

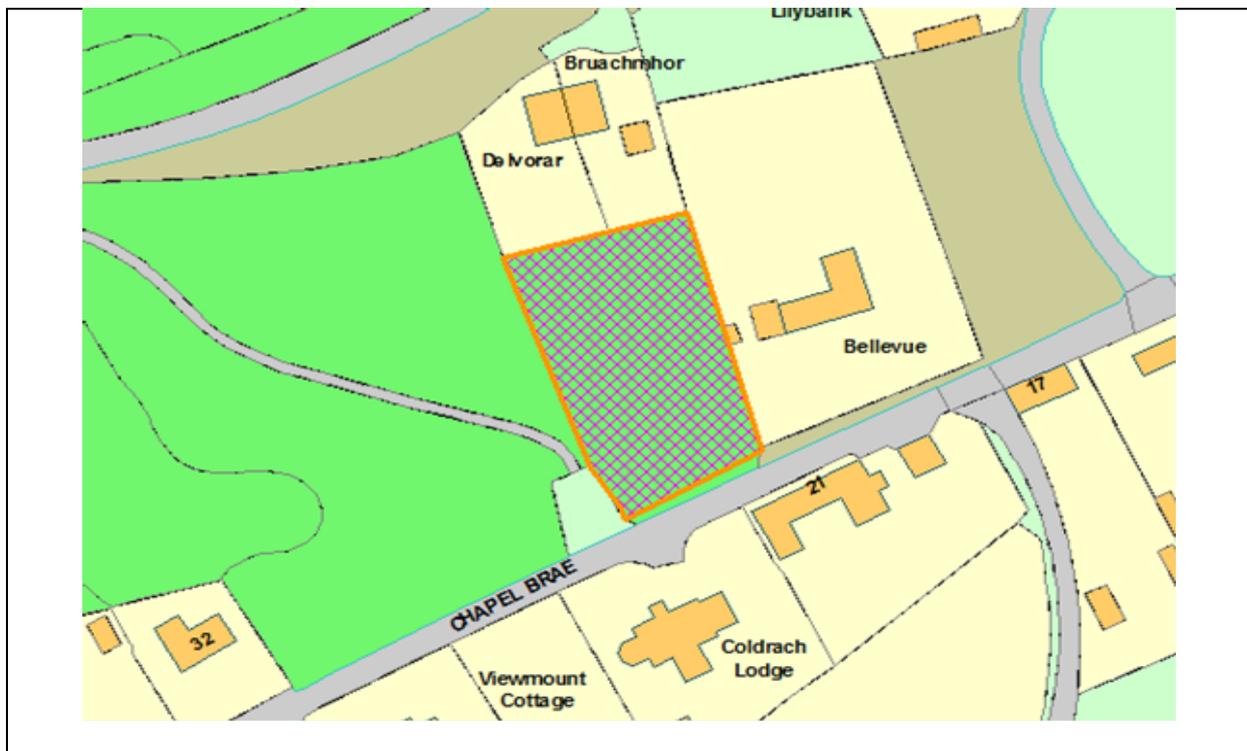
Marr Area Committee Report 23 November 2021

Reference No: APP/2021/1823

Full Planning Permission for Erection of Dwellinghouse and Garage at Land to North of Coldrach Lodge, Chapel Brae, Braemar

Applicant: Mr Martin Bruce, Quarry Studios, Crathie, Ballater, AB35 5UL
Agent: Moxon Architects Ltd, Ardoch, Crathie, Ballater, AB35 5UL

Grid Ref: E:314536 N:791357
Ward No. and Name: W15 - Aboyne, Upper Deeside and Donside
Application Type: Full Planning Permission
Representations: 13
Consultations: 8
Relevant Proposals Map: Cairngorms National Park
Designations: Rural Housing Market Area
Complies with:
Development Plans: Yes
Main Recommendation: Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 The application site lies to the north of Chapel Brae, with a property, Bellevue, to the east nearing completion as a replacement house (APP/2018/1716), two properties are located on lower ground to the north, and there is a row of detached houses along the south side of Chapel Brae. The site is within the Braemar settlement boundary but outwith the conservation area, although it adjoins the conservation area on its east and south boundaries. There is a substantial mature larch tree to the west of the application site, which was covered by a Tree Preservation order (TPO 111) in 2019.
- 2.2 The proposed site is allocated in the Cairngorms National Park Local Development Plan 2021 as the eastern part of site H4, the whole of which is allocated for up to 6 dwellings. This was a new allocation in the 2021 plan. A further allocation, H1 to the north-east of this site, has an indicative capacity of up to 6 dwellings. To date no applications have been made for the H1 site. Site H3 Kindrochit Court has existing permission for 11 dwellings and there is a current application for 15 units (10 flats and 5 terraced houses) under consideration by the CNPA.
- 2.3 The proposed site is 1160m² and would take up over half of the developable portion of the allocated area, which is 0.4 ha but constrained. The allocation notes the site's proximity to the River Dee SAC and that wastewater impacts on the river will need mitigation. It further flags the sites sensitive topography, mature trees and the established footpath network passing through the site.
- 2.4 The application is for a single detached house, designed as two wings with a central link and located on the shallower slope to the south of the application site, with the steeper sloping northern part forming garden ground and accommodating surface water drainage. It would be a single storey dwelling, with a stepped form following the land contours. A detached double garage would be located gable end to Chapel Brae with an access drive, layby, and a resin bound surface to a parking and turning area. The total external floor area of the four-bedroom house and garage would be 390m² with a built length (including the garage) of over 30m along the west boundary and 21m to the east.

