



Committee report

Development proposed:

Erection of 4No. houses at Land 35M south of The Snipe, 3 Deshar Court, Boat of Garten

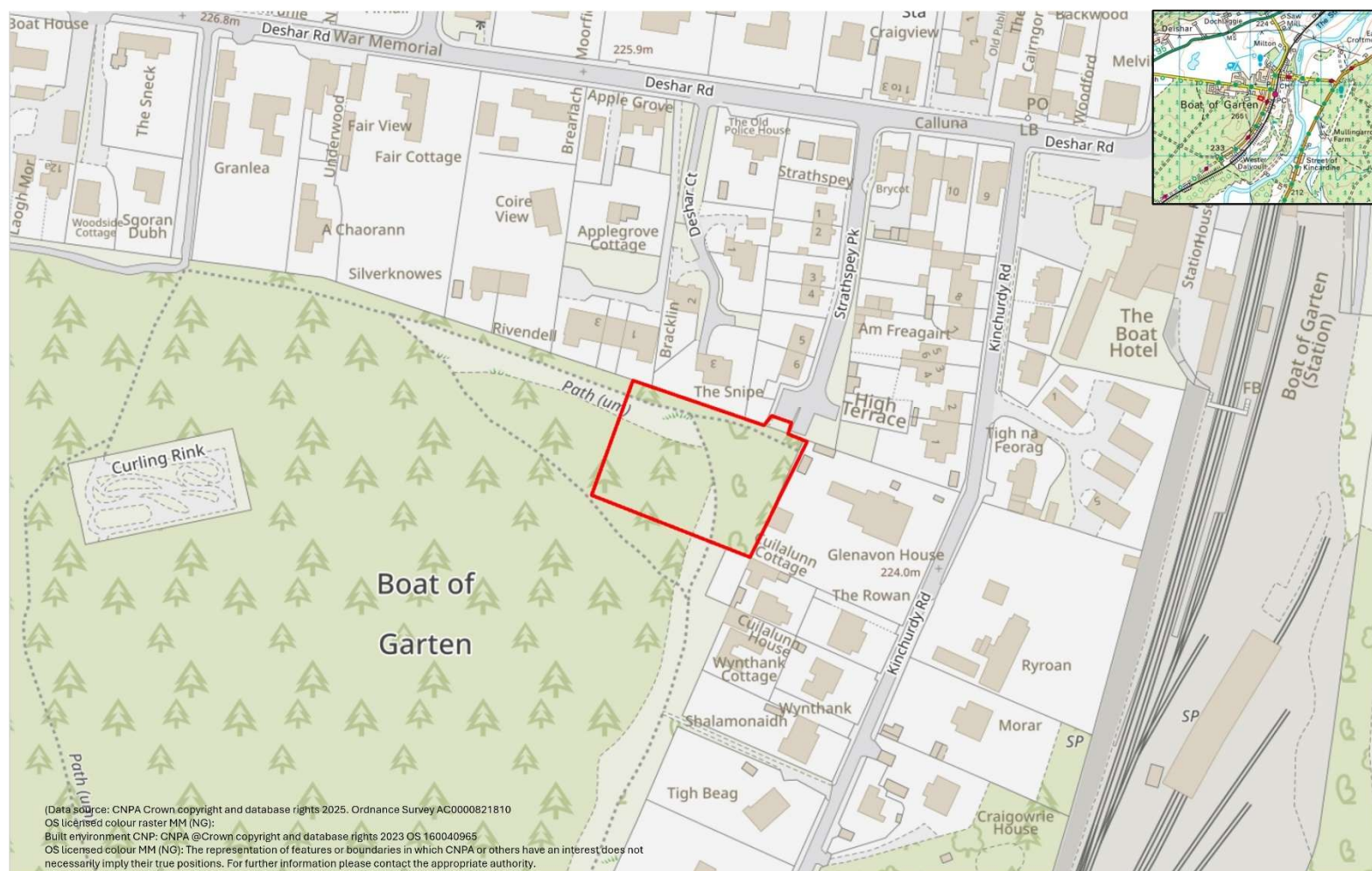
Reference: 2024/0272/MS

Applicant: Communities Housing Trust

Date called-in: 21 October 2024

Recommendation: Approve subject to conditions

Case officer: Katherine Donnachie, Planning Officer, Development Management



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Site description, proposal and history

Site description

1. The application site comprises woodland to the rear (south) of a small residential development at Deshar Court, Boat of Garten, immediately outside of the designated settlement boundary. Access is taken via an existing opening from the end of Strathspey Park. Strathspey Park serves a number of houses and leads northwards onto the main Deshar Road which runs through the village. To the east of the site is further housing set within wooded grounds and taking access off Kinchurdy Road to the far east. Further woodland lies to the south and west. There is a network of paths through and around the site leading into the woodlands and these paths also lead to the community hall and the bike park.
2. The site itself is slightly sloping and as noted above currently largely woodland. To its immediate north are the back gardens of residential properties, some of which have access points from their gardens across the site joining to the network of core paths here.
3. An overhead electricity line crosses the site. It is proposed to divert and underground this.

