrates) have not been considered.
 - Loss of amenity to existing houses as result of new development some 15 metres away.
 - Adverse impact upon residents from increased traffic.

APPRAISAL

Principle of Development

78. As noted by objectors there has been previous relevant planning history on this site, with consent refused in 2011 as being contrary to Local Plan policies. At this time a larger development was proposed. In addition to this decision, the designation of this land for housing in the Local Plan had also been the subject of consideration by the Scottish Government Reporters in relation to the Local Plan inquiry when it was recommended that the specific housing allocation be removed.

79. The Reporters expressed general concern regarding the CNPA's approach to housing land allocations across the Park, but did not take issue that there was scope for a housing land allocation in Boat of Garten, which was considered to accord with the strategic objectives of the National Park Plan at the time. They also did not consider the site to be disproportionately large, and subject to suitable phasing noted that the allocation could be appropriate to the role that Boat of Garten plays in the settlement hierarchy. However they could not conclude that the site was essential.
80. The Reporters also expressed concern regarding the impacts upon a threatened species, Capercaillie, and upon the landscape. They acknowledged that the issues may be capable of being addressed but that an overwhelming need for the allocation had not been demonstrated.
81. Set against this background, there are some fundamental changes with this current proposal, not least the reduced scale, but also the detailed proposals to address any potential environmental impacts upon capercaillie. In addition significant work has been carried out by the local community to consider housing needs in the village and it has been demonstrated that there is a need for new housing land, and in particular affordable housing. This requirement is borne out by the Housing Authority (Highland Council) who have prioritised affordable housing provision in Boat of Garten.
82. The site lies entirely within the settlement boundary of Boat of Garten as defined in the Local Plan although it is not specifically designated for housing, with part of the site allocated for a school site/community use. As the site lies within the settlement boundary the principle of development is considered to be generally in line with Policy 20 for housing within settlements providing it does not prevent the future development of the school/community site and providing the development is in keeping with the area and meets all relevant planning policies importantly those relating to environmental protection.
83. It also worth noting that there are no firm plans for a school site at present and it could be considered that the provision of affordable housing in itself constitutes a "use to support the community" as set out in the Local Plan. Accordingly it is considered that there is no particular policy conflict in general terms in respect of the principle of housing development here.
84. It is therefore the detail of the submission that requires to be considered.

Location of Site

85. At a general level, and following on from consideration of the principle of development here as outlined above, it is considered that this site is very well located in terms of proximity to services and amenities, with good links to the well used village hall, sports field, play area and to the recycling area. As such it readily meets the principles of sustainable development and would provide a well located site for housing - both affordable and housing for sale. It would also help support the future sustainable development of the village by providing affordable housing as noted by the Community Council.

86. No other sites for housing have been identified in the village and as such the general location is considered to be a good one. It is however environmental impacts that are a particular, and key, issue in this case.

Environmental Impacts – Nature

87. Policy I: Natura Sites requires that where there is likely to be a significant effect on a Natura Site an Appropriate Assessment must be carried out. In this case, although the application site itself is not a Natura Site, it is considered that there is a likely significant effect on Natura sites in terms of the relationship to the network of SPAs in Strathspey which support capercaillie with the Boat of Garten woods acting as a “stepping stone” for this priority species to move around network.
88. Accordingly a Habitats Regulations Assessment, including an Appropriate Assessment was undertaken by the CNPA to fully consider this point. As summarised in paragraphs 63 to 65 earlier this concluded that the significant effects could be mitigated by the measures outlined by the developers. On this basis it is concluded that the development would not adversely affect the integrity of the Natura Sites. SNH have been consulted on this and in their own natura advice to the CNPA have concluded that the mitigation measures for capercaillie are sufficient to ensure that there will be no significant adverse effects on the Natura sites and their qualifying interests.
89. In these circumstances the development is considered to meet the policy test of Policy I *providing* the mitigation measures are implemented in full and as a complete package. Implementation of the mitigation measures is partly dependent on land outwith the applicants’ control and as such an appropriate legal agreement will require to be undertaken between affected parties (Estate, developer and CNPA) to ensure delivery. In particular, the proposals for screening of paths within the woodland and the alternative dog walking provision.
90. Awareness raising and educational measures continue to be delivered by the Seasonal Ranger as supported by the CNPA and this will continue to be the case. Monitoring of the use of the woods for recreational activity and for capercaillie will also be undertaken between SNH and the CNPA.
91. The remaining environmental issues relate to other aspects of ecology of the site itself. It is considered that there is sufficient information to give confidence that any outstanding matters are capable of resolution through appropriate mitigation and updated survey work prior to construction, in the event of the application being supported. Concerns raised by objectors in this regard have been carefully considered and incorporated as required in the Heritage Team’s final responses.
92. Finally, it is considered that the ecological effects from the loss of this small part of the commercial woodland are compensated for by other woodland expansion programme, by the Estate, adjacent to the woodlands.