- 2.5 External materials would be a reclaimed stone wall to the gable of the garage next to the road and to the gable of the east wing, with horizontal larch cladding and extensive glazing to the north elevation. The remaining elevations would be a mix of reclaimed stone and horizontal larch. The flat roofed link would have a green roof (native wildflower and grass) and the garage and pitched roofs would be slate. Windows would be timber with grey aluminium coating.
- 2.6 A drystone dyke is proposed along the frontage with a specimen silver birch tree at the access, a rowan to the south-east and a field maple to the north-west. A timber and wire deer fence would form the west boundary and an existing overhead power line undergrounded. A surface water soakaway is shown in the garden area to the north, a public water supply and mains foul drainage are available.
- 2.7 A drainage report has been submitted which confirms that foul drainage can be dealt with via mains and that the ground is suitable for disposal of surface water via an infiltration trench which can be accommodated on site.
- 2.8 A tree survey has been carried out, identifying that the proposed house is outwith the root protection area of the larch protected by TPO. The proposed dwelling is within the root protection area of a field maple, which has suffered considerable root damage from the construction next door, further damage will be prevented by the use of geogrid and geotextile combined with pillar foundations for the east side of the house but given the extent of damage, its expected life span is still short. The veteran larch would be protected by the erection of a boundary fence and tree protection fencing parallel with the road and around the existing parking area, allowing pedestrian access. A Norway spruce on the adjacent plot appears healthy and will be protected by fencing.
- 2.9 A design and access statement outlines that the proposal is for a permanent home for a multi-generational family. It has been designed to be a low single storey house, following contours without overlooking or overshadowing adjacent plots. The form protects trees and rights of way while reflecting the gables and mixed styles of surrounding properties. It will minimise energy use and embodied carbon, using high levels of detail and quality finishes to maximise the sustainable and ecological potential of the site.
- 2.10 Additional information from the agent has been submitted in a Review Report to explore the proposal's compliance with the LDP and to explain the scope for development on allocated sites within the settlement. The report notes that the proposal is high quality, takes account of the sensitive topography, protects root protection areas, maintains the established footpath, fits the edge of settlement character and density and does not preclude the delivery of 3 further dwellings on the remainder of the site or meeting the requirement for 45% affordable housing for Braemar.
- 2.11 The applicant's statement outlines that geometrically 6 units could fit onto the H4 site but all would need to be relatively small, introducing tension with the LDP requirement to provide a range of house designs on each allocated site.

It would also be at significantly higher density than anywhere else on this edge of the settlement. Importantly, they note that the capacities in the LDP are guides to the capacity providing indicative house density information. They note the capacity of the H1 site and fewer constraints mean it is more suitable for achieving numbers at the higher end of the indicative capacity than H4. They also note the community led development at site H3 is proposing an overprovision of units and would be 100% affordable.

- 2.12 An update from Mar Estate confirms that they are in discussion about the development of the H1 site, which could potentially increase house numbers from 6 to 9. It is anticipated that work on the H3 St Andrews Terrace would commence in 2023 and the land at H3 Kindrochit Court has been transferred to Braemar Community Limited with an application under consideration by the CNPA for 15 units, 4 more than the indicative capacity.
- 2.13 The site was initially promoted by the landowner for inclusion in the LDP as a larger site, and for 3-5 houses, but the reduced site was allocated for up to 6. The agent notes that the application will not prejudice the delivery of housing on allocated sites and that one large dwelling is the most appropriate development form, having regard to site constraints and the character of the surrounding area. They also note that the H4 site is not included in the Housing Land Audit figures confirming that it was treated as delivering fewer than 5 units, therefore any units are an addition to current effective supply. The applicant's supporting information outlines that Mar Estate own all allocated sites and are committed to maximising development on the allocations while respecting relevant constraints and design policies. Any shortfall which can be justified could be addressed through development of these sites.

3. Representations

- 3.1 A total of 13 valid representations (13 objections) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:

Development of the allocated site

- Will destroy one of the few green spaces left in Braemar adversely affecting the integrity of the area and the qualities for which it has been designated.
- Will result in habitat destruction for wildlife, impacting on biodiversity, environment and accessibility.
- Loss of local green space and natural habitat is not justified unless the aims of supporting local housing are met. The village would not benefit significantly in compensation for the loss. It is a special place and should not be squandered.

Use of H4 site

- Using half the H4 site for one large-footprint house will remove the opportunity for houses to be built to meet Braemar's needs.
- The proposal should be rejected as it is not aligned with the intended use in the H4 allocation for 6 properties.
- H4 is in the LDP to 'contribute to the current and future housing needs of the village' and aims to 'enable and actively support the delivery of new housing which is affordable and meets community needs' 'a mix of dwellings with an emphasis on smaller dwellings' one huge house is opposing to the intended purpose of the LDP.
- The Park's Development plans were based on creating opportunity in the village through affordable housing etc. This development is not in keeping with that plan
- The site assessment for the 2020 LDP states that there was 'some scope for a few smaller houses on the eastern corner' The proposed development does not meet that criteria.

