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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of four residential units At Land 35M South Of The Snipe, 3 Deshar Court,  
Boat Of Garten

**REFERENCE:** 2021/0115/PPP

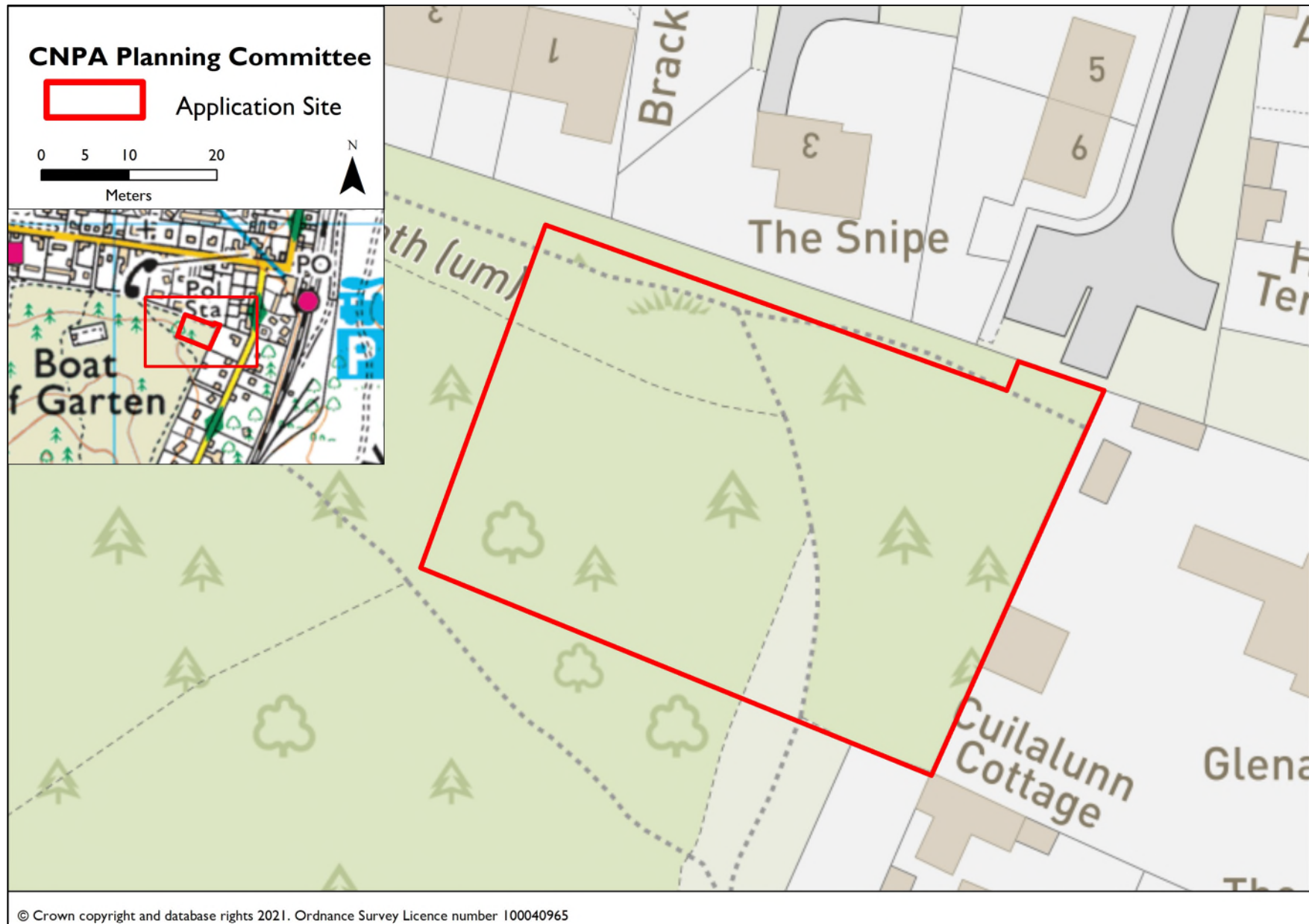
**APPLICANT:** The Community Housing Trust.

