

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Proposal for 8 Houses and Access Road at Land 45M NW Of, 3 Ridewood Grove, Newtonmore

REFERENCE: 2016/0271/PPP

APPLICANT: Mr Donald MacKenzie

DATE CALLED-IN: 19 July 2016

RECOMMENDATION: Approve with Conditions

CASE OFFICER: David Allan, Planning Technician

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site forms part of Strone of Glenbanchor Croft and is located off Strone Road in the settlement of Newtonmore. It is bound to the South and Southwest by Ridewood Grove and Church Terrace, both of which are residential streets, to the North by agricultural land, and to the East by Strone Road.
2. A group of agricultural buildings currently occupy the North East of the site together with an area of associated gravel, hardstanding, and agricultural storage. The South West section of the site is under rough pasture, bound by trees to the North, and used for overwintering of livestock.
3. Access to the site is via the existing agricultural access from Strone Road (U2294). This section of Strone Road is an unadopted minor road which has a junction to Newtonmore Main Street (A86) to the South. A further gated access exists at the South West boundary to Church Terrace.
4. The Northwest of the site contains woodland within the Native Woodland Survey, there are no further designations at this location.

Proposal

5. 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=OAKFGASIOCA00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	PP.101	22.12.2015	25.07.2016
Site Plan (Superseded)	PP.102	01.07.2016	25.07.2016
Site Plan (Revised)	MSN PL.103 Rev B	08.02.2017	08.02.2017
Topographical Survey	CTCH-1472-001	07.04.2016	24.01.2017
Drainage Feasibility Report – Revision B	J1472	20.02.2016	20.12.2016
Bat Roost Assessment		21.03.2016	25.07.2016
Pre-Planning General Site and Tree Presence Assessment		27.04.2016	25.07.2016
Contaminated Land Questionnaire		09.08.2016	18.08.2016

Design and Access Statement	MSR DASS.0281116	November 2016	13.12.2016
Phase I Environmental Risk Assessment		November 2016	18.11.2016

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

6. This proposal seeks planning permission in principle for 8 houses, 2 of which will be affordable housing units, with associated access. Details have not been provided at this stage in regard to the future site layout, plot size, house type or associated infrastructure. This detail will be required for the assessment of any future matters specified in conditions or full planning application. A Design, Access and Sustainability Statement has been included as part of this application and is intended to be indicative of the future development of the site.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2012 - 2017	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) 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	SUSTAINABLE DESIGN	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	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

7. 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:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Reference should also be made to the Community Information Section 39 on Newtonmore.

Planning Guidance

8. 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	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	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	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	X

CONSULTATIONS

9. A summary of the main issues raised by consultees now follows:
10. **Crofters Commission** consider the extent of the development site is appropriate for 8 houses. With alternative access to the croft being proposed, they do not believe that the application will have a negative impact on the remainder of the croft and as such have no objection.
11. **Scottish Water** has no objection to the current application. They advise that whilst Aviemore Water Treatment Works and Newtonmore Waste Water Treatment Works currently have sufficient capacity for the number of units proposed in principle, they are unable to reserve this capacity. As such, confirmation of available capacity will be provided upon receipt of a formal connection application.
12. It is further advised that if future development proposals are intended to vest in Scottish Water, then water and/or waste water infrastructure (including Sustainable Urban Drainage Systems) should be designed in accordance with the requirements set out in Scottish Water's specification documents "Water for Scotland" and "Sewers for Scotland".
13. **SEPA** have no objection and advise that as the application site lies outwith the medium likelihood extent of the SEPA Flood Map it is unlikely to be at significant risk of fluvial flooding. They further advise that the site is up gradient of an area which is within the medium risk probability extent of the surface water hazard map and as such it should be ensured that the development would not increase surface water run-off rates increasing flood risk elsewhere. They defer to the Highland Council Flood Risk Management Team.