Affordable housing

- Braemar 45% provision of affordable housing, developers seeking to negotiate a reduction must do a viability assessment

Density

- The architects argue that only 54% of the steeply sloping site with a TPO protected tree in the centre is suitable for development. The proposal then uses 60% of the developable area with one 390m² property and the potential for 2 smaller 100m² properties on the remaining developable area.
- Bellevue was the redevelopment of a brownfield site not a greenfield one and is one of the largest residential properties in Braemar, the vast majority of local housing is significantly smaller
- Overdevelopment
- Policy 1.1 states that development should 'reinforce and enhance the character of a settlement,' scale and layout is inappropriate to the site and setting surrounded by a conservation area.
- The proposed density of the development (plot area 1660m² developed area 390 m² density 23.5%) is 60% higher than Belleview (Plot area 2790m² developed area 394m² density 14%). Surrounding plot densities range from 9% to 21%.
- 300-400m² properties are not the norm on Chapel Brae.

Design

- Houses should reflect the style and architecture of what has been built in the past and no more than 1.5 stories high, the footprint is too large and the building too close to the road for its height, impact on streetscape

- Design is not sympathetic to the traditional pattern of development, others are right angled or a standard geometric shape.
- A large 'statement' home will detract from the distinctive quality of Braemar and specifically, Chapel Brae. At odds with the style of the village and an unwelcome precedent.
- The proposed house is incongruous in the context and does not allow for a proportionate garden front or back. The green roof does not compensate
- The size of the proposed dwelling is out of line with the size of the plot and the current streetscape, although the plans have reduced the height by 2.5m, its proximity to the road and properties to the north need to be reconsidered to avoid being overbearing or overlooking.
- Delvorar and Bruach Mhor to the north will be severely affected with a loss of privacy, light, overshadowing and light pollution due to living spaces close to the boundary. Size, height, position, scale and density need to be addressed.

Landscape

- A modern, oversized and highly visible development would blight the view over the Dee valley from amenity land enjoyed by locals and visitors

Trees

- The mature larch is prominent in the landscape and makes a valuable contribution to the character of the area. The LDP 2020 Site Assessment says 'there is a large larch tree in the centre of the road frontage. This is a strong feature along the street and the open space itself and must be retained with generous space around it' Any development should be sited a considerable distance from the tree to ensure it is not compromised. The TPO states that 'The mature larch tree is prominent in the landscape and makes a valuable contribution to the amenity and character of the area'.
- Tree protection required and additional planting secured.

Core path

- The core path UDE61 runs directly over the development plot. The core path is part of the existing path network and is well used and of cultural significance
- Impact on the core path. Development adjacent to Core Path UDE61 is out of step with the intent of the Core Paths Plan 'The core paths network help to conserve the Parks natural and cultural heritage and encourage people to enjoy it in a responsible way'.

Drainage

- Boundary does not show trees or the proximity of the soakaway on a steep slope that will cause major drainage issues/landslip to neighbours below. There is a risk of flooding to adjacent properties. There is no mains sewer on Chapel Brae.
- Water run-off from Morrone goes to this point and drainage issues on Chapel Brae cause localised flooding which the H4 site provides some respite from.

Access and parking

- Double entrance onto Chapel Brae adds extra danger to pedestrians and traffic where there is no pavement and the road is heavily used by pedestrians
- Lack of car parking for a 4 bedroomed multi-generational house, parking and traffic management is already a village issue.
- Loss of green spaces will lead to more on-street parking.

Increased carbon loss

- Construction of houses of this size in the high carbon soils will increase carbon loss, provision of affordable housing would justify such loss but the trend for the increased land footprint of houses on Chapel Brae does not.

Light pollution

- One of the few places in the settlement that does not suffer light pollution. Light pollution must be minimised from development to surrounding areas.

4. Consultations

- 4.1 **Environment and Infrastructure Services (Contaminated Land Unit)** has no indication of past contaminative use.
- 4.2 **Environment and Infrastructure Services (Environment Team)** notes the existing TPO on the single larch tree. Survey shows all works to be outwith its root protection area and there will be protective fencing. Tree 2 on the adjoining site has been damaged by construction, with a short life span but works on this site would be hand dug, use a protective ground covering, and watering and supervision by an arboriculturist would protect it during works on this site. All works are outwith the RPA of tree 3. 5 trees would be planted. Works as proposed are accepted and should be conditioned as such.
- 4.3 **Environment and Infrastructure Services (Roads Development)** has commented that the revised plans show visibility can be achieved, 3 parking spaces are acceptable and subject to conditions they have no objection.

- 4.4 **Legal and People (Business Services)** has sent a Developer Obligations Assessment report to the agent who has confirmed agreement of contributions for affordable housing within the Aboyne Academy catchment area.
- 4.5 **Braemar Community Council** has raised a concern that the development is not within the intentions of the development plan. The H4 site is proposed for up to six houses, and are concerned that if so much of the site is given over to a single house capacity for future development in the community will be reduced, where land available for development is already very restricted.
- 4.6 **CNPA** has not called in the application as it does not raise any planning issues of general significance to the park aims.
- 4.7 **Scottish Water** has confirmed that there is sufficient capacity in the waste water treatment works for foul drainage and capacity for a public water supply.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Cairngorms National Park Local Development Plan 2021

Policy 1 New Housing development

- 1.1 Housing delivery in settlements
- 1.4 Designing for affordability and specialist needs
- 1.5 Affordable housing

