

# Cairngorms National Park Authority

Application Reference: 06/106/CP

**AGENT:** MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
Perth  
PH2 0NJ

**APPLICANT:** Wilburn Homes Ltd  
Dalfaber Industrial Estate  
Aviemore  
PH22 1ST

The Cairngorms National Park Authority having considered your application to carry out the following development:

**Erection of 10 Houses (8 No. Private Units & 2 No. Affordable Units) with Associated Access Road, Footpaths, Viewpoint and Landscaping**

at;

**Development Site at The Braes of Balnagowan, Nethy Bridge**

and in accordance with the plan(s) docquetted as relative hereto and the particular given in the application, do hereby give notice of their decision to:

## **Grant Full Planning Permission**

Subject to compliance with the following condition(s):

- 1. The development to which this permission relates must be begun within five years from the date of this permission.**

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997.

- 2. The development hereby approved shall be connected to the public foul drainage system. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, no development shall commence on site until such a connection has been formally agreed, in writing, with Scottish Water.**

*Albert Memorial Hall, Station Square, Ballater AB35 5QB  
Telephone: 013397 53601 Facsimile: 013397 55334*

**Reason:** To ensure the site can be adequately drained in the interests of public health and to prevent pollution.

3. That the agreed final SUDS scheme for any individual phase of the development hereby approved shall be implemented and operational prior to the occupation of any development in that phase.

**Reason:** To ensure the site is adequately drained to meet Best Management Practice and to prevent pollution of watercourses.

4. That prior to the commencement of any works on site, for the development hereby approved, a detailed construction method statement, addressing the temporary measures for dealing with surface water run-off during construction and prior to the operation of the agreed final SUDS scheme, shall be submitted for the further written approval of the CNPA acting as Planning Authority, following consultation with SEPA.

**Reason:** To ensure the site is adequately drained to meet Best Management Practice and to prevent pollution of watercourses.

5. That prior to the commencement of works on site, a programme of archaeological work for the preservation and recording of any archaeological features affected by the development hereby approved, including a timetable for investigation, shall be submitted for the further written approval of the CNPA acting as Planning Authority, following consultation with Highland Council's Archaeology Unit. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved scheme and timetable for investigation.

**Reason:** In order to protect the archaeological, cultural heritage and historical interest of the site.

6. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-

- a. Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
- b. The maintenance of the landscaped areas in perpetuity in accordance with a detailed maintenance schedule/table. Any trees or shrubs removed, or in which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** In the interests of enhancing the natural heritage of the area and to ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

7. That prior to the commencement of works on site, a fully detailed scheme for the on-going management and maintenance of the open area (as marked in blue on the approved site layout drawing no. s2720 L(-)04 Rev. B.) to the north-west and west of the approved site boundaries, and all footpath links and the viewpoint, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Thereafter, unless otherwise agreed in writing with the CNPA acting as Planning Authority, the agreed management and maintenance scheme shall be implemented in perpetuity, all to the satisfaction of the CNPA acting as Planning Authority.

**Reason:** To ensure that the open character of this area is retained/maintained in line with the planning policy requirements for the area.

8. That, unless otherwise agreed in writing with the CNPA acting as Planning Authority, prior to the occupation of the last dwellinghouse, the three link footpaths and the viewpoint, as shown on the approved site layout drawing (drawing no. s2720 L (-)04 Rev. B) shall be completed and be available for use, all to the satisfaction of the CNPA acting as Planning Authority.

**Reason:** In the interests of promoting understanding and enjoyment in the form of recreation, of the special qualities of the area, and to ensure the timeous implementation of these footpath links.

9. That prior to the commencement of works on site, exact details for the design, construction, and finishing materials for the three footpath links and the viewpoint shall be submitted for the further written approval of the CNPA acting as Planning Authority. For the avoidance of doubt, the footpath links shall be designed and constructed in a manner which is suitable for multi-user use.