Proposal

4. 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=S2H06USI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - Roads construction details	220675-000-CAM DR C 005 Rev A	22/01/25	29/01/25
Plan - Kerbing layout plan	220675-000-CAM DR C 004 Rev B	22/01/25	29/01/25



Plan - Road long section	220675-000-CAM DR C 003 Rev A	14/01/25	29/01/25
Plan - Road layout plan	220675-000-CAM DR C 002 Rev B	22/01/25	29/01/25
Plan - Location plan	220675-000-CAM DR C 001 Rev A	22/01/25	29/01/25
Plan - Street lighting	2210.03.08 Rev A		29/01/25
Plan - Visual information	2210.03.05	27/10/23	17/10/24
Plan - Tree protection plan	Rev A	09/03/21	17/10/24
Plan - Section plan	2210.03.06 Rev B	17/09/24	17/10/24
Plan - Location plan	2210.03.01 Rev A		17/10/24
Plan - General Plan 3B6P house type	2210.03.04		17/10/24
Plan - General Plan 2B4P house type	2210.03.03		17/10/24
Other - Arboricultural Impact Assessment	Urban Aid	04/03/29	17/10/24
Other - Drainage impact assessment	HGA 3564	09/01/21	17/10/24
Other - Design Statement	2210.03.20 rev B	28/01/25	24/10/24
Other - Affordable housing statement	CHT		24/10/24
Other - Terrestrial mammal survey	Alba Ecology	01/07/21	24/10/24
Other - Woodland compensation and planting plan			31/10/24
Other - Supporting statement	2219.93,21 rev A	27/09/24	31/10/24
Other - Construction /traffic management	2210.03.10 Rev C	08/03/24	14/02/25
Other - Bat survey report	tree doctors		04/04/25
Other - Bat survey aerial schedule	tree doctors	18/03/25	04/04/25
Other - Ground investigation report	HGS	24/09/25	01/10/25

Other - Drainage Impact Assessment	220675-000-CAM RP C 001 Version 5	01/10/25	21/10/25
Other - Micro drainage caclulations		20/10/25	21/10/25
Other - Road soakaway size calculation	220675 Rev 4	01/10/25	21/10/25
Other - Bat roost potential survey	Alba Ecology	01/01/25	06/02/25
Plan - Landscaping proposals	2210.03.07 Rev d		23/10/25
Plan - Site plan	2210.03.02 Rev F		23/10/25
Plan - Drainage layout	220675-000-CAM-DR - c 020 rev F		21/10/25
Plan - Drainage construction details	220675-000-CAM-DR- C 022 Rev D	01/10/25	01/10/25
Plan - Drainage longitudinal sections	220675-000-CAM-DR- C 021 Rev D	01/10/25	01/10/25
Plan - Vehicle swept path analysis	220675-000-CAM-DR- C 250 Rev A	22/01/25	29/01/25
Plan - Offsite improvements	220675-000-CAM DR C 150 Rev A	22/01/25	29/01/25
Plan - Road and site contours	220675-000-CAM DR C 002 Rev B	22/01/25	29/01/25

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

- This application seeks “matters specified in conditions” (MSC) consent in relation to all parts of the condition imposed on a planning permission in principle consent for the erection of four houses, granted in September 2021 (reference 2021/0115/PPP). This consent was live at the time of submission of this MSC application and was subject to a condition requiring the submission of details for approval (matters specified in conditions) of design, siting, drainage, ground levels, trees, compensatory planting, landscaping, ecology, access, core paths, parking, lighting, traffic management plan, construction method statement and affordable housing delivery.



6. It is proposed to erect four houses. Two detached, 1 ½ storey, three-bedroom properties are proposed at the rear (south) of the site. Two semi-detached, single storey, two-bedroom properties are proposed at the front (north) of the site, closest to the existing houses. These are described as enhanced accessibility housing designed to wheelchair standard.
7. The walls of the single storey houses will be finished in smooth white render on the south elevation, with aluminium clad windows and doors. A metal standing seam pitched asymmetric roof is proposed which will run over car ports to the sides of the units. These car ports are designed to enable transfer from car to house under cover, and the applicants have explained that the asymmetric roof helps create a more beneficial pitch for solar/thermal panels on the south elevation. The north and side elevations will be finished in larch wood. All elevations of the 1 ½ storey properties will be finished in timber (larch), with grey metal standing seam pitched roofs and aluminium clad windows and doors which will introduce elements of colour – proposed brown red. They will also have a metal clad dormer feature on their south elevations. Supporting plans have been submitted to show how the new houses will sit relative to existing houses to the north.
8. Access will be via an extension to the access road at Strathspey Park which will be brought up to adoptable standard, with details of the works involved provided. This includes matters such as tactile paving, replacement of kerbing, repair of gully surroundings, and some replacement of block paving with tar.
9. The site access road will come south from Strathspey Park then turn west into the site with the houses situated on either side taking access off this road which terminates in a turning area at the western end. Existing paths cross the site and the route of an existing trampled earth path along the northern site boundary will be enclosed within the gardens of plots 1 and 3. This northern path will remain open to use during construction. Connection to the path network will then be provided via the edge of road path provision alongside the new service road which will connect into the existing path network through the woods. There will be a bitmac path connection from the end of Strathspey Park to connect onto the roadside paths. A connecting gravel path link will also be provided leading south from the new service road connecting into the existing path network in the woods.



Part of this path will also serve as an access to the SuDS feature described later and it will be reinforced with geogrid mesh.

10. Existing openings into the woods from the houses to the north will be retained as these exit onto open space to the west of the proposed house at plot 3. There is also an existing opening from the rear of Glenavon House on Kinchurdy Road, which will need to be closed off for safety reasons during construction but will be accessible again once the proposed houses are built.
11. In-curtilage car parking will be provided, along with bin storage areas and air source heat pumps for each property. Boundary enclosures will be 1.2 metre high timber fencing along eastern sides of plots and 1.2 metre high timber palisade fence built on the south side of the boundary with the houses to the north at the Snipe. This fence is to be built on the south side of the existing timber screen boundary fence here in order to separate maintenance responsibilities.
12. Surface water is proposed to be disposed of by means of soakaways within the permeable driveways of each house and maintained by the householder. Roads water will be discharged to an attenuation feature in the southeast part of the site, comprising a soakaway under a dry swale feature which will be planted with a damp tolerant wildflower mix. Foul water will connect to the public systems. It is proposed that this system will be adopted by the Roads Authority.
13. As the site is presently wooded, trees will need to be removed to facilitate the development. Supporting plans show trees to be removed and those to be retained along with landscape details of new native planting within the site. Compensatory native planting is proposed at two separate locations along the route of the Strathspey Railway line at the southwest end of Kinchurdy Road. This land is within the control of the original landowner who still retains an interest in the site. It comprises 0.81 hectares of clear land.
14. The application is supported by a number of documents including:
15. **Construction/Traffic Management Plan** which sets out how existing access across the site will be maintained during construction, with the path along the northern



boundary of the site kept open until such time as the development is complete and the new route provided. It also sets out how construction traffic will be managed to minimise impacts on residents.