**DATE CALLED-IN:** 12 April 2021

**RECOMMENDATION:** Approve Subject to Conditions

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

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## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The site relates to a 0.27 hectares area of land, which lies 35m south of The Snipe, 3 Deshar Court, Boat of Garten. The site is gently sloping, in a corner of land immediately outside the settlement boundary of Boat of Garten, with a fall from north to south. The site is greenfield, and is currently utilised as managed woodland.

### **Proposal**

2. 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=QO9NSXSI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
<b>Plans</b>			
Plan - Location Plan	03	01/03/2021	12/04/2021
Plan - Site Plan	01 Rev D	01/03/2021	12/04/2021
Tree Protection Plan	Rev A	09/03/2021	12/04/2021
<b>Supporting Documentation</b>			
Other – Drainage Impact Assessment.	3564 Issue.1	09/03/2021	12/04/2021
Other – Design Statement		09/10/2020	12/04/2021
Other – Private Access Checklist		08/03/2021	12/04/2021
Other – Arboricultural Impact Assessment/ Method Statement		04/03/2020	12/04/2021
Other – Protected Terrestrial Mammal Survey Report		01/07/2021	05/08/2021
Other – Communities Trust Affordable Housing Statement			24/06/2021

3. This application seeks planning permission in principle for the erection of 4 dwelling houses with associated access, servicing arrangements and landscaping works. It is proposed to develop four residential units, two self - build plots (detached units) and two semi – detached affordable units. An indicative site layout has been submitted showing the access arrangements and a short cul-de-sac with two houses to each side.
4. Regarding drainage, the site is in the catchment of the River Spey, but, given the enclosed nature of the site, there is no natural run-off to a water course. Any surface water run-off will discharge from the site by infiltration, and onto adjoining land. There are existing sewers located in Strathspey Park, but it is not necessary for them to be diverted to accommodate the proposed housing layout. Waste water sewers will be constructed for each proposed dwelling, and these will connect to the existing sewer

in Strathspey Park. The access road will discharge water to a soakaway, located in an area of open space, away from the dwellings.

5. Vehicular access is proposed from the north east of the site. The new access road will connect to the existing Strathspey Road, which is currently a cul-de-sac, linking to the C1128 Boat of Garten Rd/Deshar Road. A total of 8 parking spaces are proposed within the site to serve the dwellings, with spaces sited within the curtilages of the dwellings. A pedestrian access link is proposed to be constructed through the site joining the existing footpath to the north. This will provide links to The Snipe and Strathspey Road.
6. The application is supported by the following information:
  - a) **Design Statement:** outlines the ethos behind the chosen design solutions for the development.
  - b) **Affordable Housing Statement:** this provides a comprehensive justification for the development of this particular site. The Communities Housing Trust (the applicants) explains the background to the choice of site, explains the local housing need and the arrangements for the delivery of the affordable units. It also addresses possible impacts on travel and existing path network, arboriculture, ecology and the environment.
  - c) **Drainage Impact Assessment:** details the existing drainage arrangements and proposed drainage design for new connections to the site.
  - d) **Arboricultural Impact Assessment/Methodology Statement:** includes a full survey of all existing trees on the site. Implications of the proposed development and tree management and protection measures are addressed through an Arboricultural Method Statement.
7. Plans of the proposal are included within **Appendix 1**.

## History

8. There is no relevant planning history for this site.

## Habitats Regulations Appraisal

9. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the effects of the proposal upon the network of Special Protection Areas (SPA) designated for capercaillie. The HRA concludes that the conservation objectives for the qualifying interests of the SPA sites will not be compromised by the proposed development and that there is no effect on integrity of the sites. NatureScot have agreed with the findings of the HRA and that there will be no significant increase in disturbance risk to capercaillie and therefore no adverse effect on site integrity for these European sites. A copy of the HRA is available to view in **Appendix 2**.

