

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATIONS

**Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

**DEVELOPMENT PROPOSED FULL PLANNING PERMISSION FOR
ERECTION OF 30 NO.
DWELLINGHOUSES AND ASSOCIATED
ROADS AND PARKING, ST. ANDREWS
TERRACE, BRAEMAR
&
FULL PLANNING PERMISSION AND
CONSERVATION AREA CONSENT FOR
ERECTION OF 5 NO. DWELLINGHOUSES
AND 6 NO. FLATS, KINDROCHIT COURT,
BRAEMAR**

REFERENCE: 07/219/CP & 07/222/CP/07/223/CP

**APPLICANT: GORDON LAND LTD. 479 NORTH
DEESIDE ROAD, CULTS, ABERDEEN**

DATE CALLED-IN: 15 JUNE 2007

**RECOMMENDATION: APPROVE BOTH, SUBJECT TO S75
AGREEMENT AND CONDITIONS**

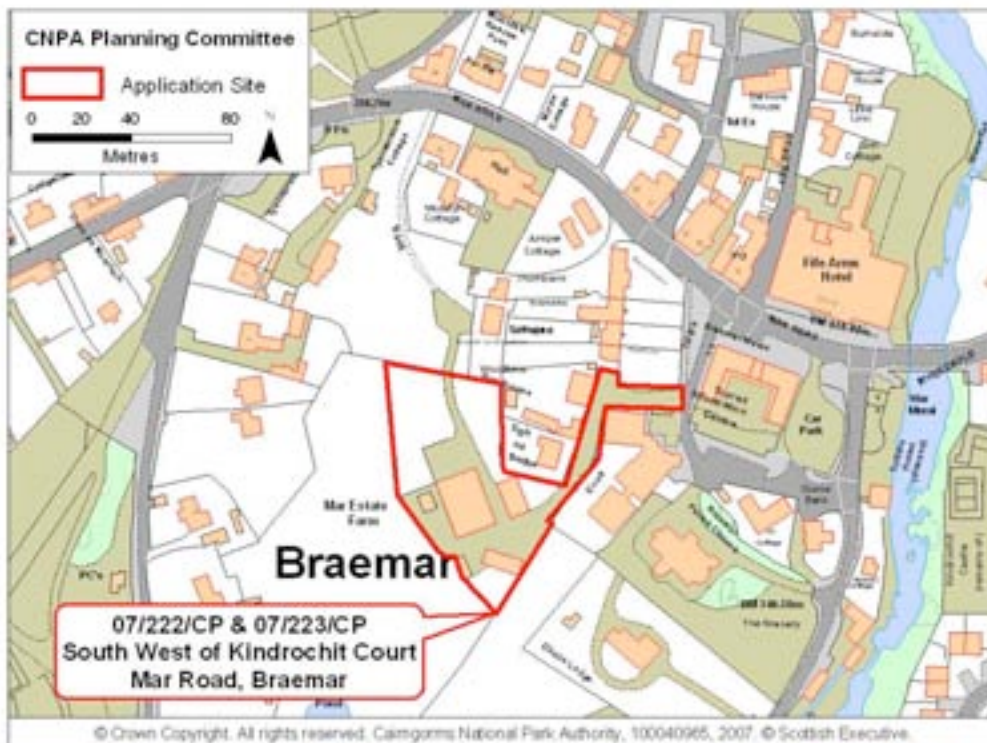
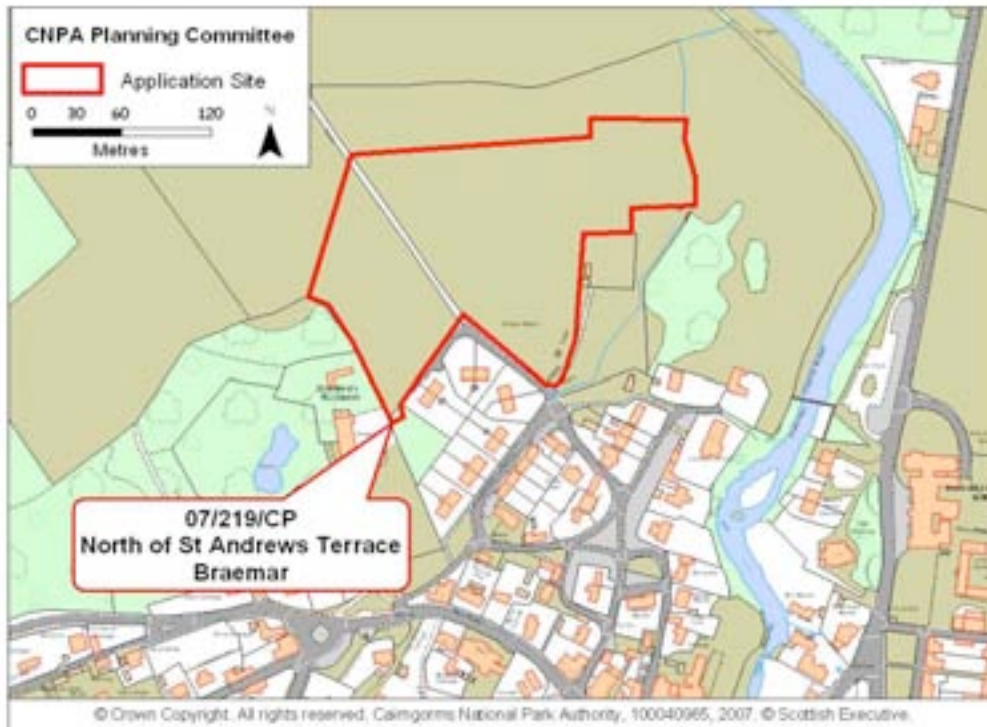


