

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Change of use of land to form 3 staff (replacement) farmhouses including associated access, drainage, landscape, ground works, services and the demolition of Lynvoan Cottage and outbuildings at Land 795M West Of Garden Cottage Kingussie

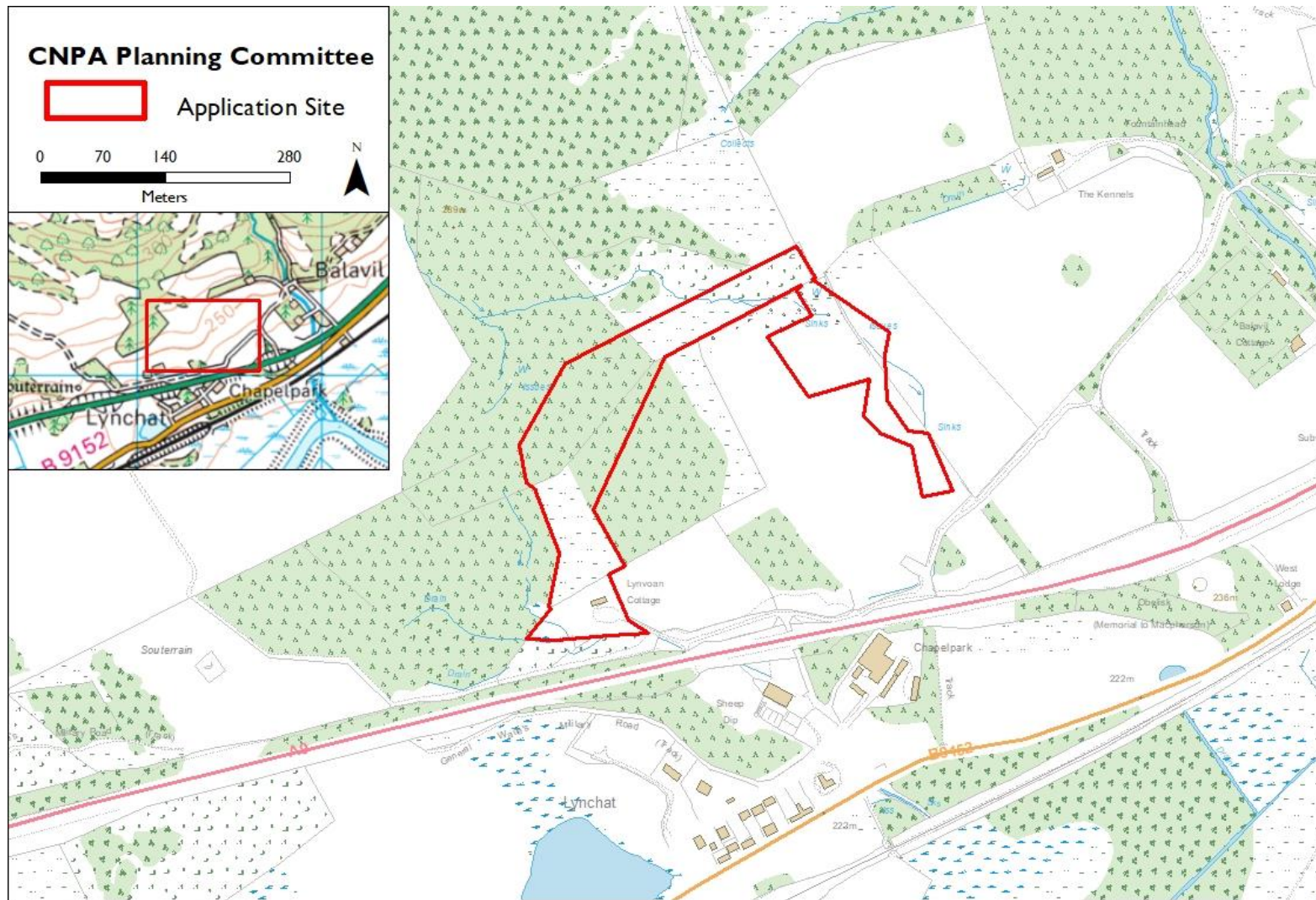
REFERENCE: 2021/0407/DET

APPLICANT: Balavil Estate Limited

DATE CALLED-IN: 22 December 2021

RECOMMENDATION: Approve subject to Conditions and Developer Contribution

CASE OFFICER: Stephanie Wade, Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

- The proposed site lies on the northern side of the A9 opposite Lynchat, approximately 3km northeast of Kingussie. The site lies on sloping ground above the existing A9 to its south and wraps around the north of the wooded knoll and permitted Balavil Farm relocation (2020/0077/MSC). The wider area is characterised by estate farmland, plantation woodland and Lynvoan Cottage sits to the south-western corner of the site. Lynvoan Cottage is a one and a half storey, detached dwelling of stone construction which has been uninhabited for several years and has fallen into a state of disrepair.

