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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of 6 dwelling houses and associated works at Former Railway Yard  
Killiecrankie

**REFERENCE:** 2022/0012/DET

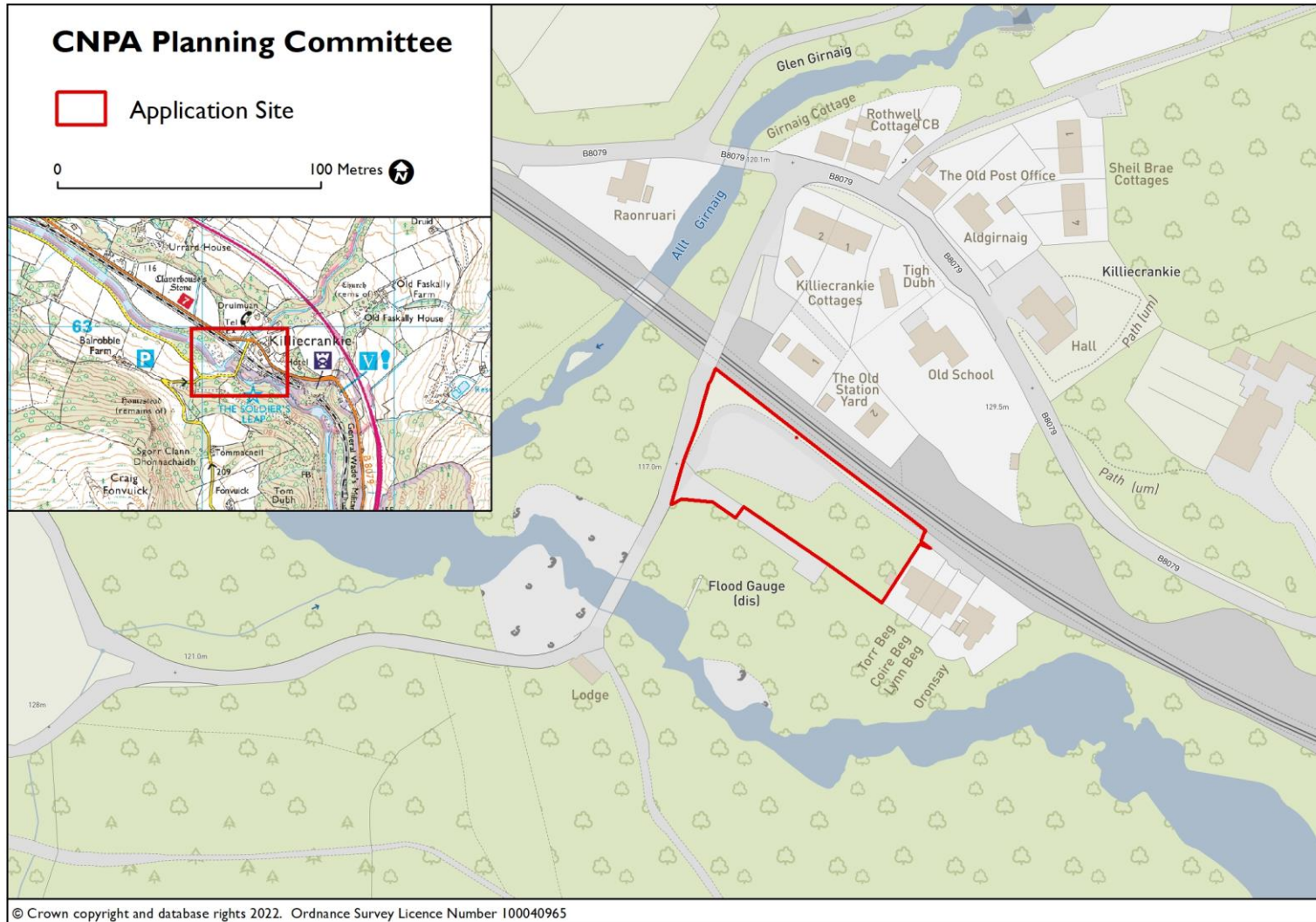
**APPLICANT:** Whiteburn Investments

**DATE CALLED-IN:** 17 January 2022

**RECOMMENDATION:** Approve subject to conditions.

**CASE OFFICER:** Alan Atkins - Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

- The proposed development site covers an area of approximately 0.35 hectares and is currently a brownfield site in Killiecrankie. The site comprises of mossy vegetation, trees and shrubs and is generally flat. There is a steep slope along the south boundary, sloping to the south with another smaller slope in the northern corner of the site. There is a gravel / tarmac road running from the southwest corner to the northeast corner of the site, and along the northern boundary. The site is bounded to the north by a railway line, and to the west by the B8079 road. There are no existing buildings on site, apart from a small, disused shed in the southern corner. There is existing housing located approximately 40m from the proposed development site and the River Garry flows 50m south of the site.

