

CAIRNGORMS

NATIONAL PARK AUTHORITY

DECISION NOTICE

Application Reference: 09/355/CP

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008.

The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003

National Parks (Scotland) Act 2000

APPLICANT:

**Mr Brian O'Donnell
Ironhorse Developments Ltd
Fairlawn
Kinchurdy Road
Boat of Garten
PH24 3BP**

AGENT:

**Davidson Design Partnership Ltd
C/o Alan Baxter
191a The Studio
Nicol Street
Kirkcaldy
KY1 1PF**

CNPA in exercise of its powers under the above mentioned Act and Regulations

grants conditioned planning permission for:

Conversion of Steadings to 5 Houses;

Demolition of Cottage and Erection of Replacement Cottage

at;

Invertromie Steading, Kingussie

and in accordance with the particulars contained in the accompanying application form and the following plans/drawings:

<u>Drawing No.</u>	<u>Description</u>	<u>Date Received</u>
PA SP-02 Rev B	Site Plan As Proposed	1 Mar 2010
PA LD-01	Landscape Design As Proposed	1 Mar 2010
PA RA-01 Rev D	Road Access Proposed Plan	5 May 2010
I176-031-004	Proposed site with areas of compensatory storage	5 May 2010
	Location Plan 1:5000	17 Nov 2009
PA LP-01	Location Plan	17 Nov 2009

PA PR-04	Proposed Elevations	17 Nov 2009
PA PR-01	Proposed Ground Floor Plan	17 Nov 2009
PA PR-02	Proposed First Floor Plan	17 Nov 2009
PA PR-03	Proposed Roof Plan & Sections	17 Nov 2009
PA PC-01	Proposed Cottage Plan & Elevations	17 Nov 2009
PA G-02	Proposed Plans & Elevations Garage	17 Nov 2009
	Bat Mitigation Plan	3 Mar 2010

Subject to compliance with the following condition(s):

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 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. **Prior to the commencement of development, a scheme to deal with potential contamination on site shall be submitted and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council's Contaminated Land section. The scheme shall include :**

- (a) **The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted and agreed in writing with the CNPA acting as Planning Authority, in conjunction with Highland Council's Contaminated Land section, and undertaken in accordance with PAN33 (2000) and BS10175:2001;**
- (b) **The measures required to treat / remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;**
- (c) **Measures to deal with contamination during construction works;**
- (d) **In the event that remedial action is required, a validation report that will validate and verify the completion of the agreed decontamination measures; and**
- (e) **In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such period as is considered appropriate by the CNPA acting as Planning Authority.**

Prior to the commencement of development, written confirmation that the scheme has been implemented, completed, and if required, monitoring measures are in place, all to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, shall be required.

Reason: To ensure that adequate remediation is carried out on potentially contaminated lands prior to the commencement of development.

- 3. Prior to the commencement of development samples of external finishing materials for wall and roof finishes, windows and doors shall be submitted to and approved in writing by the CNPA acting as Planning Authority and thereafter incorporated into the design and conversion of the steadings.**

Reason: To ensure an appropriate finish on all structures.

- 4. Finished floor levels should be no lower than a level of 226.3m AOD (N). Prior to the commencement of development a contoured site plan, accompanied by details of all proposed finished floor levels shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to demonstrate this. Thereafter the development shall be undertaken in accordance with the agreed specifications.**

Reason: To mitigate against the risk of potential flooding at the site.

- 5. Prior to the first occupation of any building within the development confirmation shall be submitted in writing to the Cairngorms National Park Authority acting as Planning Authority, that the compensatory flood storage works required to be undertaken have been carried out in accordance with Terrenus Drawing No. I176-031-004 Rev A. The area required for such works must be retained for the purpose of compensatory flood storage only, and must not be amended, altered or used for any other purpose whatsoever, unless prior approval has been received in writing from the Cairngorms National Park Authority, acting as Planning Authority.**

Reason : To mitigate against the risk of potential flooding at the site.

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

Reason: In order to give separate consideration to these matters in respect of the design and the space standards of the dwellings, in the interests of the amenity of the area and the character of the development.

7. All drainage works shall be fully operational prior to the first occupation of any dwelling unit within the development.

Reason: In the interests of orderly development and in the interests of the public health and general amenity of residents of the dwelling units.