**Reason:** In the interests of visual amenity and to ensure that the footpath links are suitable for multi-user use.

10. That, unless otherwise agreed in writing with the CNPA acting as Planning Authority, prior to the occupation of the last dwellinghouse, the play area as shown on the approved site layout drawing (drawing no. s2720 L(-)04 Rev. B), shall be completed and be available for use, all to the satisfaction of the CNPA acting as Planning Authority.

**Reason:** In the interests of promoting, enjoyment in the form of recreation, of the special qualities of the area, and the social development of the locality, and to ensure the timeous implementation of this play area.

11. That prior to the commencement of works on site, exact details for the layout, design, construction, finishing materials, and the continued management and maintenance of the play area, shall be submitted for the further written approval of the CNPA acting as Planning Authority. The play area once completed shall be thereafter managed and maintained in perpetuity, in accordance with the approved scheme, unless otherwise agreed in writing with the CNPA acting as Planning Authority.

**Reason:** To ensure that the design and construction of this play area is appropriate to the location and serves a meaningful function, and to ensure its long term maintenance, in the interests of visual amenity.

12. That prior to the commencement of works on site, exact details of all boundary enclosures and external hard surfacing materials (shared surface access road and driveways) for the development shall be submitted for the further written approval of the CNPA acting as Planning Authority.

**Reason:** In the interests of visual amenity, and to ensure that these essential elements of the detailed design are appropriate.

13. That the roofs of the approved dwellinghouses and garages shall be finished in slate.

Reason: In the interests of visual amenity and to ensure that the roof finishing materials are appropriate to the character of the area.

14. That prior to the commencement of the wall rendering works, a sample panel, approximately 1 metre square, of the wet harling shall be prepared on site for the inspection and further written approval of the CNPA acting as Planning Authority.

Reason: In the interests of visual amenity and to ensure that the wall finishing materials are appropriate to the character of the area.

15. That prior to the commencement of works on site, exact details of the colours/stains for all external timberwork (including window frames, doors, garage doors, eaves and verges, and cladding), shall be submitted for the further written approval of the CNPA acting as Planning Authority.

Reason: In the interests of visual amenity and to ensure that the colours/stains for the external timberwork are appropriate to the character of the area.

16. That prior to the commencement of any other part of the proposed access road serving the rest of the development hereby approved, the following shall be completed and thereafter maintained, to the satisfaction of the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager:

- a. Visibility splays of not less than 3 metres x 70 metres being provided in both directions at the junction of the new access with the existing public road and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.
- b. The existing access on the west side of the proposed access road, within the bellmouth of the junction with the public road, being permanently closed to vehicular traffic.
- c. A suitable dropped kerb footway crossing being established to provide access to the existing property ("Balnagowan") on the east side of the proposed access near its junction with the public road.

Reason: In the interests of road and public safety; to ensure that all vehicles may enter and exit the site safely at all times.

17. That all internal roads intended for adoption, shall be designed and constructed to an adoptable standard in compliance with the requirements of Highland Council's Roads Guidelines for new Developments.

Reason: In the interests of road and public safety; to ensure that all vehicles may enter and exit the site safely at all times.

18. That the vehicular access to each house plot shall be hard surfaced for a distance of at least 6 metres measured from the rear of the adjacent footway or hard edge strip.

Reason: In the interests of road and public safety.

19. That parking and manoeuvring space for at least two cars shall be provided within the curtilage of each house plot such that vehicles can enter and leave each site independently.

Reason: In order to ensure adequate provision of off-street parking.

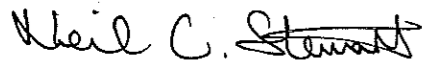
20. No surface water shall be allowed to discharge from any private road or property within the development on to any public road.

Reason: To ensure that adopted road drainage is not adversely affected.

#### Advice for Applicant

This decision notice must be read in conjunction with the terms of the Section Legal Agreement. You are advised to satisfy yourself that you have all the relevant documentation.

Dated: 14<sup>th</sup> February 2007



P.P. Don McKee - Head of Planning

For details of how to appeal to Scottish Ministers against any conditions please see attached notes.