16. **Arboricultural Impact Assessment and Tree Protection Plan** which surveyed 76 trees on site with 50 identified for removal to accommodate the proposed development. Tree protection is shown around the trees to be retained, which is also shown on the landscape plan. These are located around the edges of the site. The majority of trees on site are Scots Pine.
17. **Protected Terrestrial Mammals Survey** which was undertaken in 2021 and checked the site for wildcat, badger, pine marten and red squirrel. Evidence of older activity by red squirrel on site was found and the survey concluded that pre-construction surveys for red squirrel should be carried out. This survey did not include survey of birds but concluded that as wood pigeon were evident on site it would be necessary to undertake a pre felling survey of trees before any work started.
18. **Bat Survey** was undertaken and, following initial consideration of the potential for trees to be suitable for bat roosting, ten trees were considered to have potential. An aerial inspection of these trees was undertaken which confirmed that there were no bat roosts present, but that two of the trees had potential roost features. These trees were subsequently felled as recommended by the surveyor prior to the roosting season.
19. **Design Statement** which explains that four houses are proposed, two single storey units with enhanced accessibility to wheelchair standard and two 1 ½ story houses. This explains that the ridge height of the single storey houses has been kept low to reduce overshadowing adjacent properties with the asymmetric roof creating a more beneficial pitch for PV panels.
20. **Affordable Housing Statement** which outlines that the development will provide two affordable homes for rent and two open market plots which will cross subsidise the provision of the rented accommodation. It explains that the Communities Housing Trust have been working with the Boat of Garten community



for many years to help deliver affordable housing in the village, identifying this site in 2017 as having potential for a small development. The Communities Housing Trust were then asked to take this forward. Heads of terms have been agreed with the landowners (Reidhaven Trust) who will sell the land for the two affordable rented units to the Communities Housing Trust to provide affordable rented housing and then sell two plots themselves at market price. They will also provide the land for compensatory planting. Servicing costs will be split between the two parties and all properties will share communal responsibilities.

21. This supporting material explains that the proposed development seeks to provide affordable rented accommodation for older people in the village with two wheelchair accessible properties aimed to address that need and situated close to shops and post office. These will be rented out at social rent levels set by Scottish Government and kept in perpetuity as affordable rented properties in accordance with the terms and conditions stipulated in the Rural and Islands Housing Fund by the Scottish Government. The material also explains that 25% of housing in Boat of Garten is second homes such that there is a pressing need for this type of accommodation. It concludes that the project represents a public private partnership with the Estate, and its success intends to allow for further opportunities to release estate land for more affordable housing projects in the future.
22. **Drainage Impact Assessment** which explains that foul drainage will be connected to the Scottish Water system. Infiltration rates are suitable for plot soakaways which are to be located within private permeable driveways – this system is to be maintained privately. Roads water will be dealt with by a 15.5 metres by 4.5 metres by 1.6 metres deep underground soakaway with a dry swale above to facilitate inspection and maintenance and to contain any water that may overflow. A maintenance track will also be provided and it is intended that this system will be adopted by the Roads Authority. Details of the proposed maintenance regime are included, along with measures to manage surface water at the construction stage and details of drainage calculations and soil testing.



History

23. 2021/0115/PPP – planning permission in principle was granted by the Park Authority's Planning Committee in September 2021 for the erection of four houses at the application site – two affordable homes and two open market homes. This consent was live at the time of submission of the MSC application now under consideration. It was subject to a planning condition which the current application seeks to address.
24. 2024/0002/MS: This application for matters specified in conditions was withdrawn in 2024 in order to submit all necessary supporting information.

Habitat Regulations Appraisal

25. A Habitats Regulations Appraisal (HRA) was undertaken at the time of original planning permission in principle consent in order to consider the potential effects of the development of four residential units upon the conservation objectives of designated sites. The designated site in this case is the Abernethy Forest Special Protection Area (SPA) designated for its breeding capercaillie, osprey and Scottish crossbill interests. Potential effects on crossbill and osprey were scoped out of the assessment and the HRA considered that there would be no significant increase in disturbance risk to capercaillie. It was concluded that there was no adverse effect on the integrity of the site, the conservation objectives would not be compromised, and no further mitigation was required. Nature Scot agreed with these conclusions.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045	
	(Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	x
Policy 2	Climate mitigation and adaptation	x
Policy 3	Biodiversity	x
Policy 4	Natural places	x
Policy 5	Soils	x
Policy 6	Forestry, woodland and trees	x



Policy 7	Historic assets and places	
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	x
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	x
Policy 14	Design, quality and place	x
Policy 15	Local living and 20 minute neighbourhoods	x
Policy 16	Quality homes	x
Policy 17	Rural homes	
Policy 18	Infrastructure first	x
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	x
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	x
Policy 23	Health and safety	x
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	x
Policy 2	Supporting economic growth	



Policy 3	Design and 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	
Policy 10	Resources	x
Policy 11	Developer obligations	x

26. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:
<https://www.gov.scot/publications/national-planning-framework-4/documents/>
and at:
<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning guidance