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=R45OG6SI0C100>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – Location Plan	50895-01-001-P02	17/11/21	22/12/21
Plan – Proposed Site General Arrangement	50895-14-001-P03	11/04/22	25/04/22
Plan - Site Layout Plan House 1	16 213/ L01	01/10/21	22/12/21
Plan - Site Layout Plan Houses 2 and 3	16 213/ L02	01/10/21	22/12/21
Plan – Proposed Plan House 1	19 290/ P01	01/10/21	22/12/21
Plan - Proposed Plan House 1	19 290/ P02	01/10/21	22/12/21
Plan - Proposed Plan- House 2	19 290 /P04	01/10/21	22/12/21
Plan - Proposed Plan – House 3	19 290/ P06	01/10/21	22/12/21
Plan – Proposed Elevations- House 1	19 290/ P03	01/10/21	22/12/21
Plan – Proposed Elevations – House 2	19 290/ P05	01/10/21	2/12/21
Plan – Proposed Elevations- House 3	19 290/ P07	01/10/21	22/12/21
Plan - Road Longitudinal Sections	50895-48-001-P02	17/11/21	22/12/21
Plan - Proposed Contour Plan Cross Sections	50895-27-002-P03	11/04/22	25/04/22
Plan – Contour Plan	50895-27-	11/04/22	25/04/22

	001-P03		
Plan – Proposed Mound Filter System Houses 2 and 3	50895-33-002-P02	17/11/21	22/12/21
Plan – Proposed Foul and Surface Water Drainage Strategy	50895-27-001-P04	11/04/22	25/04/22
Plan – Site Boundary Plan	50895-01-001-P02	11/04/22	25/04/22
Plan – Landscape Proposals	50895-601-P03	22/04/22	25/04/22
SUPPORTING DOCUMENTATION			
Other- Drainage Assessment	50895 V2	01/11/21	22/12/21
Other- Design and Access Statement- Parts A - C		29/11/21	22/12/21
Other- Construction Method Statement	50895 V4	01/11/21	22/12/21
Other- Ecological Survey Report			06/01/22
Other – Arboricultural Impact Assessment	9826	24/11/21	22/12/21
Other - Agent Response to Consultees		22/04/22	25/04/22
Other - Agent Response to Consultees- Note A			06/04/22
Other - Agent Response to Consultees- Note B			06/04/22
Other - Agent Response to Consultees- Note C			06/04/22
Other - Bat Species Protection Plan		01/03/22	25/04/22
Other - Otter (and further protected species except bats) survey report		20/04/22	25/04/22

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

3. The application proposes the erection of three new dwellings within the estate to be occupied for staff accommodation. The proposed dwellings are to be sited on land to the northern side of the A9 at Lynvoan alongside the permitted Balavail Farm relocation. The proposal includes the demolition of Lynvoan Cottage and outbuildings together with the installation of associated access, drainage, landscaping, and services for the three new dwellings.
4. A proposed new access track for the dwellings will extend from the permitted farm access track following contours, from the east of the farm, in a northerly direction to House 1 and extending further north into the plantation to then head in a south-westerly direction to link to Houses 2 and 3 and finishing further south to link into the

north-western corner of the farmyard. The track is proposed to be surfaced in concrete. Parking areas for three vehicles per dwelling are located to the northern elevations of Houses 2 and 3 and to the southern elevation of House 1.