Policy 3 Design and Placemaking

3.1 Placemaking

3.3 Sustainable design

Policy 4 Natural heritage

4.1 International designations

4.2 National designations

4.4 Protected species

Policy 5 Landscape

5.1 Special landscape qualities

Policy 8 Open space, sport and recreation

8.3 Redevelopment of other open space.

Policy 9 Cultural heritage

9.3 Conservation areas

Policy 10 Resources

10.1 Water resources

10.3 Connection to sewerage

10.4 Waste management and minimisation

10.7 Carbon sinks and stores.

Policy 11 Developer obligations

5.3 Other Material Considerations

CNPA Supplementary guidance Policy 1 New housing development 2015

CNPA Sustainable design Non-statutory guidance 2015

CNPA Policy 5 Landscape Non statutory guidance

CNPA Developer contributions Non-statutory guidance 2015

Tree Preservation Order 111 (2019)

6. Discussion

- 6.1 The key issues in considering this application are the development of the allocated site, impact of approving a single large house on a large proportion of the site, landscape impacts, design and materials, amenity, drainage, access and parking, footpaths, cultural heritage, tree protection and the natural environment.

Development of the allocated site

- 6.2 Many of the representations refer to the loss of the open space area within the settlement, however, as an allocated site it has gone through due process to be included in the LDP and its future development for housing has been established.

- 6.3 The allocation is for 'up to' 6 houses, a maximum capacity which may not be deliverable given the site constraints and the need for development to respect the character of the area in both design and scale. There is, though, a well-established expectation that new housing development within the village will help to meet the demands for a variety of more affordable house types to support the sustainable development of the village and its services, and the growth of the working age population. The LDP highlights the ongoing issue of lack of supply of the right type of housing to meet community needs. Planning guidance on Policy 1 requires a statement confirming that the design makes the best use of allocated sites within settlements, this has been submitted.
- 6.4 Para 5.10 of the LDP states that '*The proposals include indicative house density information. This information should be used as a guide to the capacity of the site. However, proposals should not be constrained by these figures and should seek to create attractive urban environments with a range of house designs working within the site.*' The Planning Service has expressed concerns that the use of such a large proportion of the recent allocation would inhibit the development of the remainder, restricting its ability to provide housing to meet other objectives of the plan.
- 6.5 The settlement objectives are to deliver housing to meet local needs - particularly affordable housing, with all housing developments to include 45% affordable housing. There is a further allocated site on Chapel Brae H1 also allocated for up to 6 dwellings for which no applications have been made to date. The supporting statement details the characteristics of the two allocated sites on Chapel Brae, concluding that the proposed development would retain part of this allocated site for smaller houses and that the H1 site has capacity for additional small units which meet the housing supply and the objectives of the LDP. Policy 1 New housing development Part 1.1 promotes development on allocated sites but all proposals for housing will need to meet the requirements of the settlement and reinforce and enhance its character. Whilst there is never a guarantee that development will be bought forward on allocated sites, the additional information confirms what could be achievable to comply with Policy 1 New housing development Part 1.1.
- 6.6 Developments of four or more houses in Braemar should include provision for affordable housing of 45% of the total number of dwellings on the development site. Proposals for less than four market dwellings are required to make a monetary contribution towards housing need in the community and this has been agreed with the applicant, as sought by Policy 1 New housing development Part 1.5 Affordable housing.

Density and deliverability of the H4 site objectives

- 6.7 There is an underlying concern about the impact of the proposal on the deliverability of up to 6 houses sought in the objectives of the newly adopted LDP. One house taking 45% of the site has an impact on the overall capacity, the application site is the more easily developed area of the overall allocated site due to the constrained nature. The large protection area of the TPO'd tree, footpath access, the need for onsite surface water drainage and the landscape impacts of the edge of settlement site in wider views, all result in significant limitations on the ability of the H4 site to accommodate up to 6 houses, which also need to respect the character of the area and the surrounding density. The site has sensitive topography, with the potential to impact on views up from Linn of Dee road, and its location on the edge of the settlement and adjoining the conservation area requires a high quality development.
- 6.8 The agent has assessed the whole H4 site as measuring 3560m² and with a net developable area of 1928m² this allows for removing areas for tree protection, surface water drainage and access requirements. The submission indicates the application site of 1658m² has a developable area of 1160m² which would accommodate the single detached house and garage with a footprint of 390m² and a plot coverage of 22% (of the developable plot excluding tree protection areas, access, and drainage). Other adjacent plots are assessed for their density (without excluding any undevelopable areas) and they vary from 14% to 21%. The design statement concludes that the surrounding character of the area is for single houses between 300-400m² although the assessment carried out shows houses in the vicinity range from 94m² to 394m² (the latter is Bellvue of which a significant proportion of the footprint is an attached garage and ancillary uses).
- 6.9 The remaining part of the allocation could accommodate two houses but would struggle for three because of drainage, trees, density and landscape impacts and general amenity provision for the units themselves. The applicant's agents have submitted extensive assessments of the allocation, concluding that three houses could be accommodated on the remaining site, however it is not clear that drainage, tree protection requirements and access could be dealt with for three properties. This would need to be fully addressed on receipt of future applications.
- 6.10 Further details of the H1 capacity and a potential scenario for development has been submitted. This indicates that there are fewer constraints for the H1 site and it is more capable of achieving closer to the objective of 6 houses, however the density would be relatively high and the site is in the conservation area, and is also with drainage constraints due to the proximity of the River Dee SAC.
- 6.11 The Planning Service is supportive of development on the allocated site but, especially given the early submission of this application following the recent

adoption of the LDP, concerns have been raised that the proposal restricts housing delivery numbers in the settlement and that the development of one large dwelling on a high percentage of the developable site area will constrain deliverability of the settlement requirements. However, it has been shown that, possibly, three small units could be provided on the leftover part of the site and a contribution towards affordable housing has been agreed with the applicant. As such the proposal is considered, on balance, to comply with Policy 1 New housing development Part 1.1 Housing delivery in settlements.