14. SEPA also recommend the use of water resistant materials and forms of construction as appropriate to ensure that any future development is flood resilient.
15. **Transport Scotland** has no objection to the application. They request that should permission be granted, a planning condition be attached requiring provision of visibility splays to the satisfaction of the Local Planning Authority in consultation with Transport Scotland as the Trunk Roads Authority. It was initially recommended that visibility splays with a setback (x) dimension of 4.5metres and a y dimension of 70metres would be appropriate. After further discussion with the applicant's agent and Transport Scotland, a reduced set back dimension of 4.0metres has been agreed due to the location of a porch on the front elevation of an existing dwellinghouse at the junction to Strone Road.
16. **The Highland Council (Contaminated Land)** initially advised that there was a risk for contaminated land as the application site currently accommodates agricultural buildings. It was recommended that an appropriate condition be attached to any planning permission, requiring submission and approval of a potential contamination assessment to evidence that the site is suitable for its proposed use. Completion of a contaminated land questionnaire was also requested prior to determination.
17. It was further advised there was anecdotal evidence that a historic gravel pit within the site may have been in-filled with waste of unknown origin. As such they recommended a second condition be attached to any planning permission requiring submission and approval of a scheme to deal with potential contamination. In addition to this the applicant was advised to provide an initial assessment of potential contamination issues prior to determination of the current application.
18. Following submission of the contaminated land questionnaire and initial assessment of potential contamination issues, which confirmed the likely presence of contaminants, a Phase 1 survey was requested to further determine suitability of the site for its proposed use. Whilst this survey provided evidence of existing contamination, the extent of this remains unknown due to the need for intrusive survey work of the land occupied by agricultural buildings. It was agreed that the principle for a residential development at this location can be supported with the understanding that remedial work could be undertaken to address contamination issues. It is advised that Phase 2 intrusive investigations will be required but that it will be more practical for this to be carried out after the existing buildings have been demolished and cleared. There is no objection to the current application.
19. **The Highland Council (Flood Risk Management Team)** initially objected to the application on the grounds of lack of information on flood risk and drainage. In particular, concerns were raised regarding an un-named, culverted watercourse which flows North to South through the West of the site. Confirmation of the route of the watercourse, and a Flood Risk Assessment to assess the capacity of the watercourse and routing in event of a culvert blockage were initially requested.

20. A revised site location plan (MSN PAA.103 Rev B) which identifies the route of the culverted water course and excludes it from the application site has been submitted to the satisfaction of the Flood Risk management Team. In addition to this, photographic evidence was submitted to illustrate the extent of the watercourse. Following further discussion with the applicant's agent and the Flood Risk Management Team, to determine whether a flood risk assessment is necessary this stage, it has been agreed that the current objection can be removed subject to a restriction on plot locations in lieu of a full flood risk assessment. Subsequently, it is requested that two planning conditions be attached should planning permission in principle be granted. These conditions would require a minimum six metre buffer between the culvert and any property, and in the absence of a full flood risk assessment, that there is to be no plots on ground levels below 248.5AOD.
21. It was also requested that the Feasibility Report submitted as part of this application be revised to include: i) anticipated locations of drainage features and ii) the results of percolation tests to demonstrate that the site is able to accept surface water discharge. An amended report has been submitted to the satisfaction of the Flood Risk Management team.
22. Finally, the Flood Risk Management Team indicated that there is a historic flooding issue in Newtonmore which is associated with the existing combined Scottish Water sewer which serves the area around the application site. They state that they are aware of proposals to modify this sewer arrangement and advised early consultation with Scottish Water regarding this.
23. **The Highland Council (Forestry)** have no objection to the application. They advise that woodland to the North West of the site contributes to a cohesive woodland area and forms an important visual feature. As such, the existing trees should be retained and safeguarded by way of a planning condition. It is further requested that two conditions be attached to any planning permission, requiring future submission and approval of documents including: an arboricultural implications assessments, tree protection plan, arboricultural method statement, landscape plan and maintenance programme.
24. **The Highland Council (Transport Planning)** initially objected to the application, advising that they were unable to provide a meaningful response due to a lack of information regarding access, visibility, site layout, and drainage feasibility. Further reference was made to pre-application advice which had been provided to the applicant and requested that this was given due consideration. This advice was provided on the basis that the section of Strone Road between the A86 and the application site was an adopted road.
25. Having established that the relevant section of Strone Road is not adopted, Transport Planning no longer object to the application. They advise that should the applicant seek to have the application site considered for adoption, the private section of Strone Road would also require to be adopted. They further advise that the proposed visibility splays are acceptable for a 30mph minor residential road.

