

Agenda Item	<b>6.7</b>
Report No	<b>PLS-11-22</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 08 February 2022

**Report Title:** 21/03710/FUL: Ms Elspeth Rainy Brown  
Land 225M SE of The Lade, Cromdale

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Erection of house, storage shed, upgrade of access, siting of 3 glamping pods

**Ward:** 20 – Badenoch and Strathspey

**Development category:** Local

**Reason referred to Committee:** 5 or more objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### **Recommendation**

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

## **1. PROPOSED DEVELOPMENT**

- 1.1 This application for planning permission relates to the erection of a house, storage shed and the siting of 3 glamping pods as well as the upgrading of the associated access.
- 1.2 Pre-Application Consultation: None
- 1.3 Supporting Information: The following information has been submitted in support of the application:
- Design Statement
  - Drainage Assessment (for glamping pods, and house and shed)
  - Business Operation Statement
  - Operational Needs Assessment
  - Response to objections
- 1.4 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The site lies within an area of farmland located approximately 450m southeast of Cromdale at its closest point, and within the Cairngorms National Park. The applicant's ownership extends to 8.14ha of land. The application site is split over two distinct locations:
1. Glamping pods are located to the west side of the access track, and southeast/east of the houses, Linshmohr, The Old Mill, Milton Cottage, Rowanburn.
  2. House and Shed is located approximately 360m to the southeast of the pods. This is an area of less formal grazing land
- 2.2 The glamping pods are proposed to be sited in part of a flat open agricultural field.
- 2.3 The area where the house and shed are to be located is much more informal grassland. There are a number of trees located along part of the access track and to the north east corner of this section of the site. These trees provide some landscape context and visual enclosure for the house and shed.
- 2.4 The neighbouring house to the south of the pods and north west of the proposed house, The Lade, would share part of the access to the development. The other nearby house, Croftindam, lies to the north of the access track, south east of the pods, and northwest of the house and shed.
- 2.5 The site is accessed from a private track which joins the single track adopted road to the northeast. This road serves Claggersnich and Rynaballoch from Cromdale to the northwest.

2.6 The proposal lies within close proximity to the Burn of Cromdale, which is part of the River Spey SAC designated for its Atlantic salmon, freshwater pearl mussel, sea lamprey and otter populations.

2.7 It also lies within approximately 1km of Anagach Woods SPA, designated for its breeding capercaillie.

### 3. PLANNING HISTORY

3.1 10.01.2018 17/02644/PIP New stables, yard manager's cottage & self-catering accommodation Planning Permission Granted

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 26.08.2021

Representation deadline: 09.09.2021

Timeous representations: 7 from 7 households

Late representations: 1 from 1 household

4.2 Material considerations raised are summarised as follows:

- a) Increase in traffic
- b) Impact on amenity and privacy of nearby houses
- c) Impact on protected species
- d) Access and servicing
- e) Waste water
- f) Flood risk
- g) Siting and design
- h) Tourist/visitor use not adding to local community
- i) Compliance with Development Plan
- j) Water supply
- k) Business plan

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

### 5. CONSULTATIONS

5.1 **Transport Planning Team:** Following the receipt of updated drawing (PL02 Rev A Proposed site plan and site sections), note that the access layout with the public road appears to be comparable with the standardised SDB2 layout

- 5.2 **Historic Environment Team – Archaeology:** Site lies within the Inventory Battlefield of Cromdale. As such it is considered to have archaeological potential. Request condition relating to further assessment and evaluation to establish the archaeological content and potential of the site.
- 5.3 **Flood Risk Management Team:** Originally objected due to lack of flood risk information. On submission of further images of the site as well as some annotated sketches, objection removed.
- 5.4 **Agricultural Consultant:** Content that the applicant can demonstrate they are likely to have appropriate knowledge and skills to operate the holding and the enterprises expected to be undertaken. The holding is 8.41ha. The numbers of livestock and equine interests and scale indicated in the Operational Needs Assessment (ONA) is ambitious for a holding of this size and capability. Based on the information provided in this ONA, there is justification for the consent of a dwelling on the holding to allow the carrying out of the activities to be undertaken as detailed in the ONA.
- 5.5 **Cairngorm National Park Authority:** Application does not raise any planning issue of general significance to the Park aims, no call in necessary.
- 5.6 **Historic Environment Scotland:** Proposal has potential to affect the Battle of Cromdale (designated battlefield site BTL20). Seek advice from the Council's Historic Environment Team.
- 5.7 **NatureScot:** The proposal lies within close proximity to the Burn of Cromdale, which is part of the River Spey SAC designated for its Atlantic salmon, freshwater pearl mussel, sea lamprey and otter populations. It also lies within approximately 1km of Anagach Woods SPA, designated for its breeding capercaillie.
- The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Highland Council is required to consider the effect of the proposal on the SAC and SPA before it can be consented (commonly known as Habitats Regulations Appraisal).
- It appears from the information available, that in this case the proposal is not connected with or necessary for the conservation management of the site. Hence, further consideration is required.
- NatureScot advise that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. It also advises that the proposal is unlikely to result in a significant increase in recreation within Anagach Woods SPA, or a change in recreation patterns, and so it is unlikely that it will result in a significant increase in disturbance to breeding capercaillie.
- 5.8 **Scottish Water:** No objections.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Cairngorm National Park Local Development Plan (2021)**

Policy 1 – New Housing Development

Policy 2 – Supporting Economic Growth

Policy 3 – Design and Placemaking

Policy 9 – Cultural Heritage

Policy 10 – Resources

Policy 11 – Developer Obligations

### **6.2 Cairngorm National Park Planning Guidance**

New Housing Development, Non-statutory Guidance

Supporting Economic Growth, Non-statutory Guidance

Sustainable Design, Non-statutory Guidance

Cultural Heritage, Non-statutory Guidance

Resources, Non-statutory Guidance

Developer Contributions, Non-statutory Guidance

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (Revised December 2020)

## **8. PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) business/operational need
- c) siting and design (including impact on landscape and scenic qualities)

- d) habitats and species
- e) access and servicing
- f) residential amenity
- g) flood risk
- h) developer contributions
- i) any other material considerations

### **Development plan/other planning policy**

- 8.4 The application site lies directly adjacent to, but outwith, the Intermediate Settlement of Cromdale identified within the Cairngorms National Park Plan. The site is not brownfield land. Planning permission in principle for the development of a house in this location was granted in 2018 and remains live.
- 8.5 Proposals for new housing in the countryside will be supported where this reinforces the existing pattern of development and is necessary for, or improves, the operational and economic viability of an active business which has a locational requirement directly linked to the countryside. This policy is supported by the Non-statutory Planning Guidance - New Housing Development.
- 8.6 The New Housing Development guidance requires proposals to demonstrate a valid locational need, justify why the proposal is necessary in connection with the business and where that can be satisfied to ensure that proposals do not create a new form of development in the landscape which is at odds with existing built and landscape character. The guidance considers land management operations and tourism to be relevant businesses in this regard.
- 8.7 Turning to the tourism related accommodation, this is supported by the Development Plan subject to it contributing to or supporting the provision of a wide range of visitor accommodation options, including low-cost accommodation, supporting or contributing to a year-round economy and where there are no adverse environmental or amenity impacts on the site or neighbouring areas.
- 8.8 All new development must be assessed against a range of criteria including placemaking and sustainable design. Within these, key matters include;
  - sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;
  - use of materials and landscaping that will complement the setting of the development
  - protect amenity enjoyed by neighbours including minimising of disturbance cause by access to the development site; and
  - include an appropriate means of access, egress, levels of private amenity ground and space for off street parking.

- 8.9 Development Plan policy seeks to ensure that development conserves and enhances the outstanding natural heritage of the Cairngorms National Park.
- 8.10 Subject to there being appropriate justification the development, both in terms of supporting a business need and in relation to the location, as well as ensuring that the siting and design is appropriate and the operation will not impact adversely on residential amenity, the scenic qualities of the location or on natural heritage, then the proposal would comply with the Development Plan.

### **Business/Operational Need**

- 8.11 The applicant's submission indicates that the land has been in their ownership for many years. The owners have kept horses on it, as part of a family horse stud, since 1964. This indicates that there is an existing business associated with the site, and that there is a locational reason for a house to be built that would maintain the operational and economic viability of this active business. Further diversification of the use of the land through a tourism development of three glamping pods on the site would contribute to the provision of visitor accommodation in the area on a year-round basis and would help to diversify the economic base of the existing business.
- 8.12 The proposal is accompanied by an Operation Needs Assessment (ONA). This explains the need for the house sited at this location. It details an anticipated increase in sheep from 18 to 60 over time. The ONA provides information in relation to a horse breeding business with breaking and training, bringing the total number of horses on the land to 9. The total number of hours ascribed to the activities set out in the ONA, if undertaken, amount to 1680 hours per annum, or 88% of a labour unit.
- 8.13 The ONA also identifies the glamping pods as the other part of the overall business. This is not an agricultural activity but could be seen as a diversification of use of agricultural land. Based on an occupancy level of 58%, this would increase the total labour requirements on the landholding to 2546 hours per annum, or 134% of a labour unit.
- 8.14 The assessment also refers to the security benefits to the holding that living on site would bring for stock and also for managing guests.
- 8.15 The ONA business case has been assessed by the Council's retained Agricultural Consultant who advises that on the basis of all the supporting information there is justification for the house on the holding.
- 8.16 The proposal could therefore be justified in terms of its necessity and locational requirements and is therefore consistent with Policy 1.3 of the Development Plan.

### **Siting and Design (including impact on landscape and scenic qualities)**

- 8.17 The three pods are located on a green field just off the existing access track. There are existing houses within the vicinity of the pods; the closest of which are at least 125m to the north west. 'The Lade', situated approximately 170m to the south west, cannot be seen from the pod site; and Croftindam approximately 160m

to the east, is across another field from the pods.