- 6.12 Policy 1 New housing development Part 1.4 requires a mix of dwelling types and sizes to help secure a balanced housing stock with an emphasis on smaller houses. The proposal would result in one large dwelling on a significant proportion of the developable site, but indicates that the delivery of smaller residential units, which is a key requirement of the recently adopted Local Development Plan, can be achieved on the remainder to comply with Policy 1 New housing development Part 1.4 Designing for affordability and specialist needs. Also looking holistically at the allocated sites in Braemar, there is scope for varied provision within the settlement as a whole.

Design and materials

- 6.13 Although the site is not within the conservation area, it is bound by it on two sides and any development of the site has the potential to impact on the character and setting of the conservation area. Development in or affecting a conservation area should preserve and enhance the character and appearance of the conservation area, using design, materials, scale, layout and siting appropriate to the site and its setting. All developments should meet the six qualities of successful places and must be sympathetic to the traditional pattern and character of the surrounding area whilst encouraging innovation in design and materials.
- 6.14 The proposal has been carefully designed to fit into the site, using a single storey stepped form with a low link to join the two pitched roof wings. A palette of materials based on the vernacular use of wood, stone and slate is proposed with smaller windows towards the road and larger openings to face the views to the north. It is a contemporary approach which has been developed from traditional forms and materials. The use of drystone walling along the frontage, along with appropriate landscaping and boundary treatments would complement the setting of the development. The proposal complies with Policy 3 Design and placemaking Part 3.1 Placemaking and Part 3.3 Sustainable design.

Amenity

- 6.15 The amenity of neighbours would not be adversely affected by the proposal. The extensive glazing to the north elevation would look towards properties beyond the boundary, but the separation distance and levels would not result in a significant adverse impact on privacy. The height of the building would not result in overshadowing to neighbouring properties. The construction and

design would minimise the effects of the development on climate change in terms of siting and construction, maximising solar gain and minimising energy usage whilst incorporating energy efficient heating. The proposal complies with Policy 3 Design and placemaking Part 3.3 Sustainable design

Landscape impacts

- 6.16 The site lies within the National Scenic Area, and due to the site's sensitive topography and its edge of settlement location there are potential impacts on key landscape views and the Special Landscape Qualities of the Park. All developments must demonstrate how they have avoided adverse impacts on the landscape. The reduction in height from the initial proposal, combined with the stepped form, reduces the visual impact of a large dwellinghouse in the wider landscape, both in views from Chapel Brae and looking up from Linn of Dee Road. The agents have submitted visualisations to show that the form has been designed around the landscape constraints. However, the overall landscape capacity of the remainder of the site is also constrained due to the scale of the mature larch tree and the typical landscape pattern.
- 6.17 The agents have indicated that the remaining developable area of the site could accommodate three houses, however, this would not take account of landscape, drainage, access and tree cover. The remainder of the site would need careful design to limit its landscape impact. Policy 5 Landscape Part 5.1 Special landscape qualities has a presumption against development that does not conserve or enhance the landscape character and special landscape qualities of the Park. As each application is considered on its own merits, this assessment relates to the landscape impacts of the current proposal which is considered to be an appropriate form and design to meet the requirements of that policy. Future applications for the rest of the allocated site would have to be assessed as they come forward.

Drainage

- 6.18 The drainage report confirms that a surface water soakaway can be accommodated within the site and that foul drainage would be to the public sewer. The agent has confirmed that the driveway and turning area would be a porous bound gravel material. There are no records of flooding in the vicinity of the site. The proposal complies with Policy 10 Resources Part 10.1 Water resources Part 10.2 Flooding and Part 10.3 Connection to sewerage

Access and parking

- 6.19 Revised access proposals meet Roads' requirements with provision of adequate on-site parking, a lay-by, visibility splays and turning space within the site. It is understood that the site is in occasional use as overflow parking but its allocation for development would have removed this as a long-term use. The proposal would not increase parking pressures as the new parking requirement can be met on-site and an existing parking area off Chapel Brae would be unaffected by this proposal.