8. Prior to any works commencing in connection with the development, the works listed in the following paragraphs shall be completed and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Roads Authority: -

(a) The existing access shall be upgraded to the satisfaction of the Roads Authority. At its junction with the public road, design and construction shall generally be in accordance with the submitted details, with the exception of the following :

- **Edge radii shall be a minimum of 6 metres instead of the 4.5 metres indicated;**
- **Edge kerbs shall not be required at the interface with the public road carriageway. The access construction shall be keyed into the carriageway construction;**
- **Pre cast concrete kerbs, 125mm x 150mm, laid flush shall be installed across the access instead of 50mm x 150mm edge kerbs.**

(b) Localised repairs with well bound and compacted graded crushed rock material shall be carried out along the remaining length of the existing access;

(c) Passing places, in accordance with the details shown on the Road Access Plan - drawing no. PA RA-01 rev A, and Proposed Access Road Arrangements – drawing no. 01, shall be provided between the public road and the application site. Successive passing places shall be intervisible;

(d) A refuse bin collection point shall be provided close to the junction of the access track with the public road, as shown on drawing no. PA RA-01 rev B;

(e) Visibility splays shall be provided and maintained on each side of the access road at its junction with the public road. These splays are the triangles of ground bounded by the first 3.0 metres along the centreline of the access road (the x dimension) and the nearside edge of the public road (the y dimension) measured at least 150 metres in each direction

from the intersection of the access road with the public road;

- (f) **Within the visibility splays nothing shall obscure visibility between driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension;**

Reason: In the interests of traffic safety.

9. **Prior to the commencement of development details of warning signage (including sign type, content and locations) to be positioned at points where the Badenoch Way crosses the access track, shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The signage shall thereafter be erected and maintained in place in accordance with the agreed specifications.**

Reason: In the interests of ensuring that adequate warning is provided in the vicinity of the crossing place and in the interests of the general safety of users of the area.

10. **A suitable management and maintenance agreement shall be established in respect of the access road and all communal roads, paths, parking areas and hard or soft landscaped areas that are not adopted by Highland Council. Details of and evidence of the maintenance agreement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development.**

Reason: To ensure the long term management and maintenance of any elements within the development that are not to be adopted by a statutory body.

11. **No water from the access road shall shed onto the public road and the developer shall be responsible for any measures necessary to prevent public road water shedding onto the access road.**

Reason: In the interests of traffic safety and in the interests of public safety.

12. **Street lighting shall be provided, as required, to the satisfaction of Highland Council's Area Lighting Manager.**

Reason: In the interests of public safety.

13. Parking and manoeuvring space for the development shall be provided in accordance with the details shown on the amended 'Site Plan as Proposed' (dwg. no. PA SP-02 rev B) and 'Landscape Design as Proposed' (dwg. no. PA LD-01), and shall include manoeuvring space for a larger service vehicle within the main area of the application site.

Reason: In the interests of traffic safety and to avoid traffic congestion.

14. The mitigation measures contained in the Bat Mitigation Plan (Bat Mitigation Plan – Invertromie Steading and Cottage, February 2010) shall be implemented in full.

Reason: In order to protect Bats as a European Protected Species and in the interests of conserving and enhancing the natural heritage of the area.

15. The development shall not impinge at any time either during the course of construction or upon completion, on existing access provision in the area, including through the site and on the existing Badenoch Way.

Reason: In order to protect existing access provision in the area.

16. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such services shall avoid all trees and tree root systems. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

Reason: In the interests of the visual amenity of the area.

17. All new landscaping and boundary treatment shall be carried out in accordance with the details shown on the landscaping plan ('Landscape Design as Proposed' dwg. no. PA LD-01) and the site layout plan ('Site Plan as Proposed', dwg. no. PA SP-02 revB). The landscaping shall be completed within one year of the commencement of works. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason: In the interests of visual amenity and to enhance the natural heritage value of the area.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no boundary treatment other than that identified on dwg. no. PA LD-01 and dwg. no. PA SP-02, shall be erected without the prior written consent of the CNPA acting as Planning Authority.

Reason: In the interests of visual amenity and the character of the development.

19. Prior to the commencement of development a Sustainability Statement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority and shall demonstrate the range of measures which are to be implemented to improve the sustainability of the development. All agreed measures shall be implemented in full thereafter.

Reason: To achieve improved energy efficiency and sustainability.

Advice Note:

A road opening permit shall be required for all works within or alongside the public road.

Variations: None

Section 75 Obligation: None

Reason(s) for approval:

1. The proposal is considered to accord with the aims of the Cairngorms National Park.
2. The proposal complies with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.

Dated: 30 April 2010

Don McKee - Head of Planning

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -
PLEASE RETAIN WITH YOUR TITLE DEEDS**

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AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available:
or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.