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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of 3 Dwellinghouses and Detached Garages at Land To West Of  
Gairncliffe Bridge Of Gairn Ballater Aberdeenshire AB35 5UA

**REFERENCE:** 2020/0293/DET

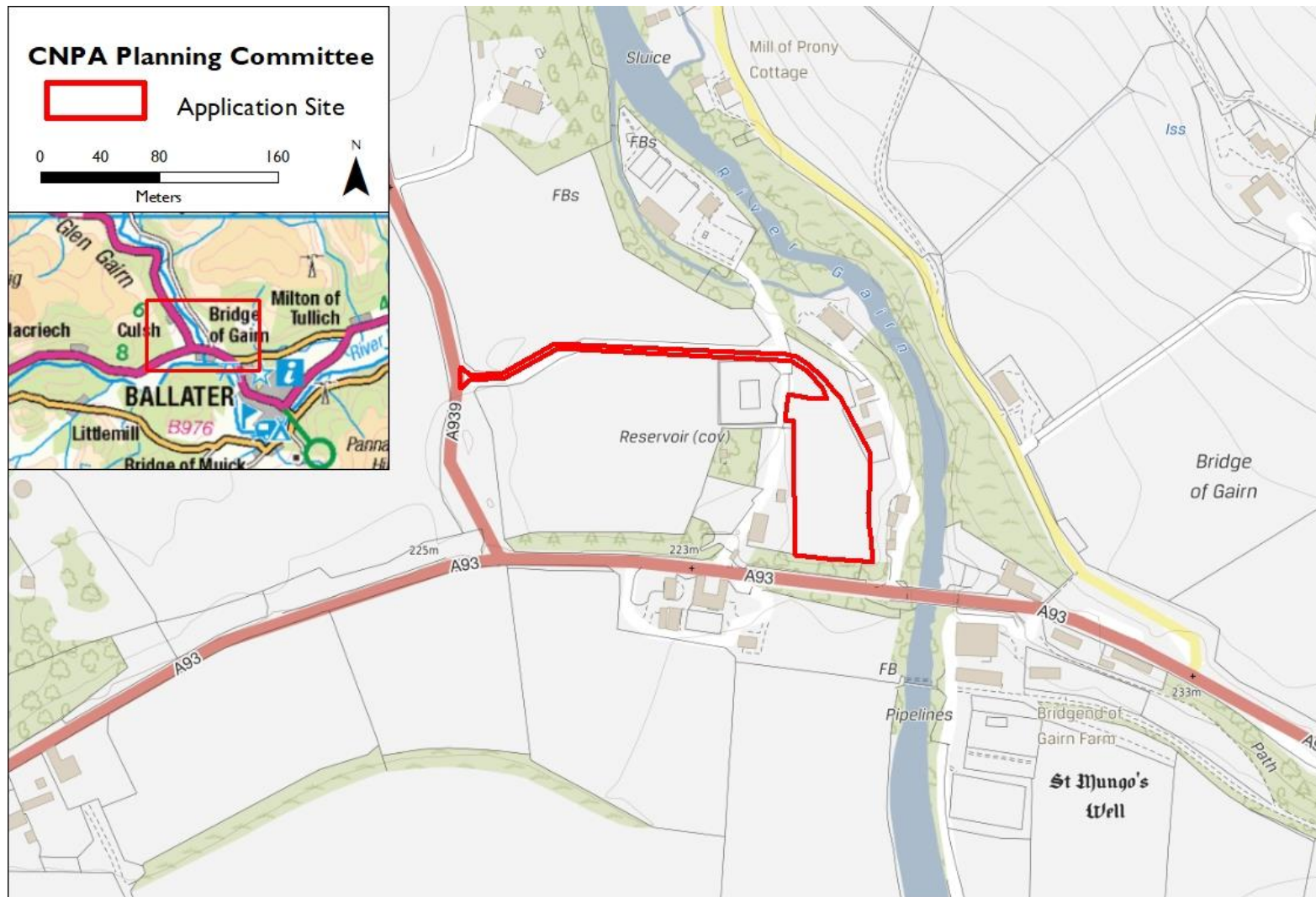
**APPLICANT:** Trustees Of Cpt Farquharson's