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

*Albert Memorial Hall, Station Square, Ballater AB35 5QB  
Telephone: 013397 53601 Facsimile: 013397 55334*

**PLEASE READ THE ENCLOSED EXPLANATORY NOTES CAREFULLY BEFORE STARTING. IT IS IMPORTANT THAT THIS FORM IS COMPLETED CORRECTLY TO AVOID DELAYS IN PROCESSING.**

**1** TYPE OF APPLICATION  
I / we hereby make application for:

Planning Permission   
Outline Planning Permission   
Approval of Reserved Matters (submission of details following on from an earlier grant of Outline Consent)   
Listed Building Consent   
Conservation Area Consent

**2** APPLICANT'S NAME: WILBURD HOMES LTD  
ADDRESS: DALFABER INDUSTRIAL ESTATE  
AVIEMORE  
POSTCODE: PH22 1ST  
TELEPHONE NO.:  
CONTACT NAME (if different):  
FAX NO.:

**3** AGENT'S NAME: MBM PLANNING & DEVELOPMENT  
ADDRESS: ALGO BUSINESS CENTRE  
GLENETHAN ROAD  
PERTH  
TELEPHONE NO.: 01738 450506  
CONTACT NAME (if different): MARK MYLES  
FAX NO.: 01738 450507

**4** DESCRIPTION OF PROPOSED DEVELOPMENT  
ERECTION OF 10 HOUSES (8 PRIVATE & 2 AFFORDABLE UNITS)

**5** LOCATION OF PROPOSED DEVELOPMENT  
BRAES OF BALNAEOWAN, NETHYBRIDGE

**6** EXISTING USE OF LAND / BUILDINGS  
ALLOCATED HOUSING SITE IN LOCAL PLAN.

**7** EXISTING BUILDINGS  
Existing buildings on the site will be  
 unaffected  altered/extended  demolished  changed in use  
Details: N/A

**8** PREVIOUS DEVELOPMENTS  
APPLICATION 05/120/CP FOR 9 HOUSES

**FOR OFFICIAL USE ONLY**

Application No.

06/69/FuBS  
27/3/06  
05/75/FuBS  
Fees

Appl. £ 0  
Advert. £  
TOTAL

Date Paid

Receipt No.

Grid Reference


Settlement

Ward Number

Local Plan  
Area No.  
Status  
Insert

Type  
Applicant

Application

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PROPOSED ARRANGEMENTS FOR ROAD VEHICLES

It is proposed to:-
[ ] use an existing access
[ ] improve an existing access
[x] form a new access
Name of road to which access is required AS SHOWN ON DRAWINGS.
Number of parking spaces to be provided

10

PROPOSED DRAINAGE ARRANGEMENTS

a) SURFACE WATER - It is intended to use:
a connection to a public drain [ ]
OR separate soakaways [x]
OR another method [ ]
b) FOUL DRAINAGE - It is intended to use:
a connection to a public sewer [x]
OR an existing septic tank [ ]
OR a new septic tank [ ]
OR another method [ ]

For SEPTIC TANK SYSTEMS, please specify whether the septic tank will drain to:
the sea [ ]
OR to a watercourse or loch [ ]
OR to a soakaway pit/perforated pipe system [ ]

For SOAKAWAY PIT / PERFORATED PIPE SYSTEMS, please specify whether:-
a) Percolation tests have been undertaken in accordance with the British Standard: Yes [x] No [ ]
and
b) A signed copy of the Percolation Test results, approved and checked by the Council's Building Control Officer, is attached to this application (see note 10 of the Explanatory Notes) Yes [ ] No [x]

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PROPOSED WATER SUPPLY

It is proposed to use:
[x] the public supply
[ ] a private supply whose source is

12

PROPOSED EXTERNAL BUILDING MATERIALS

Outside walls: WET DASH RENDER
Roof covering: SLATE
Boundary enclosures (e.g. walls, fences etc.): TO BE AGREED

13

INDUSTRIAL AND COMMERCIAL USES

[ ] Industrial / Commercial questionnaire attached
[ ] Minerals questionnaire attached
[x] Not applicable