## 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) 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	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

10. 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

11. 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)	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance (2015)	<b>X</b>

## CONSULTATIONS

### Summary of the Main Issues Raised by Consultees

12. **Scottish Water** has no objections to the proposed development, but can advise that it will be necessary to submit a Pre- Development Enquiry (PDE) Form directly to Scottish Water in order that a full capacity appraisal of the site can be carried out.
13. **Highland Council Transport Planning Team** note that a formal application for Strathspey Park to become a publicly adopted road is required. Therefore, a suitably worded condition should be included requiring this and clarifying that the road will require a formal Road Construction Consent (RCC) application to Highland Council.
14. The proposed layout includes a new roadside footway into the site. This does not appear to connect directly with the existing footway along Strathspey Park. Therefore, a suitably worded condition should be included, requiring the arrangements for connecting the footway in this development with the existing footway to be submitted to and approved by the Cairngorms National Park Authority, in consultation with Highland Council Transport Planning Team.
15. It is also recommended that suitably worded conditions should be included requiring details of the parking provision (with a minimum of 2 parking spaces per dwelling) and a dimensioned road layout with suitable vehicle tracks for refuse collection should be submitted to and approved by the Cairngorms National Park Authority, in consultation with The Highland Council Transport Planning Team.
16. There is a formal objection to the proposals by the Highland Council Transport Planning Team in response to the submitted Drainage Impact Assessment and proposed soakaway. Further information is required in order to clarify emergency overflow arrangements for the proposed infiltration trench.
17. There is a formal objection from the Highland Council Transport Planning Team in response to the submitted SuDS details. It is not clear whether the SuDS arrangements meet the requirements of SuDS Manual. Confirmation is required from SEPA that they do not have any issues with the current proposed arrangement.
18. A suitably worded condition should be included, requiring that the surface water drainage, and SuDS measures for the proposed new road should be submitted to and for the approval of the Cairngorms National Park Authority, in consultation with the Highland Council Transport Planning Team.
19. **Highland Council Forestry Officer** objects to the proposed development due to loss of woodland. No Tree Constraints Plan has been submitted despite it being referred to in the Application. This should be submitted in support of the application. The Tree Protection Plan (TPP) shows two areas of tree retentions on site, but these are relatively small in comparison with the overall woodland area of the site. The TPP also shows further small areas of protection for trees out with the site, however not all trees just outside the site have been shown on the TPP therefore the impact could be greater than indicated. There is no specification of the site boundary and this could

leave the tree protection barriers as disconnected fragments. The tree protection barriers need to be connected to ensure no construction activity is undertaken in the RPAs of retained trees. The TPP does not show the existing footpath along the northern side of the site and shown on Site Plan. The tree protection proposals on the TPP would conflict with this path and so the TPP would need to be revised to address this. The Design Statement notes that... 'Tree constraints and protection issues are covered in the attached Arboreal Impact Assessment'. The issues are however not addressed. The AIA identifies the significant impact the development will have on trees and offers protection for small areas of trees on and around the site. However, there are only indicative tree planting proposals on-site and no off-site tree planting proposals. Both on and off-site planting would be required to adequately compensate for the extent of woodland loss proposed, in order to comply with the Control of Woodland Removal policy.

20. **Highland Council Floods Team** has no objections to the proposed development.
21. **CNPA Ecology Officer** states that if the application is supported, the following are required at full planning stage:
  - a) Surveys for protected animals on, and around, the site;
  - b) A landscape plan, detailing proposals for tree planting, and seed mixes for the infiltration bed, for ecological benefit;
  - c) Details of any cut and fill required to level the site, and any impacts that this may have on trees adjacent to the site;
  - d) Details of compensation, including management details for the proposed enhancement of the adjoining woodlands (will require off – site arrangements);
  - e) An Arboricultural Impact Assessment, and Tree Protection Plan are required at full planning stage; and
  - f) A detailed landscape plan will be required at full planning stage. Landscaping for the roads soakaway must include a native species rich seed mix. Full details of proposed on – site tree planting must be provided.
22. **CNPA Landscape Officer** states that the development would change the landscape character of the site through the loss of trees and the encroachment into the woodland of the built up area. The scale of the development is small and the effect would not be significant on the wider woodland and village landscape. Recent development has already pushed back the woodland edge. The indicative layout would introduce a poor access to the woodland and therefore consideration should be given to this. The loss of woodland cover is significant for the site, however this would be negligible for the wider village.
23. If the application is to be supported the following information and changes are required to be conditioned for submission at a later stage and prior to final determination of the details for the site:
  - a) Change the path layout and fence – to improve the experience of entering (and exiting) the woodland it is recommended that the layout is revised to take the rear gardens up to the existing ones and allow access along the road side. At the point of entry into the woodland an attractive fence and possibly gate along with appropriate landscape could be provided to improve this threshold. Similarly on the eastern side where the access path is close to the existing