### Proposal

- The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5J0XASI0C100>

| Title  | Drawing Number       | Date on Plan* | Date Received |
|--|----------------------|---------------|---------------|
| <b>PLANS</b>                                   |                      |               |               |
| Plan - Location Plan.                          | 3991/LP/01<br>VER2   | May 2021      | 19/01/22      |
| Plan - Existing Site Plan.                     | 3991-SD-01<br>VER 1  | May 2021      | 19/01/22      |
| Plan   | 3991/PD/01<br>VER3   | May 2021      | 19/01/22      |
| Plan - Proposed Floor Plans.                   | 3991/PP/10<br>VER 2  | May 2021      | 19/01/22      |
| Plan - Proposed Elevations.                    | 3991/PD/11<br>/VER 3 | May 2021      | 19/01/22      |
| Plan - Rural Location Plan.                    | 3991/LP/02/<br>VER 1 | May 2021      | 19/01/22      |
| Plan - Proposed Drainage Plan.                 | 3991/PD/02<br>/VER 3 | May 2021      | 19/01/22      |
| Plan - Tree Constraints Plan.                  |                      | May 2021      | 19/01/22      |
| Plan - Tree Constraints Plan.                  |                      | May 2021      | 19/01/22      |
| Plan - Tree Survey.                            |                      | May 2021      | 19/01/22      |
| Plan - Proposed Typical Security Fence Detail. |                      | May 2021      | 19/01/22      |

|  |                     |            |          |
|--|---------------------|------------|----------|
| Plan - 3D Visual 1.  | 3991/PD/12<br>VER3  | May 2021   | 19/01/22 |
| Plan - 3D Visual 2.  | 3991/PD/13<br>V ER3 | May 2021   | 19/01/22 |
| Plan - 3D Visual 3.  | 3991/PD/14<br>VER3  | May 2021   | 19/01/22 |
| <b>SUPPORTING DOCUMENTATION</b>                              |                     |            |          |
| Other - Design Statement.                                    |                     | May 2021   | 19/01/22 |
| Other - Noise and Vibration<br>Impact Assessment.            |                     | May 2021   | 19/01/22 |
| Other - Phase I Habitat and<br>Protected Species Assessment. |                     | May 2021   | 19/01/22 |
| Other - Site Investigation Report.                           |                     | May 2021   | 19/01/22 |
| Other - Site Investigation Report<br>Appendix A              |                     | May 2021   | 19/01/22 |
| Other - Site Investigation Report<br>Appendix C - F.         |                     | May 2021   | 19/01/22 |
| Other - Surface Water Statement.                             |                     | May 2021   | 19/01/22 |
| Other - Tree Planting.                                       |                     | March 2022 | 08/03/22 |
| Other - Tree Planting and<br>Maintenance.                    |                     | March 2022 | 08/03/22 |

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

3. It is proposed to erect six new dwelling houses on former railway yard land in Killiecrankie. The new houses will be positioned in three semi – detached blocks, one positioned at the entrance to the site and one on either side of the turning area. The proposed dwellings will be three-bedroom, 1.5 storey properties, with a pitched roof, dormer windows and conservation style rooflights. The houses will each have a floor area of 110 square metres and its own private garden ground. The houses are of a traditional appearance with a palette of materials including a slate roof, rendered walls, and timber cladding.
4. Plans of the proposals are included in **Appendix I**.

## History

5. The following is a planning history for the proposed development site. The applications have been submitted to Perth and Kinross Council.
  - a) 99/0167/OUT- Erection of three dwelling houses in outline. Approved.
  - b) 02/01870/OUT- Renewal of planning consent to erect three dwelling houses in outline. Approved.
  - c) 06/00121/OUT- Renewal of planning consent for the erection of three dwelling houses in outline. Approved.
  - d) 07/02013/FLL - Planning permission for the erection of six dwelling houses. Approved 24/02/2010.

- e) 21/00801/FLL - Planning permission for the erection of six dwelling houses. Refused 14/07/2022.