Environmental Issues – Landscape Impact

93. Another key environmental impact is the landscape impact arising from this edge of village location. Policy 6 requires that new development should conserve and enhance the landscape. In this regard there is potential for the development to achieve this objective if the development is designed to ensure that the wooded edge around the site is maintained and reinforced.
94. As present the submitted plans do not cover this area, and this requires to be rectified together with submission of detailed landscape plans for the planting within and around the site too. Subject to satisfactory information being submitted in this regard I am confident that this matter can be resolved and that the landscape impact could over time become positive as the new planting becomes established and the peripheral woodland around the site is managed proactively.

Layout and Design

95. The design and layout of the proposed housing is considered to be generally acceptable incorporating a good mix of house types and tenure. The layout has taken on board the principles of designing streets and has helped to create a reasonably informal layout which provides for safe pedestrian use and slowing down of traffic. The key to achieving a quality layout, which helps deliver the aspiration that the housing sit well in its wooded setting, could be achieved through a high quality landscape scheme as referred to above along with careful use of finishes and boundary treatment.
96. The proposed layout is reflective of the existing grid pattern layout nearby and would complement the character of this western end of the village. Plot frontages vary in size from around 10 metres (semi detached units) to largest frontage of around 30 metres. A 10 metre wide strip has been retained between the back gardens of houses on the south eastern part of the site and the rear gardens of existing houses at Craigie Avenue. This is considered to be sufficient in amenity terms and whilst it is appreciated that the existing properties will lose their open outlook at the back (south) the proactive management of the woodland should help to mitigate this loss.
97. In these circumstances the development is considered to comply with Local Plan policies on design and siting

Provision of Affordable Housing

98. The provision of ten affordable houses in this scheme is greatly welcomed. At 31% this is in excess of the minimum 25% policy requirement and will help address the housing needs identified by the community. Other house types will also help address housing needs in the area and support the ongoing growth of the village, as well as supporting local services and facilities.

Servicing

99. The site can be satisfactorily serviced in terms of access, parking, drainage and surface water disposal subject to appropriate planning conditions being attached. Suitable planning conditions can also help address waste management within the site at both construction and operational stage.
100. Issues relating to access to the Community Hall and to a future school site can also be addressed by planning conditions, with the applicants happy to provide for access to the Hall from their site. The long term access arrangements for the Hall, in terms of the use of Craigie Avenue, cannot be resolved under this application as further community input will be required to understand what the community's preference may be as well as input from the Roads Authority on any proposals. However at this stage it is important to identify the initial link from the application site to the Hall and this has been done.
101. Similarly land requires to be reserved for any future links to school or community sites on land to the south.

Economic Development Issues

102. As noted by the CNPA Economic Development Officer the development would help to support economic development through the provision of housing to help retain people in the area and thus support job creation, and by providing economic development opportunities during construction.
103. I do not share the concerns raised by objectors regarding large scale developments not supporting sustainable development in this case, particularly given the scale of the development which at 32 houses is not considered to be unduly large. Furthermore as noted earlier it will deliver much needed affordable housing.