Fig 1. Location Plans

SITE DESCRIPTION AND PROPOSAL

1. This report covers two related planning applications for full planning permission for residential developments in Braemar. One of the applications is for 30 main stream houses for sale on an allocated site in the Aberdeenshire Local Plan (St. Andrews Terrace). The other application is for the off-site provision of 11 affordable residential units on a brownfield site (Kindrochit Court). For ease, the report will refer to the St. Andrews Terrace site as Site 1, and the Kindrochit Court site as Site 2.

Site 1. (St. Andrews Terrace)

2. This site extends to approximately 2.5Ha (6.3 acres) of sloping agricultural land on the north side of the settlement. It is accessed via the existing road network from the centre of the village with the main access being St. Andrews Terrace. An access track through the site leads northwards to the Braemar Waste Water Treatment Works and the River Dee. The areas to the north, north west and north east of the site, are open, flat, agricultural grazing lands which include the flood plain of the Rivers Dee and Clunie. To the east side of the site is an electrical substation. To the south are existing residential areas of mainly semi-detached properties of different ages and appearances grouped around an informal network of access roads, open spaces and trees. At a higher level to the south west, but partially screened by mature trees is the St. Andrews Church which is a Category B Listed Building.



Fig. 2. Site viewed from the north looking southwards towards Braemar

3. The site itself is a plateau at its southern side but then slopes down towards the flood plain to the north. The area of the site to the west of the dividing access track is at a higher level to the area to the east of the track.



Fig.3. Highest part of site lying to the west side of existing access track.

4. The proposal is to construct 30 no. houses (19 no. 4 bedroom and 11 no. 3 bedroom). They will be in a mix of semi-detached (10) and detached types (20) arranged along access roads which in order to minimise earthworks, run parallel with the contours of the site. The houses therefore take a mainly north to south orientation following the contours of the generally north facing slope. The area of the site extends eastwards to the north side of the substation, beyond the boundaries of the actual allocation in the Local Plan. This is to compensate for the loss of developable land within the allocated site, to areas identified as at risk from flooding. There are four house types which are a mix of 1.5 storeys, located at the higher parts of the site, and 1.75 storeys, located on the sloping parts of the site. Materials will be slate for the roofs (also some use of profiled metal sheeting) and the applicants propose a mix of dry dash render and timber cladding for the walls, with timber frames for the windows. Site cross sections have been submitted. These indicate how the slope will be worked to accommodate the development with areas of cut and fill. Two open space areas are proposed. One is located at the entrance to the site and the other to the west side of the access track. The northern boundary areas of the site will be landscaped with tree planting and a sizeable area to the east between the site and the River Clunie, which is shown as being within the applicant's control, is shown as being for Community Woodland. St. Andrews Terrace will require a realignment with its junction with Mar Road. This is off-site and will require a separate application.



Fig. 4. Site and existing track looking northwards.



Fig. 5. Proposed Site Layout Plan.

Site 2. (Kindrochit Court)

5. This site is located on brownfield land within the settlement boundary, on its south edge to the south west of Kindrochit Court Sheltered Housing. The site is accessed by a currently unadopted road which exits from the road which loops around the Braemar Mews and heads westwards to the site, between existing houses and residential development. On the site are several former Mar Estate farm and storage buildings which are contained by mature trees to the south and west. The existing access extends through the site onto a track which then leads northwards and joins Mar Road. There are some footpaths which traverse the site and its immediate surroundings. The existing buildings are currently used for storage purposes for some local businesses.