- fence line. This should be allowed more space and a similar entrance feature provided;
- b) Landscape plan – a landscape plan should be provided to show how the site will be planted. This must include street trees and in addition trees and planting in adjacent ‘blue land’ areas. Planting must reflect the natural setting and feature native species extensively; and
  - c) Possible changes to tree protection plan – if the layout changes in any way the tree protection plan may need to be redesigned accordingly.
24. **CNPA Outdoor Access Officer** notes that the development will impact on Core Path LBS69 and access rights. The layout of the development will ensure access can continue to the woods from Deshar Court. However, it is not clear how access will be maintained along Core Path LBS69. Details of how this route will be accommodated around the site boundary should be provided. The path must be no less than 1.5m wide and be fully surfaced. A maintenance plan for the path should also be included.
25. **Boat of Garten Community Council** supports this application.

## REPRESENTATIONS

26. There have been nineteen letters of objection submitted. Copies of the public responses can be viewed in **Appendix 3**. The main points of objection are summarised as follows:
- a) The proposed development will lead to a loss of privacy for neighbouring properties.
  - b) The proposed development is contrary to Policy I of The Local Development Plan.
  - c) The proposed development site is not an identified, allocated site.
  - d) The development site is out with the identified settlement boundary.
  - e) The proposed development will result in adverse effects on the local wildlife, and protected areas.
  - f) The proposed development is likely to have an adverse impact on the local paths network.
  - g) The visual appearance of the proposed development is not in – keeping with the local area.
27. The **RSPB** have submitted comments and state that there will be likely significant effects on Capercaillie, as a qualifying feature of the Abernethy Forest SPA, Craigmore Wood SPA, Kinveachy Forest SPA, and Cairngorms SPA. Insufficient information has been provided to allow any assessment of the impacts on Capercaillie, other protected species and areas.

## APPRAISAL

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



## Principle of Development

29. **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. This site, however lies just out with the settlement boundary.
30. Boat of Garten is a small thriving community, however, given environmental constraints, no new housing allocations have been identified within the village. It is, however recognised there is a need for small scale housing opportunities to meet local need, in particular affordable housing and community owned housing and this is echoed in the settlement objectives set out within the adopted Local Development Plan 2021.
31. **Policy I: New Housing Development** 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. In this case the proposal is for 50% affordable housing provision. However, where housing is proposed in locations that would not normally be supported, policy requires 100% affordable housing provision where justified. It is recognised that there are exceptional cases where the delivery of 100% affordable housing is not viable, and as such a limited amount of open market housing may be supported to cross-subsidise the affordable housing. However, evidence must be provided that shows: a) the whole development comprises a minimum of two affordable houses; b) the open market element is the minimum required to provide the necessary subsidy to facilitate the development of the affordable element; and c) the affordable housing could not be delivered without the input of the subsidy provided by the open market element of the proposal.
32. This application is for a small scale development which has been put forward for consideration by the Community Housing Trust on behalf of the Boat of Garten community to provide 4 new dwellings, 2 of which will be affordable units. Supporting information has been provided by the Community Housing Trust which confirms that the delivery of two homes for affordable rent in this proposal would not be possible without using a cross – subsidy model, using both public and private funding. In this case using the Scottish Government Rural Housing Fund and an agreement with the Reidhaven Trust to sell the land to C.H.T. for £1, for the benefit of the community.
33. The document confirms that it was identified that there was a lack of affordable rented accommodation for older people in Boat of Garten, and this application will provide 2 wheelchair accessible bungalows, aimed at alleviating that identified need. The 2 affordable dwellings will be rented at the social rent level, as set by the Scottish Government.
34. The principle of housing on this site in this instance 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