**DATE CALLED-IN:** 1 December 2020

**RECOMMENDATION:** Approve subject to conditions

**CASE OFFICER:** Stephanie Wade Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site comprises open grassland located at Bridge of Gairn, with the A93 to the south of the site and the A939 to the west. The site boundary runs westwards to provide a new/upgraded access from the A939 to serve the site. This access currently serves the Bridge of Gairn Water Treatment Plant which is located to the north west of the main site area.
2. A number of residential properties bound the site including: the Old Mill to the north east; Gairn Cliffe, the Old Smiddy and the old bothy (subject to a planning application for its replacement with a new dwelling) to the east; and North Belgairn Steading to the west of the site. Beyond the housing to the east is the River Gairn which is a tributary to the River Dee. Beyond the house and water treatment plant to the west, lies open grazing land and the A939 beyond. Further residential dwellings can be found to the south of the site and along the A93, on either side of the bridge itself. The application site is fairly flat but in an elevated position over the surrounding ground to the south, which includes the A93.

### Proposal

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QK3IZZSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Plan – Site Location Plan And Sections	2018/108/P01	01/03/21	01/12/20
Plan - Site And House Layout- Plot 1	2018-108/P02 (A)	01/02/21	08/03/21
Plan - Site And Garage Layout- Plot 1	2018-108/P03 (A)	01/02/21	08/03/21
Plan - Site And House Layout- Plot 2	2018-108/P04 (A)	01/02/21	08/03/21
Plan - Site And Garage Layout- Plot 2	2018-108/P05 (A)	01/02/21	08/03/21
Plan - Site And House Layout- Plot 3	2018-108/P06 (A)	01/02/21	08/03/21

Plan - Site And Garage Layout- Plot 3	2018-108/P07 (A)	01/02/21	08/03/21
Plan - Landscaping Scheme- Plot 1	2018/108/PI1 (A)	01/02/21	08/03/21
Plan - Landscaping Scheme- Plot 2	2018-108/PI2 (A)	01/02/21	08/03/21
Plan - Landscaping Scheme- Plot 3	2018-108/PI3 (A)	01/02/21	08/03/21
Plan - Active Travel Facilitation Plan			08/03/21
Plan - Site Survey Layout Plan	TS 227 T-01	18/04/16	01/12/20
<b>SUPPORTING DOCUMENTATION</b>			
Other - Landscaping And Ecological Enhancement	REVISION A	01/03/21	08/03/21
Other - Agent Response To Neighbour Comments	SAM/1666/16	03/03/21	08/03/21
Other - Amended Design Statement		01/11/20	01/12/20
Other - Daikin Specifications Table	ERLQ-CV3	11/12/20	01/12/20
Other - Tree Survey And Arboricultural Impact Assessment		19/06/20	01/12/20
Other - Drainage Report	1666/16	24/03/20	01/12/20

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

4. The application proposes the erection of three detached dwellinghouses and three garages together with the construction of vehicular access and servicing arrangements. The proposed dwellings of Plots 1 and 3 comprise a one and a half storey cottage element of a more traditional design and rendered elevations, with a timber clad porch on the principal elevation and a rear single storey element of vertical timber cladding to provide a more modern element to the overall design.
5. The principal elevation of the main element of the dwelling would be symmetrical with the central timber clad porch and balanced dormers above the ground floor windows, replicating a traditionally designed storey and a half dwelling typically found within the area. The roof of the main part of the dwelling is proposed to be clad in natural slate and the single storey section to the rear is proposed with profiled metal sheet roofing colour terracotta. Windows and doors are proposed to be timber coloured dark grey.
6. The proposed dwelling at Plot 2 looks to utilise the same external material palette but within a slightly different layout to respond better to its site. This design features a larger one and half storey element to the design with smaller single storey, timber clad extensions on the north and south elevations. Each property is also designed with the inclusion of two pitched roof dormer windows on the principal elevations of each house and the installation of rooflights within the roofslopes.