Fig. 6. Access road looking into site from the north east.

6. The proposal indicates the erection of 11 residential units in three 1.5 storey blocks. The properties will be a mix of 5 no. 3 bedroom terraced/semi-detached houses, 3 no. 2 bedroom flats, 1 no. 3 bedroom flat, and 2 no. 1 bedroom flats. The buildings are to be finished in slate and the applicants are promoting a mix of dry dash and

timber finishes for the walls, with timber framed windows. The access road is required to be upgraded to an adoptable standard and an engineers drawing shows a turning head area between two of the blocks. 19 no. car parking spaces are indicated on this drawing. A submitted arboricultural report indicates a total of 57 trees on the site. The report indicates that 10 of these would require removal. The developer has indicated that they would wish to pass the title of this affordable housing site to the Council/Registered Social Landlord rather than enter into any Design and Build contract.



Fig. 7. Site with existing buildings looking south westwards.



Fig. 8. Site and existing buildings looking south

affordable housing to meet the economic and social needs of communities throughout the Park. Finally, strategic objectives for Outdoor Access and Recreation include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.

National Planning Policy

8. **SPP3 (Planning for Housing)** acknowledges that good housing in the right locations makes an important contribution to achieving Scottish Government policy objectives in relation to economic competitiveness, social justice and sustainable development. SPP3 provides general policy advice on creating quality residential environments, guiding new housing developments to the right places, and delivering housing land.
9. **PAN 74 (Affordable Housing)** provides advice on good practice and other relevant information. It also provides advice on the roles of the main agencies in the provision of affordable housing and how to deliver affordable housing through the planning system, including structure and local plan policy, supplementary guidance, planning conditions and legal agreements, developer contributions, and off-site provision.

Aberdeen and Aberdeenshire Structure Plan (NEST) 2001-2016

10. **Policy 11 (General Housing Considerations)** states that local plans shall ensure that housing developments respect all relevant planning policies and make a positive contribution to sustaining the community in which they are located through sensitive siting, good quality design and use of appropriate densities; take account of the availability of infrastructure, services and facilities, and direct housing preferentially to brownfield sites within settlements. **Policy 13 (Developer Contributions)** states that developers will be required to address the impact brought about by development, including any exceptional servicing costs likely to be incurred in the lifetime of the development. **Policy 14 (Affordable and Special Needs Housing)** requires the appropriate levels of affordable and special needs housing to be secured through co-operation between developers and housing agencies, all in accordance with area housing needs, location, marketing considerations and suitability of sites. **Policy 19 (Wildlife, Landscape and Land Resources)** provides policy advice on international, national and local designations and their protection. **Policy 20 (Built Heritage and Archaeology)** seeks to protect and enhance conservation areas and protect the integrity and setting of Listed Buildings. **Policy 22 (Water Management)** directs development away from areas at significant risk from flooding and requires developers to deal with surface water treatment in a sustainable manner.

Aberdeenshire Local Plan 2006

11. **Policy Env\1 (International Nature Conservation Sites)** states that development likely to have a significant impact on a SAC must be the subject of an appropriate assessment. It will only be permitted where the appropriate assessment indicates that it will not adversely affect the integrity of the site; or there are no alternative solutions. **Policy Env\3 (Other Nature Conservation Sites)** states that development that would have an adverse effect on, amongst others, an ancient long established or semi-natural woodland will be refused unless the developer proves its public benefits at a local level clearly outweigh the nature conservation value, and there is no suitable alternative. **Policy Env\4 (Biodiversity)** states that development that would have an adverse effect on protected habitats or species, will be refused unless the developer demonstrates that the public benefits at a local level clearly outweigh the value of the habitat and that the development will be sited and designed to minimise adverse impacts on the biodiversity of the site. **Policy Env\5A (National Scenic Areas)** does not permit development that would have an adverse effect on a National Scenic Area, unless the developer demonstrates any adverse effects are outweighed by social and economic benefits of national importance, the overall integrity of the area will not be compromised and there is no alternative site for the development. The highest standards of design are required. **Policy Env\8 (Trees and Woodland)** states that development that would cause the loss of trees or woodlands which are either covered by an existing TPO or of significant ecological, recreational, historical, shelter or landscape value, will be refused, unless, its public benefits at the local level clearly outweigh the value of the habitat, the development is sited and designed to minimise adverse effects and there are satisfactory measures to replace or enhance existing trees and woodlands.
12. **Policy Env\17 (Conservation Areas)** advises that such areas will be protected against any development that would have a detrimental effect on their special character or setting. New development must be of the highest quality. **Policy Env\18 (Listed Buildings)** advises that all listed buildings shall be protected against works which would have a detrimental effect on their listed character, integrity or setting. **Policy Env\22 (Public Access)** states that development that would have an adverse effect on any existing or potential public access for walking, cycling or horse riding will be refused unless, it retains existing and potential public access while maintaining or enhancing its amenity value or it makes alternative access provision that is no less attractive, safe and convenient.
13. The St. Andrews Terrace site is allocated for around 29 houses. At the time of the Plan, this site remained "Constrained" because of the capacity at the Braemar waste water treatment works. This constraint has been removed. **Policy Hou\1 (Housing Land Allocations 2000-**