27. Supplementary guidance also supports 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 (x).

Policy 1	Housing supplementary guidance	x
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	x
Policy 4	Natural heritage non-statutory guidance	x
Policy 5	Landscape non-statutory guidance	x
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	x
Policy 11	Developer obligations supplementary guidance	x



Consultations

28. A summary of the main issues raised by consultees now follows:
29. **Scottish Water** has no objections and notes there is currently sufficient capacity for a foul only connection to the Boat of Garten wastewater treatment works. They highlight that the development is within the Aviemore water treatment works catchment and advise that the applicant should be made aware that they are not able to reserve capacity at their treatment works and will require to contact them to confirm that the development can be serviced. They also note that they will not accept surface water connections into their combined sewer system for reasons of sustainability and to protect customers from future sewer flooding. Finally, they have confirmed that there are no Scottish Water drinking water catchments or water abstraction sources in the area which may be affected.
30. **SSEN** was consulted but have not provided any comments to date.
31. **The Highland Council Flood Risk Management Team** initially noted that surface water from each plot was to be managed through privately owned and maintained soakaways within each plot. The road drainage was proposed to be directed to a soakaway which was not compliant with Sewers for Scotland. The Team noted that the Transportation Team had set out what needed to be done to make the drainage proposals suitable for adoption and until agreement was reached with the Roads Authority drainage conditions of the original planning in principle consent could not be discharged.
32. On receipt of further information on drainage, the Team has advised that as the proposed drainage system is for roads water only the Transportation Team will need to be satisfied that it is suitable for adoption. They have no further comments.
33. **The Highland Council Transportation Team** initially objected on the basis of lack of information to discharge the conditions of the original planning in principle consent in terms of the detail of roads, waste management and drainage. On receipt of some further details the Team continued to have concerns regarding the extent of road to be adopted and the connection to Strathspey Park, together with



details of the proposed road design/layout and surface water drainage arrangements which were intended to be adopted by the Roads Authority. They also highlighted that points raised previously regarding the contents of the Traffic Management Construction Plan had not been addressed. Other matters relating to bicycle provision, car parking, lighting were considered to be satisfactory in terms of addressing the original planning conditions.

34. Further information was subsequently provided, including updated Drainage Impact Assessment, and the Team has now confirmed they have no objections to the application.
35. They have noted that these details now demonstrate a roads layout designed to the Highland Council standards with a clear commitment to bring the new road forward for adoption through the Road Construction Consent (RCC) process. They note that the drainage strategy has been significantly improved and now meets standards with surface water to be managed through an adoptable SuDS system. Supporting documentation has confirmed that satisfactory infiltration testing has been carried out and that the design demonstrates satisfactory performance under the required storm event modelling. It is concluded that the design provides appropriate water quality and biodiversity features. Any remaining matters such as detailed RCC approval and vesting arrangements will be addressed through the RCC process.
36. **The Highland Council Environmental Health Team** was consulted but have not provided any comments to date.
37. **Cairngorms National Park Authority Outdoor Access Team** has no objections. They note that Core Path LBS69 (Craigie to Curling Pond Path) runs through the site. The Team recognise that proposed re-alignment/upgrading of path A (which currently runs along the north of the site to the rear of the properties at Deshar Court) path B (which runs along the eastern side of the site) and the provision of bitmac pavements through the site will together provide a suitable route through the site which will adequately serve the purpose of the core path.



38. The construction specification for the paths is considered to be adequate for a rural woodland footpath. The Team also welcomes the applicant's commitment to maintaining pedestrian/cycle access through the site (from Strathspey Park to the woods) via the existing path along the back of the houses to the north of the site, until construction is complete and the new alternative route through the development and along the reinstated/rerouted paths is available. They further note the need to close path B during construction and have no objection to this, noting that diversion signage will be provided.
39. On submission of the applicant's construction/traffic management plan and updated Design and Access Statement the Team has welcomed that these state that the pedestrian/cycle access route from Strathspey Park into the woodland will be maintained through construction via the path at the north of the site prior to the core path being rerouted through the development following completion. This is considered to provide an adequate level of public access into the woodland during the construction stage.
40. **Cairngorms National Park Authority Ecology Advisor** was consulted on the previous application for MSC consent which was withdrawn (2024/0002/MS). At that time the officer had no objections to the proposals subject to pre-construction surveys being carried out for red squirrels and breeding bird surveys if work was undertaken during the bird breeding season. The officer confirmed that an HRA had been carried out at the planning permission in principle stage. It was also noted that compensatory planting at a 3 to 1 ratio was being proposed off site in order to compensate for the loss of trees on site which was considered to be satisfactory, further noting that the loss of the trees was considered to be of low significance involving heavily disturbed woodland, in a corner of the woodland so limiting any fragmentation issues.
41. **Cairngorms National Park Authority Landscape Advisor** was consulted on the previous application and advised at that time that the scale of the proposed development was small and the effect would not be significant on the wider woodland or the village landscape. Recommendations were made requiring detailed landscape plans, protection of trees to be retained and consideration of how to lay out paths/entrance to improve amenity.



42. **Boat of Garten Community Council** was consulted on the application and have not provided any comments to date. The Community Council was consulted on the original planning permission in principle application and confirmed support for the proposals at that time.

Representations

43. The application was advertised and two representations were received. These are attached as **Appendices 2 (a) and (b)**. One is a general comment seeking more information on ecological supporting material and timescales. This was responded to, and the writer was later advised of the submission of bat survey work.
44. The other representation (**Appendix 2 b**) objects to the proposed development and refers to letters submitted on previous applications at this site. Key concerns are as follows:
- a) **Access and rights of way** – concern is raised that the existing established path (described by the writer as a right of way) along the boundary fence with the Snipe is being removed. This will remove an amenity buffer between the development and the houses, reduce privacy, and prevent access to the path network from the Snipe and other properties here. Space is also required for future maintenance of the existing fence at the Snipe.
 - b) **Water management** – concern is raised that surface water will run onto neighbouring gardens with queries raised about timing and location of drainage test.
 - c) Adverse impacts on landscape from loss of trees.
 - d) Loss of privacy from overlooking from new houses – request that the houses be relocated further west.
 - e) Concerns regarding impact on wildlife and bats which are present in this area with requirement for bat survey highlighted given that bats are present in this woodland.