7. Each dwelling is proposed to be served by a detached double garage with a dual pitched roof and storage space within the upper element of the garages. The garages are proposed with rendered elevations, under a natural slate roof with timber garage doors and windows painted dark grey. Free draining hardcore driveway and parking areas within each plot allow vehicles to turn around within each plot to egress in a forward gear onto the shared drive. The proposed shared drive runs in a northerly direction along the eastern site boundary and then heads westerly along the northern site boundary to join the A939 to the west. No specific works are proposed to the existing access track as it is understood to be in a suitable condition to serve the development and adjacent properties. The shared driveway has a hardcore surface and the bellmouth junction onto the A939 is tarmacked. A paved area outwith the visibility splay is proposed to be constructed at the road access to provide a bin uplift area.
8. An air source heat pump is proposed to be installed adjacent to each garage on the plots to serve each dwelling and foul drainage is proposed by the installation of high performance package sewage treatment plants within the garden areas of each plot with soakaways for the foul water and for the surface water. The water supply shall be from the public supply.
9. Each plot will be enclosed by 1.2metre high post and wire fencing, and will include a simple landscaping scheme of beech boundary hedges, lawn and the inclusion of native species trees such as: rowan, holly, hazel and aspen, and fruit trees, such as plum wild cherry and apple. Small areas of wild meadow flowerbeds are also proposed within each plot. A beech hedge is also proposed along the eastern site boundary adjacent to the access drive for the three dwellings.
10. Following comments received by the neighbouring properties to Plot 1 and Plot 3, the orientations of both dwellings have been slightly amended to reduce their potential impact on the adjacent property as recommended by the neighbours.
11. The application is supported by the following information:
  - a) **Design Statement**- outlines the site context, policy context and the ethos behind the chosen design solutions.
  - b) **Specifications for Air Source Heat Pump**- identifies the size, specifications and output from the range of potential heat pumps.
  - c) **Ground Assessment and Drainage Report**- identifies the ground conditions and suitable soakaway type, size and locations to deal with both surface water and foul water disposal.

- d) **Tree Survey and Arboricultural Impact Assessment-** confirms that there are no trees within the site boundary although the site borders a bank of trees above the A93 on its southern boundary; a row of trees borders the western boundary in the grounds of North Balgairn Steading and one tree is located to the east in the garden of Gairncliff. The report confirms 40 trees were surveyed and were categorised as B, C or U quality. The report confirms that the development results in the loss of zero trees and that the proposed landscaping and tree planting at each property will enhance the habitat locally.
- e) **Amended Landscape and Ecological Enhancement-** identifies habitats and species present on site, and identifies the ecological enhancements which include: the installation bat and bird bricks/boxes, and the planting of native trees, shrubs and hedges. These species include: rowan, holly, hazel, aspen for native species and fruit trees including plum, cherry and apply with beech hedges and wildflower meadows.
- f) **Agent Response to Neighbours-** provides responses to neighbouring concerns relating to leakage and likely environmental hazard and contamination potentially arising from the proposed soakaways.
- i. **Proposed Private Sewage Treatment-** The document confirms that all plots within the development are to be served by high performance package sewage treatment plants which are highly effective and treat the sewage to more than 95% clean water and will have EN12566-3 Certification. The document confirms that all of the treatment plants installed will meet or exceed the minimum criteria of the standard.
  - ii. **Soil Percolation-** the document references the soil percolation value classing it as a generally fast percolation denoting a generally downward or vertical percolation through the underlying sub-soils rather than a lateral percolation and the proposed soakaway sizes have been applied in accordance with this and with SEPA standards.
  - iii. **Foul Water Discharge-** the foul water discharge is regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulation and the document confirms that the discharge design complies with SEPAs Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater.
  - iv. **Potential Contamination Concerns-** the document confirms that the installation of high performance treatment plants and the further 'polishing' provided by the soakaway and the natural underlying sands and gravels mitigate the potential of the discharges to the ground of being contaminated.

12. Plans of the proposal are includes within **Appendix I**.

## History

13. Adjacent to the land to the north-east of the site and utilising the same access arrangement, planning permission has recently been granted by Aberdeenshire Council for application ref: APP/2020/2286 for the erection of a dwellinghouse and garage in place of the existing derelict cottage on that site.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

14. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2020/11/CNPA-LDP-2020-as-Modified-for-web.pdf>

## CONSULTATIONS

### Summary of the main issues raised by consultees

15. **Scottish Water** has no objection to the proposal but this does not confirm that the proposed development can currently be serviced and advises that although Ballater

Water Treatment works a formal application must be submitted to Scottish Water. An informative is recommended stating that the applicants should submit a formal connection application to Scottish Water following the granting of any planning permission for review of the availability of capacity.