2005) advises that new housing development on allocated sites for this period will be approved. **Policy Hou\8 (Affordable Housing)** states that housing development will be approved if a contribution is made towards the provision of affordable housing. Across the structure plan area, the appropriate level of affordable housing is likely to be around 35%. However, the level of provision will vary according to the needs of the particular area under consideration. The specific contribution required by development will be assessed at the time of the application, having regard to housing information for the relevant settlement and to market and site circumstances. **Appendix 7 (Affordable Housing Provision)** provides more detailed guidance on the implementation of Policy Hou\8. **Policy Inf\2 (Parking, Servicing and Accessibility)** advises that development will be approved if it is, amongst other things, well integrated to existing settlements, complies with the Council's standards, and it can be accessed conveniently by walkers and cyclists. **Policy Inf\4A (Foul Drainage Standards)** permits development, where it will connect to the existing public drainage infrastructure. **Policy Inf\4B (SUDS)** requires surface water to be dealt with in a sustainable manner.

14. **Policy Gen\1 (Sustainability Principles)** requires development to be assessed against sustainability indicators that relate to the local environment, community and economy. **Policy Gen\2 (The Layout, Siting, & Design of New Development)** sets out general criteria for siting and design of new development. **Policy Gen\3 (Developer Contributions)** requires developers to make a fair and reasonable contribution, in cash or in kind, towards the cost of public services, facilities and infrastructure. **Appendix 8** provides guidance on the implementation of this policy. **Policy Gen\4 (Infill Development)** seeks to support development on sites within settlement boundaries which are not allocated or protected, if the nature of the development does not erode the character or amenity of the surrounding area through under or over development. **Policy Gen\5 (Landscaping Standards)** seeks development to provide adequate landscaping proposals. **Policy Gen\7 (Contaminated Land)** supports development on land that is contaminated or suspected of contamination if the necessary investigations and assessments are undertaken and where necessary effective remedial action is taken. **Policy Gen\8 (Flooding)** states that development on land at risk from flooding, including any functional flood plain will be refused, unless, amongst other things, it has been designed to minimise the risk of flooding and will not contribute to or significantly increase the risk of flooding elsewhere; it does not impede the flow of flood water or the ability of the flood plain to store water and to flood naturally; and a hydrological survey and flood risk appraisal is provided.

CONSULTATIONS

St. Andrews Terrace (Site 1)

15. **Scottish Water** initially advised that there was insufficient capacity to serve the development at the Braemar Water Treatment Works. However, submitted correspondence between the developer and Scottish Water now shows that there is no supply restrictions apart from an upgrade to the water main from Mar Road. There is currently capacity at the Braemar Waste Water Treatment Works.
16. **SEPA** do not object to the surface water drainage proposals and the submitted Drainage Impact Assessment but require two levels of treatment to roads and parking areas. In relation to flood risk, **SEPA** reviewed the submitted flood risk assessment, and initially requested further information. This was supplied and **SEPA** now state that the precautionary 1:200 year flood level on the site is estimated at 324.97 AOD and they recommend that this level is adopted as the design flood level. They recommend that a condition is imposed specifying that no built development should encroach below the 324.97m (or 325m for the sake of practicality) contour and that finished floor levels be set no lower than 325.63 AOD as per the submitted FRA recommendations.
17. **Aberdeenshire Council's Contaminated Land Service** initially requested a site investigation because of the existence of a historical sheep dip within the site. The applicants commissioned and submitted a report. This identified the presence of contamination associated with the former sheep dip. As a consequence, remedial works will need to be carried out. A remedial scheme has been submitted and subject to the imposition of a planning condition, ensuring that the remedial works are carried out prior to works commencing on site, there are no objections.
18. **Aberdeenshire Council's Archaeologist** requires the implementation of an archeological watching brief during ground breaking and development work and mechanisms for recording and recovering items of interest.
19. **Aberdeenshire Council's Environment Team** requests information on any trees, woodland or habitats affected by the development. SUDS should be incorporated at an early stage and the design and layout should be informed by existing valuable trees and habitats where found. There is an existing track traversing the site. The applicants should provide details of how public non-motorised access will continue during construction and beyond. Landscape impact on the setting of the National Scenic Area should be considered.
20. **Aberdeenshire Council's Roads Service** have advised that the junction of Mar Road and St. Andrews Terrace is steep and poorly aligned and a section of St. Andrews Terrace is narrow. Improvements