5. House 1 is a detached, 4 bedroom dwelling with accommodation arranged over two and a half storeys due to the dwelling being built on sloping ground. The design takes form of an L-shape with the incorporation of a contemporary features including significant glazing to the southern elevation, flat-roof zinc dormer windows, larch and zinc clad elevations and a zinc roof. The garden for the dwelling is proposed to be laid to the eastern and southern sides of the dwelling which is to be bound by the proposed access track.
6. Houses 2 and 3 are both detached units of similar scale and design, with accommodation arranged over two floors and significant levels of glazing on the southern elevations. Like House 1, the designs and character take a contemporary form with the use of a zinc roof over part rendered / part larch clad elevations. Flat-roofed zinc dormer windows are incorporated on the south roof slopes. Both units provide three double bedrooms, within the living accommodation. A patio area and garden area extend to the southern elevations of both houses.
7. A SuDS basin is proposed within the south-western corner of the development site which has been sized to accommodate the surface water for the three new dwellings and the surface water from the farmyard. The development would be connected to the public water supply infrastructure. Landscaping proposed includes the addition of native woodland planting.
8. During the progression of the application, the agent has provided additional information in response to queries raised during the consultation process and the application includes the following supporting documents:
 - a) **Arboricultural Impact Assessment** confirms that the site comprises several large plantation woodland groups that are primarily dominated by conifer species. These groups are bordered or divided by grazed sheep pastures. Scattered small birch, scots pine and sitka spruce were identified within the central grassland area. To accommodate the design, the proposal includes the removal of 0.35 Ha of commercial coniferous woodland together with the removal of 30 individual trees.
 - b) **Landscape Plan** includes native tree planting of 45 individual trees comprising sessile oak and rowan; native woodland planting mix one covering an area of 3036sqm; native woodland planting mix two covering an area of 1551sqm and wet woodland planting of 578sqm. The plan also includes amenity grass for private garden areas, and wildflower grass mixes in various places including the SUDS pond.
 - c) **Drainage Assessment:** states that the access track will be collected through filter drains. The surface water run-off from the roofs and driveways will be collected and connected to the roadside filter drains, connecting through to a SUDS detention basin, which in turn get discharged to the existing watercourse at a green runoff equivalent flow rate. The SUDs basin will also take surface water from the approved farm complex. Regarding foul drainage, Farmhouse 1 is proposed to connect to the approved mound filter system and septic tank at the new farm complex which has

capacity to cater for both developments. Houses 2 and 3 will discharge into a separate mound filter system and subsequent septic tank.

9. Plans of the proposal can be viewed in **Appendix 1**.

History

10. There have been several planning applications and listed building consents permitted within the wider estate context. Of relevance is the permission for the relocation of the Balavil Home Farm to the northern side of the A9 under permissions 2018/0354/PPP and 2020/0077/MSC.
11. Also of relevance is the renewal planning permission for the “Conversion of Farm Buildings to Visitor Facilities and Commercial Use, Extensions and Formation of a Café and Parking” at the Steading, Balavil Mains. This conversion includes the loss of the residential farmhouse to the commercial use permitted. There is also existing consent (Highland Council 20/01274) for an access track up the hill from Lynvoan for forestry use.

Habitats Regulations Appraisal

12. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites: Insh Marches SAC, River Spey SAC, and the River Spey - Insh Marshes SPA. A copy of the HRA is included at **Appendix 2**. The location of the proposed SuDS pond has been revised to locate it out of the area of wet birch woodland and associated watercourses proposed in the original submission. Due to the risk of sediment release during excavation and construction works entering the nearby watercourse, a planning condition is recommended for the agreement of a construction method statement with pollution prevention measures detailed. Subject to the inclusion of this condition, the proposal will not have an adverse effect on site integrity and the conservation objectives will be met.