16. They also confirm there is no public waste infrastructure within the area.
17. **Aberdeenshire Council Flood Team** has no specific comments on the scheme.
18. **Aberdeenshire Council Contaminated Land Officer** has no objections to the scheme. The Officer notes that there is no indication of any past uses which might have caused contamination.
19. **Aberdeenshire Council Roads Department** initially provided the following comments:
  - a) It is noted that while the applicant shows sufficient parking within the individual plots each plot should also provide the opportunity to turn within each plot.
  - b) It should be noted that this development takes access via a private road, not maintained by the Roads Authority. Granting this development will result in an increase in usage. Accordingly there may be an increased liability on those responsible for the maintenance of the private road.
  - c) It should be noted that the visibility splay required for this residential development may be less than that already provided for the existing commercial use.
20. Following the agent's submission of revised plans, the Roads Team confirm their removal of their holding objection.
21. **Aberdeenshire Council Environmental Health Officer** notes that the proposal includes an air source heat pumps and therefore requests a condition to ensure the proposal complies with the protection to amenity afforded by permitted development rights.
22. **Aberdeenshire Council Archaeologist** has no objection to the scheme.
23. **Aberdeenshire Council Developer Obligations Officer** confirms that contributions are required towards affordable housing within the area and the contribution must be paid prior to the issuing of any decision notice.
24. **CNPA Landscape Officer** confirms that in general, the proposal looks sound and would fit in fairly well with key landscape characteristics and the SLQs of the Park.



25. The houses would be upon slightly elevated ground compared to surrounding buildings and the A93, and they are likely to seem slightly separated from these spatially and this separation would be amplified by the screening effect of existing mature trees along the A93 and to the west and east of the site. The design statement does describe how siting and design measures have been incorporated to address this issue.
26. The proposed house designs are not contemporary or remarkable in style but they would nonetheless relate to surrounding traditional houses in form and materials and include some positive details.
27. The Officer recommends tree protection is erected on site to protect trees neighbouring the site from construction works.
28. Given the open character of the field, the proposed perimeter beech hedge would be very important to help integrate the houses with their surroundings and limit landscape visual effects on people travelling along the UDE28 path. It is recommended that this proposed hedge is also extended along the eastern side of the access track.
29. Following the submission of revised landscaping plans showing an extension to the beech hedge, the Officer is content that the applicant has extended the proposed hedge along the eastern boundary. The Officer notes that at Plot 3, a complete line of hedge is not shown on the western boundary of the plot, although it does include a line of four trees in the same location which would contribute sufficient landscape benefits.
30. **CNPA Outdoor Access Officer** confirms that path UDE28 forms part of the Ballater Community Paths Network and requests confirmation as to how the proposal would link into the existing network. The Officer notes that the development does not impact directly on this route.
31. **CNPA Ecology Officer** confirms that a Habitats Regulations Appraisal and Appropriate Assessment are not required as the proposal is not considered to have a likely effect on the River Dee SAC. The Officer confirms that the development will result in the loss of semi-improved grassland although notes that it is unlikely to be of value for plants or grassland fungi. There are no protected species constraints associated with the site itself. The Tree Survey confirmed that there are no trees within the site. Those that are adjacent to the site boundary are outside of the development footprint and their root zones can be protected, as indicated in the Tree Survey and associated Tree Protection Plan. The Officer confirms the proposal will have a negligible ecological impact. The Officer suggests that some additional tree or hedge planting could take place along the access track.

32. The Officer recommends the inclusion of planning conditions for: the erection of tree protection measures prior to construction works commencing, the presence of an ecologist to oversee the installation of bat and swift bricks and the restriction of construction hours to minimise disturbance to otter.
33. Regarding the SUDs, the percolation tests confirm that infiltration is suitable for surface run-off. Pre-cast concrete ring soakaways will ensure vertical infiltration and reduce lateral filtration towards neighbouring properties and watercourses. Permeable parking areas will provide treatment of these areas prior to ground infiltration.
34. **Ballater and Crathie Community Council** have not provided any comments on the scheme.