## Habitats Regulations Appraisal

6. A Habitats Regulations Appraisal [HRA] has been undertaken (5/08/21) to consider the effects of the proposal upon the conservation objectives of the European Sites of the Cairngorms Special Protection Area. The full appraisal is attached at **Appendix 2**.
7. The Habitat Regulations Appraisal concluded that the proposed development at Killiecrankie is unlikely to have a significant effect on the protected site at the River Tay Special Area of Conservation (SAC). In this instance, the qualifying interests are Atlantic salmon, sea lamprey, river lamprey, brook lamprey, and otter. The River Gary, which is located approximately 50m south of the proposed development site, is part of the River Tay SAC. The proposed site is set back some way from an intervening steep, wooded embankment that borders the River Gary. The rocky and fast flowing River Gary is unsuitable habitat for otter and given that there is existing housing in closer proximity to the SAC than the proposed development site, the level of existing human activity and the location of the proposed site means that there is no risk of disturbance for otter. Furthermore, given the distance of the site from the River Gary and the intervening wooded embankment, there should be no risk of sediment release during the construction stage, reaching the SAC. Therefore, there are no indirect effects likely from the proposed development and associated infrastructure. In addition, there are no effects on habitats and supporting processes of the qualifying interests.

## DEVELOPMENT PLAN CONTEXT

### Policies

|                          |   |          |
|--------------------------|---|----------|
| <b>National Policy</b>   | Scottish Planning Policy 2014   |          |
| <b>Strategic Policy</b>  | Cairngorms National Park Partnership Plan 2017 - 2022   |          |
| <b>Local Plan Policy</b> | Cairngorms National Park Local Development Plan (2021)<br>Those policies relevant to the assessment of this application are marked with a cross |          |
| POLICY 1                 | NEW HOUSING DEVELOPMENT   | <b>X</b> |
| POLICY 2                 | SUPPORTING ECONOMIC GROWTH  |          |
| POLICY 3                 | DESIGN AND PLACEMAKING  | <b>X</b> |
| POLICY 4                 | NATURAL HERITAGE  | <b>X</b> |
| POLICY 5                 | LANDSCAPE   | <b>X</b> |
| POLICY 6                 | THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT   |          |
| POLICY 7                 | RENEWABLE ENERGY  |          |
| POLICY 8                 | OPEN SPACE, SPORT AND RECREATION  |          |
| POLICY 9                 | CULTURAL HERITAGE   | <b>X</b> |
| POLICY 10                | RESOURCES   | <b>X</b> |
| POLICY 11                | DEVELOPER OBLIGATIONS   | <b>X</b> |

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

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

## Planning Guidance

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

|           |   |   |
|-----------|---|---|
| Policy 1  | New Housing Development Non-Statutory Guidance (2015) | X |
| Policy 2  | Supporting Economic Growth Non-Statutory Guidance     |   |
| Policy 3  | Sustainable Design Non-Statutory Guidance (2015)      | X |
| Policy 4  | Natural Heritage Supplementary Guidance               | X |
| Policy 5  | Landscape Non-Statutory Guidance                      | X |
| Policy 7  | Renewable Energy Supplementary Guidance               |   |
| Policy 8  | Sport and Recreation Non-Statutory Guidance           |   |
| Policy 9  | Cultural Heritage Non-Statutory Guidance              | X |
| Policy 10 | Resources Non-Statutory Guidance                      | X |
| Policy 11 | Developer Contributions Supplementary Guidance (2015) | X |

## CONSULTATIONS

### Summary of the main issues raised by consultees

10. **Scottish Water** has no objection to the proposal. They confirm that the development would be fed from Killiecrankie Water Treatment Works although capacity will have to be reviewed once permission is granted for the scheme. Regarding wastewater, the development would be serviced by Killiecrankie SEP Waste Water Treatment Works and again capacity would be reviewed once planning permission is granted.
11. **Network Rail** has no objections in principle to the development. However, due to its close proximity to the operational railway, it is requested that the following matters are considered, and, if necessary and appropriate, included as advisory notes, if granting the application: The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. The applicant must ensure that the construction and subsequent maintenance of proposed dwelling houses can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
12. Furthermore, the applicant should note that all construction work must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. The

applicant must be aware of any embankments and supporting structures that are in close proximity to the proposed development. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict these works to periods when the railway is closed to rail traffic, i.e., by a "possession", which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