DEVELOPMENT PLAN CONTEXT

Policies

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

13. 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

14. 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

15. **NatureScot** confirms that the HRA covers all the issues and they have no further comments to make.
16. **Scottish Water** has no objection to the proposal. They confirm that the development would be fed from Aviemore Water Treatment Works although capacity will have to be reviewed once permission is granted for the scheme. Regarding wastewater, they confirm there is no waste water infrastructure within the vicinity of the proposed development and the applicant is advised to investigate private water treatment options.
17. **Transport Scotland** has no objection. They are satisfied that the proposals are outwith the boundary of the Transport Scotland's Compulsory Purchase Order for the nearby A9 Dualling project.
18. **Highland Council Transport Planning Team** supports the development. The development is to be served by a private track and 3 private accesses. It is their understanding that the track and private accesses are to remain privately owned and maintained.
19. **Highland Council Flood Risk Management Team** has no objection to the proposal. They note that the site has a low flood risk, They Team notes that the applicant is proposing to relocate and extend the size of the SUDs basin, previously accepted under planning permission 2020/0077/MSC to have capacity for both developments. The Team is satisfied with the revised layout and calculations. Regarding the foul drainage proposals, the Team note that permission to discharge treated effluent should be sought from SEPA.
20. **Highland Council Archaeologist** notes that the proposal includes the demolition of Lynvoan Cottage and associated outbuildings which are of historic importance. The Officer therefore recommends a planning condition is attached for the detailed photographic recording of the buildings to provide a record of their current condition and setting.
21. **Highland Council Contaminated Land Officer** has no objection. There are no known contaminated land issues within the site boundary, and they do not recommend a condition to be placed on this application. They do note that the applicant should ensure they are satisfied via survey work that the building does not contain asbestos fabric.
22. **Highland Council Forestry Officer** did not provide any comments.
23. **Highland Council Historic Environment Officer** did not provide any comments.

24. **CNPA Ecology Officer** has no objection to the scheme. Following the submission of the revised information, the Officer welcomes the relocation of the proposed SuDS pond so that the south-west corner wet woodland can be retained and protected to reduce the ecological impact of the proposal. The Officer notes that the location of House 1 no longer needs to be altered to avoid tree felling as the trees in question have fallen during recent storm events. Regarding the further survey work, the Officer notes that no fresh signs of otter were found, nor any resting sites and mitigation proposed during construction should be conditioned in accordance with the report recommendations. Planning conditions are also required for the submission of a reptile survey and any subsequent agreement of mitigation, if required.
25. The Officer welcomes the Bat Species Protection Plan which incorporates necessary timing to avoid demolition during winter months and the presence of an ECoW during the dismantling of the building. Three compensatory roosts is proposed and considered sufficient for the status of roost and impact.
26. The agent has provided clarification that the design and topography of the site is not suitable for vegetated swales and the Officer accepts the use of filter drains on this basis. A planning condition is required to update the Construction Method Statement to include reference to species protection plan and pre-construction surveys.
27. **CNPA Landscape Officer** states that the proposed houses are in two groups which would be upon hill slopes above Lynvoan, away from nearby settlements, roads and the new farm, and thereby contribute to a slight increase in the density of dispersed houses upon the strath side slopes. House 1 would be very large in scale and prominent locally but could relate to the broad landscape pattern and a local landform shelf if constructed sensitively. Houses 2 and 3 would be in a more discreet location and appear to fit more intimately with the landscape pattern, surrounded on three sides by existing woodland.
28. The concrete surface of the proposed access roads to houses 1-3 would be out of character where distant from the farm, but their effects could be mitigated with careful design and woodland planting. Conversely the proposed concrete road higher up the hill than the houses, linking across the hillside far away from the farm below, would appear more incongruous and it is advised that the proposed surfacing for this road is amended to be more low-key and befitting of its rural, hillside location within the National Park.
29. The proposed woodland planting and tree species mix has been simplified and better reflect the local landscape character. The extent of the proposed woodland east of house site 1 has been amended to be further south to avoid contrasting to the characteristic field pattern. Additional woodland planting is also shown in-between the proposed the proposed road and existing woodland to the south, and this is welcomed. Some additional details are required, including for the proposed roads and construction method statement, which are recommended as planning conditions.
30. **CNPA Outdoor Access Officer** confirms there is a core path nearby (LBS146), which in part follows which in part follows the vehicle track leading to/ from the existing Lynvoan property, adjacent to which there has traditionally been a small informal parking area. This has at the agreement of the Estate, customarily been available for

public use and has served to facilitate local access to the core path, nearby souterrain and viewpoint. Its location is shown on the Paths Leaflet. In noting the various developments proposed hereabouts the Officer is hopeful the parking area will be retained as they progress such that it beneficially serves use of the core path and other features of interest to the public.

31. **Kincraig and Vicinity Community Council** were consulted on the application but have not provided any comments.

REPRESENTATIONS

32. The application was advertised when first submitted. There have been no letters of public representation received.

APPRAISAL

33. The main planning considerations are the principle of development; the impact upon the landscape, layout, and design; the environmental impacts; impacts on the historic environment; access and servicing and developer contributions.