Footpaths

- 6.20 The site is well used as a footpath route, linking Chapel Brae and Linn of Dee Road. The footpath diagonally across the site would be retained both during and after development. There would be no reduction in public access, but an existing seat would need to be re-located. Public concern over the loss of open space and access throughout the site are understandable, but as an allocated site it is now destined for development. The original proposed allocation was reduced and a large area of open ground would be retained to the north west with no impact on mature larch trees along the Linn of Dee Road. The proposal complies with Policy 8 Open space, sport and recreation Part 8.3 Redevelopment of other open space and Policy 3 Design and placemaking Part 3.3 Sustainable design

Cultural heritage

- 6.21 As outlined above, the site is not within the conservation area but is bounded by it on two sides, with the potential to impact on its setting. Development affecting a conservation area, including its setting, should preserve or enhance its character and appearance and use appropriate design, materials, scale, layout and siting. In this case the design is a contemporary approach using traditional materials and proportions to create a modern interpretation of the traditional vernacular. There are a wide variety of house types along Chapel Brae ranging from substantial stone and slate properties to smaller rendered and timber buildings. There is no cohesive design vocabulary, and it is considered that the proposed dwelling would enhance the area by reason of its design and the use of high-quality materials. The overall length of the built form to the west (onto the remainder of the allocated site and the open space) is over 30m but the design breaks up the elevation with a separate garage and stepped form, this, as well as the variety of materials limits the visual impact. The proposal is considered to comply with Policy 9 Cultural heritage Part 9.3 Conservation areas

Tree protection

- 6.22 The tree report highlights the TPO'd larch to the west of the site and it is proposed to erect tree protection fencing to protect it during construction. A mature maple in the adjoining site has been badly affected during the development of that site limiting its future viability, however, the tree survey proposes measures to reduce further impacts from development of this site to help secure its future. A Norway spruce on the adjacent site will also be protected by fencing within this plot during works. The Council's Environment team has agreed the details, and the trees on site would be adequately protected. The proposal complies with Policy 4 Natural heritage Part 4.4 Protected species

Ecology and environment

- 6.23 There are records of bats and red squirrels in the area, but the proposal would not impact on the mature larch tree which may provide suitable habitat. The existing grassland to the north-west of the site is not affected and it is outwith the allocated site. The drainage arrangements would not result in adverse impacts on the river Dee SAC and the proposal is compliant with Policy 4 Natural heritage Part 4.1 International designations and Part 4.2 National designations

Representations

- 6.24 Issues raised in objections are considered in the above assessment. Other matters raised include:
- Carbon loss: All development will impact on the soil environment to some extent, modern construction methods are designed to minimise impacts and the site is not a peat rich soil, the subsoil is sandy. The proposal would not have a significant impact on carbon sinks or stores as required by Policy 10 Resources Part10.7 Carbon sinks and stores.
 - Light pollution: Difficult to limit from residential use of an allocated site within a settlement, which already has lighting. Acceptance of the site for development is established through the LDP.
- 6.25 In conclusion, the Planning Service had raised concern about the early development of a large proportion of the site allocated for up to 6 houses for a single dwelling, potentially losing out on what the site could actually deliver. The LDP objectives include the provision of a variety of house types and emphasise the need for houses in settlements to be affordable and support employment. The use, so early in the life of the LDP, of a large percentage of an allocated site for a single dwelling raised concerns which the agent has sought to address in supporting documents, showing that the balance of the H4 site could accommodate higher density housing helping to meet the contribution of the overall site to the needs to the community. In addition, the other allocations are progressing, and it is suggested that the H1 site could accommodate 6 units, along with the overprovision of affordable units at the H3 Kindrochit site. These allocations, however, are not yet either submitted or approved and the assessment of this application should be made on its own merits.
- 6.26 The proposed house is a well-designed proposal, using high quality materials and would be respectful of its setting adjacent to the conservation area and in the wider landscape, whilst meeting technical requirements, protecting trees and public access. The allocated site has a number of constraints, and the proposal has been cognisant of those to generate a bespoke design. The allocation of the H4 site for up to 6 units may have been optimistic as it is difficult to see how they could have been satisfactorily accommodated given the level of constraints. On balance the proposal is recommended for approval, it would ensure that part of the allocation is delivered and would add

to the variety of housing in the village, supporting services and a thriving local community.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Local Development Plan Departures

None

- 9.2 The application is not a Departure from the Local Development Plan and no departure procedures apply.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. Recommendation

- 10.1 That authority to GRANT be delegated to the Head of Planning and Economy subject to:-**

The conclusion of developer obligations and the following conditions:

01. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - (b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy 3 Design and placemaking Part 3.3 Sustainable design of the Cairngorms Local Development Plan 2021

02. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority to protect the River Dee SAC during construction works. The construction method statement shall include details of the means of preventing release of silt into adjacent watercourses. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the biodiversity of the environment and the River Dee SAC

03. No works in connection with the development hereby approved shall commence unless the tree protection measures detailed in the Astell Associates report dated 30th July 2021 have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- (a) Existing landscape features and vegetation to be retained;
- (b) Protection measures for the landscape features to be retained;
- (c) Existing and proposed finished levels;
- (d) The location of new trees and hedges, which shall be native species;
- (e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (f) The location, design and materials of all hard landscaping works including walls, fences and gates;
- (g) An indication of existing trees, shrubs and hedges to be removed;
- (h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

05. No works in connection with the development hereby approved shall commence unless a scheme for the protection of the Public Path adjacent to the site has been submitted to and approved in writing by the planning authority. The scheme shall include details of the means of retaining public access whilst protecting the root protection area of the mature larch tree next to the site boundary

The protection works shall be carried out in accordance with the approved scheme.

Reason: In order to ensure the Public Path is not obstructed by the development.

06. No works in connection with the development hereby approved shall commence unless details/the specification and colour of all the materials/roof/wall/windows/doors/garage doors/rainwater goods to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be

occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

07. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 45 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the new driveway in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

08. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the drainage report by S.A McGregor dated 4th August 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

09. The dwellinghouse hereby approved shall not be occupied unless its lay-by driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety

10.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Cairngorms National Park Local Development Plan 2021. The proposal is for a high-quality design contributing to the character and landscape quality of this part of the settlement on an allocated site. It takes account of tree protection, public access and technical matters.