13. As all, or part, of this land was previously owned by Network Rail, or its predecessors, title obligations may exist that require development consent to be obtained from Network Rail. No building works may commence until such consent has been confirmed. This must be obtained by the applicant out with the planning process. The developer must contact Network Rail's Asset Protection Engineer regarding this matter.
14. **Historic Environment Scotland** have noted that the proposals are for the erection of 6 no. 2-storey dwelling houses in the former railway yard at Killiecrankie Village, adjacent to the River Garry. However, it is further noted that these development proposals sit within the Inventory Historic Battlefield of Killiecrankie. The area of proposed development is not within the core of the Battlefield but sits within 50m of the famous Soldier's Leap. The area of the proposed development sits on the route of the Government advance and subsequent rout and retreat, both events likely to have contributed archaeological material in the form of artefact scatters to the Battlefield. There is also the suggestion of graves across the Battlefield area, although none have been formally identified, including around the development area. Any archaeological potential of the site will have been lessened by the site's previous use as a railway yard, which is likely to have involved earthmoving, excavations, and the levelling of the ground surface.
15. Given the low potential for archaeological impacts, Historic Environment Scotland do not have significant concerns about the potential of the development to impact negatively on archaeological material critical to the understanding of the Battle. However, it is recommended that appropriate archaeological mitigation is applied to the site prior to construction, such as metal detecting and a watching brief of any ground-breaking works. While near Soldier's Leap, the drop of ground from the area of the proposed development and the intervening vegetation makes it highly unlikely that the roofline of the proposed dwelling houses would be visible from the Soldier's Leap itself. Equally, the siting of the proposed structures would be in line with the established settlement plan of Killiecrankie village, with cottages arrayed either side of the railway line, maintaining the character of the area on the approach to Soldier's Leap, and when viewed from elsewhere on the Battlefield.
16. Whilst these factors mean that there are no significant concerns in relation to the proposed development, it is encouraged that measures to mitigate any impact to the character of the area, in particular the retention as far as possible of existing screening vegetation on the south side of the allotted development area facing Soldier's Leap.

17. **NatureScot** has stated that the proposed site is located within, and adjacent to, nationally and internationally important protected areas. However, it is advised that none of these will be adversely affected by the proposed development.
18. It is noted that in the previously refused application (28/00801/FLL) the applicant's intention was to connect to the existing sewerage system served by Scottish Water's Killiecrankie Septic Waste Water Treatment Works. It is noted that Scottish Water, in its response to the current application, is still unable to confirm whether there is sufficient capacity at this stage. Should it transpire that the development is unable to connect to the existing waste water treatment works and an on-site solution is required this could risk potential effects on the interests of the River Tay SAC and would need further assessment.
19. The proposed development site is adjacent to a small section of The Pass of Killiecrankie Site of Special Scientific Interest (SSSI) separated by the minor road from Killiecrankie. The SSSI is designated for its diverse oak woodland and a number of national rare fly species. The development will not affect the woodland opposite but should any upgrades to the minor road be required for delivery of materials etc, care should be taken to avoid damaging trees and disrupting soil structure on the SSSI side of the road. In terms of the River Tay SAC, they confirm that there is sufficient capacity in the Killiecrankie Water Treatment Works for the proposed development.
20. **Perth and Kinross Council Communities Conservation Officer** has no objection to the proposed development in terms of its impact on the setting of the listed building. There is clear separation from the application site and the proposed development would be visually legible as part of the existing group of buildings adjacent to the site.
21. **Perth and Kinross Contaminated Land Officer** has noted that records show that a site investigation was carried out for the site above by Mason Evans Ltd, where a report was produced on the 9<sup>th</sup> of February 2015. The report recommends that remedial measures are carried out to address the contamination on the site. Given this, it is recommended that the remedial procedures outlined in the site investigation are carried out, and that a Preliminary Risk Assessment (Phase I Desk Study) is submitted for consideration
22. **Perth and Kinross Council Environmental Health (Noise)** have no objections to the application but has recommended conditions to be included in any given consent. The application site is located adjacent to the railway line and therefore there is the potential for noise from rail traffic to affect future residents of this site.
23. Despite existing housing located in close proximity to the railway line in this area, it is noted that the proposed dwellings, in particular the dwelling to the West of the site would appear to be closer to the railway line and that future residents could not fail to be aware of rail noise, particularly during the night-time period or when outdoors.
24. It was recommended that a Noise Impact Assessment (NIA) be undertaken by a suitably qualified consultant to assess the impact of rail noise on the proposed residential units. It was noted during the noise survey that the general night-time ambient sound level is



relatively high for a rural location and that this was attributed to the River Garry being a dominant noise source.