- 8.18 The pods measure 7m by 4m and are 'wigwam' type structures with arched roofs and timber cladding. The pods are placed in an arc, with their entrances facing south towards a vehicular parking/access area. The pod design and their materials are similar to many other holiday pod developments found within the wider area, and in design terms they are considered to be acceptable. However, their placement in the open and relatively flat field landscape means that they are visually apparent, with no physical features to screen them from other housing or the public road which is around 95m, to the northeast.
- 8.19 In order to provide a degree of physical screening of the 3 pods and to also allow their shelter from the open character of the field, it is considered appropriate for some native species shelter planting to be provided. This can be secured by condition.
- 8.20 The proposed house and agricultural shed are located on the south eastern part of the development site. Within this area, the house is located to the south west of the shed, with a minimum spacing of around 25m. The house and shed are both placed with their principal elevations facing north west; the house is on a generally north east – south west plane; the shed on a north west – south east plane.
- 8.21 The area of the house and shed to the south east of the pods is set within a field surrounded by a screen of trees. This is considered to significantly limit intervisibility from surrounding houses, and accordingly is assessed as being sympathetic to the traditional pattern of housing in the surrounding area, using the existing landscaping to complement its setting, and thereby protect the existing amenity of neighbouring housing to this part of the site, all as required by the siting requirements of Policy 3 of the Development Plan.
- 8.22 The supporting statement has indicated that the reason for the distance between the pods and the house/shed site, a separation of approximately 360m, is due to the need for the house to be closer to the horsiculture section of the business. The pods are closer to the public road for convenience but also to ensure young horses are not disturbed.
- 8.23 The position of the house is situated as far west on the site as possible to avoid overlooking The Lade to the north and maintain a visual connection to the self-catering units at the north west. The house is orientated with the longest elevation to the south east.
- 8.24 In terms of detailed design, the house is 1½-storey with the highest part of the ridge measuring 6.5m. The external materials include corrugated roofing and a mix of smooth render and vertical timber cladding to the walls, with alu-clad windows and doors. The building is generally T-plan with traditional proportions, including square gable ends, and a 45° pitched roof with relatively narrow 5.6m wide gables. The orientation of the building and the internal floorplan aims to maximise solar gain with large floor to ceiling windows on both the north west and south east elevations. The house has two bedrooms, one on the upper floor; the ground floor has a relatively open plan layout.



- 8.25 The agricultural shed measures approximately 18.2m x 10.3m x 5.5m, with its walls finished in box profile steel cladding, and the roof in profiled fibre cement sheets. It is to be located north east of the house with a direct access to the new track for ease of transporting animals. The building is positioned as far north east of the house as is possible to create separation yet be accessible for security and management.
- 8.26 The placement of the house and shed relative to each other, and within the landscape is such that it is not considered that they have any significant visual or amenity impact on the landscape or existing housing in the area.
- 8.27 It is considered that there is ample physical space within the site to accommodate the house, agricultural shed and glamping pods. The design of all three is traditional in form and contemporary in finish in the case of the house, and functional and modern in respect of the 3 pods and agricultural shed. In these respects, the designs are considered to be acceptable for this location. Trees will help screen both the shed and house from both The Lade and Croftindam.

### **Habitats and species**

- 8.28 As identified above, the proposal lies within close proximity to the Burn of Cromdale. This is a tributary to and part of the catchment of the River Spey Special Area of Conservation (SAC) designated for its Atlantic salmon, freshwater pearl mussel, sea lamprey and otter populations. In its opinion NatureScot considers that the proposal is unlikely to have a significant effect on any of the qualifying interests either directly or indirectly.
- 8.29 It also lies within approximately 1km of Anagach Woods Special Protection Area (SPA). This is designated for its breeding capercaillie. On the basis that the proposal is unlikely to result in a significant increase in recreation within Anagach Woods SPA, or a change in recreation patterns, NatureScot considers that it is unlikely to result in a significant increase in disturbance to breeding capercaillie.
- 8.30 Representations indicate that the development will have an adverse impact on breeding birds; in particular curlew, oyster catcher and lapwing. Notwithstanding that birds may use the site to feed, the site itself, being agricultural land, is unlikely to be suitable habitat for breeding. Otherwise, the site will have limited biodiversity value. The development will be limited to a proportion of the overall site and is therefore unlikely to be significantly impact species.

### **Access and Servicing**

- 8.31 The development is to be served by an existing private access track from the main road to the north east, with works to upgrade the existing access point to the public road, including the provision of a larger bellmouth/service bay to the SDB2 standards. Visibility onto the single-track road is good, with it being straight and providing clear visibility splays in each direction for some distance. The section of access track to serve the house and shed is very informal, and the alignment and surfacing will require improvement. The applicant proposes upgrading works to the private access track, including a number of passing places.

- 8.32 Representations raise concern over increased traffic on the public road. There will be additional traffic on this road as a result of the proposal. However, it is difficult to demonstrate conclusively that the road is incapable of accepting further traffic generated by the proposal. Although single track, the road is typical of many other single-track roads in the area, and it is not considered that the level of additional traffic on the road as a result of the development will be such that the proposal would be unacceptable. It is noted that 7 parking spaces are to be created within the development as a whole, 3 of these are to serve the glamping pods.
- 8.33 A new septic tank and soakaway is to be accommodated within the pod site and another near the house and shed. There is sufficient space to accommodate these within these locations. The provision of water and its pressure to the development is a matter for the utility provider to address and resolve.

### **Residential Amenity**

- 8.34 As the house, shed and pods are adequately separated from the neighbouring properties, it is not considered there will be any physical impact on the amenity of neighbouring properties resulting from overlooking, overshadowing, or on daylighting. There will be no significantly detrimental impacts arising from odours from the septic tank or on the privacy of adjacent homeowners. The development will likely introduce an increase in noise and activity to the area but again, given the distances involved, this is unlikely to have a significant impact on neighbours.

### **Flood Risk**

- 8.35 Flood risk has been considered by the applicant in their submission. The Council's Flood Risk Team has considered the applicants' supporting information, including photographs and annotated plans, and has concluded that the risk of flooding from the Burn of Cromdale is low and accordingly has removed its initial objection to the proposal.

### **Other material considerations**

- 8.36 Development of a house in this location has already been accepted (17/02644/PIP). Indeed, there is an extant planning permission for a house here, albeit a permission in principle.
- 8.37 Due to Covid 19, the Scottish Government made various provisions in legislation and guidance to relax regulation in many aspects of public life. One of these was in relation to providing an extension of time for the implementation of planning permission. The latest of these is the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021. At Regulation 2, and Regulation 3, both the Covid 'emergency period' and 'extended period' were changed resulting in the extension of the 'emergency period' to 31 March 2022 and the 'extended period' to 30 September 2022. The effect of the Regulations is that the extant planning permission will not actually expire until 30 September 2022.

## **Developer Contributions**

- 8.38 As required by Policy 1 of the CNPA Local Development Plan an Affordable Housing Contribution requires to be paid for all residential development. This single house attracts a contribution of £1,250 which shall require to be paid prior to any decision being issued.
- 8.39 The Council's Developer Contributions Guidance is used in the determination of planning applications and requires all development, including single house developments, make proportionate financial developer contributions towards meeting service and infrastructure needs in areas of Highland where clear deficiencies are identified. The site is located within the catchment area of Grantown Grammar and Grantown Primary School. These are not currently identified as being at, or near, capacity and therefore no education contribution is currently required.

## **Non-material considerations**

- 8.40 Representations have highlighted potential impacts in relation to electricity supply and water servicing. It should be noted that the provision of such is a matter between the developer and the utility providers, and that it is for the developer to secure these. Any impact to that provision would be for the service provider to resolve.
- 8.41 The servicing of the site with water and electricity is for the developer to secure separately with the relevant service providers. These are no matters for the Planning Authority.

## **Matters to be secured by Section 75 Agreement**

- 8.42 None.

## **9. CONCLUSION**

- 9.1 Planning permission in principle has been granted for a house on this site; a permission that is still capable of being implemented. This new application is a different proposal that has two distinct aspects; the house and agricultural shed and the glamping pods, with the associated access track linking them.
- 9.2 The Development Plan supports housing proposals outwith settlements where they improve the operational and economic viability of an active business; there is an existing yet small active business on the site and this is to be consolidated. The applicants' Operational Needs Assessment shows a need for a house in this location to ensure the stability and growth of this existing business, and its further diversification with additional pod tourism accommodation.
- 9.3 The location, design, materials and placement of the house and shed are considered to be acceptable and cognisance must be had to the extant permission (17/02644/PIP) for development in this location already. The design and materials for the 3 pods are similar to other pod developments in the wider area and are considered acceptable. While the location of the pods within an open area of

relatively flat and undeveloped agricultural fields would introduce a new visual focal point, their distance from existing housing is such that it is not considered that this pod location would have a significant or detrimental impact on their amenity. Accordingly, the location of the pods is considered to be acceptable and accord with Development Plan policy.

- 9.4 The Development Plan promotes economic development in the form of tourist accommodation where it makes a positive contribution to the experience of visitors and adds to or extends the core tourist season.
- 9.5 There are no issues with regard to access, servicing or residential amenity which would arise from the proposed development and there are no designations or natural heritage features on site which would be impacted.
- 9.6 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

### Action required before decision issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

**Subject to the above actions**, it is recommended to **GRANT** the application subject to the following conditions and reasons

- 1 No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in

accordance with the agreed timetable for investigation.

**Reason:** In order to protect the archaeological and historic interest of the site.

- 2 The 3No. pods hereby approved shall be used for holiday purposes only and shall not be occupied at any time as the sole or main place of residence of any occupant.

**Reason:** In order to ensure that the pods are occupied for holiday purposes only and not as permanent residential accommodation.

- 3 No development shall commence on the site of the 3No.pods until the developer shall have provided a landscaping plan, including a written maintenance specification, for the area. The details shall include a selection of standard height native tree species to the area.

For the avoidance of doubt, the landscaping works shall be carried out in accordance with the approved scheme. All the works as may be comprised in the approved details shall be carried out in the first planting season following the commencement of development, unless otherwise stated in the approved scheme.

Any trees which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to provide a degree of physical screening of the 3No. pods, to allow their shelter from the open character of the field, and to ensure that the approved landscaping works are properly undertaken on site.

- 4 No development shall commence on the site of the 3 pods until the developer shall have provided an external lighting plan, including a written maintenance specification, for the area. The details shall include the location, position, orientation and type/power of the lighting and control mechanism. For the avoidance of doubt, the lighting shall be low level LED type units. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason:** As no details have been provided and in the interests of community residential amenity.

- 5 No development shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

- 6 The access to the site from the public road shall be upgraded to the Council's SDB2 layout, as detailed on plan Ref PL02 Rev A (Proposed site plan and site sections) docquetted hereto, prior to the first occupation of the house and 3No. pods.

**Reason:** In the interests of road safety.

### **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### **INFORMATIVES**

#### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

#### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

## **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

## **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:  
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

## **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

## **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:	David Mudie
Designation:	Area Planning Manager – South
Author:	Lauren Neil
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Site Layout Plan – PL-01 Plan 2 – General Plan - 000001 Plan 3 – Proposed Site Layout Plan – PL-02 Rev A Plan 4 – Proposed Site Layout Plan – PL-03 Plan 5 – Floor and Section Plan – PL-04 Plan 6 – Elevation Plan – PL-05 Plan 7 – Elevation Plan – PL-06



## Appendix 2

### **Consideration of Proposals Affecting European Sites**

The River Spey's status as an SAC under EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (the "Habitats Directive") means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the 'Habitats Regulations,' apply.