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Economy can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

Alan Wood

Director of Environment and Infrastructure Services

Author of Report: Jan Regulski

Report Date: 1 November 2021

Comments for Planning Application APP/2021/1823

Application Summary

Application Number: APP/2021/1823

Address: Land To North Of Coldrach Lodge Chapel Brae Braemar

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Jan Regulski

Customer Details

Name: Mr John Torrance

Address: Gordons House Braemar AB35 5YL

Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Braemar Community Council neither supports nor objects to this development, however we would like to raise a concern that this development is not within the intentions of the Local development plan. The proposed development sits within the H4 development site as per the development plan, it is proposed that this site should be for upto 6 houses, we have concerns that so much of this site is being given over to a single housing development and that in doing so is reducing the capacity for future development within the community where land available for development is already very restricted.

Comments for Planning Application APP/2021/1823

Application Summary

Application Number: APP/2021/1823

Address: Land To North Of Coldrach Lodge Chapel Brae Braemar

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Jan Regulski

Customer Details

Name: Tatu Ahlberg

Address: 21b Clermiston Road Edinburgh EH12 6XG

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have close family in the village and am a long-time frequent visitor to Braemar. I object to the proposed development because the house is over-sized, out of place and will not contribute to available affordable housing stock, which is in short supply for local residents.

The proposed use of the site does not justify the loss of a significant part of this public amenity land. I regularly enjoy it with my young children - playing, sledging, flying kites and safely accessing the riverside from Chapel Brae. Many, many people stop here daily to enjoy and photograph the beautiful views up and down the valley. It would be tragic to lose or ruin such a valuable amenity without the village benefiting significantly in compensation and this is just not the case with this proposed development.

Comments for Planning Application APP/2021/1823

Application Summary

Application Number: APP/2021/1823

Address: Land To North Of Coldrach Lodge Chapel Brae Braemar

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Jan Regulski

Customer Details

Name: Kathleen Cooper

Address: Caurnehill Clynder G84 0QD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the application. If public amenity land is going to be built upon, thus preventing it from being enjoyed by the public forever, then there needs to be a very good reason to do this. I gather that this site has been zoned for potential small scale housing to help relieve Braemar's long-standing housing shortage for local residents. However, using the entire eastern part of the site for one huge statement house for someone wanting to move into the village does nothing to relieve the shortage of affordable housing for local people. If this aim is not going to be achieved, then the land should remain as public amenity land for everyone to enjoy.

As a regular visitor to Braemar over many years and no longer fully mobile, I often rest and enjoy the views from the two benches that have been so thoughtfully placed here along the edge of Chapel Brae. It's one of my favourite accessible spots in Braemar and it's clear that my opinion is shared by many others, locals and visitors alike, going by how often I see people stopping to rest, photograph or just enjoy the scenery and the wildlife. I regularly see red squirrels and bats here and occasionally even red deer. Kids sledge here in the winter and many people use the tracks to safely reach the riverside walks from the village. Now that I am less mobile, I appreciate its accessibility acutely. It's a very special place to me and to countless others and should not be squandered.

Comments for Planning Application APP/2021/1823

Application Summary

Application Number: APP/2021/1823

Address: Land To North Of Coldrach Lodge Chapel Brae Braemar

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Jan Regulski

Customer Details

Name: Mrs Susan Sherrard

Address: 12 Chapel Brae Braemar AB35 5YT

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the application.

With reference to LDP Policy 1.1 and specifically site H4: "The site is allocated for up to 6 dwellings that will contribute to meeting Braemar's housing needs". Using approximately half the site to build one large-footprint house will do little if anything to contribute to Braemar's needs. In fact it will remove the opportunity for those houses to ever be built to meet Braemar's needs.

With reference to LDP Policy 3.1i the (Distinctive) Quality of Successful Places: "Development that complements local features and materials to create places with a sense of identity". Braemar and specifically Chapel Brae have a distinctive quality. A large 'statement' home will detract from that and be at-odds with the style of the village. I consider this proposal an unwelcome precedent.

Comments for Planning Application APP/2021/1823

Application Summary

Application Number: APP/2021/1823

Address: Land To North Of Coldrach Lodge Chapel Brae Braemar

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Jan Regulski

Customer Details

Name: Mr Rob Turner

Address: Hope Cottage Braemar AB35 5YG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed development for the following reasons:

- 1) It will destroy one of the few green spaces left in Braemar.
- 2) It will result in habitat destruction for local wildlife, including red deer and red squirrels.
- 3) The Park's original development plans were based on creating opportunity in the village, through the provision of affordable housing, etc. This development is not in keeping with that plan.
- 4) This development would blight the natural view over the Dee valley currently enjoyed by residents and visitors alike.

Comments for Planning Application APP/2021/1823

Application Summary

Application Number: APP/2021/1823

Address: Land To North Of Coldrach Lodge Chapel Brae Braemar

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Jan Regulski

Customer Details

Name: Mr Keith Williams

Address: Summer House Chapel Brae Braemar AB355YT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. It is unclear whether this proposal meets the aims of allocation H4 in the CNP 2021 Local Development plan, specifically to meet Braemar's local housing needs. It seems that the loss of local green space and natural grassland habitat is not justified unless the aims of supporting local housing need are clearly met.