Appraisal

45. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies will be used.

Principle

46. **NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings** states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. **NPF4 Policy 16: Quality homes** sets out that development proposals for new homes on land allocated for housing in the LDP will be supported, and that development proposals on land not allocated for housing in the LDP will only be supported in limited circumstances which are outlined in the policy.
47. **LDP Policy 1: New housing development**, part 1.1 similarly explains that new housing proposals will be supported where they are located on an identified allocated site or within an identified settlement boundary and meet the requirements for the settlement as outlined in the community information section and reinforce and enhance the character of the settlement. The policy also sets out in part 1.6 (affordable housing exception sites) that developments of 100% affordable housing sites will be supported in locations that would not normally be used for housing where it is justified by evidence of unmet local need at that location and the housing is designed to address that need. It goes on to state that in exceptional cases where the delivery of 100% affordable housing is not viable, a limited amount of open market housing may be supported to cross-subsidise the affordable housing providing that evidence shows the whole development comprises a minimum of two affordable houses, the open market element is the minimum required to provide the necessary subsidy, and the affordable housing could not be delivered without this subsidy.
48. In this case the application site lies just outwith the settlement boundary of Boat of Garten as designated in the LDP. The principle of development has already been established by the grant of planning permission in principle which was considered to comply with policy, with the case made for cross subsidy of two private plots to



deliver the two affordable units. This current application simply seeks to discharge the conditions of that consent.

49. Consequently, the key planning considerations now are whether the application satisfactorily meets the terms of that consent and complies with current development plan policy on siting and layout, environmental impacts, amenity impacts, servicing issues, and delivery of affordable housing. These issues are considered in detail below.

Design, Placemaking and Siting

50. **NPF4 Policy 15: Local living and 20-minute neighbourhoods** requires development proposals to contribute to local living, including where relevant 20-minute neighbourhoods, within settlements with consideration to be given to existing settlement pattern and the interconnectivity of new residential development with the surrounding area to ensure there is local access to various amenities, including transport.
51. The principle of housing development here is established, and this policy objective is achieved with the application site being located at the edge of Boat of Garten within walking distance of the facilities and amenities of the village. The location is therefore considered to support the principles of local living and 20-minute neighbourhoods.
52. **NPF4 Policy 14: Design, quality and place** states that development proposals will be designed to improve the quality of an area whether in an urban or rural location and regardless of scale. It requires proposals to be consistent with the six qualities of successful places, which are healthy, pleasant, connected, distinctive, sustainable and adaptable. Proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with these qualities will not be supported. Similarly, **LDP Policy 3: Design and placemaking** requires all development to meet the six qualities of successful places and also sets out principles of sustainable design to be met within new developments, including requirements to ensure that new development is sympathetic to the traditional pattern and character of the surrounding area whilst encouraging innovation in design and material, minimising the effects on climate change in terms of siting



and construction and using materials and landscaping to complement the setting of development. It also requires new development to incorporate accessible multifunctional open space of appropriate quality and quantity to meet the needs of the development and to connect to wider blue/green networks. The Boat of Garten settlement statement sets out settlement objectives including the need to support the delivery of housing particularly affordable housing and opportunities for community owned housing.

53. The proposed site layout provides for four houses set on either side of a new access road with some clumps of existing trees retained and new planting proposed, including a planted SuDS feature. This will help the development to blend into its wooded setting, with low visual impact fencing avoiding an overly suburban feel on this edge of village location. The proposed timber finishes of the houses to the rear (south) will also assist in enabling the houses to sit well in their setting, whilst the proposal for single storey housing to the front will enable the development to sit well in relation to the existing housing to the north. This is satisfactorily demonstrated in the supporting site sections. The design of the houses is considered to be of good quality, proportions and finishes. There is considered to be sufficient space between the new houses within the site. There is also considered to be sufficient space from the housing to the north, with the new houses proposed on the northern part of the site having rear gardens just under 7 metres deep.
54. Overall, it is considered that this layout complies with placemaking policies and reflects the character of Boat of Garten with houses set within wooded plots.
55. Also, in terms of placemaking, **NPF4 Policy 21: Play, recreation and sport** supports development likely to be occupied by children and young people where they incorporate well designed good quality provision for play, recreation and relaxation which is proportionate to the scale and nature of the development and existing provision in the area. Policy 21 also highlights that development proposals which include new streets should be inclusive and enable children and young people to move around safely and independently maximising opportunities for informal and incidental play in the neighbourhood, outlining the various requirements for new play provision. **LDP Policy 3: Design and placemaking** part



3.1 also sets out that development should incorporate accessible multifunctional open space of appropriate quantity and quality.

56. Given the small scale of the development, it is not considered proportionate to require play provision within the site, which has ready access via path networks to the nearby woods and the play facilities within the village. The layout itself, with a cul-de-sac ending and good links to the woodland beyond, readily supports the objectives of allowing young people to move around safely and independently.
57. In these overall circumstances, the proposed development is considered to comply with the relevant development plan policies.

Landscape impacts

58. **NPF4 Policy 4: Natural places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. **LDP Policy 5: Landscape** sets out similar objectives, with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the Cairngorms National Park.
59. As noted earlier, the size of the proposed development is small and the effect will not be significant on the wider woodland or the village landscape. Landscape recommendations at the time of the original planning permission in principle application for detailed landscape plans, protection of trees to be retained and consideration of how to lay out paths/entrance to improve amenity have been taken on board, and the development is considered to comply with relevant development plan policy with no adverse landscape impacts.