26. **CNPA Ecology Adviser** states that the site is within 0.5km of the River Spey SAC, Insh Marshes Ramsar, SPA, SAC, SSSI but is assessed as having no impact on designated features. Confirmation is required that pine marten and squirrel are not breeding on site if there is to be tree removal as part of this proposal. The Suds scheme could have the potential to enhance the biodiversity value of the site but does not at present.
27. **CNPA Landscape Adviser** states that views out across the Strath from the elevated fields above the site is spectacular and could be affected by the development. Fitting the development into the undulating terraces above will be essential and reshaping of any cut slopes and hummocks has to be done with careful attention to detail.
28. They further advise that the trees along the Northern edge of the site should be retained and enhanced. Whilst there will probably be a need to reduce the number of trees on the southern end of the site, the very large rowan tree south-west of the barn is significant and the design should allow for this to be retained, preferably as part of a common landscaped area. These trees together will help to emphasise and strengthen the settlement edge and provide context for development.
29. Finally, any design should provide access for pedestrians and bikes through the development, between Church Terrace and Strone Road in order to integrate the new development into the network of paths and movement of the town.
30. **Inclusive Cairngorms** have no comment at this stage.
31. **Newtonmore and Vicinity Community Council** stated that they neither object to nor support the application and their full response is included as **Appendix 2** of this report. Whilst not objecting, concerns are raised regarding the condition and capacity of Strone Road at this location to serve additional housing, with particular reference made to impacts on drainage and flooding.

REPRESENTATIONS

32. One representation was received in objection to the application and is included as **Appendix 3** of this report. In summary, the contributor raises concerns regarding the following:
 - a) Concern that the development is speculative for commercial reasons and not in accordance with strategic growth of the village;
 - b) Surplus of available site for this type of residential building elsewhere in the village;
 - c) Overdevelopment of the site on grounds that 8 dwellings is excessive;
 - d) Encroachment into good agricultural land;
 - e) Not demonstrated that the design will enhance the existing character of the area;
 - f) Development does not address difficulties that younger people might experience accessing the housing market;

- g) There is a low demand for this kind of open market housing in Newtonmore and the village has sufficient supply of large houses;
- h) Current ongoing developments within Newtonmore should provide adequate supply of 1-3 bedroom and affordable housing;
- i) By creating surplus housing the development may suppress the housing market in the village;
- j) A proportion of any housing built will contribute to inward migration by an elderly population or distant owners operating holiday accommodation;
- k) Application site is not within allocated housing land;
- l) Further development at this location will diminish the immediate rural amenity;
- m) Loss of privacy;
- n) Increase in noise and traffic pollution;
- o) Potential adverse impacts to species potentially present across the development site;
- p) Potential for increased flood risk due to engineering of the site;
- q) A future development at this location may require permission to access neighbouring land to establish services connections.

APPRAISAL

Principle and New Housing

- 33. Whilst an indicative plan has been submitted to demonstrate that the site can accommodate the development proposed, the application is only seeking planning permission in principle for 8 residential units within the settlement of Newtonmore. The settlement boundaries within the Cairngorms National Park Local Development Plan 2015 indicate the extent to which settlements may expand during the lifetime of the current plan and all new housing within settlements should be within these boundaries.
- 34. The application site is located inside the North East extent of settlement boundary for Newtonmore. It is also adjacent to a number contemporary residential developments and the principle of an additional 8 units here can reasonably be considered to follow residential development patterns North of Newtonmore Main Street.
- 35. Whilst the application site is not allocated for development, the scale of housing being proposed is in accordance with Policy I: New Housing of the Cairngorms Local Development Plan which supports proposals for housing within settlements, not on sites identified within the Plan, where they are small scale and reinforce and enhance the character of the settlement.
- 36. All new housing developments within the Park are required to make a contribution to the provision of affordable housing. For developments of 4 or more open market dwellings, this requirement will generally be no more than 25% of the total dwellings. An onsite contribution would be sought at this location and it is proposed in the supporting Design, Access and Sustainability Statement that 2 semi-detached affordable units will be provided, representing