35. **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. Development that does not complement or enhance the landscape character of the National Park and the setting of the proposed development will be permitted only where: a) any significant adverse effects on the special landscape qualities of the National Park are clearly outweighed by social or economic benefits of national importance; and b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.
36. The proposal will result in the loss of approximately 50 birch and pine trees, some of which are mature or semi mature, and which form an outer edge to the wider woodland. The retention of a few larger trees is welcomed and this will offset some of the impact, however the removal of this number of trees will alter the character of the site and its relationship to the rest of the woodland. Indeed the site will change from its current woodland character, albeit disturbed woodland, to an extension of the village's housing area. There will be small reduction in the amenity of those properties immediately adjacent, however, the development is small in scale and the effect will be negligible for the wider village. The site slopes from north to south, and further tree loss may be required, depending on the level of cut and fill required for the site.
37. An Arboricultural Impact Assessment, a Tree Protection Plan and a Woodland Compensation and Planting Plan have been submitted in support of the application. These documents aim to address the proposed loss of the woodland through appropriate mitigation measures to ensure the safety and protection of trees being retained on site and in the adjacent woodland and subsequent compensatory planting. Notwithstanding this, a fully detailed Landscape Maintenance and Management Plan would be required at any detailed planning application stage. This would have to include details on how the site would be planted and how the proposed planting would reflect the natural setting and extensively feature native species. Consideration would also have to be given to appropriate street planting. This would ensure a high quality scheme is delivered which will help minimise potential impacts.
38. The proposed development of four houses will deliver two affordable homes, in an area where there is a demonstrable local need. It is considered that in this instance, the economic and social benefits of addressing this local need for affordable housing outweighs the potential impact on the local landscape character. The proposed loss of trees will result in a change in the character and appearance of this part of the woodland with marginal encroachment into the woodland of the built up area. However, given this is a very small scale development, its direct impacts will be confined solely to the site, and will not have a significant adverse impact on the character of the wider woodland or the special landscape qualities of the National Park. Furthermore, potential landscape impacts can be mitigated by ensuring robust tree protection and landscape management measures are in place which will aim to

address the loss of woodland character and ensure the safety and protection of both the retained woodland and the proposed and future landscape.

39. Subject to an appropriate landscape management and maintenance regime which includes compensatory planting, the proposal is considered capable of complying with **Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021**.

### **Environmental Issues - Designated Sites and Protected Species**

40. **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 whilst **Policy 10: Resources** sets out the need to fully consider impacts on flooding and water resources.
41. Although the baseline is a woodland, with small areas of open space, the CNPA Ecology Officer confirms that, given the proximity of protected sites, there are, potential ecological issues, with particular reference to badgers and red squirrels. The proposed development is considered to have connectivity with the Abernethy Forest SPA, Craigmore Wood SPA and Kinveachy Forest SPA and therefore a Habitats Regulations Appraisal (HRA) was required. The HRA (**Appendix 2**) concluded that the conservation objectives for the qualifying interests would not be compromised by the proposed development. NatureScot were consulted on the HRA and agreed with its findings, in that there would be no significant increase in disturbance risk to Capercaillie and no adverse effect on site integrity for Capercaillie.
42. The habitats within the site have potential to support protected mammals, in particular to provide nesting opportunities for red squirrel and foraging badgers. A Terrestrial Mammals Survey Report has been submitted which has determined which protected mammals are using the site and habitats within disturbance distance, particularly red squirrel and badger.
43. There is potential for the proposal to impact on red squirrels and further survey work would be required to confirm drey use before any tree felling takes place. A Species Protection Plan for red squirrels will be required to be undertaken detailing the necessary survey work and mitigation required.
44. In terms of breeding birds, no survey information is required as the site is heavily disturbed and is unlikely to provide significant nesting habitat. Avoidance of tree felling during the period from February until September will avoid disturbance to any birds breeding in the application site.
45. At present, it is not clear whether the SUDs arrangements meet the requirements of the guidance as contained within the CIRIA SUDs Manual. As such, confirmation is required from SEPA that they do not have any issues with the current proposed drainage arrangement.
46. The design of the SUDs scheme for the site will determine the level of impact that the proposed development may have on the site. Therefore, details of the SUDS provision will be required at a detailed planning application stage.

47. Subject to the inclusion of the recommended suspensive conditions, the proposal is considered to comply with **Policy 4:** Natural Heritage and **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2021 with regards to its impact on the designated areas, protected species and the water environment.