14

PLANS

The undemoted plans are attached herewith:
[x] Four copies of site plan numbered LP(-)-01
[x] Four copies of block plan numbered L(-)-02
[x] Four copies of floor plan numbered VARIOUS AS LISTED IN COVERING LETTER
[ ] Four copies of cross sections numbered
[x] Four copies of elevations numbered VARIOUS AS LISTED IN COVERING LETTER
[x] One copy of a plan showing details of the neighbouring properties notified

For Mineral Working applications, please list the numbers of all submitted drawings:

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APPLICATION FEE

[ ] A fee of £.....N/A..... is enclosed with this application.
[x] No fee is required for this application (RE-SUBMISSION OF APPLICATION 05/120/CP)
REFUSED ON 14/3/06.



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PUBLICITY FEE

A publicity fee of £ ..... is enclosed with this application.  
No publicity fee is required with this application.

**NOTICE TO BE SERVED ON LANDOWNERS**

IF YOU DO NOT OWN ALL OF THE LAND OR PROPERTY TO WHICH THE APPLICATION RELATES, YOU MUST NOTIFY THE OWNERS BEFORE SUBMITTING THIS FORM. THE APPLICATION WILL NOT BE PROCESSED IF THIS HAS NOT BEEN DONE. PLEASE READ THE ENCLOSED EXPLANATORY NOTES CAREFULLY.

If you do not know who owns the land and cannot complete this certificate, or if the application is for underground mining operations, please consult the Area Planning Officer.

**A**

**FOR APPLICANTS WHO OWN ALL THE PROPERTY**

*(DELETE this section if not applicable)*

I hereby certify that no person other than myself/the applicant\* was an owner of any part of the land to which this application relates, at the beginning of the period of 21 days ending with the date of the application.

*(You should also complete certificate C below)*

**OR**

**B**

**FOR APPLICANTS WHO DO NOT OWN ANY OR ALL OF THE PROPERTY**

*(DELETE this section if not applicable)*

I hereby certify that I have/the applicant has\* given the requisite notice to all persons other than myself/the applicant\* who, at the beginning of the period of 21 days ending with the date of the application, were owners of any part of the land to which the application relates, viz.:

*\*Delete as appropriate*

NAME OF OWNER	ADDRESS	DATE OF SERVICE

**AND**

**C**

**FOR ALL APPLICANTS**

I further certify that

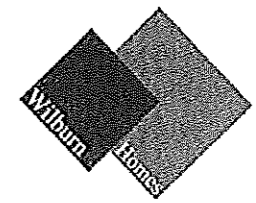
1.\* None of the land to which the application relates constitutes or forms part of an agricultural holding or Registered Croft: OR

2.\* I have/the applicant has\* given the requisite notice to every person other than myself/the applicant\* who, at the beginning of the period of 21 days ending with the date of this notice was a tenant of any agricultural holding or Registered Croft, any part of which was comprised in the land to which this application relates, viz.:

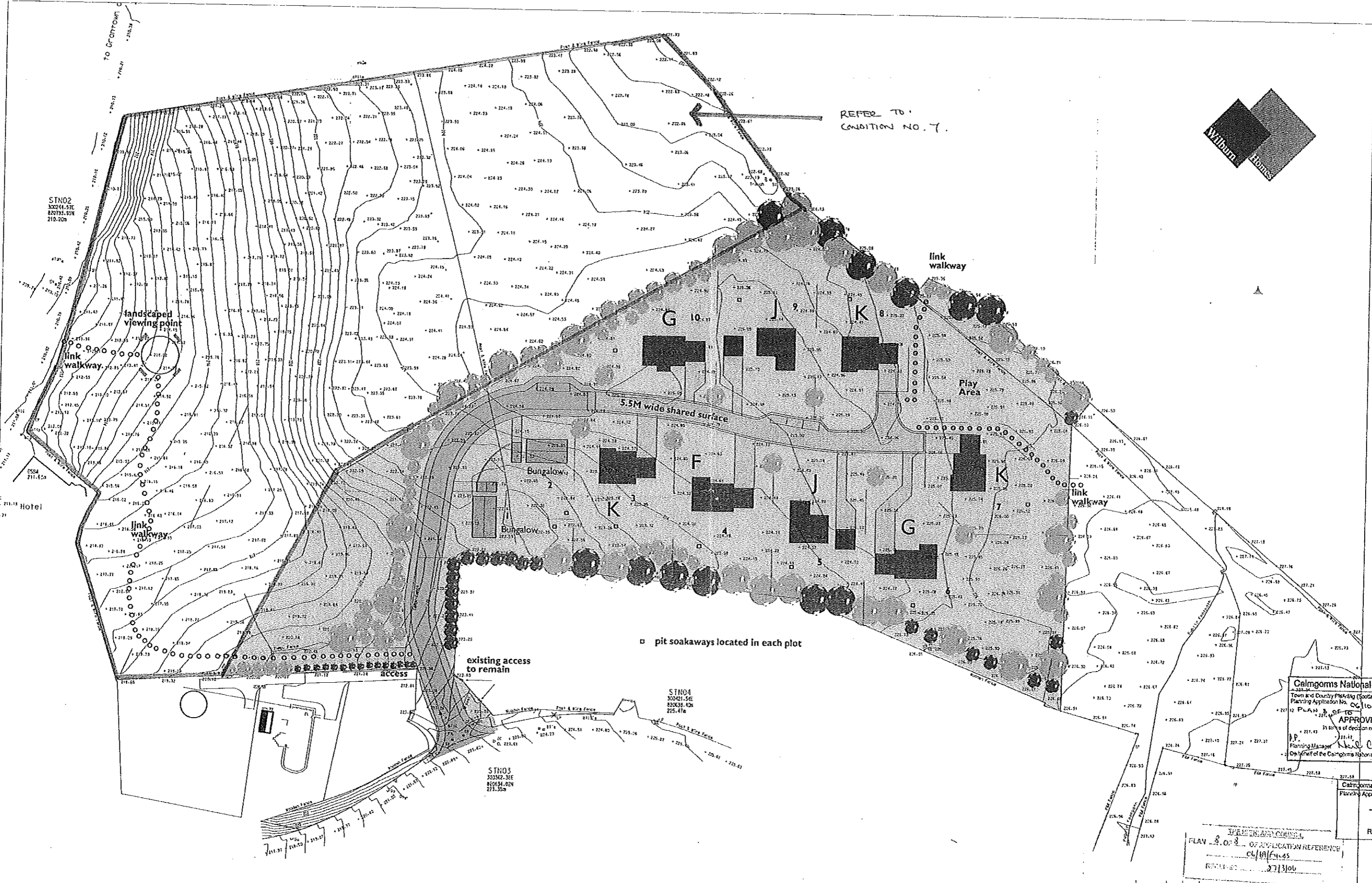
*\* Delete as appropriate*

NAME OF OWNER	ADDRESS	DATE OF SERVICE





REFER TO  
CONDITION NO. 7.



**Calgornis National Park Authority**  
 Town and Country Planning (Scotland) Act 1997  
 Planning Application No. **06/1006**  
**PLAN 3 OF 8**  
**APPROVED**  
 31 terms of decision notice dated 14. 2. 07  
 Planning Manager *Neil C. Stewart*  
 On behalf of the Calgornis National Park Authority

**Calgornis National Park Authority**  
 Planning Application No. **06/1006**  
**- 7 APR 2005**  
 REGISTERED

**WILBURN HOMES**  
 PLAN 3 OF 8 OF APPLICATION REFERENCE  
**06/1006**  
 REVISED **27/3/06**

DATE	BY	REVISION

CLIENT **WILBURN HOMES**  
 54 **East Of Balaquhan Noddybridge**  
 DRAWING **Proposed Site Layout (as revised)**  
 DRAWN **CG** CHECKED **SM** DATE **28/11/05** BY **SM**

**yeoman**

SITE AREA (approx) **2.17 HECTARES**

Edwards Drawing 64

DATE **28/11/05** BY **SM**