The Anagach Woods' status as a classified SPA under the EC Directive 79/409/EEC, the 'Birds Directive,' means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the 'Habitats Regulations,' apply.

This means that where the Planning Authority concludes a development proposal (unconnected with the nature conservation management of a Natura 2000 site) is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment also extends to any plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

### **Appraisal**

#### **River Spey Special Area of Conservation (SAC)**

The proposal lies within close proximity to the Burn of Cromdale, which is part of the River Spey SAC designated for its Atlantic salmon, freshwater pearl mussel, sea lamprey and otter populations.

In its opinion NatureScot considers that the proposal is unlikely to have a significant effect on any of the qualifying interests either directly or indirectly.

For the reasons outlined above it is considered unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly.

### **Anagach Woods Special Protection Area (SPA)**

The site lies within 1km of Anagach Woods SPA, which is designated for its breeding capercaillie.

On the basis that the proposal is unlikely to result in a significant increase in recreation within Anagach Woods SPA, or a change in recreation patterns, NatureScot considers that it is unlikely to result in a significant increase in disturbance to breeding capercaillie.

### **Conclusion**

Neither the Special Areas of Conservation nor the Anagach Woods Special Protection Area will be significantly affected as a result of the development, therefore appropriate assessments are not required.

## Appendix 3

### Developer Contributions

Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked	Base Date* <sup>2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
<b>Affordable Housing</b>									
On-site provision	N/A				No				
Off-site provision	N/A				No				
Commuted Sum	£1250 per affordable unit not delivered on/off site.			£1,250	No				5 Years
Agreement for Delivery Needed	N								

\*1 Adjust total to take account of flat exemptions

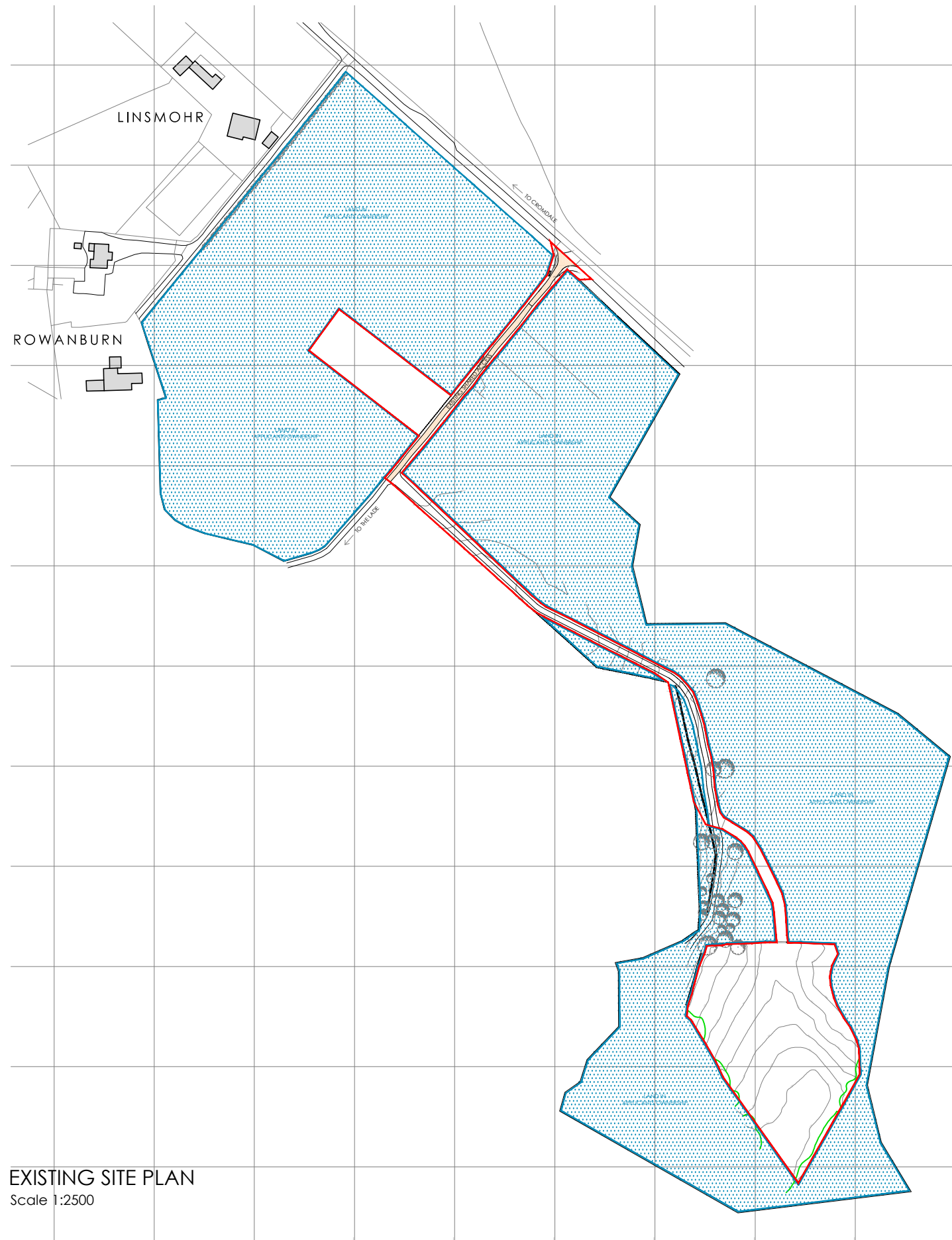
\*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

\*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

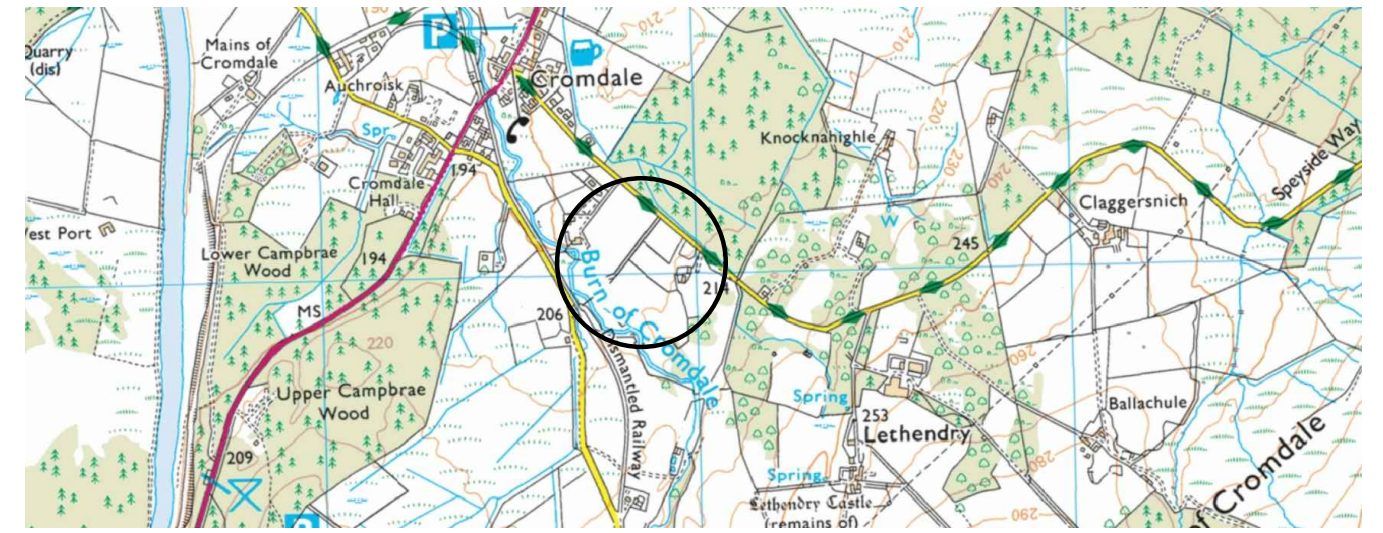
\*4 Accounting dates - 1 April & 1 October each year of development

\*5 Clawback – 15 years for Major development; 20 years for Local development

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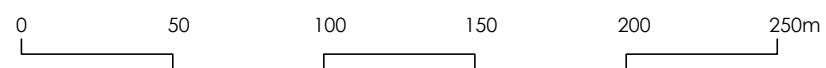


EXISTING SITE PLAN  
Scale 1:2500



PROPOSED LOCATION PLAN  
Nts

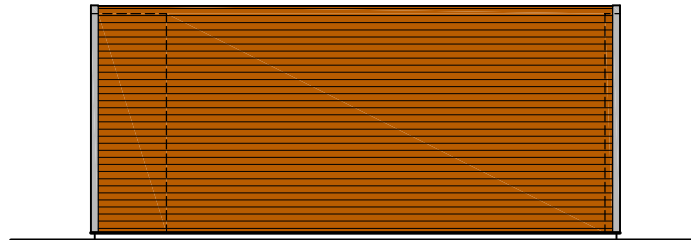
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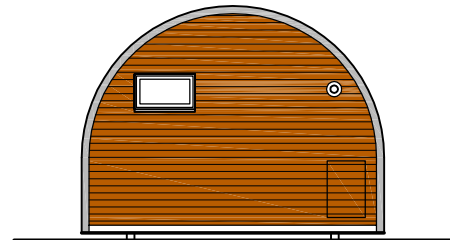
PLANNING

CLIENT: Elspeth Rainy Brown		
PROJECT: Site at Cromdale Grantown on Spey		
REF: 063	DWG: PL-01	REV: -
Existing Location & Site Plan		
SCALE: 1:2500	DATE: JULY 2021	DRAWN: RT

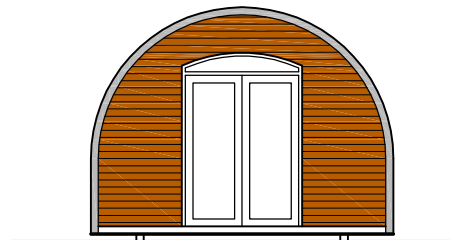
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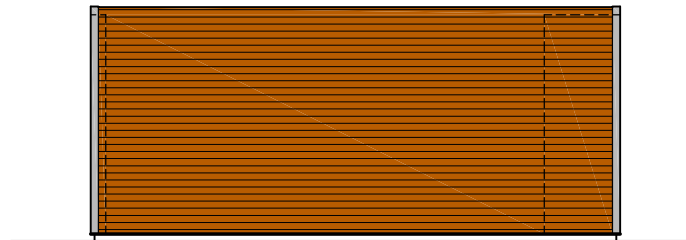
SIDE ELEVATION