### Environmental Issues – Woodland

48. **Policy 4.3: Woodland** of the Cairngorms National Park Local Development Plan 2021 states that woodland removal for development will only be permitted where it complies with the Scottish Government's Policy on the Control of Woodland Removal and where removal of the woodland would achieve clearly defined additional public benefits. The policy goes on to state there is a strong presumption against removal of ancient semi-natural woodland, including sites in the Ancient Woodland Inventory, which is considered to be an irreplaceable resource.
49. The Highland Council Forestry Officer has objected to the proposals due to the loss of woodland. They seek further tree protection measures and compensatory planting both on and off the site. In this instance, the small area of woodland, which is the subject of this application, is not within the Ancient Woodland Inventory and is considered to not significantly contribute to the existing wider woodland area. Its ecological value can be protected through the implementation of appropriate mitigation measures. Furthermore, as discussed previously, its removal will result in a clear social gain for the local area. It is considered that relevant forestry issues can be addressed at a detailed planning application stage. The proposal is, therefore, considered capable of complying with Policy 4.3: Woodland of the Cairngorms National Park Local Development Plan.

### Servicing and Access

50. **Policy 3:** Design and Placemaking and **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2021 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
51. A Drainage Impact Assessment has been submitted and the Council's Flood Risk Management team are satisfied with the proposed drainage arrangements. Surface water will be stored in areas of permeable block paving and gravel soakaways. Scottish Water has no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity.
52. The Highland Council Transport Planning team have raised objections to the proposed use of soakaway SuDS features unless there is a viable emergency overflow arrangement in place. They also do not support the proposed use of infiltration trenches and state that a SuDS arrangement needs to meet the requirements of the CIRIA SuDS Manual or that SEPA confirms they have no concerns with the treatment arrangements as proposed. As such they recommend that a suitably worded condition requiring the surface water drainage and SuDS measures for the proposed road be submitted for subsequent approval.

53. In view of their comments it is therefore considered that with the inclusion of a relevant and suitably worded condition, the proposed surface water and foul water drainage measures are considered to be capable of complying with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
54. **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. The development will be satisfactorily accessed by a new access road, which will link into the existing public routes, Strathspey Park.
55. The site will be accessed via Strathspey Park, which runs off the main Deshar Road (C1128). The Transport Team notes that this is currently a private road, however if it is to serve an additional four dwellings, the road will be required to be publicly adopted by the Local Authority. The extent of road requiring adoption would have to include the new roads infrastructure proposed to serve the new dwellings. There is adequate off street vehicular parking provision to serve the scheme although a minimum of 2 spaces per dwelling will be required at the detailed planning stage. The internal road layout is based on one access road, with a turning point, which links to Strathspey Park, and a new footway. It is unclear how the new footway will connect with the existing footway on Strathspey Park and therefore, a condition is recommended requiring details of the proposed connection of the new footway to the existing one on Strathspey Park. Further details are also required to demonstrate dimensioned road layout with suitable vehicle tracks for refuse collection wagon.
56. It is considered that with appropriate conditions applied to this application for planning permission in principle, the proposal complies with **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021**.

### **Developer Contributions**

57. **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 proposed development will not have a significant effect on any infrastructure or facilities in the local area.

### **Other Issues Raised in Consultations and Representations**

58. The application is for planning permission in principle and as such all details, including design and external finishes will be considered at the detailed planning application stage. All other matters raised by consultees and third parties have been addressed above.

## CONCLUSION

59. This small unallocated site lies just outside the settlement boundary and is currently an area of disturbed woodland. The introduction of housing on this site will fulfil an identified local housing need which will benefit the local community through the provision of both self-build and social rent units. Any identified issues and points of detail that have not been sufficiently addressed at this stage will be resolved through the imposition of suitable conditions as detailed in the paragraphs above. Subject to these recommended conditions, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to Approve the application for Planning Permission in Principle for the Erection of four residential units at Land 35M South Of The Snipe, 3 Deshar Court, Boat Of Garten 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