Access and Recreational Opportunities

104. This application does not impede ongoing access and recreational opportunities. Furthermore, as a result of the proposed capercaillie mitigation measures, it offers the opportunity to continue to manage recreation in a proactive manner which helps enable residents and nature to co-exist successfully in a village surrounded by woodland.

Conclusion

105. In these overall circumstances it is considered that the previous reasons for refusal on this site have been addressed by the current submission. The scale of the development has been considerably reduced whereby, subject to a suitable level of landscaping and woodland management being agreed, the development will sit well in its surrounding without detriment to landscape quality.

106. A need for affordable housing has been clearly demonstrated through community and Local Authority assessments whereby previous reservations regarding the need for housing are overcome. Indeed considerable local support for the proposal has been evidenced through the Community Council's consultation response and the ongoing work of the Boat of Garten Housing Working Group. This work has informed the housing needs consideration and has also established that no other suitable housing sites have been identified in the village. As such it is considered that there is a strong case for new housing here.
107. Moving on to environmental issues, importantly in this case, considerable effort has been expended to develop a suite of mitigation measures which will address any impacts upon capercaillie arising out of the development. These will also help address existing issues as a result of the established development in the village. Accordingly I am satisfied that the matter has been adequately addressed and that it has been demonstrated that there will be no significant adverse effects on the SPAs.
108. The concerns of the RSPB are noted, but given the support for the mitigation measures from SNH and the conclusions of the Habitats Regulations Assessment it is not considered justifiable, or indeed proportionate, to ask for the level of further measures (such as prohibition of dog ownership) being sought by the RSPB.
109. Other issues raised by objectors have been covered elsewhere in the report.
110. In these overall circumstances the application is considered to now comply with Local Plan policies whereby approval is recommended subject to appropriate conditions and agreements.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

111. Providing all mitigation measures are implemented in relation to capercaillie and management of woodland around the site, it is considered that the development meets with this aim, and will help provide an ongoing basis to address both existing and future issues regarding the co-existence of capercaillie and residents in Boat of Garten. Suitable planning conditions can ensure that other aspects of natural heritage are conserved and enhanced.
112. The development is considered to be suitably designed and laid out, is located within the settlement boundary of Boat of Garten, and offers the opportunity to secure the long term management of trees around the perimeter of site, which, if combined with a suitable level of planting within the site, should help to ensure the natural heritage in terms of landscape is conserved and enhanced.

Promote Sustainable Use of Natural Resources

113. The construction of the houses offers the opportunity to use locally sourced construction materials and energy efficient practises/construction. However woodland will be lost to accommodate the development, and this requires to be off-set by suitable planting within the site and management of woodland around the site in order to ensure this aim is met.

Promote Understanding and Enjoyment of the Area

114. The opportunity to direct walkers and residents in a more structured way into the woods contributes to this aim as do the mitigation measures relating to impacts upon capercaillie which offer an opportunity for continued work to improve the understanding of residents and visitors of the local wildlife and species.
115. The development of a resident's information pack also provides an opportunity for promoting the understanding and enjoyment of the special qualities of the area by explaining the importance of local species and the role the public can play in ensuring the continued well being of such species.

Promote Sustainable Economic and Social Development of the Area

116. The proposed development supports this aim by providing the opportunity to secure affordable housing within the village which will help support its ongoing economic and social future. The need for affordable housing has been identified by the community and the development is generally welcomed as fulfilling this need. Provision of housing will help support economic development due to the link between having a house and getting a job. Furthermore the construction of the housing will provide opportunities for local employment and economic benefits.
117. Additional housing in the village will also help to support local facilities and services during both the construction and occupation stage.