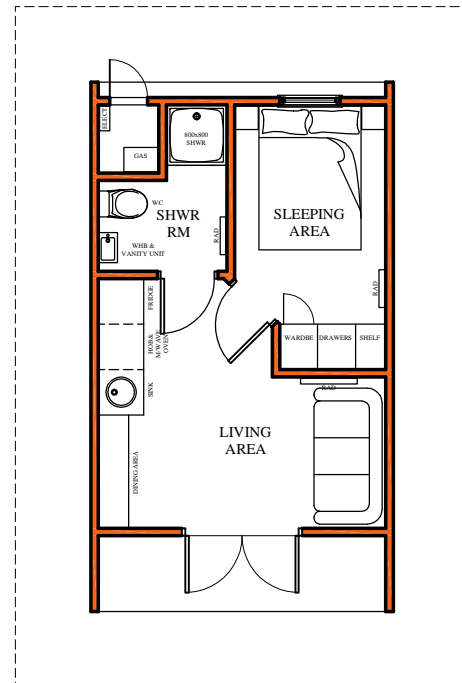
REAR ELEVATION



FRONT ELEVATION

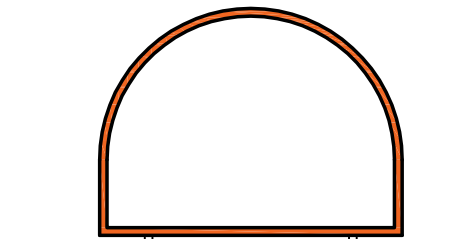


SIDE ELEVATION

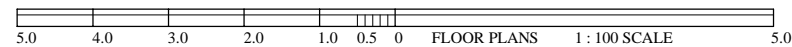


'SPEY'  
GROUND FLOOR PLAN

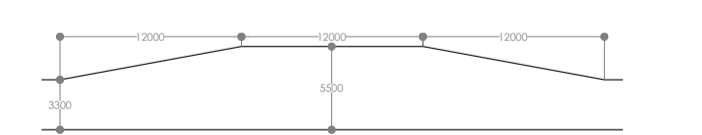
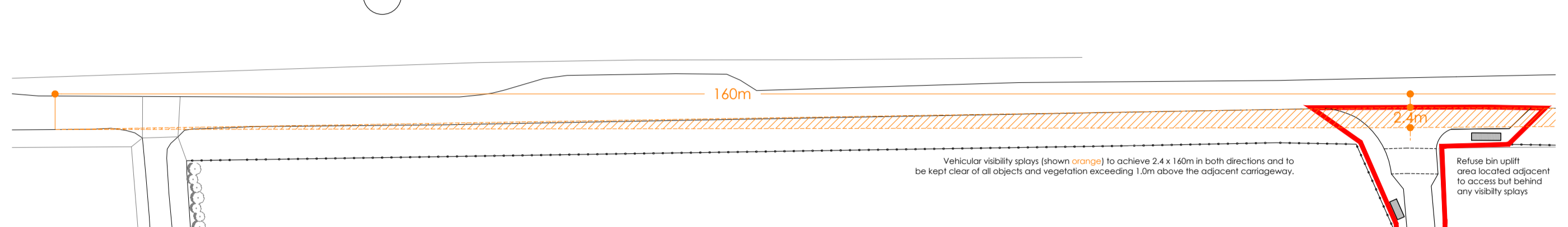
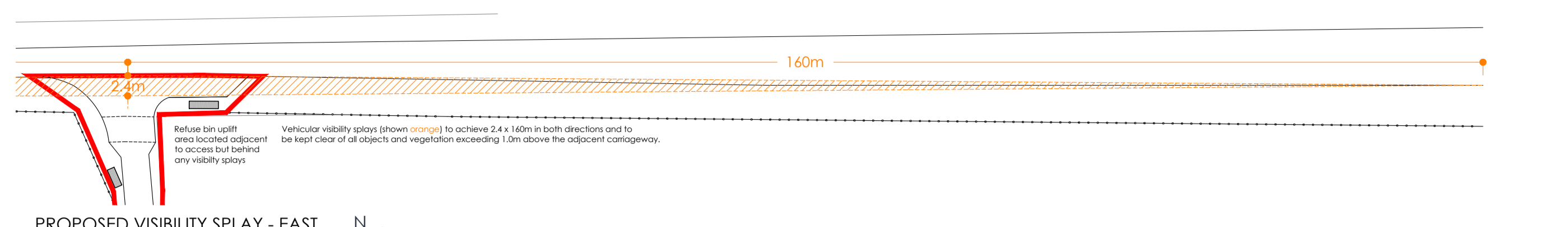
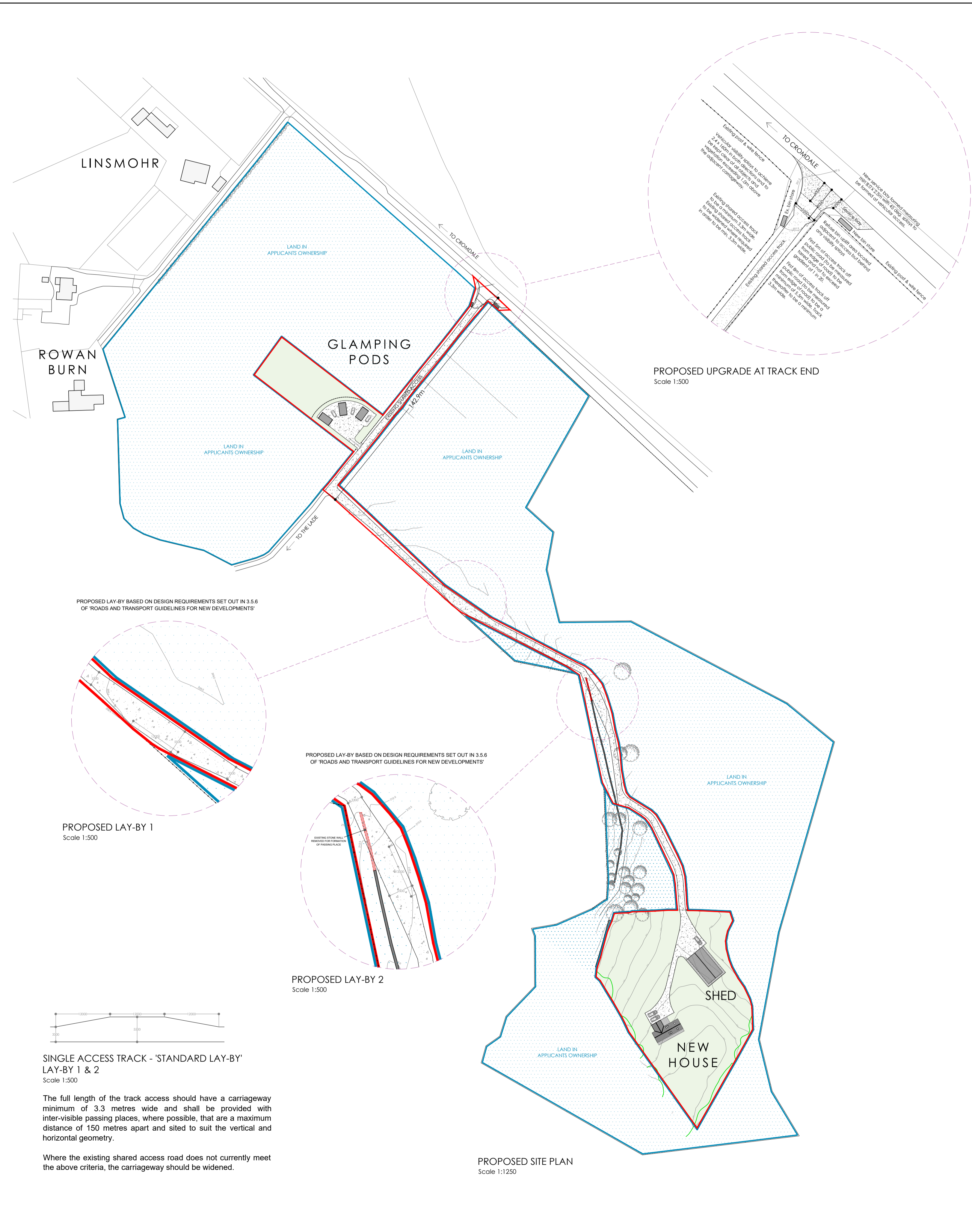
- EXTERNAL FINISHES:
1. POD: STAINED TIMBER LININGS.
  2. DECK: STAINED TIMBER DECKING AND RAILS SITTING AT GROUND LEVEL.
  3. LEVELLED AND PREPARED BASE.
  4. DOORS / WINDOWS, FASCIAS AND SOFFITS - STAINED TIMBER FINISH.



SECTION

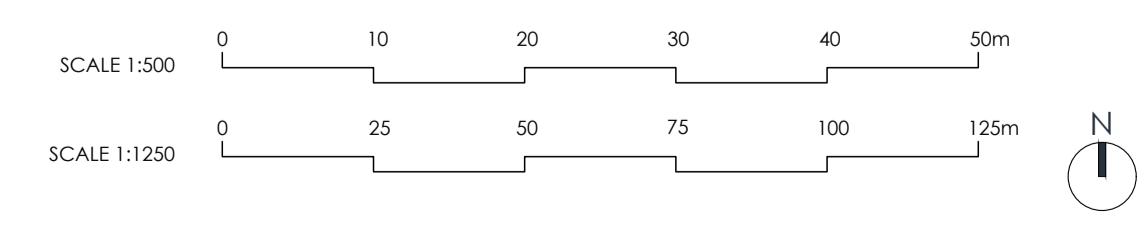


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The full length of the track access should have a carriageway minimum of 3.3 metres wide and shall be provided with inter-visible passing places, where possible, that are a maximum distance of 150 metres apart and sited to suit the vertical and horizontal geometry.