to the existing road network, outwith the application site, will be required to provide adequate access to the site. This can be done through the Roads Construction Consent process. They therefore have no objection to the proposal subject to the imposition of a condition requiring the provision of off-street parking spaces in accordance with the Council's guidelines.

21. **Aberdeenshire Council's Planning Gain Officer** has provided a detailed report on the requirements for this development. The contribution to affordable housing for the Braemar area is 25% of the open market housing. A cash sum for developer contributions, separate from the affordable housing requirement, has been assessed and covers contributions towards secondary school provision, library and percent for art.

22. **CNPA's Economic and Social Development Group (Housing Policy Officer)** has confirmed that there is a presumption in Local Plan policy that affordable housing is made available on site, but this can be negotiated on a site by site basis. From the Rural Housing Enabler's Study, the social housing need in Braemar is a total of 29 general needs (13 x 2 apartment, 13 x 3 apartment and 3 x 4 apartment) and 11 sheltered needs (all 3 apartment). The only social landlords in Braemar are the Local Authority and Castlehill Housing Association. The turnover in Braemar is very low with only 9 re-lets since 2002. results from the Rural Enabler's Study indicate that a good mix of house sizes and tenure types are needed. Housing for young people should be of particular importance due to the high level of young people who require to move out of the family home and the aging population of Braemar. Information from Aberdeenshire Council states that there are three sites considered for affordable housing at present, including the proposed off-site provision at Kindrochit Court related to this development. Castlehill would be the nominated RSL in this instance with the requirement for 11 for rent. Rented would be 4 x 1 bed. 4 x 2 bed. and 3 x 3 bed. The Council waiting list for Braemar is healthy (64 x 1 bed. 49 x 2 bed and 28 x 3 bed.) The Council have confirmed that the project will be a priority but until there is a start date it is hard to confirm funding. There may only be funding available if there is slippage or more funds become available. The Council does have a reserve list and this site will go on it. The **CNPA's Housing Policy Officer** goes on to state that the St. Andrews Terrace site could accommodate the affordable housing if there was an increase in density. However, the off-site Kindrochit Court site is a brownfield site just down from the main street in the village. This means it is easy for people to walk to the shops and amenities. Whether these houses should all be for rent or a mix of rent and low cost home ownership is for the Council and the relevant funders but information to hand indicates that a mix is more desirable.

23. **The CNPA's Outdoor Access Officer** has stated that an existing vehicle track passes through the site. This provides access to the

waste water treatment works and is also used by people for informal access. It also has the potential to link the development into the promoted Clunie and Dee Riverside Walk in the proposed Core Paths network. The significance of the wider network and this route cannot be dismissed. There is therefore a requirement to ensure the public access along the track is retained and ensure that any gate or barrier placed on the track to restrict vehicle movement beyond the site should be appropriate for a wide range of non-motorised users. A condition is suggested.

24. **The CNPA's Land Management and Heritage Group** have provided some detailed landscape advice. The advice emphasises the landscape sensitivity of the site which sits close to the river, on the edge of the settlement which is a Conservation Area, and within a National Scenic Area. It is a visually exposed site in the wider landscape. Issues are raised in relation to the proposals on various parts of the site and suggestions made for mitigation. These include; the upper slope on the west side, close to the boundaries of St. Andrews Church and suggests that this area is not developed; the lower slope of the west side should avoid larger houses; the central part of the site to the east of the access track is exposed to the landscape and there should be new structural woodland planting to the floodplain edge; and the eastern part of the site should preferably be omitted or reduced.
25. **The CNPA's Land Management and Heritage Group** have also provided some ecology advice. There is an acceptance that the site carries limited ecological value and there are areas of higher value immediately adjacent which should be protected from potentially detrimental activities associated with construction. The River Dee/River Clunie SAC is also nearby both of which are sensitive to the effects of sedimentation. Near the entrance to the site, but outwith it, there are some broadleaved trees which have some ecological value. Opportunities for natural heritage/ecological enhancement should be undertaken eg. tree planting of local origin native tree species and incorporation of bat roosts and swift nest sites.
26. **SNH** have objected to the development as currently submitted because of its potentially significant effect on the River Dee SAC. Sewage from the development will be treated at the existing waste water treatment plant and discharged to the River Dee SAC. Their advice is that in combination with the proposed development at Kindrochit Court, and other sources of phosphorus there is likely to be a significant effect on freshwater pearl mussels and salmon. Freshwater pearl mussels are considered to be in an unfavourable condition in the Dee and site condition monitoring of the SAC completed in 2005, indicated that targets in relation to phosphorus concentrations in the Dee are not met. Any increase in the concentration of phosphorus in the Dee, as a result of the discharge of sewage effluent from this development is therefore likely to have a significant effect on pearl mussels, in combination with