RECOMMENDATION

- A) That Members of the Planning Committee consider and note the content and conclusions of the Habitat Regulations Assessment in Appendix 2 of this Report.
- B) That Members of the Committee support a recommendation **GRANT** planning permission for the erection of 30 houses, 2 house plots, associated roads and footways on land 200 metres to the west of Boat of Garten Football Field, Craigie Avenue, Boat of Garten, subject to :
1. An appropriate legal agreement being concluded with landowners, developers and the CNPA to ensure that the complete package of mitigation measures of riverside dog walking provision , management of woodlands outside site and screening (both temporary during establishment of vegetated screening and provision of permanent vegetation screening) are implemented before occupation of the first house on the site.
 2. Provision of a revised landscape plan to show suitable planting within the site (including where possible retention of some existing trees) and management and maintenance of sufficient woodland around the site to minimise the risk of windblow and ensure that an appropriate woodland setting is retained. Full details of maintenance and implementation of landscaping to be provided.
 3. The following planning conditions:

Time 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.

2. Applications for the proposed houses on plots 7 and 8 shall be submitted for the approval of the Planning Authority. These applications shall include the following details which shall reflect the character and style of the overall development hereby approved
 - Siting
 - Design and finishes
 - Servicing including arrangements for access, drainage and waste management
 - Landscaping.

Reason: As plots 7 and 8 have been approved in principle only.

Environmental Conditions

3. No work shall commence on site until such time as the entire site is enclosed by fencing of a design to be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority

Reason: To minimise environmental disturbance in accordance with Local Plan policies

4. All rear boundary fencing shall be retained unbroken with no openings formed, or crossing made, which could enable access to woodland beyond. Rear boundary fencing to be provided in accordance with the details approved under the terms of Condition 11 before the house to which it relates is occupied and retained thereafter throughout the lifetime of the consent

Reason: To help safeguard the integrity of the capercaillie population and minimise environmental disturbance in accordance with Local Plan policies

5. Before any house on the development is occupied a resident's information pack shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Scottish Natural Heritage. This pack shall include information how residents may help mitigate environmental impacts, use the woods responsibly, and provide educational material on the special environmental qualities of the area. The approved pack shall thereafter be provided to each household within the scheme prior to occupation and shall be retained within the property thereafter.

Reason: To help safeguard the integrity of the capercaillie population, minimise environmental disturbance and promote understanding and enjoyment of the area, in accordance with Local and National Park Partnership Plan policies

6. Before any house on the site is occupied the capercaillie mitigation measures numbers 3 (a), 3 (b) and 6 outlined in the mitigation statement shall be implemented in accordance with details to be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Scottish Natural Heritage.

Reason: To help safeguard the integrity of the capercaillie population, minimise environmental disturbance and promote understanding and enjoyment of the area, in accordance with Local and National Park Partnership Plan policies.

7. No work shall commence on site until a pre construction survey has been undertaken by a suitably qualified and experienced practitioner and the results, together with any proposals for mitigation of any impacts submitted to, and approved by, the Cairngorms National Park Authority acting as Planning Authority. This survey shall be undertaken in accordance with recognised guidelines and will consider the following
- Red squirrels , badgers and pine marten – this survey to cover a minimum 30 metre buffer into the woodland and shall cover places of rest (the developer is advised of the requirement to obtain a license from SNH for any disturbance of any of these species if resting places are found)
 - The results of the survey may highlight the need for mitigation and if this is the case the details and timetable for implementing such mitigation shall be agreed with the CNPA acting as planning authority before any works take place and shall be carried out in accordance with the agreed details thereafter.

Reason: To minimise environmental disturbance and maintain biodiversity, in accordance with Local and National Park Partnership Plan policies

8. The following surveys are required in the next available season and prior to works on site. They must be undertaken by a suitably qualified and experienced practitioner and the results, together with any proposals for mitigation of any impacts submitted to, and approved by, the Cairngorms National Park Authority acting as Planning Authority. These surveys must be undertaken in accordance with recognised methodology guidelines and will consider the following
- Wood ants nests on the site and for 30 meters beyond the site boundary (please note if translocation is necessary then this must be undertaken in accordance with best practise guidelines)
 - UK BAP fungi – survey to cover the whole site and an area of not less than 200 metres beyond the site boundary and be undertaken at the appropriate time of year.
 - The results of the survey may highlight the need for mitigation and if this is the case the details and timetable for implementing such mitigation shall be agreed with the CNPA acting as planning authority before any works take place and shall be carried out in accordance with the agreed details thereafter.