Principle of Development

34. **Policy I.3 Other Housing in the Countryside** of the Cairngorms National Park Local Development Plan 2021 supports proposals for new housing development within the open countryside where they reinforce the existing pattern of development and:
 - a) are necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside; or
 - b) are on a rural brownfield site.
35. The supporting documentation confirms that the dwellings to be erected are for occupation by employees of the estate and that it is essential that farm staff live close to the new farm complex for the day-to-day operations, animal welfare and security of the farming unit. The modernisation of the estate has led to various planning applications which affect the existing housing stock on the Estate. The permission to relocate the farm complex to the north of the A9 would see the existing house- Chapelpark Cottage- segregated from the new farm complex and therefore this application looks to ensure all farm staff dwellings are located adjacent to the new farm complex to improve the overall efficiency and running of the farm and to improve occupant amenity, by being set back further from the A9 dualling. The former farm and redundant cottage site will be redeveloped as part of a future planning application.
36. The planning permission to convert the Balavil Mains Steading to a commercial complex would see the loss of another unit of staff accommodation on site and the Estate would like to create its replacement in a location more suitable to the operations to which the staff relate. The application also looks to demolish Lynvoan Cottage and again erect a new dwelling to make up for the loss of accommodation but on a site further north and further away from the A9 dualling. The supporting documentation confirms that the

existing cottage is uninhabitable, and it is uneconomic to bring up to a standard to comply with building standards and climate change requirements.

37. **Policy 1.5 Affordable Housing** requires proposals for fewer than four market dwellings to contribute towards affordable housing by way of a monetary payment which will be used towards meeting housing need in the local community. The applicant has confirmed they will pay the affordable housing contribution. On this basis the proposed erection of new dwellings for staff accommodation is acceptable, in accordance with Policy 1: New Housing Development, subject to compliance with other relevant Local Development Plan policies.

Landscape Impacts, Layout and Design

38. **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. **Policy 1: New Housing Development** and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seek to reinforce and enhance the character of the existing settlement and encourage new development to be sympathetic to the traditional pattern and character of the area, whilst encouraging innovative design and finishes.
39. The proposal is for three new houses located in two groups, on elevated hill slopes above Lynvoan, with a linking access track and the demolition of the existing Lynvoan Cottage. The existing landscape character of the wider area includes extensive woodland upon the strath slopes, with improved fields and interspersed farm holdings and some larger lodges. The development of the dwellings would result in a slight increase in density of dispersed houses upon the strath side, but the development is considered to fit with the broad landscape pattern, accounting for the proposed mitigation of sensitive landscaping and additional woodland planting. The proposed dwellings would therefore be sympathetic to the traditional pattern of the area in accordance with Policy 5: Landscape and Policy 3: Design and Placemaking of the Cairngorm National Park 2021.
40. The design of the dwellings has a contemporary feel using modern finishes including timber cladding, zinc, and large glazed detailing. The design and finishes relate to the recent changes to the other dwellings on the Estate which have benefitted from contemporary refurbishments.
41. The Landscape Officer considers the concrete surface of the proposed access roads to houses 1-3 would be out of character where distant from the farm, but their effects could be mitigated with careful design and woodland planting. Conversely the proposed concrete road higher up the hill than the houses, linking across the hillside far away from the farm below, would appear more incongruous and it is advised that the proposed surfacing for this road is amended to be more low-key and befitting of its rural, hillside location within the National Park. The agent has confirmed that the track is to be used for agricultural purposes in addition to the residential vehicles and that the use of concrete is to ensure a robust surface is provided with a long-life service capable of withstanding the weather conditions whilst requiring minimal maintenance. The vertical

alignment of the access track has been designed to follow existing contours minimising earthworks as far as possible whilst providing appropriate road gradients. A planning condition is recommended to agree the final surface finish of the access track.

42. The proposal does include the removal of trees to accommodate the development however, compensatory planting above the numbers to be removed is proposed. The proposed woodland planting and tree species mix has been simplified to better reflect the local landscape character. The extent of the proposed woodland east of house site 1 has been amended to be further south to avoid contrasting to the characteristic field pattern. Additional woodland planting is also shown in-between the proposed the proposed road and existing woodland to the south, and this is welcomed.
43. Subject to planning conditions being included for a landscape maintenance scheme and exterior lighting details, the proposal is considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