25% of the total development. The detail of the mechanism for providing these units is as yet unknown and it is therefore recommended that an appropriate planning condition be attached should permission be granted, requiring the submission of this detail as part of any future planning application.

37. The proposals therefore comply with Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015. As such the principle for a small-scale residential development at this location can be supported subject to full consideration of design and mitigation of any adverse impacts to natural heritage interests as part of any future full planning application.

Sustainable Design

38. A Design, Access and Sustainability Statement has been submitted as part of this application and it is intended to provide a degree of guidance on the anticipated approach for future residential development at this site.
39. Whilst the intended plot layout, plot size, and detailed house types are as yet unknown, it is considered that the site has the capacity to accommodate 8 residential units in a number of possible permutations. An indicative site plan (PP.102) illustrates how this might be achieved. However, it is considered that there is scope to revise this layout to ensure that future plots make best use of the site in terms of landscape setting, SUDS, and to mitigate any potential impacts on privacy and amenity to neighbouring properties. This indicative site layout also does not take account of the proposed 2 semi-detached affordable units. It is recommended that a planning condition be attached should permission be granted, requiring the submission of full details of site layout, plots, and house types as part of any future planning application.
40. Vehicular access to the site is to be taken from Strone Road, a minor road not currently adopted by the Local Authority. There have been concerns raised regarding the current condition of this section of road and the potential adverse impact that an additional development here may have. The current maintenance arrangement for the upkeep of the road remains to be determined. It would therefore be the responsibility of the developer to establish a suitable approach, which would ensure that this section of Strone Road is improved as required and maintained in good condition thereafter. It is intended that the access infrastructure within the development site will be provided at a specification for adoption, as a way of future proofing the site should Strone Road be brought up to standard and subsequently adopted.
41. As the development site is within a recognised residential location, and in proximity to the town centre of Newtonmore, an active travel link has been sought which would promote sustainable modes of transport such as walking and cycling. This would provide alternative pedestrian access from the South West of the site to Church Terrace and to the town centre beyond. It is recommended that a planning condition be attached should permission be granted requiring the submission of full access and transport infrastructure details as part of any future planning application.

42. It is understood that an informal arrangement exists to cater for the uplift of residential waste from neighbouring streets where access is also taken from this unadopted section of Strone Road. Whether a similar arrangement can be secured for the application site remains to be determined. However it is feasible that a private waste collection contract could provide an alternative solution. It is recommended that a planning condition be attached should permission be granted, requiring the submission of details of the proposed waste collection points and the arrangements for collection. This should include a provision for segregated waste streams.
43. Whilst the full design layout and details for development will be considered in the assessment of any future application for full planning permission, the supporting information associated with the current application accords in principle with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Natural Heritage and Landscape

44. A bat survey was undertaken to assess the agricultural buildings and trees within the site for their potential to support bats. No potential roost features were identified therefore further survey work was not required. Whilst there are no other natural heritage designations further surveys for breeding birds, pine marten and red squirrel will be required should the site be progressed.
45. The trees along the North West of the site contribute some landscape and ecological value to the site and are considered to contribute more widely to a cohesive area of woodland when taken together with trees immediately outside the site. The current site plan indicates that these trees are to remain. It is anticipated that landscape and ecology enhancements would be sought as part of any future planning application and it is therefore recommended that a planning condition be attached should permission be granted, requiring the submission of an arboricultural assessment, tree protection plan, and landscape planting plan. Further to this it is requested that a planning condition be attached to ensure that no trees on site be cut down, uprooted, topped, lopped or wilfully damaged in any way without prior consent.
46. As the detail of site layout, plots, and proposed house types is unknown, it is not possible to fully assess at this stage how future developments might accord with the landscape setting of the application site. However it is considered that there is scope within the site to deliver an acceptable arrangement of units, supported by sensitive groundworks, reinstatement and soft landscaping. In addition to the requirement for details on site layout, it is recommended that a planning condition be attached requiring the submission of details of any proposed profiling and earthworks necessary for the formation of site access and house plots.
47. There is potential that a future residential development at this location could contribute positively to the character of this part of Newtonmore and provide