other sources of phosphorus in the Dee. **SNH** take the view that, as a consequence, the CNPA is required to undertake an appropriate assessment of the implications of the proposal for this site. However, they also say that on the basis of appraisals carried out to date (SEPA have undertaken screening of the Dee SAC with the specific point of assessing affects on Fresh Water Pearl Mussels and have provided information on phosphorus levels downstream of the Braemar WWTs which are well below the unacceptable levels), the proposal may not adversely affect the integrity of the site. **SNH** also advise that any release of sediment into the adjacent watercourse during the construction period is likely to have an effect on freshwater pearl mussels and salmon. The applicant should therefore be asked to provide a construction method statement setting out measures that will be in place to ensure that the risk of silt being released into the watercourse is minimal. Provided the method statement is sufficient, and allows the CNPA to conclude their appropriate assessment, adherence to the method statement must be a planning condition. Finally, **SNH** do not consider that there are any effects on otter. **At the time of writing, it is understood that SNH may be revising their position on the SAC issue. An update will be provided at the Committee.**

27. **Braemar Community Council** have raised several issues of general concern to the community. There is a need to see the detail of the associated road works. There is concern about general disturbance during construction, particularly from traffic. There is reluctant acceptance that the only way to get affordable housing in the village is on the back of private housing, albeit there is concern that these private houses are large and will sell as holiday homes. Concerns are raised about the overall level of housing development due to take place in Braemar with two others sites proposed at present. All these projects going ahead at the same time could impact on the delicate balance of the community. There is concern about the displacement of at least four business storage areas at the Kindrochit Court site and that this should be covered by planning gain as there is a need to look at the provision of some commercial units elsewhere. All existing well used footpaths require to be accommodated during the construction phase and fully reinstated on completion of the works.

Kindrochit Court (Site 2)

28. **Scottish Water** have advised that there is sufficient capacity at the Braemar Water Treatment Works but that capacity is limited. There is also capacity at the Braemar Waste Water Treatment Works.
29. **SEPA** have reviewed the submitted Drainage Impact Assessment and have no objections to the proposals for SUDS, subject to the imposition of a condition requiring implementation of the SUDS proposals prior to

the occupation of the development. They also request a condition requiring a Construction Method Statement.

30. **Aberdeenshire Council's Contaminated Land Service** have advised that they have received further information on the former use of the site and there is no indication of any past use which might have caused contamination.
31. **Aberdeenshire Council's Archaeology Service** requires the implementation of an archaeological watching brief during ground breaking and development work.
32. **Aberdeenshire Council's Environment Team** recommends the submission of a tree survey. Also suggested are details of landscaping proposals and consideration of impact on the setting of the National Scenic Area. There are existing access tracks running through the site. The applicant should provide details of how public non-motorised access to the countryside can be protected and enhanced. In addition, in relation to the Conservation Area status of the site, windows should be sash and case, roofs should be slate, and that sample panels for walls finishes should be made. It is also suggested that consideration be given to the impact of the development on the setting of the Category B Listed Parish Church located to the east of the site.
33. **Aberdeenshire Council's Roads Service** initially advised that the proposed access road upgrade layout did not comply with the standards for Roads Construction Consent. This was due to the general lack of forward visibility on the bends and lack of footway provision. However, further discussions with the applicant may resolve these problems. The absolute minimum for junction visibility is 2.4m by 35m which can be achieved and would be accepted if the other design matters can be resolved. Revisions and further details for the road layout have been submitted to the Council's Roads Service. **At the time of writing, from discussions with the Council, it is understood that this is now acceptable to the Roads Service but formal written confirmation is yet to be received. Roads Construction Consent would be required.**
34. **Aberdeenshire Council's Planning Gain Officer** – as per St. Andrews Terrace response above.
35. **The CNPA's Economic and Social Development Group (Housing Policy Officer)** – as per St. Andrews Terrace response above.
36. **The CNPA's Outdoor Access Officer** advises that the site is within an area of woodland which is highly valued by the community for informal recreation, amenity and the access links it provides. In terms of current access, there are a number of informal (not-promoted) access routes within the woodland passing through the site and adjacent to it. The existing vehicle access track passing through the eastern part of the