## REPRESENTATIONS

35. The application was advertised when first submitted. A total of three letters have been received from/ on behalf of occupants of neighbouring properties providing comments on the original submission documents. Full copies of the responses can be found at **Appendix 2**. One of the representations provides general observations on the scheme, which are summarised as:
  - a) The erection of three houses is broadly consistent with Policy I of the LDP 2015 and LDP 2021.
  - b) Proposal seems generally sympathetic to the local area.
36. The two other representations raise points of concern, as summarised:
  - a) Concern regarding the locations of the proposed foul treatment plants and soakaways in relation to ground levels and neighbouring properties;
  - b) Loss of privacy and overlooking of the proposed dwelling of Plot 1 to the neighbouring property to the west;
  - c) Concern regarding the proposed palette of external finishes for the dwellings and their compatibility with the existing traditional materials used in the immediate area;
  - d) Concern regarding loss of views;
  - e) Concern regarding the negative impact the proposal would have on the adjacent dwelling which is currently used as an AirBnB let;
  - f) Loss of Light and overlooking concern from Plot 3 to neighbouring property to the east.

## APPRAISAL

37. The main planning considerations are: the principle of development, the impact upon landscape, layout and design, the environmental impacts, access and servicing and developer contributions.

### Principle of Development

38. **Policy I:** New Housing Development of the Cairngorms National Park Local Development Plan 2021 states inter alia that new housing development which adds to an existing rural group (three or more buildings, where at least one of which is a dwelling house) will be considered favourably where:
- a) They connect to reinforce and enhance the character of the group integrating with existing built form, and pattern of existing development; and
  - b) Do not add more than one third to the existing number of buildings in the group within the plan period.
39. The proposal looks to erect three dwellinghouses within the housing group at Bridge of Gairn. Within this, there are nine existing residential properties with three of these being immediately adjacent to, and surround the application site. The application site would have once been part of a larger area of agricultural land, however has been encroached upon and segregated from that larger land unit by the existing developments within the area such as the water treatment works, residential curtilages of neighbouring properties to its site boundary and vehicular access tracks. The application site would therefore appear as more of an infill development and is considered appropriate for development in this case. The principle of the proposed residential development is considered to accord with Policy I: New Housing of the Cairngorms National Park Local Development Plan 2021 subject to compliance with other relevant Local Development Plan policies as outlined in more detail below.

### Landscape Impacts, Layout and Design

40. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development. This is reinforced by **Policy 3:** Design and Placemaking, which seeks to ensure that all new development is sympathetic to the traditional pattern and character of the surrounding areas, local vernacular and local distinctiveness. It is therefore clear that policy requires all new development to enhance and complement both the National Park and the character of the settlement itself, using landscape to complement the setting.

41. The proposed development site is an area of open grassland surrounded by previous developments. There are limited views afforded into the site from the adjacent road network due to the change in topography and existing vegetation providing screening. Views into the site would be gained by users of the local footpath network however these have been mitigated by the inclusion of the beech hedge along the eastern site boundary, as recommended by the CNPA Landscape Officer. The inclusion of the proposed perimeter beech hedge is considered to help integrate the houses with their surroundings and the landscaping is considered to be simple but effective, with the inclusion of native species for tree planting and wildflower meadow areas. The layout of the proposal is considered to be acceptable with three generous sized plots providing good amenity space for occupiers of each of the dwellinghouses and aligning positively with those with in the existing grouping at Bridge of Gairn.
42. In terms of design, **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021**, requires that all new development delivers a high standard of design and placemaking contributing to making a sense of place and improving quality of life. It should minimise the effect of climate change and make sustainable use of resources. The propose house designs are of traditional scale and proportions, reflective of the dominant design character present in the area and the proposed materials are considered to be wholly appropriate to the local architectural vernacular. The scale, design and materials are considered to accord with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.
43. On this basis, the proposal is considered to accord with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

### **Residential Amenity**

44. **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that new development protects the amenity currently enjoyed by neighbours and affords sufficient private amenity ground and off street parking. Each property will be set within good sized plots with sufficient distance between them and existing properties. A couple of letters of concern haven been received from neighbouring properties to Plots 1 and 3 relating to the potential impact these dwellings would have on their amenity. Revised plans for plot 1 have been submitted in response to the neighbour objection, which now show the house re-orientated in accordance with the neighbour's recommendation, and thus alleviating any concerns regarding direct line of sight issue between the properties. Regarding Plot 3, revised plans also show the dwelling has been re-orientated to ensure further privacy to Gairncliffe occupants and the inclusion of the beech hedge to the access road perimeter provides additional screening between the properties. The revised

orientations are not considered to give rise to any significant overshadowing impacts taking into account the positioning, landform, separation distance and existing screening on the neighbouring properties.