- I. **No development shall commence on site until the following details are submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council, where appropriate:**
  - a) **Design, siting/location and external appearance of buildings, open space and any other structures;**
  - b) **Detailed plan of the proposed layout of buildings and all ancillary development (including drainage provision and SUDs) on a contour base plan to demonstrate a good fit with landform and local hydrology;**
  - c) **Existing and finished ground levels in relation to Ordnance Datum with site sections to demonstrate them in relation to the site and surrounding areas;**
  - d) **Detailed specification of all external materials – note: samples may be required;**
  - e) **Detailed landscaping plan with full specification for on-site and any off site planting. All species should be native, typical of the area, and of local provenance. Details of any cut / fill required to level the site should also be included. This must include street trees and in addition trees and planting in adjacent ‘blue land’ areas. The Landscape Plan shall be implemented in full during the first planting season following commencement of development;**
  - f) **Long term landscape maintenance schedule and management plan for all planting areas;**

- g) **Tree survey, Arboricultural Impact Assessment and Tree Protection Plan for the site in accordance with BS8537. The tree protection measures shall be implemented in full in accordance with the details of the approved tree protection plan prior to the commencement of development. (NB. There may be changes to the tree protection plan – if the layout changes in any way the tree protection plan may need to be redesigned accordingly);**
- h) **Ecological surveys, for protected animals in and around the site, and species protection plans (where relevant) for red squirrel and badger;**
- i) **Boundary treatments including design, height and materials;**
- j) **Access arrangements, road layout including surface treatments, design and specification (including the disposal of surface water) all in accordance with the Highland Council's standards;**
- k) **Details of how Core Path LBS69 will be accommodated around the site boundary, including a path management plan;**
- l) **Design and siting of car and cycle parking and on site turning provision, including dimensioned parking space drawings;**
- m) **External lighting, including floodlighting and street lighting arrangements for the development;**
- n) **Final drainage plan including a SuDs scheme complying with CIRIA C753 guidelines (including consideration given to water quality, biodiversity and amenity) and SuDs maintenance plan; copies of discharge permissions from the relevant bodies, including Scottish Water;**
- o) **Construction traffic management plan;**
- p) **Construction method statement that incorporates any necessary mitigation identified in species protection plans; and**
- q) **Waste management and recycling facilities.**

**The development shall thereafter be implemented in accordance with those approved details unless otherwise approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council where appropriate, and retained and maintained for the lifetime of the development hereby approved.**

**Reason:** To ensure that the proposed development is in compliance with Policies 1, 3, 4, 5, 10 and 11 of the Cairngorms National Park Local Development Plan 2021. Planning permission for this development has been granted in principle only and subsequent approval is required for these matters before the development described in this permission begins in accordance with the timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as outlined in informative one of this permission.

## INFORMATIVES

### Timescales and Procedures for Applying for Requisite Approvals

1. For the avoidance of doubt, conditions requiring requisite approval (applications for approvals of matters specified in conditions) are all those referenced with Section 59 of the Act in the reason for the condition and must be made before whichever is the latest of the following:
  - a) The expiration of 3 years from the date of the grant of the permission;
  - b) The expiration of 6 months from the date on which an earlier application for the requisite approval was refused; and
  - c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. Only one application may be made by virtue of (b) and (c) above after the expiration of the 3 year period mentioned at (a) above.
3. An application for requisite approval may be made for different matters and different parts of the development at different times. Each application shall be made in writing and must:
  - a) Identify the planning permission to which it relates;
  - b) Contain a description of the matter in respect of which the application is made;
  - c) State the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of the agent; and
  - d) Be accompanied by plans and drawings describing the matter in respect of which the application is made and any fee required under the Fee Regulations.

### Lapsing of Permission

4. If you fail to comply with the time periods set out in Section 59 of the Act as details in Informative One with regard to the submission of the requisite approvals then this permission will lapse.
5. If you have made submissions for requisite approvals within the timescales set out above under Section 59 of the Act, as details in Informative One and these have been approved by the Cairngorms National Park Authority then you must commence development within 2 years of the date of the last requisite approval or this permission will lapse.
6. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.



7. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to Cairngorms National Park Authority, acting as 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.
  
8. You are required to apply to Highland Council for Roads Construction Consent (RCC) under section 21 of the Roads (Scotland) Act 1984 to progress a formal application for Strathspey Park to become a publicly adopted local. The extent of road needing to be adopted would also have to include the new roads infrastructure proposed to serve these 4 new residential homes, again requiring a formal RCC Application to the Local Roads Authority.

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.