25. The NIA predicts the internal and external noise levels along with the vibration levels and concludes that whilst external target levels and vibration levels are being met, internal levels allowing for open windows cannot be met for either day or night-time periods. It is important that an appropriate level of noise, dependant on the time of day, is never exceeded. It is concluded that mitigation is required to protect the residential amenity of any future occupants of the proposed development. In circumstances that require mitigation from road and/or rail sources, alternative means of ventilation, such as trickle ventilators can be acceptable. The most onerous glazing requirements will be required in the first floor habitable rooms, whilst less onerous glazing will be required on the ground floor rooms.
26. There are no objections in terms of noise to the proposed development. However, to prevent any loss of residential amenity for future occupants of the development, a condition should be included that all habitable rooms have windows, and mechanical ventilation, designed and constructed in accordance with the submitted NIA.
27. **Perth and Kinross Council Biodiversity Officer** has stated that the ecological report submitted for this application is of excellent quality. Compensatory planting for the loss of 9 trees is proposed and should be secured by condition, including replacing any failed planting. Furthermore, the recommended action points within the supporting biodiversity survey submitted, and hereby approved, shall be fully adhered to, respected and undertaken as part of the construction phase of development. Measures to protect animals from being trapped in open excavations and/or pipe and culverts should be implemented for the duration of the construction works of the development.
28. **Perth and Kinross Council Transport Planning Officer** has stated that there are no objections to the proposed development subject to the inclusion of a condition that relates to the Council's roads construction guidance regarding the proposed access. It is further recommended that informatives are included relating to streetlighting, disposal of surface water and roads opening consent.
29. **Perth and Kinross Council Developer Contributions Officer** has outlined that the assessment of nil contributions is on the basis that there is extant consent for development for the site (ref 07/02013/FLL) and an Affordable Housing commuted sum was paid up-front to release planning consent around 29 January 2010. The current application does not propose additional development.
30. The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Pitlochry Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

31. **Perth and Kinross Council Flood Prevention Officer** has no objections to the proposed development in terms of flood risk. However, the applicant is advised to refer to Perth and Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessment 2021, as it contains advice relevant to the proposed development.
32. **Perth and Kinross Heritage Trust** states that the site is considered to be of historic significance given it is located within a potential core route for troops to the Battle of Killiecrankie (1689) as defined by the Inventory of Historic Battlefield. There is some evidence on the potential for remains in and around the battlefield site. Given its former use as a railway yard any archaeological remains may have been disturbed. It's location to the famous Soldiers Leap spot however means there may still be potential for battlefield related remains to survive. A programme of archaeological works is recommended, the scope of which will need agreed in a WSI prior to works commencing. In terms of visual impacts and screening from certain viewpoints, it is important that new buildings fit with the character of Killiecrankie village and are not visible from key landmarks such as Soldiers Leap.
33. **CNPA Landscape Officer** has noted that the site is an old railway yard and has few sensitive features. Furthermore, the 9 trees to be felled are not a significant loss to the area considering the adjacent woodland this will not affect the landscape character or its visual amenity.
34. The proposed buildings are of a design and scale similar to nearby properties and the density is not high and leave small but adequate gardens and communal areas. It is considered that this will not detract from the character of the village or its visual amenity.
35. The application has proposals for 9 new trees around the site to compensate for the loss of the existing ones. The proposed tree planting plan and specification for planting and maintenance is wholly acceptable. However, here is a reference to an on-line nursery being the source of plant material. This is based in the south of the UK. Plant material from here may be less hardy and the provenance less appropriate. It is, therefore, suggested that they source material from nurseries in the north of Scotland, which would eliminate these problems
36. **CNPA Ecology Officer** has noted that the proposed development site is located approximately 50m away from the River Gary, which forms part of the River Spey Special Area of Conservation (SAC). However, given the existing, and intervening, steep, wooded slope, the proposed development will not impact on the SAC, or any protected species therein.
37. It is proposed to remove 9 trees from the site. However, none of the existing trees form part of the ancient woodland inventory. Furthermore, compensatory planting is proposed, which, once established, will result in an overall negligible change. However, it should be noted that all compensatory planting should be implemented as per the submitted planting scheme, and that only native species are used.
38. Given the loss of trees, there may be some habitat destruction and disturbance during the construction period. In order to minimise any such disturbance to protected

species, including birds and reptiles, and to comply with species protection legislation, any tree and ground clearance works should be undertaken out with the breeding birds season (March to August inclusive) If this is not possible, a pre- start breeding bird survey should be carried out by a suitably qualified ecologist. Furthermore, a survey for reptiles should also be carried out, prior to works commencing on site. The results of the surveys should be used to inform a Species Protection Plan, to be submitted for the written approval of CNPA, before any tree, or ground clearing works, can commence.