biodiversity enhancements and is therefore considered in principle to comply with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Resources

48. The Design, Access, and Sustainability Statement propose that a development at this location would connect to the existing public sewer. It is understood that there are historic issues associated with this network, and that in particular, the combined sewer at the junction of Strone Road and Clune Terrace is prone to overflowing. It is also understood that Scottish Water are aware of the current problem and may be looking to address this through provision of an upgraded split sewer.
49. It has been confirmed that both water supply and waste water treatment capacity currently exists for a development of this size at this location, although this capacity cannot be reserved and would need to be re-confirmed as part of any future application. No comment has been provided by Scottish Water regarding their intention to carry out upgrades to the existing sewer infrastructure.
50. Whilst the current outline drainage strategy does not wholly comply with SUDS requirements in terms of improving water quality, enhancing biodiversity, and amenity, the applicant has demonstrated willingness to incorporate features such as swales and rain gardens as detailed in the Drainage Feasibility Report and Design, Access and Sustainability Statement. Percolation tests have been carried out to demonstrate that the site has appropriate ground conditions to accept surface water drainage by infiltration. A full detailed drainage strategy to include measures for foul and surface water, which should incorporate the most current approach to SUDS provision will be required as part of any future full planning application for residential units at this location, and it is therefore recommended that an appropriate planning condition be attached should permission be granted.
51. To the South West of the site there is a small watercourse which is currently culverted under the site and it will be necessary to ensure that any future development of the site will not adversely impact upon this watercourse so as to increase the potential for flood risk locally. To date no assessment of the flows in the watercourse, or the capacity of the channel and culvert has been carried in respect of 1 in 200 year flood events. However, no evidence has been provided to demonstrate that flooding occurs at this location.
52. As the majority of the site is up gradient of the watercourse, and as there is no evidence of historic flooding, it is reasonable to consider that there is a low level of potential flood risk to the proposed residential units. This is supported by advice from the flood risk team that plots can be supported on ground levels above 248.5AOD. Should any future development include proposals for plots with ground level below 248.5AOD, then it would be expected that an appropriate Flood Risk Assessment be carried out and included as part of any

application. As such, it is recommended that an appropriate planning condition be attached should planning permission be granted.

53. The applicant's agent has also discussed the possibility that the culverted channel could be modified to an open channel. This approach could contribute to potential ecological enhancement within the site in terms of options for SUDS provision and would accord with The Highland Council's good working practice which does not support building on top of culverted watercourses. Any proposed modifications would need to demonstrate that there would not be an increased risk of flooding where the watercourse leaves the application site at Church Terrace.
54. It is known that there is some degree of contaminated land as a result of the use of the site for agricultural activities. This is understood to be associated primarily with the use of fuel and oil for vehicles and machinery, and also concerns the potential for landfill of unknown origin. The full extent of this contamination cannot reasonably be established until the agricultural buildings have been removed and the necessary intrusive investigations carried out. Once established, there are a range of remediation techniques which could be used to either remove or isolate contaminants rendering the site safe for residential use. It is therefore recommended that a planning condition be attached should permission be granted requiring the submission of an appropriate contaminated land assessment including details of any proposed remediation.
55. Whilst full details of the proposed drainage strategy, flood risk analysis, and an assessment of the status of contamination and will be required in support of any future application for full planning permission, the current application accords in principle with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Developer Contributions

56. Policy 11 of the Cairngorms National Park Local Development Plan 2015 requires that development which gives rise to a need to increase or improve public services, facilities, or infrastructure, or mitigate adverse effects will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. No requirements have been identified through consultations and it is considered that given the scale and nature of the proposed development that there are no direct impacts which would result in the need for developer contributions. Therefore, the proposal complies with Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2015.