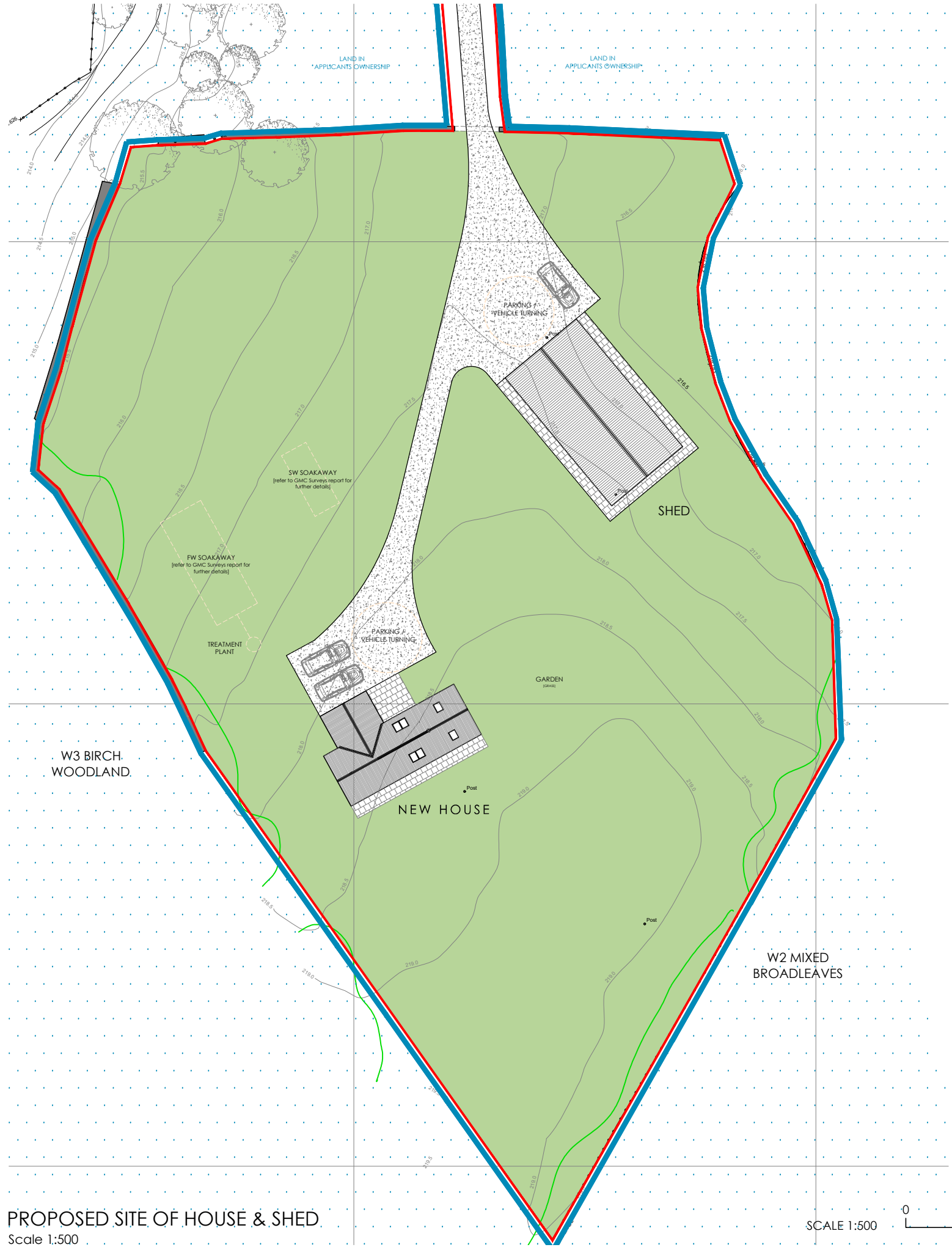
Where the existing shared access road does not currently meet the above criteria, the carriageway should be widened.



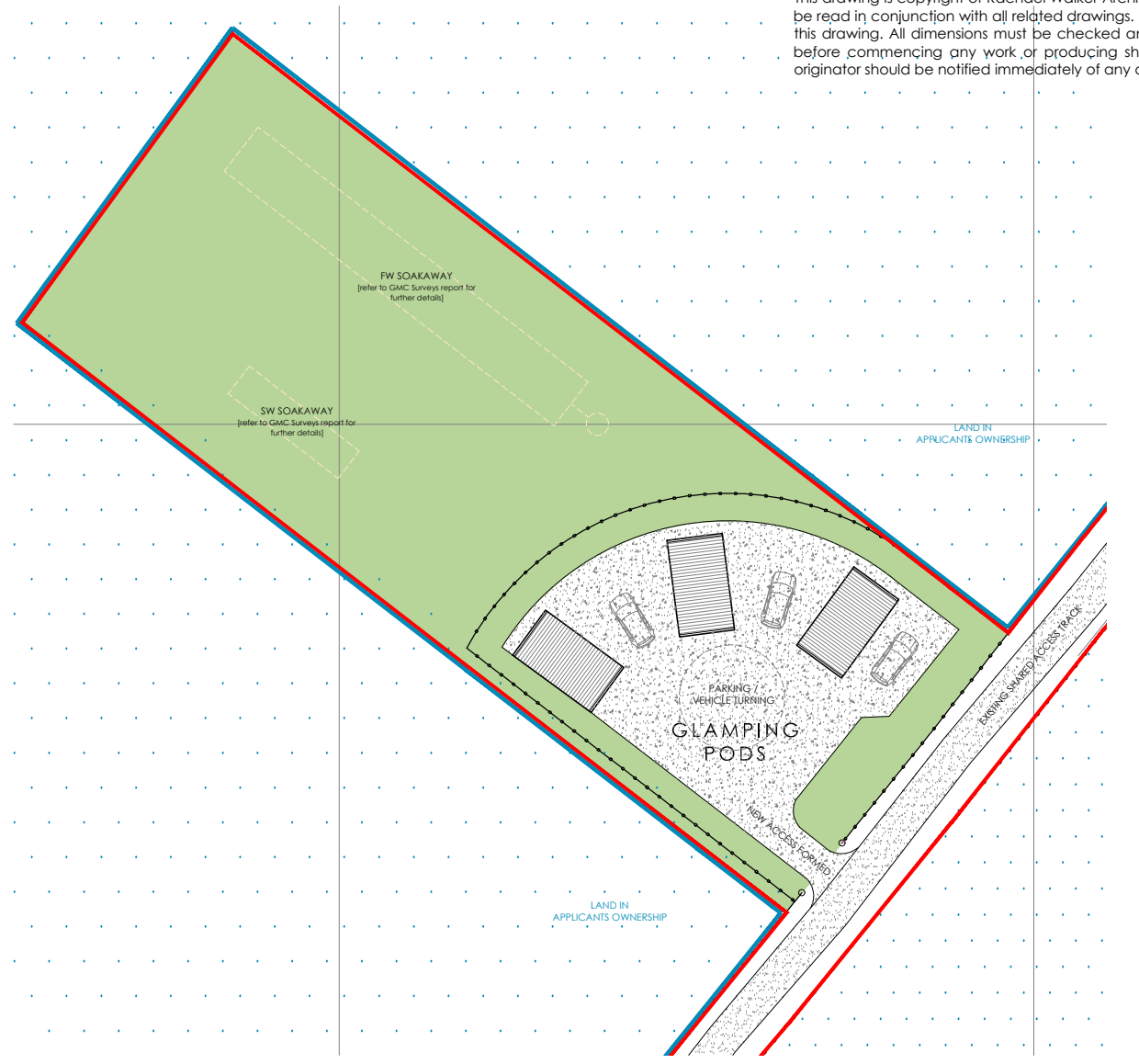
PLANNING

REV: A	Road junction updated / track access updates and visibility splay shown	14-10-2021
CLIENT: Elspeth Rainy Brown		
PROJECT: Site at Cromdale Grantawan on Spey		
REF: 063	DWG: PL-02	REV: A
Proposed Site Plan & Site Sections		
SCALE: Annot.   A	DATE: OCT 2021	DRAWN: CS
 RACHAEL WALKER ARCHITECTS		
<a href="http://www.rwalkerarchitects.com">www.rwalkerarchitects.com</a> 01330 833441		

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PROPOSED SITE OF HOUSE & SHED  
Scale 1:500

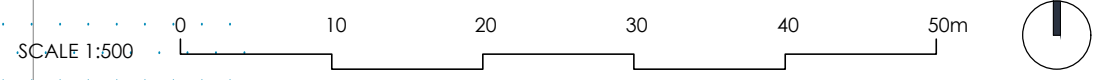


PROPOSED SITE OF GLAMPING PODS  
Scale 1:500

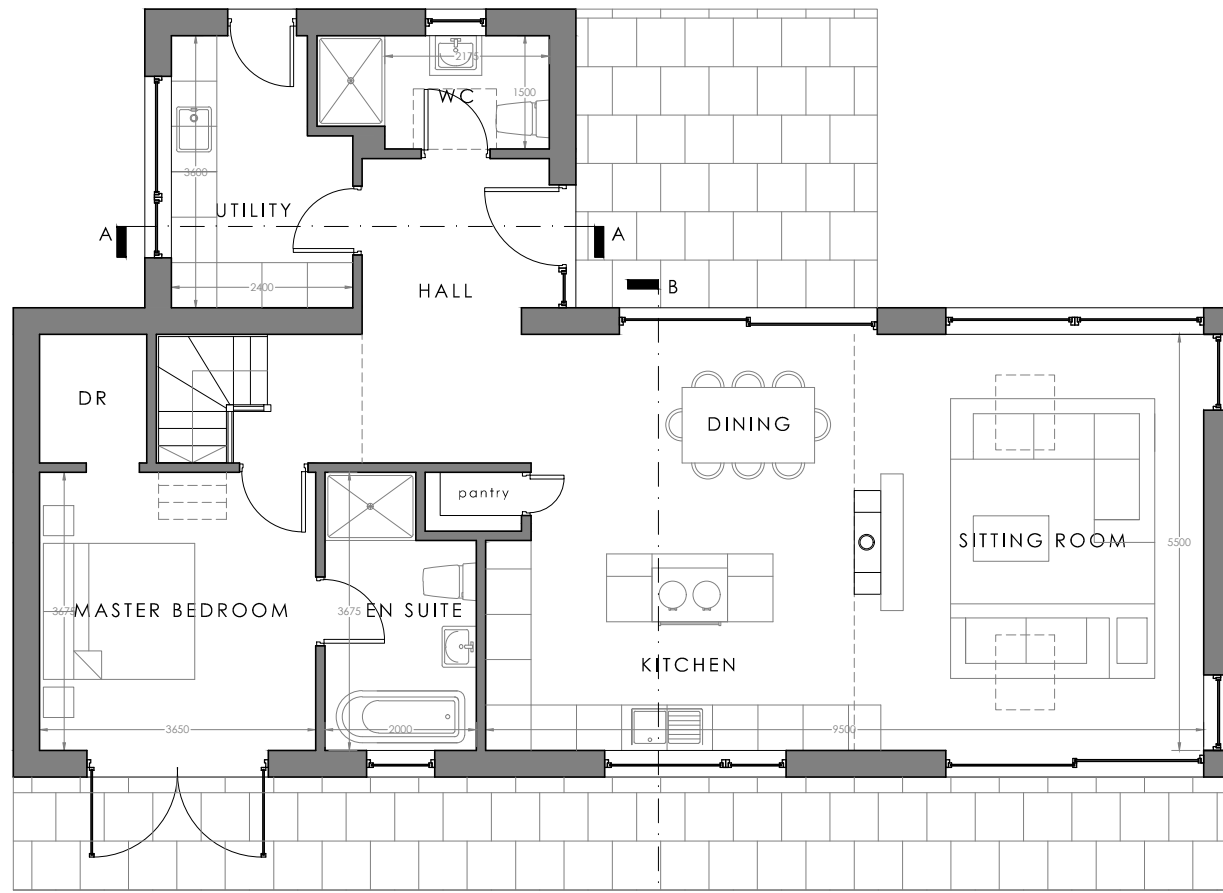
PLANNING

CLIENT: Elspeth Rainy Brown		
PROJECT: Site at Cromdale Grantown on Spey		
REF: 063	DWG: PL-03	REV: -
Proposed Site Plans		
SCALE: 1:500	DATE: JULY 2021	DRAWN: RT