39. Furthermore, all proposed reptile and breeding bird mitigation measures should be implemented as per the Extended Phase I Habitat Survey and Protected Species Assessment. As recommended in the submitted survey and assessment, bird boxes, and bat boxes should be installed within the proposed development site, following the advice of a suitably qualified ecologist. All proposed timber boundary fencing should incorporate hedgehog passing holes, so that the private garden ground of the proposed houses does not exclude, or trap hedgehogs.
40. **CNPA Outdoor Access Team** have stated that the proposed development will not impact on public access, or recreation in the vicinity.
41. **Killiecrankie and Fincastle Community Council** have not made any comments regarding this application.

## REPRESENTATIONS

42. There have been no representations submitted in response to this application.

## APPRAISAL

43. The main planning considerations are considered to be: the principle of development; the impact upon the landscape; layout siting and design, environmental impacts; servicing and access; and developer contributions.

### Principle of Development

44. **Policy I: New Housing Development** of the Cairngorms National Park Local Development Plan 2021 supports new housing development only where it is located within an identified settlement boundary subject to that development meeting the requirements for the settlement and reinforcing and enhancing the character of the settlement. Furthermore, housing development should maximise opportunities for infill, conversion, small-scale development, and the redevelopment or reuse of derelict and underused land.
45. The proposed housing development is small in scale and will provide 6 new dwellings on an existing brownfield site, located within the defined settlement boundary of Killiecrankie. As a result of the proposals, an area of vacant land will be brought back into use, which will enhance the character of the settlement. Furthermore, the development will provide a welcome addition to the existing, local housing stock.

46. **Policy I:5 Affordable Housing** of the Cairngorms National Park Local Development Plan 2021 normally seeks the provision of affordable housing within development schemes of at least 25% of the development. Developments consisting of four or more dwellings should include provision for affordable housing. Developers seeking to negotiate a reduction in affordable housing provision must demonstrate through a Viability Assessment that the requirements make an otherwise commercially viable proposal unviable.
47. A commuted sum for affordable housing on this site has already been paid by the applicant to Perth and Kinross Council under a previous application (reference number 07/02013/FLL). There is no change in the amount of contribution required, and this contribution therefore has been carried forward to this application
48. On this basis, the principle of housing on this site is considered to be acceptable in terms of Policy I: New Housing Development, subject to compliance with other relevant Local Development Plan policies.

### **Landscape Impacts**

49. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
50. The proposed development site at Killiecrankie is a former railway yard and has very few sensitive features. As part of ground clearance works, it is proposed to remove nine trees, which will have a small impact on the landscape of the site. However, given the current nature of the site, its former use, and the lack of landscape character, the removal of the trees is not considered to be an issue. Furthermore, full compensatory planting is proposed, with native trees to be planted in the gardens of the new houses, including hazel and Scot's pine. There are also areas of hawthorn based, mixed hedges proposed, including other native species such as alder, cherry and blackthorn. Therefore, the proposed development, and associated planting, will result in an enhancement in the visual quality of the landscape of the site.
51. In light of the above, the proposed development will not introduce any notable detrimental changes to the landscape character of the site and immediate area, and is, therefore, considered to comply with Policy 5: Landscape, of the Cairngorms National Park Local Development Plan 2021.

### **Layout, Siting, Amenity, and Design**

52. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all developments must be designed to be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials. All materials and landscaping should complement the setting of the development.

53. The proposed layout includes access from the southwest which links to the B8079 and incorporates a small turning area within the site. The layout has 3 sets of 3-bedroom, semi-detached blocks. Two of the semi-detached blocks are positioned side by side, with the third block sitting adjacent to the entrance to the site and the B8079. The properties are all 1.5 storey in height and each unit has a floor area of 110 square metres. The proposed buildings are of a traditional design and scale, similar to nearby properties and include a complementary palette of materials of a slate roof, rendered walls and timber cladding. The development is low density and each property has its own modest garden. Furthermore, the siting of the proposed dwellings are in keeping with the established settlement pattern of Killiecrankie village, with cottages arrayed either side of the railway line, maintaining the character of the area. It is considered that the proposed development will not detract from the character of the village or its visual amenity.
54. In terms of residential amenity Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects the amenity currently enjoyed by neighbours and affords sufficient private amenity ground and off-street parking. Each property will be set within reasonably sized plots with sufficient distance between them and existing properties and there are no windows proposed for any of the facing gables of the new houses to ensure there will be no issues of overlooking and loss of privacy and an adequate level of amenity will be afforded to future occupants. Each dwelling has its own private garden and car parking provision. The proposal therefore complies with Policy 3 in this respect.
55. Given the location of the proposed housing adjacent to the railway line, there is the potential for noise from rail traffic to affect future residents of this site. This being the case, a condition is recommended that windows of all habitable rooms shall be fitted with glazing and trickle/mechanical ventilation as documented in the Noise Impact Assessment.
56. In terms of its layout, siting and design, and subject to the recommended condition, the proposed development will not have an adverse impact on the village of Killiecrankie and affords a satisfactory level of amenity for both existing and future occupants. The proposals are considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