Other Issues Raised in Consultations and Representations

57. Most of the material planning issues that have been raised are covered within the report.

58. Concerns are raised regarding the intent of the applicant. It is not for CNPA in considering a planning application to speculate the reasons for the application. Any planning application must be considered upon its planning merits.
59. One representation raised concerns that in addition to other existing planning permissions, 8 residential units may contribute to a surplus of housing supply in Newtonmore, subsequently leading to a downturn in the housing market. As a proportion of the units are to be affordable housing, these units are unlikely adversely impact on the local housing market and depending on the agreed mechanism for delivery may provide housing solutions for those with an identified need who cannot readily access market price houses. The remaining units, which will be required to meet the relevant up-to-date buildings standards and design principles are anticipated to provide an alternative option to existing housing stock.
60. In terms of the loss of agricultural land and any adverse impacts to the immediate rural amenity, the application site is small-scale and the development of residential units here would not be incongruous with adjacent developments. Due to the topography of the site there is scope that the proposed properties could be sympathetically situated in response to their setting at the boundary between residential Newtonmore and the more open, rural countryside beyond without any significant impact upon the amenities, including privacy, of any neighbouring properties.
61. They also raised concern that any housing development will contribute to an increase in elderly population and tourist accommodation. The profile of future purchasers cannot be guaranteed nor discriminated. It is also acknowledged that tourism is an integral component of local economies within the National Park and part of this includes the provision of a mix of tourist accommodation including holiday houses and bed and breakfasts.
62. It is not considered that 8 residential units at this location would contribute significantly to existing noise and traffic pollution. The application site is adjacent to a number of existing residential streets and currently exists as part of a farm. Therefore whilst it is accepted that the introduction of 8 units will contribute to the wider residential area, it is unlikely that there would be a loss of amenity warranting refusal of this application. In addition to this an active travel link is recommended as a measure to promote walking and cycling as modes of transport for local journeys.
63. Finally, it is acknowledged that should any future development require services infrastructure to be laid through neighbouring land, this would require the permission of the relevant landowner. This will be for the developer to negotiate or to make appropriate alternative arrangements.

CONCLUSION

64. The principle for small-scale residential development at this location accords with policies for new housing as set out in the Cairngorms National Park Local

Development Plan 2015. Any future application for matters specified in condition or further full planning application will require the submission of sufficient detail to demonstrate further adherence to current policies, with particular regard to design and mitigation of impacts to natural heritage.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the proposal for 8 houses and access road at Land 45M NW Of, 3 Ridewood Grove, Newtonmore 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.

- 1. No development shall commence on site until an arboricultural assessment and tree protection plan have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority.**

The tree protection plan shall be designed to accord with British Standard 5837: 2012 Trees in relation to design, demolition and construction.

The approved tree protection plan shall be implemented in its entirety on site prior to any development on the site, including the works required under Conditions 3 and 4 of this permission, and thereafter retained on site for the duration of works until their completion.

Reason: To ensure that tree protection is in place in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 and British Standard 5837: 2012 Trees in relation to design, demolition and construction. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

- 2. No development shall commence on site until details of a working compound (for site facilities and the storage of equipment and materials) have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority.**

Thereafter the compound shall be retained for those purposes in accordance with the approved details for the duration of works on the site.

Reason: To ensure the protection of the amenities of neighbouring properties and the occupiers of the development in accordance with **Policy 3: Sustainable Design of the Cairngorms National Park Authority Local Development Plan 2015**. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of **Section 59 of the Town and Country Planning (Scotland) Act 1997**, as outlined in Informative I of this permission.