site is popular with people to gain access to the woodland, the rear of properties and also as a path itself. An informal path runs through the woodland adjacent to the site to the west. The north west corner of the site extends very close to and possibly over this path. An informal path runs through the south west of the site providing a link from the access track to the woodland beyond. These paths were identified as being important to people in the first round of engagement on Core Paths Planning, due to the informal nature of the routes. However, they are not proposed as Core Paths. **The Outdoor Access Officer** would like to see the routes of these paths protected for public access and suggest the imposition of a condition in this respect. It is also suggested any fencing of the site is restricted to defined domestic garden areas and not the site as a whole.

37. **The CNPA's Land Management and Heritage Group** have provided some landscape advice. It is acknowledged that the principle of development is acceptable on this site as it is a brownfield opportunity. The site is visually enclosed and well contained, with any visual impact limited to the immediate locality of the site and the immediate neighbours. The most significant characteristic of the site in landscape terms is the Scots Pine trees in and around the proposed development. These make a significant contribution to the local townscape. The integrity of the trees should be retained and protected through the design and construction process. The buildings represent high quality architecture but there is some concern about the layout and impact on some trees. A tree survey is required and it is suggested that there should be landscape and on-going management plans for the site. The impact on trees is the main concern.
38. **The CNPA's Ecologist** has stated that the buildings and some trees may be used by bats and some birds. There is a need to comply with the Wildlife and Countryside Act 1981 (as amended). There is some concern about the impact on trees (including Scots Pine and Aspen) within and on the edges of the site (some of which are within the designated Ancient Woodland site) and resultant habitats for squirrels. It is suggested that the build area is reduced to the site of the existing buildings. Opportunities for enhancement of natural heritage should be taken through additional landscape planting and potential for incorporating opportunities for nesting birds/bat roosts within the design of the buildings.
39. **SNH** take the same position as that of the St. Andrews Terrace in relation to the potential impacts on the River Dee SAC because of phosphorus levels. In respect of bats, **SNH** requires a bat survey and advise that the survey work is undertaken during the breeding season from mid-May until August. They also require the submission of a red squirrel survey. In conclusion, **SNH** objects to the application on the basis of the potential impact on the SAC and reserves its position in relation to bats. **At the time of writing, it is understood that SNH may be revising their position with regard to the SAC issue and**

confirmation of their acceptance of the submitted bat and squirrel surveys is awaited.

40. **Braemar Community Council** – as per St. Andrews Terrace response.

REPRESENTATIONS

41. Aberdeenshire Council have advertised both applications as potential departures from the Development Plan. For the **St. Andrews Terrace** development a total of 8 letters of representation have been received. The issues raised include:

- *Concern that roads issues (by use of the Roads Construction Consent process) will be carried out without public consultation.*
- *Concern about the width of St. Andrews Terrace for access to the site – also lack of pavements in the vicinity – concern about impact of construction traffic.*
- *Development is unnecessary – there is no need in Braemar – especially for executive private and holiday homes.*
- *Development is not in keeping and is detrimental to the character of the Conservation Area and the National Park.*
- *The need is for rental/affordable housing.*
- *Potential noise impact of increase in traffic levels.*
- *Concern about impact on community/social facilities in the village.*
- *Development will devalue existing properties in the area.*
- *Concern from SSE about the potential for noise complaints from occupiers of the houses from the adjacent substation.*
- *There is a need to underground the overhead hydro line that passes through the site.*
- *Development is against the ethos of the National Park.*
- *Houses will be occupied by commuters – increase in carbon emissions and pollution.*
- *Increase in light pollution.*
- *Impact on privacy and amenity of adjacent properties.*
- *Impact on foul and surface water systems.*
- *Perceived lack of amenity space.*

42. For the **Kindrochit Court** site, a total of 13 representations have been received. The issues raised include:

- *Potential impact on habitats and negative implications for the aims of the National Park.*
- *Impact on general peace and quiet of the area.*
- *Impact on the sheltered housing (Kindrochit Court).*
- *Proposed access road is too narrow and inadequate for the development and its construction – alternative accesses would be better.*

- *Potential detrimental impact on character of historical core of Braemar.*
 - *Impacts on amenity due to increased traffic.*
 - *Overdevelopment*
 - *Lack of need for more housing in the village.*
 - *Affordable housing should be integrated with St. Andrews Terrace development.*
 - *Not an allocated site in the Local Plan.*
 - *Displacement of local storage areas for local tradesmen.*
 - *Concerns about potential tree removal.*
 - *Potential impact on nearby tourist accommodation businesses such as “Woodbine Cottage” – including guest safety from increased traffic.*
 - *Impact on footpaths.*
 - *There is affordable housing elsewhere in the village.*
 - *Site should be used for employment land and not residential uses.*
 - *Some issues about the ownership of the proposed access road.*
43. Copies of all representations, including the Braemar Community Council letter are attached to this report.