### **Environmental Impacts**

57. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity.
58. It is considered that the proposals will not have any significant adverse ecological impacts. Furthermore, there are not any significant adverse impacts on species of conservation concern. There are not any statutory or non-statutory nature designations within the site boundary, though the Pass of Killiecrankie Special Site of Scientific Interest (SSSI) is across the road to the west. The site is of limited ecological value, dominated by a hard standing gravel surface with scrub and tall and non-ruderal vegetation around the margins. Although, it is proposed to fell nine trees as part of works, compensatory planting of nine native trees and planting two boundary

hedgerows will reduce the impact for the loss of the trees, the loss of scrub and tall vegetation for nesting birds.

59. Subject to the mitigation proposed with the planning application and contained in appropriately worded conditions, the proposal is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan

### **Servicing and Access**

60. **Policy 10: Resources**, of the Cairngorms National Park Local Development Plan 2021 sets out the need to fully consider impacts on flooding and water resources.
61. In this instance, there is sufficient capacity at the Killiecrankie Water Treatment Works to service the proposed development. Regarding water connections, the proposal would be connected to the mains water in the area, and to which Scottish Water have no objections.
62. Surface water run-off from the site will be dealt with in accordance with current SuDS guidelines. The surface water from the individual roofs of the new dwellings will be taken to individual soakaways located in the garden ground of each dwelling- All downpipes from the houses will be taken to this soakaway. All driveways within the plots will have a free draining finish.
63. It is confirmed that the site is not at risk of flooding from any source, nor will it impact on any neighbouring residential properties in terms of flooding. Therefore, the proposal is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
64. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all new development must include an appropriate means of access, egress and space for off street parking.
65. The proposed development will be accessed from the southwest, via the B8079. A turning head has been proposed for the centre of the site, located between two of the housing blocks, to enable sufficient manoeuvrability throughout the site. In the interests of road safety, a suitably worded, suspensive condition is recommended that the proposed vehicular access must be constructed in accordance with Perth and Kinross Council's Roads Development Guide in terms of access details and road construction.
66. In this instance, there is adequate off street vehicular parking provision to serve the scheme and it is considered that the application satisfies the roads requirements of Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

### **Contaminated Land**

67. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 states that development affecting contaminated land will be considered favourably where assessments are undertaken to identify actual and potential impacts, on site and off site,

of all stages of development proposals on the risks to human health and also to the Park's biodiversity, geodiversity, hydrology and other special qualities.

68. The proposed development was previously used as a railway yard and as such there may still be ground contamination issues on the site. Given this a suitably worded suspensive condition is recommended that a scheme to identify and address potential contamination issues should be submitted. Therefore, subject to a suspensive condition, the proposal is considered to comply with **Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021**.

## Cultural Heritage

69. **Policy 9: Cultural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to conserve and enhance features of historic or archaeological significance, or to avoid, minimise or mitigate and adverse effects on them.
70. The proposed development site is in the vicinity of the Battle of Killiecrankie and Soldier's Leap cultural heritage sites. However, given the site's previous use as a railway yard and any associated ground clearing works, there is very little potential for this development to negatively impact on any archaeological material. However, in order to ensure appropriate archaeological mitigation measures are undertaken, a suitably worded condition is recommended.
71. In terms of any impact on Soldier's Leap and associated views, the proposed housing, given its size, scale and positioning, will be less intrusive than the existing housing located south east of the development site.
72. Therefore, subject to suspensive condition, the proposal is considered to comply with Policy 9 Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

## Developer Contributions

73. **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. The Policy also requires contributions to affordable housing where applicable and where no affordable housing is provided on site.
74. In this instance, Perth and Kinross Council Developer Contributions Officer has confirmed that there is capacity at both the catchment primary school in Pitlochry to accommodate this development, and, as such, no mitigation is necessary. Therefore, the proposed development will not have a significant effect on any infrastructure or facilities in the local area and is considered to comply with Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021.