Ecology and Biodiversity Impacts

60. **NPF4 Policy 3: Biodiversity** requires that development proposals contribute to the enhancement of biodiversity including, where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. They should also integrate nature-based solutions where possible. **NPF4**



Policy 4: Natural places does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest. **NPF Policy 20: Blue and green infrastructure** sets out that development which results in fragmentation or net loss of existing blue and green infrastructure will only be supported where it is demonstrated that the proposal would not result in or exacerbate a deficit of blue or green infrastructure provision, and the overall integrity of the network is maintained. Developments which incorporate or enhance blue and/or green infrastructure will be supported, with effective management plans required.

61. Similarly, **LDP Policy 4: Natural heritage** requires new development to have no adverse effects on the integrity of designated sites, the National Park or on protected species or habitats. **LDP Policy 3: Design and placemaking** also requires development to create opportunities for further biodiversity and to promote ecological interest.
62. **NPF4 Policy 6: Forestry, woodland and trees** supports development that enhances, expands and improves woodland cover with any woodland removal only supported where there are clear and significant public benefits and compensatory planting is provided.
63. In this case there is no direct impact on blue infrastructure as the site is remote from any watercourses. However, the introduction of a planted attenuation basin offers an opportunity to enhance blue infrastructure, whilst the proposed new landscaping within the site also has the potential for biodiversity benefits given that a mix of native planting (rowan and birch) is proposed with some areas of mature trees to be retained too.
64. The trees to be lost are part of a wider woodland here and are largely Scots pine. This loss was inevitable in order to accommodate four house plots, the principle of the development having been established at the planning permission in principle stage. The loss of the trees will be compensated for by planting of two areas of land along Kincurdy Road. Native planting is proposed here at a ratio of three times the number of trees to be lost on site. As the land is under the control of the



landowner of the application site, this can be secured by condition in the event of the application being supported.

65. In terms of impacts upon wildlife, survey work has demonstrated that the main potential impact will be upon squirrels. Whilst there were no squirrels present at the time of the surveys, they are a mobile species and it will be necessary to carry out further survey work before any work commences on site. This can be secured by planning condition in the event of the application being supported.
66. As noted by representations to the application, there is potential for bats in the woodland. Accordingly, as noted earlier, bat survey work was undertaken on trees proposed for felling. Trees identified as containing potential bat roosting features were felled prior to the roosting season to ensure no adverse impacts upon bats.
67. Finally in relation to environmental impacts, a Habitats Regulation Appraisal was undertaken at the time of the planning permission in principle application as noted earlier. This concluded that there would be no adverse effects on the designated site (Abernethy Forest SPA) as a result of four new houses with no mitigation required.
68. In these overall circumstances, it is considered that satisfactory measures have been taken to safeguard species on the site and to delivery biodiversity enhancements and compensatory planting. Accordingly, the development is considered to comply with relevant development plan policies subject to conditions to ensure delivery of the various measures.

Transport and Outdoor Access

69. **NPF4 Policy 13: Sustainable transport** supports new development where it is in line with the sustainable transport and investment hierarchies, and where appropriate provides safe links to local facilities via walking, wheeling and cycling networks, is accessible by public transport ideally supporting the use of existing services, provides low emission vehicle charging points, provides secure cycle parking, is designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles, takes account of the transport needs of diverse groups, and adequately mitigates any impact on local public access routes.



70. **LDP Policy 3: Design and placemaking** part 3.3 requires development to have an appropriate means of access, parking and promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.
71. The application site is well located in relation to the existing road network and facilities of the village with suitable provision for connection for non-motorised users in terms of the paths proposed within the site and the links to the path network into the village and the woodland. The technical consultees (Park Authority Outdoor Access Officer and The Highland Council Transport Team) are satisfied with these arrangements.
72. Provision has been made for a surfaced link on a different route though the site to replace the existing trodden path to the north of the site, adjoining the Snipe. The concerns of the objector that removal of this trodden path will remove a buffer between the new housing and the existing housing are noted. However, if the path were retained here it would create a narrow, closed in path for walkers/cyclists at the back of housing in between the high boundary fence of the Snipe and any new fences at the rear of the new housing on plots 1 and 3. Furthermore, the distances between the existing and proposed housing together with the extent of garden areas involved are considered to be sufficient to satisfactorily safeguard amenity.
73. The overall site road layout and connection to Strathspey Park has been the subject of considerable discussion with the technical consultee (The Highland Council Transport Team), and a satisfactory layout has now been agreed which complies with standards for adoption and will secure upgrading works to Strathspey Park so that it may be adopted as part of the connecting network. These matters can be secured through the Road Construction Consent process and it is not necessary to duplicate this process by attaching planning conditions. An informative can however be attached to any consent to highlight this to the developer. In addition, there is sufficient space within the plots for parking, bin storage and cycle storage provision.



74. In these circumstances the development is considered to comply with relevant development plan policies, subject to conditions to ensure delivery of the various measures.

Sustainability and Climate Change

75. **NPF4 Policy 1: Tackling the climate and nature crises** states that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate mitigation and adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **LDP Policy 3: Design and placemaking** similarly requires new development to minimise the effects on climate change in terms of siting and construction.
76. **NPF4 Policy 12: Zero waste** seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy and **NPF4 Policy 5: Soils** seeks to protect soils. Similarly, **LDP Policy 3: Design and placemaking** requires new development to make arrangements for storage, segregation and collection of recyclable materials and provision for composting, and to make sustainable use of resources including minimisation of waste and energy usage. **LDP Policy 10: Resources** also seeks to ensure minimisation of waste during construction and life of developments.
77. The site is considered to be satisfactorily located in terms of being on the edge of a settlement, close to facilities and amenities, and able to be serviced by a range of modes of transport. The site slopes slightly with submitted sections demonstrating that there will be fairly limited ground works needed to implement the development. The applicants are considering the use of PV panels. Air source heat pumps are proposed, and the road and site layout facilitates waste management.
78. In these circumstances the development is considered to comply with development plan policies.