Reason: To minimise environmental disturbance and maintain biodiversity, in accordance with Local and National Park Partnership Plan policies

9. All construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays, there shall be no work or deliveries of materials on Sundays and Public Holidays unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To minimise environmental disturbance, in accordance with Local and National Park Partnership Plan policies

10. No work shall commence on the construction of the houses hereby approved until details of a scheme for the provision of nesting boxes for bats and swifts is submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. This scheme reflect the requirement for at least ten such boxes across the site or the provision of specialist brick provided across the site for each type of use and positioned in accordance with best practise. Any house identified for provision shall not be occupied until such time as provision has been made in accordance with the approved details

Reason: To ensure that biodiversity is maintained in accordance with Local Plan policies.

Finishes and Detailing

11. No work shall commence on the construction of any houses until such time as details of all boundary enclosures are submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. These details to reflect the following requirements:

- Rear boundaries to be of construction which prohibits access into the woods, with no openings or crossings whatsoever to be formed as per Condition 4 earlier. Consideration to be given to use of design/finishes/landscaping to reduce “hard” effect of ranch fencing.
- Front and side boundary enclosures to reflect requirement to retain open, woodland feel of the site for example, stone dykes, post and wire fencing and/or hedging of native species.

Thereafter the enclosures shall be implemented in accordance with the approved plans prior to occupation of the house to which it relates and retained as approved throughout the lifetime of the development hereby approved.

Reason: To ensure that the landscape character of the area is maintained and enhanced in accordance with Local Plan policies.

12. No work shall start on the construction of the foul pumping station at the site access until details of its design, siting and landscaping have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the landscape character of the area is maintained and enhanced in accordance with Local Plan policies

13. No work shall start on the construction of the houses hereby approved until details by way of sample or brochure of all external finishes have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the landscape character of the area is maintained and enhanced in accordance with Local Plan policies

Affordable housing

14. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority, the housing on plots 9 – 18 shall be retained at all times as affordable housing comprising 8 social rented units and 2 shared equity units. Furthermore no work shall commence on site until details of the contractual arrangements for the provision of the affordable housing, including timescale, have been submitted to and accepted by Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure compliance with Local Plan policies on affordable housing

Access and servicing issues

15. No development shall commence on site until details of the finishes and surfacing of all footways and roadways is submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. This shall include details of access from the site east to the Community Hall where pedestrian access shall be provided (at the end of the access point in front of plot 16)

Reason: In the interest of pedestrian and road safety and the visual appearance of the site , to ensure compliance with Local Plan policies

16. No development shall commence on site until the following access information has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority and in consultation with the Roads Authority:
- Details of land to be reserved for any future access to a school/community site. The interim treatment (e.g. landscaping) of this area to be included and the area shall thereafter be retained in this use until such time as it may be required for accessing a school site
 - Details of the proposed finishes for the section of land lying between the eastern end of the cul de sac at plot 16 and the car park of the Community Hall which shall reflect the requirement for provision of pedestrian access (with full details of width, lighting and specification provided) and vehicular access. The approved details shall thereafter be implemented before occupation of any house on the scheme.

Reason: In the interest of pedestrian and road safety and the provision of suitable access to local facilities, in order to ensure compliance with Local Plan policies

17. Unless otherwise agreed with the the Cairngorms National Park Authority acting as Planning Authority no work shall commence on site until details of
- (a) the timing of the re positioning of the 30 mph speed limit signs and
 - (b) the design and finishes of a gateway feature to define this entrance to the village have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority and in consultation with the Roads Authority.
- The details shall thereafter be implemented on site in accordance with the approved timetable.