2. I am concerned for the continued welfare of the veteran larch tree adjacent to this development but note that a Tree Protection Plan has been provided. Tree No.2 is currently under serious stress due to a complete lack of tree protection in the adjacent development. I am concerned therefore, that plans for this current proposal will further stress this tree and suggest that if the project progresses additional planting along this boundary should be secured.

From: [REDACTED]
To: [Planning Online](#)
Subject: REF: APP/2021/1823 Erection of Dwelling House and Garage
Date: 23 August 2021 14:02:16
Attachments: [Planning Response Final.pdf.pdf](#)

Please find my comments to planning application APP/2021/1823 attached.

Regards,

Dr Rosy Wood

Rowanlea
Chapel Brae
Braemar
AB35 5YT

Aberdeenshire Council
Planning and Environment Service
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

REF: APP/2021/1823 Erection of Dwelling House and Garage

To Whom it May Concern

With reference to the planning application APP/2021/1823 to build on land north of Coldrach Lodge I believe the proposal would unacceptably affect the amenity use of the land which should be protected in the public interest. Specifically, I would like raise the following material considerations;

CNPA LDP Policy 1.1 *Housing delivery in settlements advises that housing should meet the requirements of the settlement.*

- I. The principle for housing development on this site on Chapel Brae is established through the H4 allocation for 6 properties to contribute to current and future housing needs in the village. The architects argue only 54% of this steeply sloping land, with a mature larch protected by a TPO in the centre, is suitable for development. The proposal then utilises 60% of this smaller developable area with one large 390 sqm property and the potential for 2 smaller 100 sqm properties on the remaining 40% developable area. This planned development should be rejected as it is not aligned with the intended use established through the H4 allocation for 6 properties. If H4 cannot support 6 houses, I believe it should be removed in the next revision of the LDP.
- II. The size of the proposed dwelling is way out of line with the size of the plot and current street scape. The LDP states specific requirements for H4 "*any development should be sympathetic to the character of the village and the adjacent conservation area*". The dwelling design claims to address building line, but the proposed vertical scale of 358m, the proximity to the road to the south and the properties to the north, would need to be reconsidered to avoid being overbearing from the south or overlooking the properties to the north. Whilst pre-application advice was taken on board and the height of the building was reduced by 2.5m, the elevations and projections on pages 35, 36 & 43 do not adequately demonstrate the impact of the scale of the dwelling on the street scape.
- III. The architects state that 300-400 sqm properties are the norm on Chapel Brae (page 16); this is demonstrably not the case. They also argue that the proposed new development (plot area 1660 sqm, developed area 390 sqm, density 23.5%) is in line with neighbouring property, Belleview (plot area 2790 sqm, developed area 394 sqm, density 14%), failing to note the proposed development density is 60% higher than Belleview. Pages 15 & 16 do not adequately demonstrate this issue.

CPNA LDP Policy 3.3 *Sustainable Design.*

- (a&b) Whilst new technologies and materials would be used in the building, the design is out of kilter with the street scape and local vernacular.
- (c) The green roof (c 50sqm), expected to offer increased ecological capacity, is less than 12% of the existing green space of over 400 m² that is being removed by the proposed development.
- (g) The mass of the house is disproportionate to the size of the plot, which does not allow for any sort of proportionate garden front, or back.

- (h) The CNP Core Paths Plan delivers the National Park vision as an “*outstanding National Park, enjoyed and valued by everyone where nature and people thrive together*”. UDE61, the River Dee Island access path runs across H4. As the plan states “*The core paths network help to conserve the Parks natural and cultural heritage and encourage people to enjoy it in a responsible way.*” This development adjacent to UDE61 is out of step with the intent of the Core Paths Plan and would impact the enjoyment of all those walking down to the island, up to the Duck Pond and beyond, or simply resting on the bench to enjoy the open views towards the Dee Valley and Cairngorms beyond.
- (k) It is hard to see how the development would ‘*create opportunities for further biodiversity and promote ecological interest*’ in tandem with threatening habitats of protected native species and removing c 400 sum of native grassland. This piece of land has an active Black Grouse lek, and red squirrel habitats. Black Grouse are on the Red List in the UK, as a species of ‘High Conservation Concern’. Red Squirrels are protected and ‘Near Threatened’ in Scotland.
- (l) This green field development destroys the local environment and amenity land which is enjoyed by the neighbours, with open views towards the Dee valley and Cairngorms beyond.



CNPA Policy 5.1 *Special Landscape Qualities* - the proposed development would have significant adverse effects on the special landscape qualities of the area. Page 50 of the design and quality statement fails to address the real impact of this development on this piece of amenity land which is enjoyed by the local and visitors as part of the Cairngorm experience. The sense of tranquility and remoteness of the area would be irretrievably lost by the development of this modern, oversized, and highly visible development.

CPNA LDP Policy 11: Developer Obligations - *special landscape qualities - namely to protect the open spaces within the settlement and the visual and physical connections between these spaces, the surrounding countryside and the wider landscape setting.*

As said above this green field development destroys the local environment and amenity land enjoyed by locals for generations. While it may “make the best of the views” from the proposed development, in doing so it destroys the outstanding views enjoyed by everyone else from Chapel Brae and across this publicly accessible green space and along path UDE61.



Regards,

Dr Rosy Wood