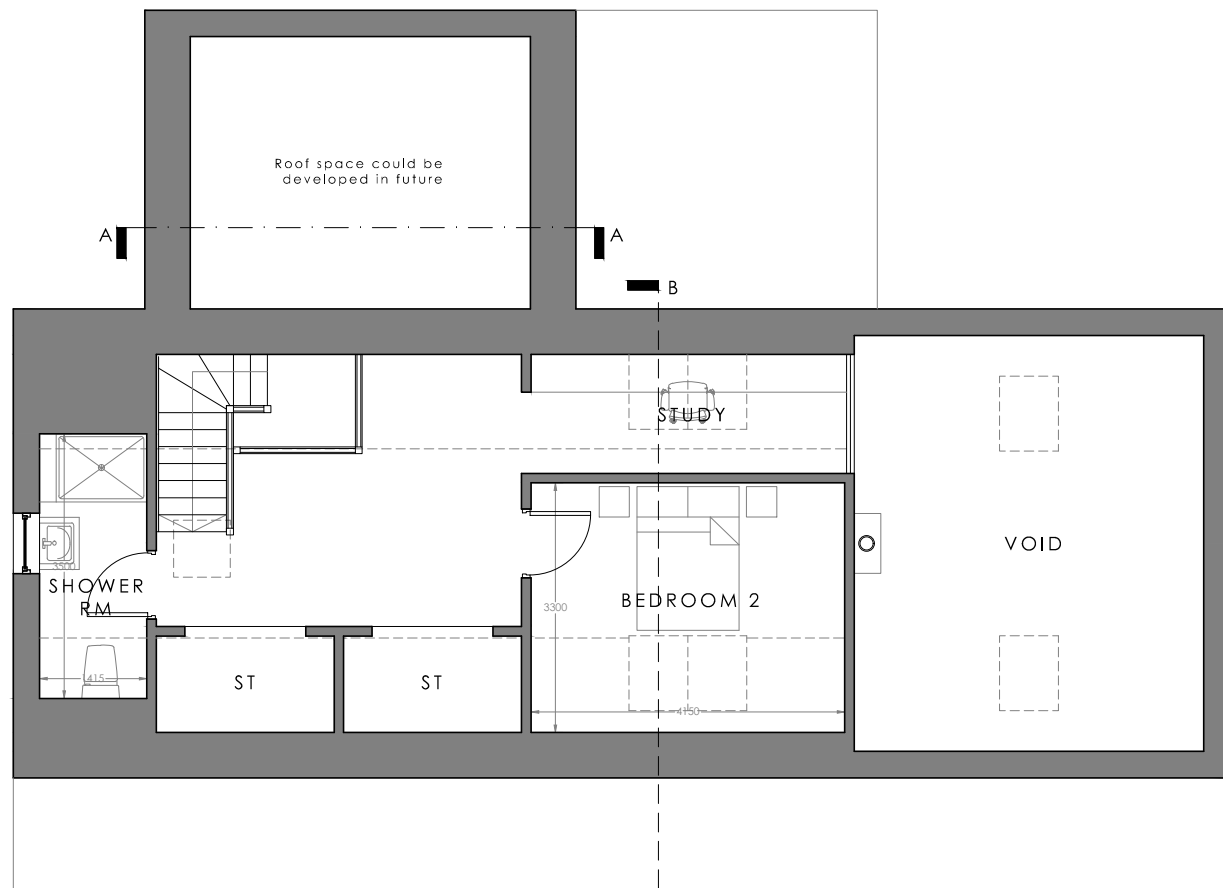
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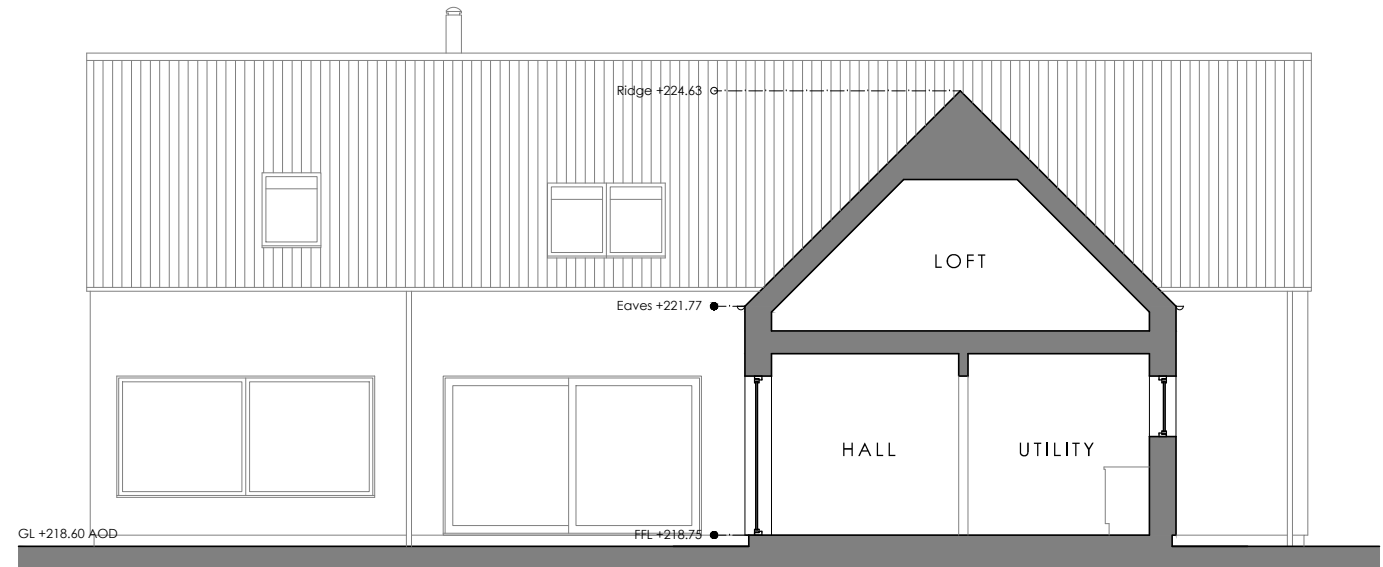
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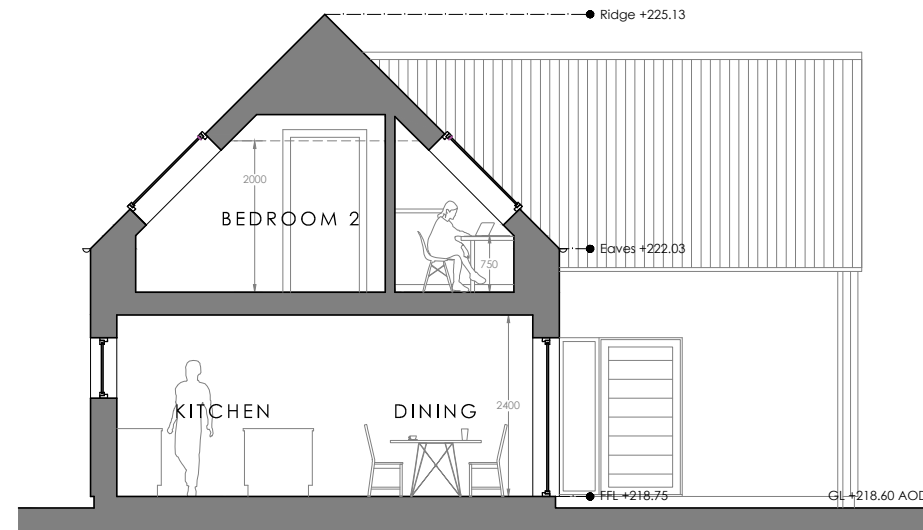
GROUND FLOOR PLAN  
104m<sup>2</sup>