- 3. No development, with the exception of site clearance, shall commence on site until evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, in relation to the use of agricultural buildings has been submitted to, and approved in writing by The Cairngorms National Park Authority, acting as the Planning Authority, in consultation with The Highland Council (Contaminated Land). The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33 and the British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice. In the event that contamination is found, details of the measures required to treat/remove contamination (a remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to and approved in writing by the Cairngorms National Park Authority.**

Thereafter, the approved remedial strategy (if required) shall be implemented and completed in its entirety prior to the commencement of the development.

Reason: To ensure that the site is suitable for redevelopment for residential use given the nature of previous uses and processes on site in accordance with **Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015**. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of **Section 59 of the Town and Country Planning (Scotland) Act 1997**, as outlined in Informative I of this permission.

- 4. No development, with the exception of site clearance, shall commence on site until a scheme to deal with potential contamination on site in relation to the historic gravel pit, has been submitted to and agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council (Contaminated Land). The scheme shall include:**
 - a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), including the scope and method of the assessments, all of which shall be**

undertaken in accordance with **PAN 33 (2000)** and **British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice**;

- b) The measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the proposed residential use;
- c) Measures to deal with contamination during construction works;
- d) (In the event that remedial action be required) a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) (In the event monitoring is required) monitoring statements shall be submitted to include details of the frequency and time period for submissions

Thereafter, no development shall commence on site until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to be agreed in advance by the **Cairngorms National Park Authority**, acting as **Planning Authority**, in consultation with the **Highland Council (Contaminated Land)**.

Reason: To ensure that the site is suitable for redevelopment for residential use given the nature of previous uses and processes on site in accordance with **Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015**. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of **Section 59 of the Town and Country Planning (Scotland) Act 1997**, as outlined in **Informative 1** of this permission.

- 5. No development shall commence on site until a levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point together with full details of any proposed profiling and earthworks necessary for the site access and house plots have been submitted to and approved in writing by the **Cairngorms National Park Authority** as the **Planning Authority**.

Thereafter any profiling or earthworks shall be implemented in accordance with those approved details.

Reason: To ensure that the development hereby approved fits well within the site and surrounding landscape and to minimise any impact upon neighbouring properties, all in accordance with **Policy 1: New Development** and **Policy 5: Landscape** of the **Cairngorms National Park Local Development Plan 2015**. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development

described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

6. No development shall commence on site until full details of the proposed means of access for the development have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. These details shall include:
- (a) The provision of visibility splays at the junction of Strone Road with the A86 with dimensions of 4.0m (x) and 70.0m (y)
 - (b) The provision of visibility splays at the entrance to the application site from Strone Road with dimensions of 2.4m(x) and 40.0m (y)
 - (c) The provision of a vehicle turning area within the site

The means of access to the site shall be provided prior to the commencement of development of the site, in advance of any works (including those required for Conditions 3 and 4 of this permission) in accordance with these approved details and any profiling and earthworks details approved by Condition 5, and thereafter retained for the lifetime of the development; all unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development has safe access in accordance with Policy 3: Sustainable Development of the Cairngorms National Park Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

7. No development shall commence on site until a scheme for affordable housing provision of a minimum of 25% (2 units) of all the residential units approved on site have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The details shall include:
- a) Type, tenure, and location
 - b) Mechanism for delivery
 - c) Mechanism for retention of housing as affordable housing
 - d) Timescales for provision

Thereafter, the affordable housing shall be provided in accordance with those approved details.

Reason: To ensure that affordable housing is provided in accordance with Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent

approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

8. No development shall commence on site until full details of the proposed means of disposal of foul and surface water from the development, which shall incorporate Sustainable Urban Drainage Systems, have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority.

The drainage and SUDS scheme shall be completed in accordance with the approved details prior to the first occupation of any residential unit on site.