Environmental Impacts

44. **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.
45. A Habitats Regulations Appraisal has been undertaken which concludes that subject to the inclusion of a planning condition for the agreement of a construction method statement, including pollution prevention measures, the conservation objectives of the listed European Sites (**Appendix 2**) will be met and there will not be an adverse effect on site integrity. NatureScot agree with the conclusions of the HRA.
46. Regarding protected species and habitats, the CNPA Ecology Officer has no objection to the scheme, confirming that the proposal will not have an adverse impact on ecological interests of the site. The mitigation included within the bat species protection plan is considered sufficient and at an appropriate level for the status of roost and impact. Ecological enhancements include the planting of native tree species. Subject to the inclusion of the recommended planning conditions, for an updated construction method statement, and a reptile survey, the proposal is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.
47. Regarding other environmental matters, 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. The Highland Council Contaminated Land Team confirms there are no known contaminated land issues, and they have no objection. The proposal is therefore considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Servicing

48. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
49. Regarding water connections, the proposal would be connected to the mains water in the area, of which Scottish Water have no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity.
50. For foul drainage arrangements, House 1 will connect to the filter system and septic tank approved for the farm complex which has sufficient capacity to accommodate both developments and a separate filter system and septic tank would serve Houses 2 and 3. Surface water would be dealt with via filter drains connecting to a SuDS detention basin and parking areas for the dwellings are to be created of permeable surfacing. The Highland Council Flood Risk Management Team have no objections to the scheme and an informative is recommended to highlight that the drainage arrangement would be subject to SEPA licensing. On this basis the proposed surface water and foul water drainage measures are acceptable in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Access

51. **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.
52. The development will be satisfactorily accessed by a private access track which will be privately owned and maintained, situated outwith the land required for the A9 Dualling project. The dwellings are served by adequate parking areas. Transport Scotland and the Highland Council Transport Planning Team have no objections to the scheme. The proposal complies with vehicular access requirements of Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.
53. Policy 3: Design and Placemaking also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network. It is noted that there is a core path within the vicinity of the development which follows part of the vehicle track near Lynvoan Cottage (LBS146). The agent has confirmed that the development will have no impact on the core path and the existing access arrangements will remain unaffected.

Impact on Neighbouring 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 amenity currently enjoyed by neighbouring occupants to sites and affords sufficient private amenity ground and off-street parking with the development. There are

no properties within the immediate area of the development which would be affected by the proposal in terms of amenity impacts. With regards to the amenity for the occupants of the proposed dwellings, it is considered this will be improved with staff dwellings being located further away from the A9 than the existing housing stock on the Estate.

Impact on the Historic Environment

55. **Policy 9: Cultural Heritage** requires development that would affect the setting of a listed building to preserve the special qualities of the building or structure, and enhance the character, and the contribution it makes to the cultural heritage of the National Park. The proposed dwellings are not within the immediate setting of the listed buildings on Balavil Estate and therefore the development would not have a negative impact on the existing heritage assets, considering the distance between the site and the assets and the extensive agricultural land and woodland interspersed between the sites.
56. Regarding archaeological interests, it is understood that Lynvoan Cottage and associated buildings are of historic importance and the Highland Council Archaeologist recommends the inclusion of a planning condition for the photographic recording of the building prior to its demolition to provide a record of their current condition and setting. Subject to this condition the proposal is not considered to negatively impact on the historic environment in accordance with Policy 9: Cultural Heritage 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 Policy also requires contributions to affordable housing where applicable and where no affordable housing is provided on site.
58. The applicant has confirmed their acceptance to pay a developer contribution towards affordable housing in accordance with policy provision. Subject to its payment, the development complies with Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2021.

Other Issues Raised in Consultations and Representations

59. All matters raised by consultees have been addressed above. No public representations have been received.

CONCLUSION

60. The application is for new housing within the countryside to meet a staff accommodation need for Balavil Estate. The site is considered capable of being developed and serviced without any significant landscape or environmental impacts. Any remaining points of detail that have not been sufficiently addressed will be resolved

through the imposition of suitable conditions. Subject to these recommended conditions and the payment of the affordable housing developer contribution, the proposed development is considered to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Change of use of land to form 3 staff (replacement) farmhouses including associated access, drainage, landscape, ground works, services and the demolition of Lynvoan Cottage and outbuildings at Land 795M West Of Garden Cottage Kingussie subject to:

- a) the payment of the developer contribution for affordable housing; and**
- b) 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 on site until an updated Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
 - a) The approach to site preparation, soils management, restoration and reinstatement.**
 - b) Construction stage SuDS.**
 - c) Reference to the bat species protection plan, and any other ecological survey and how these will be adhered to during demolition/ construction.**
 - d) Construction pollution prevention measures.**
 - e) Programme of works including demolition details.**

The construction of the development shall thereafter be implemented in accordance with the approved details.