FIRST FLOOR PLAN  
45m<sup>2</sup>



SECTION A-A  
Scale 1:100



SECTION B-B  
Scale 1:100



PLANNING

CLIENT:  
Elspeth Rainy Brown

PROJECT:  
Site at Cromdale  
Grantown on Spey

REF: 063    DWG: PL-04    REV: -

Proposed  
Floor Plans & Sections

SCALE: 1:100    DATE: JULY 2020    DRAWN: RT

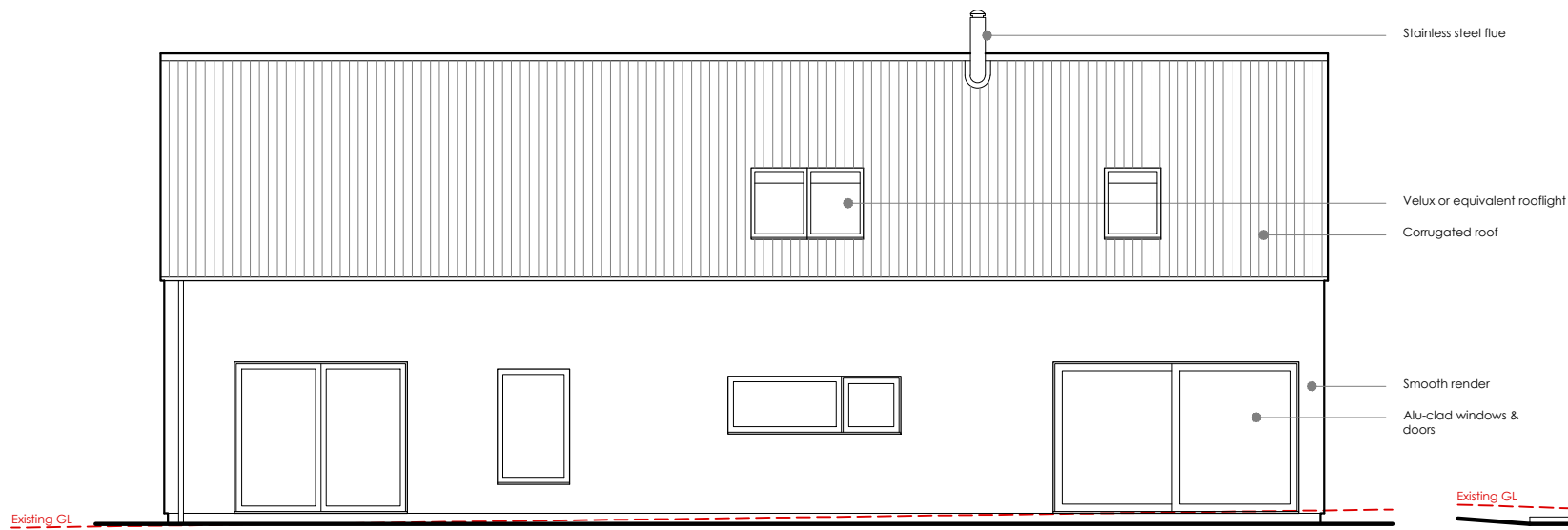
**RWA**

RACHAEL WALKER  
ARCHITECTS

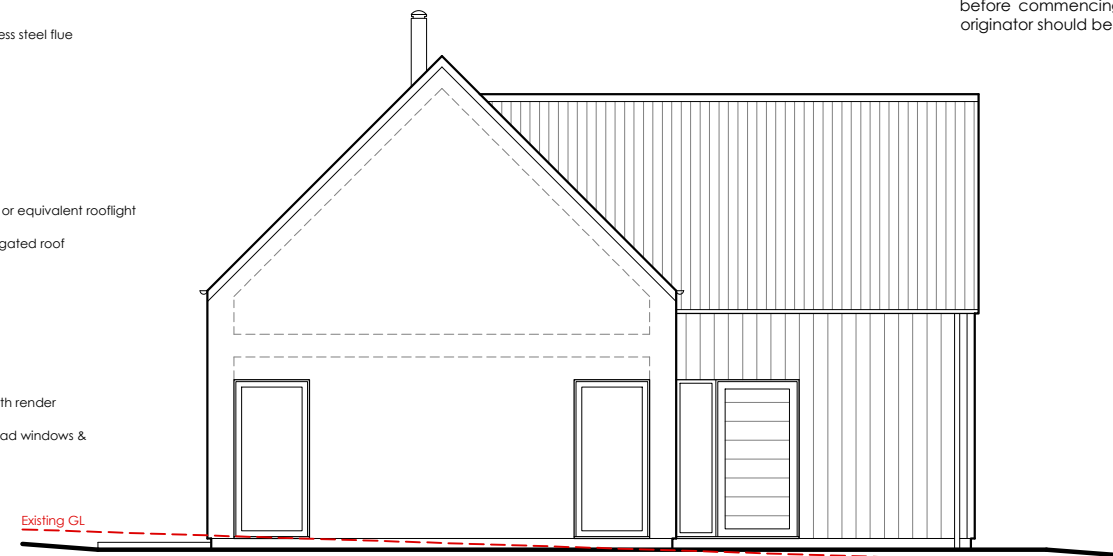
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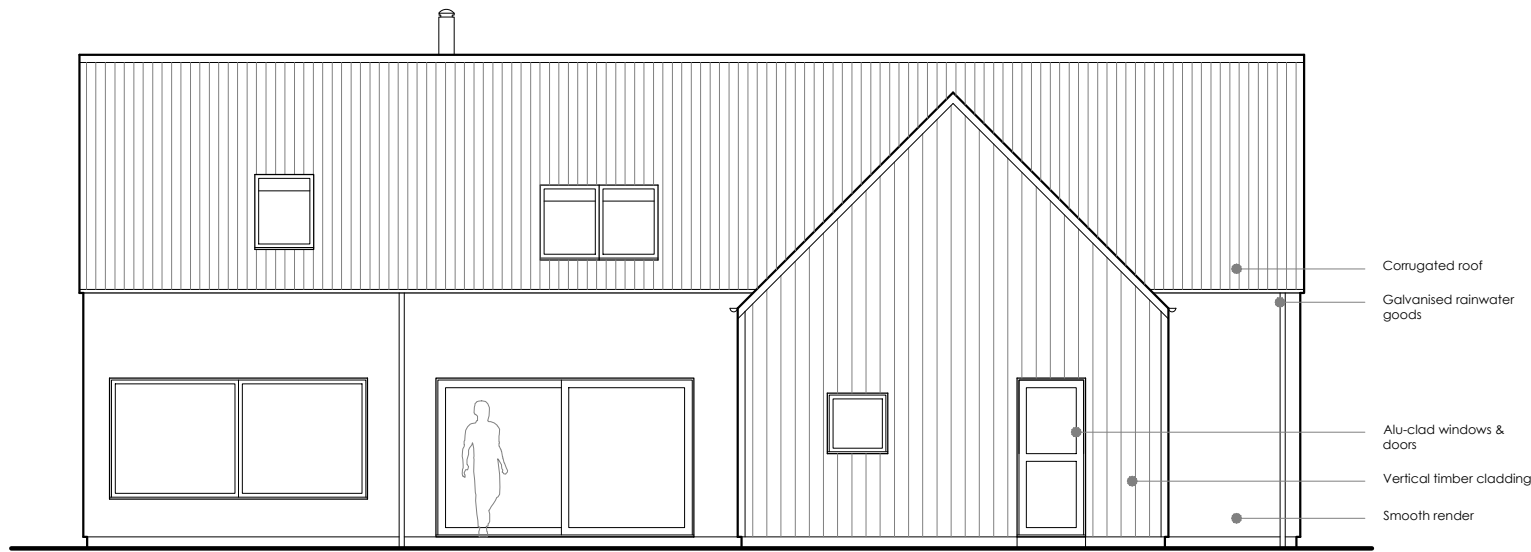
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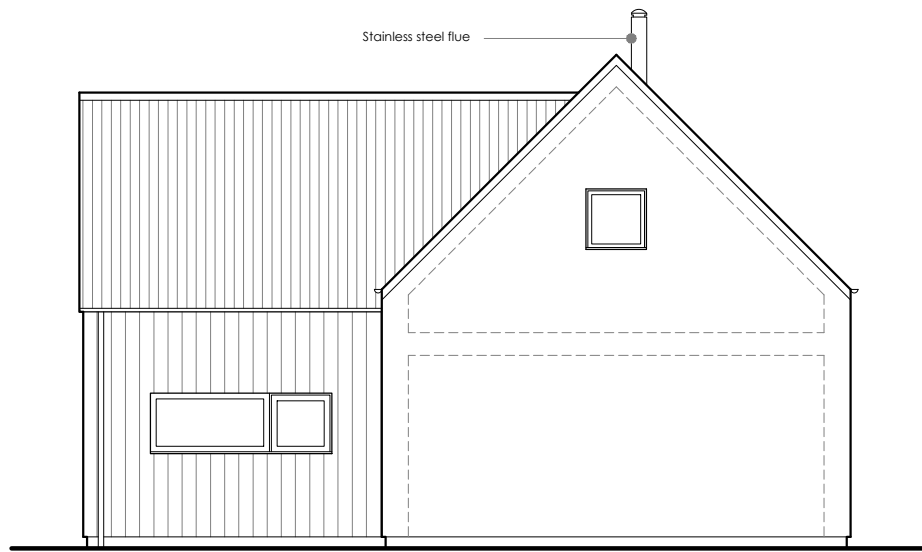
SOUTH EAST ELEVATION  
Scale 1:100



NORTH EAST ELEVATION  
Scale 1:100



NORTH WEST ELEVATION  
Scale 1:100



SOUTH WEST ELEVATION  
Scale 1:100

PLANNING

CLIENT:  
Elspeth Rainy Brown

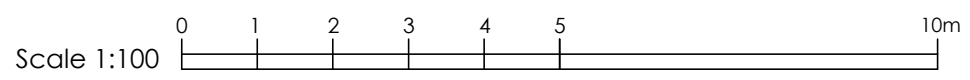
PROJECT:  
Site at Cromdale  
Grantown on Spey

REF: 063    DWG: PL-05    REV: -

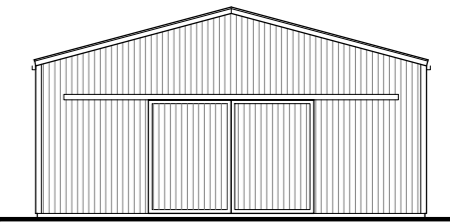
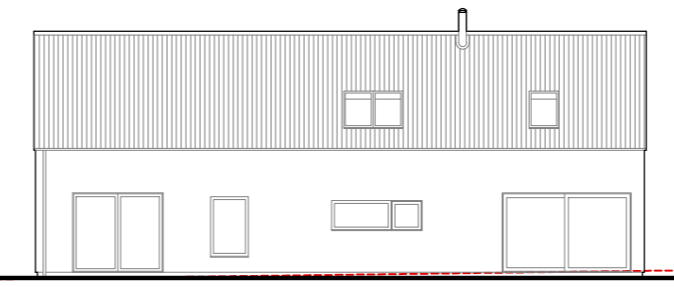
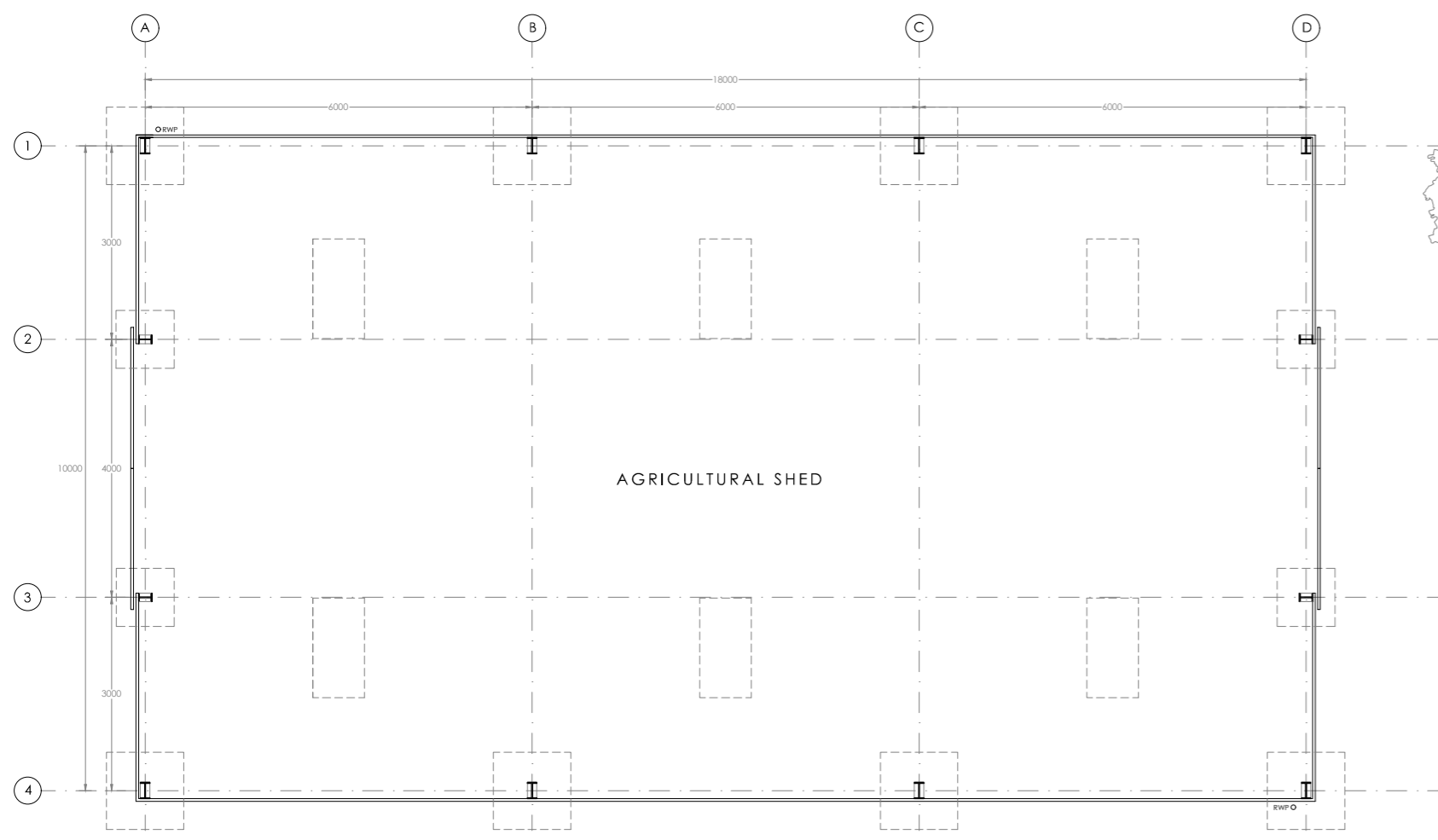
Proposed  
Elevations