Amenity

79. **NPF4 Policy 23: Health and safety** sets out that development which is likely to have a significant adverse effect on health or air quality, or which is likely to raise unacceptable noise issues will not be supported. **LDP Policy 3: Design and placemaking** requires new development to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site.
80. As noted earlier, the new houses are located at a sufficient distance from the existing houses to the north to safeguard existing privacy and amenity, with rear gardens of just under 7 metres proposed. Supporting sections are considered to satisfactorily demonstrate that the new houses are of a scale and design to ensure no overlooking or overshadowing of properties to the north. The two single storey houses at the north of the site have bedrooms windows/patio doors facing north with an existing 1.8 metre high timber boundary fence screening the back garden of the property to the immediate north at the Snipe. There are upper floor windows at the Snipe which may overlook the garden of the new houses, but this is not unusual within a settlement. Properties to the east on Kinchurdy Road are some distance from the new housing with new road and planting in between.
81. A construction traffic management plan has been submitted which satisfactorily demonstrates that impacts during construction upon residents can be minimised and that public access across the site will be maintained during construction. If the application is supported, appropriate planning conditions can be attached to ensure compliance with this plan.
82. In these circumstances it is considered that the amenity of residents in the area will not be adversely affected, and the development complies with relevant development plan policies.

Affordable housing

83. **NPF4 Policy 16: Quality homes** sets out that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need, with provision of at least 25% sought unless the LDP sets out locations where a higher or lower contribution is sought. This policy also explains



that proposals which improve affordability and choice by being adaptable to changing and diverse needs will be supported. Similarly, **LDP Policy 1: New housing development** states that developments of four or more dwellings should include provision for affordable housing. In Boat of Garten 25% of the total number of dwellings proposed must be affordable. As noted earlier, LDP Policy 1 makes provision for exception sites where a limited amount of open market housing may be supported to cross subsidise the affordable housing. The original planning permission in principle was granted on the basis of complying with this policy and was subject to a condition requiring that details of the manner of delivery of affordable housing be provided at the MSC stage.

84. In this case two affordable rented houses are to be provided by the Communities Housing Trust, and the Estate will sell two private plots to help subsidise the sale of the land. The rented properties will remain in the control of the Communities Housing Trust and an affordable housing statement has been submitted which satisfactorily explains how the properties will be retained as affordable housing. An appropriate planning condition can be attached to ensure this is delivered.
85. On this basis the development is considered to comply with development plan policy.

Drainage and flooding issues

86. **NPF4 Policy 22: Flood risk and water management** explains that development proposals at risk of flooding or in a flood risk area will only be supported if they fall into a series of categories including essential infrastructure. The policy sets out that development proposals must not increase the risk of surface water flooding to others, and that all rain and surface water is managed through sustainable urban drainage systems (SuDS) with areas of impermeable surfaces minimised. **NPF4 Policy 20: Green and blue infrastructure** is also of relevance. This supports development which incorporates new or enhanced blue and/or green infrastructure with proposals for their future management to be included.
87. **LDP Policy 10: Resources** requires development to minimise the use of treated and abstracted water, treat surface water in accordance with the SuDS manual, ensure no adverse impacts on private water supplies, ensure no detrimental impacts on



the water environment, as well as to be free from flood risk and not increase the risk of flooding elsewhere.

88. Satisfactory arrangements for the disposal of surface water are proposed, with soakaways within plots dealing with roof water from the houses and a new attenuation feature dealing with roads water. The new feature will be adopted as part of the roads layout and the soakaways within plots will be maintained privately. Whilst it is noted that the objector has concerns regarding water runoff and potential flooding issues to adjoining properties, the relevant technical consultees (Highland Council Flood Risk Management and Transportation Teams) are satisfied with the proposed arrangements and the supporting calculations.
89. In these overall circumstances the development is considered to comply with relevant development plan policies.

Developer Obligations

90. **NPF4 Policy 18: Infrastructure first** sets out that the impacts of developments on infrastructure must be mitigated. Similarly, **LDP Policy 11: Developer Obligations** sets out where development generates a need to increase and improve public services or infrastructure or to mitigate adverse effects, the developer will be required to make a fair and reasonable contribution, in cash or kind, towards the additional costs or requirements.
91. This matter was considered at the time of the original consent, when the principle of development was approved. At that time, it was concluded that the development would not have a significant effect on any infrastructure or facilities in the local area and contributions were therefore not sought.

Compliance with Planning conditions

92. As noted earlier, a key issue with this Matters Specified in Conditions application is whether all conditions of the original planning permission in principle have been addressed by this application. It is considered that the material submitted addresses all the information requirements of the conditions. Conditions are proposed with this case to ensure implementation of the various measures agreed with consultees and the planning service.



Other issues raised in consultations and representations

93. Issues raised by representations have been covered in this report apart from an issue raised about ongoing maintenance of the fence that runs along the boundary to then north. This is a private matter between the developers and the occupiers of the property to the north which the developer has indicated informally they are willing to discuss further with the neighbouring proprietors.

Conclusion

94. The principle of the erection of four houses on this site is established by the grant of the earlier planning permission in principle consent, and it is only the details of this submission for Matters Specified in Consent that are up for consideration now. These details are considered to be satisfactory, delivering much needed well designed affordable housing in Boat of Garten. Environmental issues have been satisfactorily addressed with suitable survey work and compensatory planting proposed. The site can be adequately serviced in terms of drainage, road and path networks and the original planning conditions have been fully addressed. The proposed development is considered to comply with relevant NPF4 and LDP planning policies and there are no material considerations which outweigh this conclusion. Approval is therefore recommended subject to appropriate planning conditions to secure implementation of the approved details.