Reason: A Construction Method Statement must be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment, to ensure pollution does not reach the Insh Marshes SAC, River Spey SAC and River Spey – Insh Marshes SPA, and so avoid an adverse effect on these sites integrity, in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 2. No development or demolition (including site clearance) shall commence on site, until a photographic record has been made of the building and associated structures at Lynvoan Cottage to be affected by the works and the record submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Highland Council Archaeology Team.**

Reason: The buildings to be demolished are of historic importance. The photographic record is therefore required to protect the historic interest of the site in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021. Further information on the details to include within the Record are listed within the Informatives attached to this Decision Notice.

3. **No development shall commence, on site until a reptile survey has been completed and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter accord with the approved survey and any required mitigation measures.**

Reason: To ensure the development has no adverse impacts on any reptiles if found within the area, and to ensure that any mitigation provided is sufficient to meet the impacts the proposal may have, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

4. No development shall commence on the construction of the access tracks, hereby permitted, until details of the track have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The details shall include materials, aggregate type and colour, edge details and drainage. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the development conserves and enhances and is sympathetic to the existing character of the area in accordance with Policy 3: Design and Placemaking and Policy 5: Landscape, of the Cairngorms National Park Local Development Plan 2021.

5. The development hereby approved shall be carried out in complete accordance with the recommendations contained within Section C of the approved 'Otter (and further protected species except bats) Survey report', dated 20 April 2022, carried out by Black Hill Ecology Ltd and in accordance with the Bat Species Protection Plan, dated March 2022, carried out by Black Hill Ecology Ltd.

Reason: In the interests of habitat and biodiversity enhancement in accordance with Policy 4: Natural Heritage of the Cairngorms National Park 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. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith 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.

Archaeological Photographic Record contents

5. A photographic record is a set of photographs of a specific building, structure or complex and its setting. It will be accompanied by a ground plan that includes a scale and north point. An architect's or draughtman's drawing is usually sufficient. A photographic record should contain the following:
 - a) Photographs of general views showing the building in its wider setting and landscape.
 - b) Photographs of any associated buildings or structures, i.e. outbuildings, stores, boundary walls, etc.
 - c) Photographs of the building's external appearance. Typically, a series of views to give an impression of the overall size and shape of the building and a series of external elevations take at right-angles to the building to show detail.
 - d) Photographs of the overall appearance of the principal rooms, connecting areas and their associated rooms or work areas, i.e., understairs cupboards, pantries etc.
 - e) Photographs of any external or internal detail, structural or decorative which is relevant to the buildings design, development or use and which does not show adequately on general photographs (i.e. fireplaces, exposed timbers, fixtures and fittings of note etc). It will be useful to include a clearly marked and suitably sized scale next to the subject- if a scaled ranging rod is not available an object of standard size would suffice, i.e. a ruler or tape measure.

- f) If applicable, photographs of any fittings, machinery or other plant, or evidence for its existence. Photographs of any dates or other inscriptions, any signage, maker's plates or graffiti that contribute to an understanding of the building or its fixtures. A transcription should be made wherever the characters are difficult to interpret. Photographs of any building contents which have a significant bearing on the building's history.
6. Reporting- All photograph locations should be marked on an accompanying ground plan. Where an architectural drawing is not available, a sketch plan can be used. Accompanying the photographs and ground plan, the following must also be included:
- a) A note of the time and date the photographic record was produced.
 - b) The name(s) of the people that made the record (for copyright purposes).
 - c) Any descriptions or explanations that may be required to accompany the photographs.
 - d) Any information the recorder has about the building, i.e. building type; purpose (historically and present); construction materials; later additions; demolitions and alterations; possible dates; knowledge of previous residents etc.

Contaminated Land Informative

7. The applicant should ensure they are satisfied via survey work that the building to be demolished does not contain asbestos material and that any material should be removed in line with guidance issued by HSE. Asbestos removal should be carried out prior to demolition and disposed of appropriately as a Special Waste.

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.