45. Regarding potential noise impacts which could arise from the use of the Air Source Heat Pumps, the Aberdeenshire Council Environmental Health Officer recommends the inclusion of a condition ensuring that the proposal complies with the protection to amenity afforded by permitted development rights. Whilst there will inevitably be a degree of disturbance and noise during construction, this can be minimised by good construction practises.

## Environmental Impacts

46. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon protected species or biodiversity whilst **Policy 10:** Resources sets out the need to fully consider impacts on flooding and water resources.
47. Regarding designated sites, the proposal is not considered to have a likely effect on the River Dee Special Area of Conservation and a Habitats Regulations Appraisal is not required on this occasion. The proposal will result in the loss of semi-improved grassland which the CNPA Ecology Officer notes as being unlikely of having a high value habitat for plants or grassland fungi and there are no protected species constraints associated with the site itself. The proposal will therefore have a negligible ecological impact and the proposed landscaping works including the planting of hedgerows, native tree species and wildflower meadow mix areas are proposed to provide biodiversity enhancements to the site.
48. Although there are no trees within the site, the Officer recommends protection measures are included during construction for those trees adjacent to the site boundary to ensure their root zones are protected by way of planning condition. The other planning conditions recommended by the Officer relating to the restriction of working hours to minimise otter disturbance and the presence of an ecologist to oversee the installation of bat and swift bricks should also be included on any subsequent decision notice to minimise the development's environmental impact in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.
49. Regarding other environmental matters, the Aberdeenshire Council Flood Team have no specific comments on scheme regarding flooding at this location and the Aberdeenshire Council Contaminated Land Officer also confirms that there is no evidence of any previous uses which would cause contamination at the site. In these overall circumstances, the proposal is considered to comply with Policy 4: Natural

Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

## Servicing and Access

50. **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to satisfactorily serviced and without harm to resources or the environment.
51. Regarding water connections, the proposal would be connected to the mains water in the area, of which Scottish Water have no objections but require the applicant to submit a formal application to them following the granting of any permission to review capacity. They also confirm there is no public waste infrastructure within the area.
52. Regarding surface water measures, the percolation tests confirm that infiltration is suitable for surface run-off. Pre-cast concrete ring soakaways will ensure vertical infiltration and reduce lateral filtration towards neighbouring properties and watercourses. Permeable parking areas will provide treatment of these areas prior to ground infiltration. Turning to foul water measures, it is proposed to install package sewage treatment plants in each plot to serve each dwelling with associated soakaway area within the grounds. Concern has been raised by a neighbouring occupant regarding the proposed drainage measures and the potential impact on their property. Further information has been provided by the agent which confirms that the package sewage treatment plants meet industry standards and SEPA regulations for foul water discharge and soakaway sizes. The document concludes that the proposal has been designed to mitigate the potential of the discharges to the ground of being contaminated. On this basis the proposed surface water and foul water drainage measures are considered to be acceptable in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
53. Regarding off road parking and vehicular access, the scheme looks to utilise the existing access track off the A939 which serves the adjacent water treatment plant. The scheme has been revised to accord with the Aberdeenshire Council's Road Team's advice to include vehicular turning provision within the curtilages of each dwellinghouse and on this basis the Team confirmed they had no objection to the scheme. Planning conditions are recommended to be attached to any subsequent decision relating to road safety to include: details of the bin uplift area to ensure it does not impact on the visibility splays.
54. **Policy 3:** Design and Placemaking also seeks to ensure the creation of safe and accessible places with opportunities for walking and cycling for both active travel and recreation, with development maintaining and maximising all opportunities for

responsible outdoor access. Revised information has been submitted including a path facilitation plan which demonstrates how the occupiers of the proposal will access the nearby path network. The CNPA Outdoor Access Officer confirms that the proposal does not directly impact on any existing routes.