SCALE: 1:100    DATE: JULY 2020    DRAWN: RT

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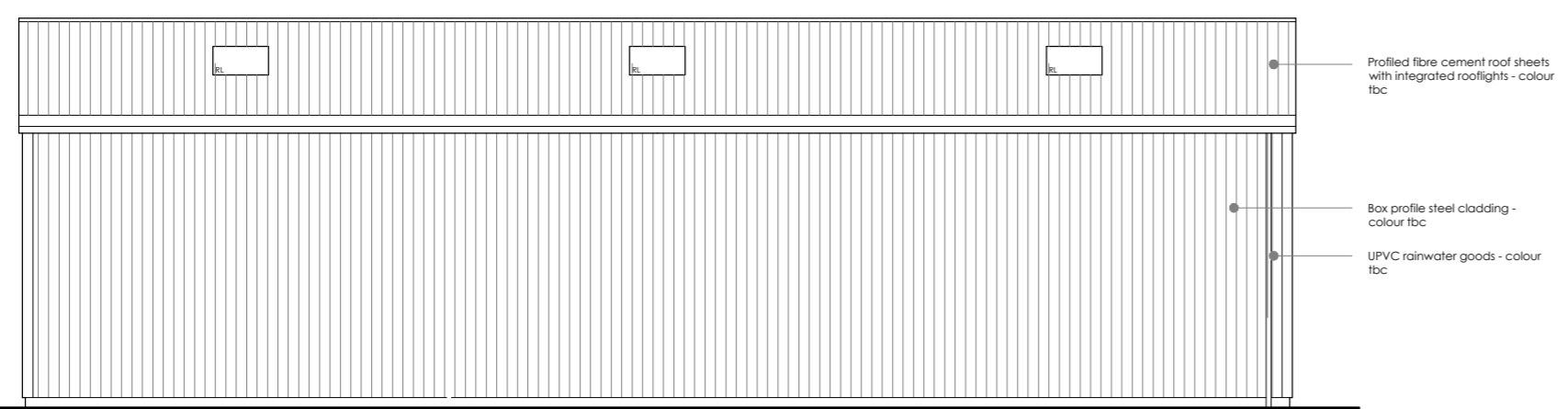


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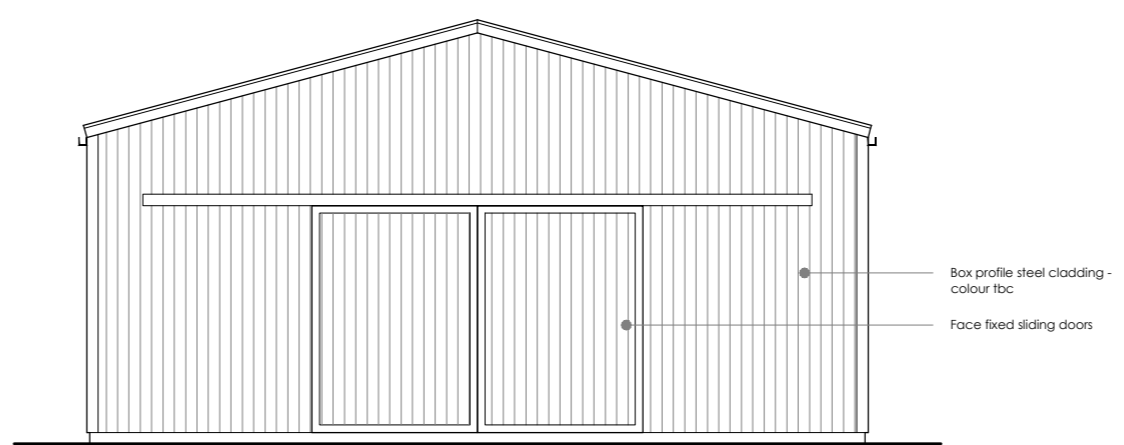


NORTH WEST SITE ELEVATION  
Scale 1:100

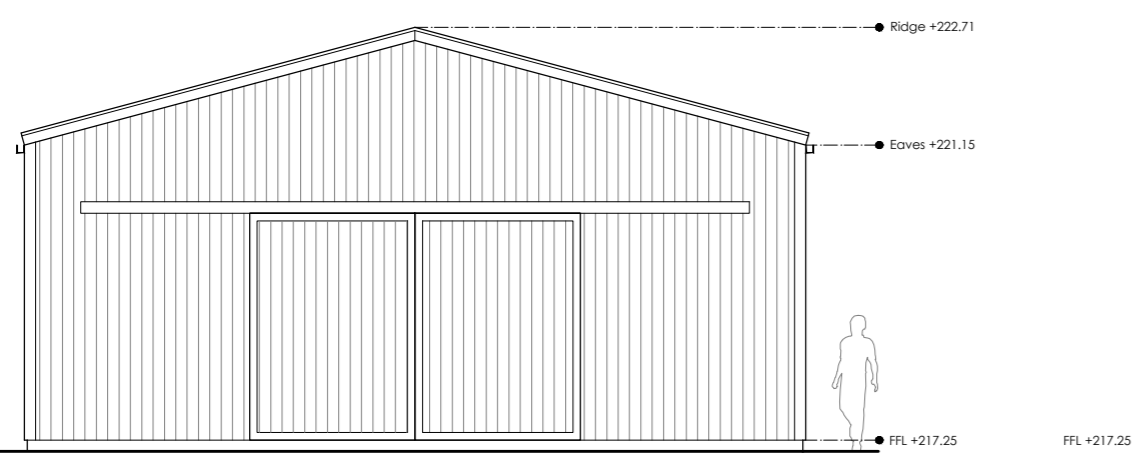
SOUTH EAST ELEVATION  
Scale 1:100



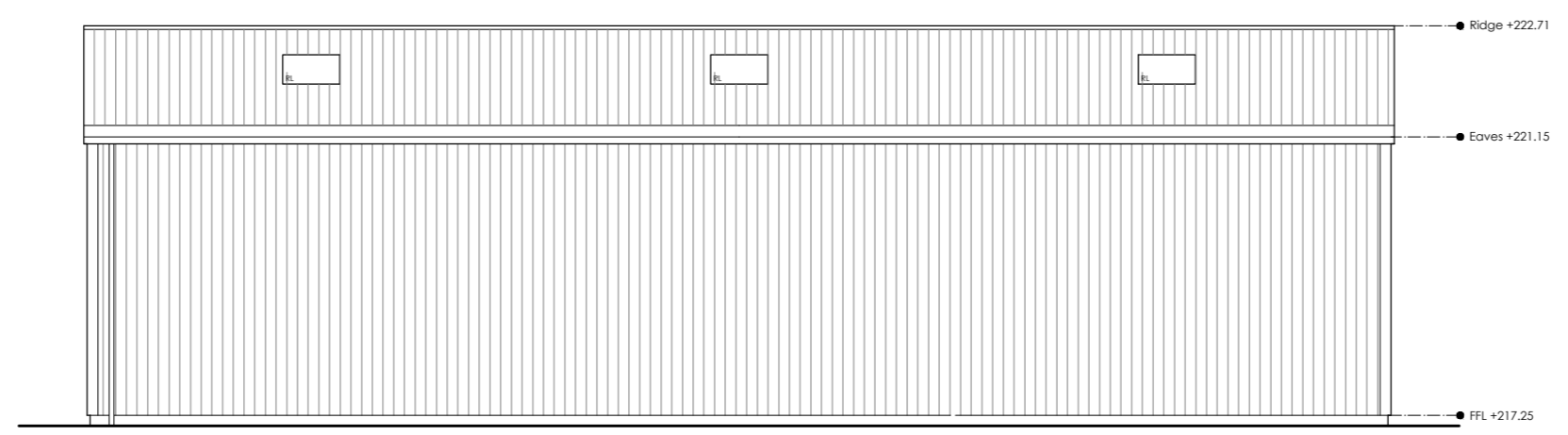
NORTH EAST ELEVATION  
Scale 1:100



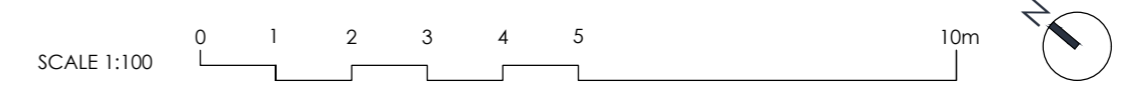
NORTH WEST ELEVATION  
Scale 1:100



SOUTH EAST ELEVATION  
Scale 1:100



SOUTH WEST ELEVATION  
Scale 1:100



PLANNING

CLIENT: Elspeth Rainy Brown		
PROJECT: Site at Cromdale Grantown on Spey		
REF: 063	DWG: PL-06	REV: -
Proposed Agricultural Shed		
SCALE: 1:100	DATE: JULY 2021	DRAWN: RT
 <b>RWA</b> RACHAEL WALKER ARCHITECTS <hr/> <a href="http://www.rwalkerarchitects.com">www.rwalkerarchitects.com</a> 01330 833441		