Recommendation

That members of the committee support a recommendation to APPROVE the matters specified in Condition 1 of 2021/0115/PPP for the Erection of 4No. houses at Land 35M south of The Snipe, 3 Deshar Court, Boat of Garten subject to the following conditions:



Conditions

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

1. In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than whichever is the later of the following dates:- (i) the expiration of 3 years from the date of the grant of planning permission in principle; or (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved. If the development has not commenced within this stated time-periods then this permission shall lapse.

Reason: The time limit condition is in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Construction on site shall be undertaken in accordance with the approved construction/traffic management plan (drawing number 2210.03.10 Revision C.) This shall include protection of public access as per the approved plan.

Reason: To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, amenity of local residents or public access in accordance with Policy 4: Natural places, Policy 3: Biodiversity, Policy 23: Health and safety and Policy 13: Sustainable transport of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

3. The semi-detached residential units named Houses 1 and 3 on the approved site plan (drawing number 2210.03.02 Revision F) shall be retained as affordable rented accommodation in accordance with the approved Affordable Housing Statement in perpetuity throughout the lifetime of this consent.



Reason: To ensure the delivery of affordable housing in accordance with Policy 16: Quality homes of the National Planning Framework 4 and Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site until red squirrel pre-construction surveys have been completed and the surveys (including any mitigation or species protection plans required) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This survey to be undertaken no more than 3 months before work commences on site and work shall thereafter be undertaken in accordance with any approved mitigation required.**

Reason: To ensure that there are no adverse effects on wildlife in accordance with Policy 3: Biodiversity and Policy 4: Natural places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

5. **No trees shall be felled on site until bird surveys have been completed and the surveys (including any mitigation or species protection plans required) and have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure that there are no adverse effects on birdlife in accordance with Policy 3: Biodiversity and Policy 4: Natural places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

6. **No development shall commence on site until tree protection fencing has been erected in accordance the approved Tree Protection Plan and Arboricultural Impact Assessment. This protection to be retained throughout the construction phase and the trees to be retained shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure the ongoing protection of trees in accordance with Policy 3: Biodiversity, Policy 4: Natural places, and Policy 6: Forestry, woodland and trees of



the National Planning Framework 4 and Policy 4: Natural Heritage, and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

7. No residential unit shall be occupied until the surface water drainage arrangements serving it have been implemented in accordance with the approved details. The arrangements shall be maintained thereafter in accordance with the approved details throughout the lifetime of the development.

Reason: To ensure that surface water drainage is provided timeously, complies with the principles of SuDS and in order to protect the water environment in accordance with Policy 22: Flood risk and water management of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

8. No residential unit shall be occupied until the new service road and the road improvements at Strathspey Park have been completed in accordance with the approved plans unless otherwise agreed with the Cairngorms National Park Authority acting as Planning.

Reason: To ensure the provision of a safe and suitable access to the development in the interest of road safety in accordance with Policy 13: Sustainable transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

9. No residential unit shall be occupied until the proposed paths have been completed in accordance with the approved plans. The paths shall be retained thereafter unobstructed throughout the lifetime of the development hereby approved.

Reason: To ensure the provision of safe and suitable access routes within the development in accordance with Policy 13: Sustainable transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

10. The development hereby approved shall be constructed in accordance with the approved plans (including external finishes, boundary enclosures, parking and bin



storage areas) and sections unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority

Reason: To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural places and Policy 22: Flood risk and water management of the National Planning Framework 4 and Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

11. Compensatory planting shall be implemented in accordance with the approved plan Woodland Compensation and Planting Plan in the first planting season following the commencement of the development hereby approved. The landscaping shall be maintained thereafter in accordance with the approved plans and details throughout the lifetime of the development hereby approved.

Reason: To ensure that adequate compensation for loss of trees on site is delivered in accordance with Policy 3: Biodiversity, Policy 4: Natural places, and Policy 6: Forestry woodland and trees of the National Planning Framework 4 and Policy 4: Natural Heritage, and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

12. All landscaping shall be implemented in accordance with the approved landscape plans in the first planting season following the completion of the first house in the development hereby approved. The landscaping shall be maintained thereafter in accordance with the approved plans and details throughout the lifetime of the development hereby approved.

Reason: To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, and to ensure the development complements and enhances the landscape in accordance with Policy 3: Biodiversity and Policy 4: Natural places of the National Planning Framework 4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.



Informatives

1. 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.
2. 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.
3. 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.
4. The person undertaking the development should note the comments of the Highland Council Transport Team as follows:
 - a) Road Construction Consent will be required, and a road construction consent (RCC) application will need to be approved before any works can start on building the new road.
 - b) It is an offence under the Roads Scotland Act 1984 to commence building a new road without first securing an RCC approval.



- c) For the proposed section of new road to be adopted by the Roads Authority the entire length of Strathspey Park through to its junction with Deshar Road will need to be brought forward for adoption. This should be progressed in tandem with the new road adoption.
 - d) Detailed drainage construction and vesting arrangements must be approved through the RCC process and clear definition of maintenance responsibilities for both adoptable and private elements provided.
5. The person undertaking the development should note the comments of Scottish Water which highlight that they are not able to reserve capacity at their treatment works and the developer will require to contact them to confirm that the development can be serviced. They also highlight that they will not accept surface water connections into their combined sewer system for reasons of sustainability and to protect customers from future sewer flooding. A pre-development inquiry form via their customer portal should be submitted to them. More detail in their consultation response.