## CONCLUSION

75. The proposed housing development at a former railway yard in Killiecrankie is considerable acceptable in principle and the principle has previously been established by an earlier consent for 6 houses on the same site. The development will not introduce any significant landscape or environmental impacts subject to the recommended conditions. Furthermore, the proposals do not introduce any physical changes which would result in any additional habitat loss. Any remaining points of detail, in particular relating to species protection, amenity, roads, contaminated land, and cultural heritage, which have not been sufficiently addressed, will be resolved through the imposition of suitable conditions. Subject to the inclusion of those conditions, the proposal is considered to comply with the relevant local development plan policies of the Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Erection of 6 dwellinghouses and associated works at the Former Railway Yard Killiecrankie, subject to the following conditions:**

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

### Conditions

- 1. No development shall commence until pre-construction surveys are carried out by a suitably qualified ecologist for breeding birds (if works are to be undertaken during the breeding bird season of March to August) and for reptiles. The results, together with any associated Species Protection Plans shall be submitted to and approved in writing by the Cairngorms National Park Authority acting at Planning Authority. All breeding bird and reptile mitigation measures shall be implemented in accordance with the Extended Phase I Habitat Survey and Protected Species Assessment undertaken by Tay Ecology (dated 21 October 2021) and any approved species protection plans.**

**Reason:** In order to determine the effects of the proposals on the ecology of the site and to inform mitigation measures for protected species during construction works in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

- 2. No development shall commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase I Desk Study) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Perth and Kinross Council Contaminated Land Officer. If**



the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify the following:

- a) The nature, extent and type(s) of contamination on the site
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed
- c) Measures to deal with contamination during construction works
- d) Condition of the site on completion of decontamination measures.
- e) Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

**Reason:** In order to determine the nature, extent and type of any contamination on site, and all appropriate mitigation measures required, both before and during construction, and monitoring thereafter in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until a programme of archaeological work is implemented in accordance with a written scheme of archaeological investigation which has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the programme of archaeological works shall be fully implemented including all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition access shall be provided at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative to observe work in progress.**

**Reason:** To ensure that the archaeological value of the site is evaluated and recorded in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021 in accordance with the recommendations of Perth and Kinross Heritage Trust.

4. All compensatory tree and shrub planting shall be carried out in accordance with the recommendations contained within the Tree Planting and Maintenance Plan (dated 4 March 2022) undertaken by Tay Ecology and the Tree Planting Plan 3991/PD/01 Version 3 (dated May 2021). Notwithstanding the specifications identified within these documents, all species must be native and of local provenance.

**Reason:** To protect the ecological interests of the area and limit the visual impact of the proposal in accordance with Policies 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

5. All properties will incorporate bird and bat boxes as identified in the Extended Phase I Habitat Survey and Protected Species Assessment undertaken by Tay Ecology (dated 21 October 2021) and all timber boundary fencing will incorporate hedgehog passing holes.

Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of construction works of the development hereby approved.

**Reason:** To ensure the provision of enhanced opportunities for bird and bat roosting and to allow freedom of movement and prevent entrapment of animals in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

6. Prior to the development being completed or brought into use, the vehicular access will be formed strictly in accordance with Perth and Kinross Council's Roads Development Guide in terms of access details and road construction.

**Reason:** In the interests of road safety, and to ensure an acceptable standard of construction within the public road boundary in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. The windows of all habitable rooms within the development will be fitted with glazing and trickle / mechanical ventilation as documented in the submitted Noise Impact Assessment, dated 24 November 2021

**Reason:** To protect the residential amenity of any future occupants of the proposed development in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Authority Local Development Plan 2021.

### Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period, then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

4. You are advised that the approval of the Perth and Kinross Council Roads Authority is required for any works affecting the public road and for any road construction consent or any other requirements under the Roads legislation.
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
6. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre- Development Enquiry (PDE) Form, and submit to Scottish Water via the customer portal, or contact Development Services.
7. Advice on the disposal of surface water from the proposed access must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
8. The applicant should refer to Perth and Kinross Council's Supplementary Guidance on Flood Risk, and Flood Risk Assessment 2021, as it contains advice relevant to this development.
9. A street lighting design is required for this proposal. The applicant should contact Perth & Kinross Council's Street Lighting Partnership for further information.
10. The applicant should be aware that Scottish Water are unable to reserve capacity at any water and/or waste water treatment works for the proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.
11. No development shall commence on site until details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line, are submitted for the approval of Network Rail's Asset Protection Engineer.
12. The applicant must ensure that the construction and subsequent maintenance of proposed dwelling houses can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
13. As all, or part, of this land was previously owned by Network Rail, or its predecessors, title obligations may exist that require development consent to be obtained from Network Rail. No building works may commence until such consent has been confirmed. This must be obtained by the applicant out with the planning process. The developer must contact Network Rail's Asset Protection Engineer regarding this matter.

14. The developer should contact Perth and Kinross Heritage Trust as soon as possible to allow for a full explanation of the procedure of archaeological works required and if necessary, to prepare a written Terms of Reference.

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.