

AGENDA ITEM 9

APPENDIX I

2022/0004/DET

**PLANNING
DECISION NOTICE
08/423/CP**

CAIRNGORMS

NATIONAL PARK AUTHORITY

Application Reference: 08/423/CP

AGENT:

Affordable.tm Ltd - Chartered Architects
The Sail Loft
161 Findhorn
Forres
IV36 3YL

APPLICANT:

Fiona Powell & Mick Morris
1 Meadow Gardens
Hopeman
Moray
IV30 5PN

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

Erection of house

at;

**Land at Mullingaroch Croft, Street of Kincardine,
Boat Of Garten**

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 occupation of the dwelling shall be limited to a person(s) mainly employed on the registered croft unit (Code 438/0007) at

Mullingarroch and Croftnagarn Croft, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in a rural area where the CNPA acting as Planning Authority considers that new residential development is inappropriate unless related to the essential needs of crofting on the agriculture unit (Code 438/0007) at Mullingaroch and Croftnagarn.

3. Prior to the commencement of any other works at the site, the approved access and the accompanying sight lines shall be formed to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Highland Council Area Roads Manager. All traffic associated with the development and the subsequent occupation of the approved house shall be via the access so formed and the existing adjacent field access shall be used only for agricultural access and at no time used for domestic access or linked directly to the domestic unit hereby approved.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

4. Prior to the commencement of the development hereby approved, full details of the size, design and position of the foul water septic tank and soakaways for the new house and any remedial works for adjacent houses shall be submitted for the further approval of the Cairngorms National Park acting as Planning Authority, in consultation with SEPA. Drainage shall be installed entirely in accordance with the approved scheme.

Reason: To ensure that a satisfactory means of drainage is installed to prevent the pollution of watercourses and ground water.

5. Prior to the commencement of the development a sustainability statement detailing the means by which the construction and future energy requirements of the house shall minimize CO2 emissions, minimize energy usage and provide for a renewable component in the future energy supplies to the house, shall be submitted to the Cairngorms National Park Authority for approval. The approved scheme shall be fully implemented to the satisfaction of the Cairngorms National Park Authority acting as Planning authority.

Reason: In the interests of energy efficiency and in pursuit of CO2 emissions reduction.

6. Prior to the commencement of any of the other works hereby approved, the following works shall be completed to the satisfaction of the Cairngorms National Park authority in consultation with the Highland Council Area Roads Engineer:

- i)** A combined service bay/passing place in accordance with the standards set out in the Highland Council Road Guidelines for New Developments, shall be formed at the point of access to the site. A verge of at least 1 metre shall be maintained behind the nearside edge of the bay. Construction for at least the first 6 metres from the near side edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on 60mm Dense Basecourse on a minimum thickness of 350mm Type 1 sub base, all on a sound formation.
- ii)** Visibility splays shall be provided and maintained on each side of the access. These splays shall be 2.5 metres by 120 metres to the North and a minimum of 2.5 metres by 60 metres to the South. Within the visibility splays nothing shall obscure visibility up to a height of 1 metre above the road level.
- iii)** No walls, fences, trees or shrubs shall be established within 2 metres of the nearside edge of the public road or within 1 metres of the rear of the service bay.
- iv)** Any gates that are provided shall be set back at least 2.5 metres from the edge of the public road and shall open into the property only.
- v)** Parking and manoeuvring space for at least 3 cars shall be provided within the curtilage of the house hereby approved, such that each vehicle may enter and leave the site independently and in forward gear.
- vi)** No water shall discharge on to the public road.

Reason: In the interests of road safety at the locus.

7. For the avoidance of doubt, the residential plot hereby approved is defined by the site boundary marked on the approved plans. The boundaries, if marked, shall only be marked by stock fencing and/or dry stone walling and/or hedging formed from native deciduous plants, unless an alternative is first approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: In order to define the permission granted for residential use and in the interests of the visual amenity and character of the area.

8. The caravan located at Mullingaroch, on the applicants land, shall be maintained in a clean and tidy condition at all times and the screening maintained to the satisfaction of the Cairngorms National Park acting as Planning Authority.

Reason: In the interests of the visual amenity of the area.

ADVICE NOTE

Roads: Prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall have been obtained from the Highland Council as Roads Authority. It should be noted that the applicant shall be responsible for any measures necessary to prevent road water from entering the site. Details of such measures shall be submitted for the prior approval of the Roads Authority.

Dated: 08 July 2009

Don McKee - Head of Planning

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

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

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF PLANNING PERMISSION OR ON GRANT OF PERMISSION SUBJECT TO CONDITIONS

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within six months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available:
or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.