55. In these overall circumstances the proposed access and servicing arrangements for the scheme are considered to be acceptable and in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

### **Developer Contributions**

56. **Policy 11:** Developer Obligations of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. The Policy also requires contributions to affordable housing where applicable and where no affordable housing is provided on site.
57. There is capacity at both the catchment Primary and Secondary schools to accommodate this development and as such no mitigation is necessary. No further improvements to existing services and facilities have been identified. Regarding affordable housing payment contributions, the Aberdeenshire Council Developer Obligations Officer confirms a contribution is required to which the applicant has indicated their agreement with its payment prior to the issuing of any decision notice.
58. The proposal is considered to accord with Policy 11: Developer Obligations subject to the payment of the affordable housing contribution.

### **Other Issues Raised in Consultations and Representations**

59. All matters raised by consultees and third parties have been addressed above. No comments have been received from the Community Council on this occasion.
60. The Aberdeenshire Council's Archaeologist has no objection to the scheme.

### **CONCLUSION**

61. The application is for new housing with a rural housing group situated at Bridge of Gairn. The site is considered capable of being developed and serviced without any significant landscape or environmental impacts. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of suitable conditions. Subject to these recommended conditions and the payment of the affordable housing developer contribution, the proposed development is considered to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to Approve the Erection of 3 Dwellinghouses and Detached Garages at Land To West Of Gairncliffe Bridge Of Gairn Ballater Aberdeenshire AB35 5UA subject to:**

- 1) Conclusion of an appropriate agreement or upfront payment regarding developer contribution in respect of Affordable Housing; and**
- 2) The following conditions:**

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

### Conditions

- 1. No development shall commence until the details of the refuse bin uplift store area have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with Aberdeenshire Council. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The bin uplift store shall thereafter be installed and retained in accordance with the approved details prior to the occupation of any dwellinghouse, hereby permitted.**

**Reason:** To ensure the provision of an appropriate means of servicing in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

- 2. No development shall commence on site until the tree protection measures have been installed on site in accordance with the approved Tree Protection Plan and maintained in accordance with those details for the duration of construction.**

**Reason:** To ensure that trees adjacent to the site, which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.



3. The development, hereby approved shall be carried out in complete accordance with the recommendations contained within Section 3.0 of the approved Landscaping and Ecological Enhancement Report, Revision A, dated 01 March 2021, carried out by Tay Ecology.

**Reason:** In the interests of habitat and biodiversity enhancement in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

4. The noise emission resulting from the operation of each of the air source heat pumps, individually and functioning in isolation at each proposed housing unit, shall not exceed a limit of 42dB L, (Aeq 5mins) at a position assessed one metre perpendicular from the external centre point of any door or window serving a habitable room of a neighbouring property, ignoring the effect of that façade.

**Reason:** To ensure that noise from the development does not result in undue loss of amenity for surrounding properties in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

5. The dwellinghouses hereby approve shall not be occupied unless their driveways, turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans and shall thereafter be 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 in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

6. Prior to the first occupation of the dwellings hereby permitted, written confirmation must be sent to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority to demonstrate that the bat and swift brick installation have been overseen by an ecologist and confirmation is provided by the ecologist of correct installation. The swift and bat bricks shall be retained thereafter in their positions within each dwelling.

**Reason:** To ensure that the development does not adversely affect wildlife interests and European Protected Species in the area in accordance with Policy 4: Natural Resources of Cairngorms National Park Local Development Plan 2021.

7. Construction work for the development hereby permitted shall commence no earlier than one hour after dawn and finish no later than one hour before sunset.

**Reason:** To minimise disturbance to otter that may be using the River Gairn in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

### **Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The applicants should submit a formal connection application to Scottish Water following the granting of planning permission for review of the availability of capacity.
5. An application for a Road Excavation Permit must be submitted to Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. Note: The Public Road may incorporate- Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes. Further details and application forms may be obtained by emailing the relevant Area Roads Office (see below) or on the Councils website: [marr.roads@aberdeenshire.gov.uk](mailto:marr.roads@aberdeenshire.gov.uk)

6. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
7. A leaflet or letter must be provided to new owners explaining the bat and swift bricks and that these are not to be removed or tampered with to ensure the ecological interests of the site are maintained.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.