Reason: To ensure that the development is serviced in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

9. No development shall commence on the construction of any buildings and structures, including any residential units and all boundary treatments (within or around the site) until details of the matters listed below have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority:
- a) the layout and siting of all buildings and structures on the site;
 - b) the design and external appearance of all buildings, structures and boundary treatments, including full details of external material finishes;

Thereafter the development shall be constructed and retained in accordance with those approved details, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is of a quality that fits within the context of the surrounding landscape in accordance with Policy 1: New Housing Development and 5: Landscape of the Cairngorms National Park Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

10. No development shall commence on the construction of the residential units hereby approved on site until measures to ensure that there is no development within six metres of the unnamed culverted watercourse as identified at the Western boundary to the application site have been completed in accordance

with a scheme outlining details of those measures to establish the no development buffer zone have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Flood Risk Management Team.

Reason: To ensure there is an appropriate buffer strip around the affected watercourse in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

11. No development shall commence on the construction of the houses hereby approved until details of the proposed pedestrian and vehicular infrastructure have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The details shall include:
- a) Off street car parking provision;
 - b) Provision of an active travel link to include as a minimum pedestrian and bicycle access from the development site to Church Terrace

Prior to the first occupation of any residential unit hereby approved the active travel link shall be provided in full accordance with the approved details and thereafter retained for the lifetime of the development.

Prior to the first occupation of each of the residential units hereby approved, the associated off-street car parking provision shall be provided in full accordance with the approved details and thereafter retained for the use of the associated residential unit and its visitors for parking purposes.

Reason: To ensure that adequate off-street parking and pedestrian and bicycle links are provided in accordance with Policy 3: Sustainable Development of the Cairngorms National Park Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

12. No development shall commence on the residential units hereby approved until full details of a landscaping scheme, including soft and hard landscaping, have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The details shall include:
- a) Hard Landscaping - Locations and surface finishes for all roads, footpaths and cycle ways
 - b) Soft Landscaping - Locations, species and sizes of all new planting (including details of any existing trees/hedges to be retained)

All hard and soft landscaping shall be completed in accordance with the approved details and prior to the occupation of the first residential unit on the site.

Any trees or shrubs removed, or which in the opinion of the Planning Authority are dying, severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of a similar size and species to those originally included in the approved landscaping scheme. In particular, the landscaping scheme shall be fully maintained during ongoing construction works, should the construction of residential units be phased.

Reason: To ensure an acceptable landscaped setting for the development within the context of the surrounding area in accordance with Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

13. Prior the first occupation of any residential unit on the site storage and collection arrangements for all residential waste shall be provided in accordance with a detailed scheme that shall have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. Those details shall include the provision for the segregation of recyclable and compostable waste streams and:
- a) The location of bin storage areas for individual house plots,
 - b) A communal bin collection point,
 - c) Confirmation of the contractual arrangement for collection, if not accepted by the Local Authority;

Thereafter, the waste storage and collection arrangements shall be retained in accordance with those approved details, unless otherwise approved by the Planning Authority.

Reason: To ensure that waste collection provision is provided and that the details are satisfactory in accordance with Policy 3: Sustainable Development, and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015. Planning permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as outlined in Informative I of this permission.

14. In relation to any necessary re-profiling or earthworks details approved under Condition 5 of this permission, no residential units shall be permitted on site on ground levels below 248.5AOD until such time that a Flood Risk Assessment has been submitted to and approved in writing by the Cairngorms National Park Authority in consultation with The Highland Council Flood Risk Management

Team. Thereafter, construction of residential units at ground levels below 248.5AOD will only be permitted where the level of unmitigable flood risk has been demonstrated to the satisfaction of the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council (Flood Risk Management) Team.

Reason: To ensure that the development is free from significant risk of flooding and does not increase the risk of flooding elsewhere in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. Timescales and Procedures for Applying for Requisite Approvals

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, application(s) for requisite approval (for the avoidance of doubt, conditions requiring requisite approval are all those with reference to Section 59 in the reason for the conditions) 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.

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.

An application for requisite approval may be made for different matters and different parts of the development at different times. Each application shall be 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 that 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 Fees Regulations

2. Lapsing of Permission

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, this permission lapses unless you commence the development within 2 years from the date of the last requisite approval.

- 3. 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.

4. Following completion of the development, a notification of the 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.

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.