Reason: In the interest of road safety and visual amenity in accordance with Local Plan policies

18. Prior to its installation, details of the proposed lighting scheme for the site shall be submitted to and approved by the Cairngorms National Park acting as Planning Authority and in consultation with the Roads Authority. These details to reflect the rural location, together with the need for lighting which does not detract from the landscape and wider amenity of the area. Lighting shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of road safety and visual amenity in accordance with Local Plan policies

19. At least two car parking spaces shall be provided within the curtilage of each residential unit.

Reason: In the interests of road safety in accordance with Local Plan policies

20. Unless otherwise agreed with the Cairngorms National Park Authority (CNPA) acting as Planning Authority and in consultation with the Roads Authority, a bus shelter shall be provided in a position to be approved by the CNPA in consultation with the Roads Authority and in accordance with an agreed timetable. Details to be submitted and approved before occupation of the first house on the site.

Reason: In order to support an integrated transport network in accordance with Local Plan Policies

21. The site access shall be constructed in accordance with the visibility splays shown on the approved site plan before occupation of the first house on the site and maintained thereafter in this condition throughout the lifetime of the development

Reason: In the interests of road safety in accordance with Local Plan policies

22. Individual plot accesses shall be formed to provide visibility splays of 2.4 metres (x dimension) by 20 metres (y dimension) on each side of the access point prior to occupation of the house to which they relate and maintained thereafter throughout the lifetime of the development (At no time shall there be any obstructions in the splays which would obscure visibility between a driver's eye height of 1.05 metres positioned at the x dimension and an object height of 0.6 metres anywhere along the y dimension.

Reason: In the interests of road safety in accordance with Local Plan policies

Landscape Issues

23. No work shall commence on any of the houses hereby approved until details of the final site levels of the particular house have been submitted to and approved by the Cairngorms National Park Authority as Planning Authority.

Reason: To ensure that the development fits into the area in the interests of conserving and enhancing the landscape in accordance with Local Plan Policies.

24. No development shall start on site until a detailed scheme for the landscaping (including future maintenance) has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The scheme shall include the management and maintenance of a 30 metre wide area of woodland outwith the site, with full details of the retention and protection of trees to be provided and shall also include landscaping around the pumping station area. The overall landscape scheme for the site shall include compensatory planting and indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges. The maintenance scheme shall outline how the landscaped areas will be maintained in perpetuity and in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the 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.

The approved scheme shall be implemented in the first planting season following occupation of the first house on the scheme , aside from in curtilage planting which shall be carried out in the first planting season following occupation or completion, whichever is the sooner, of the house to which it relates.

Note: the comments of the CNPA Landscape Advisor should be used as a basis for developing the scheme.

Reason: To ensure that the development fits into the area in the interests of conserving and enhancing the landscape in accordance with Local Plan Policies.

25. Before works starts on site detailed plans of the disposal of surface water by means of a sustainable urban drainage solution shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The approved scheme shall be implemented before occupation of the first house on the site, other than individual plot proposals which shall be implemented before occupation of the house to which they relate.

Reason: To ensure that surface water is dealt with in a manner appropriate to the environment in accordance with Local Plan policies

26. Before works starts on site details of the arrangements for the recycling, segregation and collection of waste shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority and thereafter implemented in accordance with the approved details before occupation of the houses.

Reason: To ensure that waste management is dealt with in a manner appropriate to the environment in accordance with Local Plan policies

27. No work shall commence on site until a construction method statement detailing arrangements for temporary disposal of surface water, protection of trees and minimisation of construction waste has been submitted to and approved by Cairngorms National Park Authority acting as Planning Authority. Work shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure that there is minimal environmental disturbance in accordance with Local Plan policies

28. No house shall be occupied until it is connected to the public water and sewerage network.

Reason: In the interests of environmental amenity and provision of services in accordance with Local Plan policies

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13 June 2013

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.