APPRAISAL

44. These proposals raise a number of planning considerations.

Policy Status in Local Plan

45. The St. Andrews Terrace site for the market houses is an allocated site in the adopted Aberdeenshire Local Plan (ALP). It was allocated in previous versions of ALP and was accepted as a residential site through the process of adoption of the Plan. It is earmarked for around 29 houses but at the time of the Plan it was shown as being constrained. This was due to the capacity constraints of the Braemar WWTWs at that time. The WWTWs has been upgraded and this constraint is removed, as confirmed by Scottish Water. The site therefore carries effective housing land status for the current period.
46. However, it was discovered by the applicants that part of the allocated developable site lies within a 1:200 year flood constraint. The area in question amounts to 0.99 acres of the allocated 5 acre site. It is also the case that the boundaries of the allocation do not reflect any physical features or natural boundaries on the site and appear, in my opinion, to be an ad-hoc two dimensional approach which does not reflect the three dimensional, sloping nature of the landform or the physicalities of the site. For these reasons, I have considered that a logical revision to the Local Plan allocated boundaries, as compensation for the loss of allocated developable land to the flood plain, and to reflect the natural landform of the site, could be justified, if

it also benefited overall layout and design considerations and did not cause any significant adverse landscape affects. The applicants have therefore included an area of land to the east side lower level, to the north of the substation in their plans. This is therefore not in the allocated site boundaries shown in the Local Plan.

47. This additional area proposed by the applicants, does though amount to an overall increase of 0.5 acres of developable space over and above that lost to the floodplain. This did give me some cause for concern. However, to insist on a strict adherence to the compensatory allocated site sizes would mean an increase in the density of development. While siting, layout and density issues are discussed later, I consider that higher density development on this settlement edge where there are steep slopes and an open aspect, would not be appropriate. Bearing in mind that the allocation in the Local Plan indicates around 29 houses, I consider that the proposal for 30 but including some additional land, can be justified in this instance.
48. With regard to the Kindrochit Court site, the development land sits within the settlement boundaries of Braemar as defined in ALP. The existing buildings on the site are former agricultural buildings which seem to now be used for local storage purposes. The site represents a brownfield opportunity within a settlement where the infill policy of ALP would be applicable. The site's redevelopment for residential purposes is therefore acceptable in principle.

Provision of Affordable Housing and Developer Contributions

49. Aberdeenshire Council's Planning Gain co-ordinator has confirmed that for Braemar there is a minimum requirement for 25% affordable housing in relation to a development of this size. It is a preference to have the affordable requirement integrated on site with the market houses. However, it may be acceptable to permit other forms of contribution, including making other brownfield sites available off-site. In this instance, the applicants were asked to consider integrating at least some of the affordable requirement on the St. Andrews Terrace site. However, they have dismissed this on the basis that a Registered Social Landlord would require an area on the site cordoned off and would require different designs and specifications. They would also have different timescales for building. I do not feel these are particularly strong reasons for resisting the request. However, there is the offer of providing the affordable requirement on the land at the Kindrochit Court site. The applicants have stated that they would pass the title of this site to the Council. The number of affordable units proposed on this site equates to over 35% of the number of market houses proposed at the St. Andrews Terrace site. This obviously exceeds the 25% minimum required by policy. Aberdeenshire Council's Planning Gain Officer is content with the proposals for the affordable housing and supports the off-site provision in this instance.

50. My preference would still be to have some affordable housing on the St. Andrews Terrace site. However, I can accept that ALP policy allows for this off-site approach and there are advantages to this proposal in this instance. As previously stated, any increase in density of housing on the St. Andrews Terrace site, I feel, would not be advantageous from an impact point of view, and the Kindrochit Court site is closer to the village centre and easily accessible on foot to the central amenities. The site itself is self-contained and a nominated affordable housing provider would be able to develop and manage it independently. Notwithstanding this, there is an established housing need in the Braemar area and the number of units that this site can accommodate would help meet this need. **While some of the detailed aspects of the layout of the Kindrochit Court site are discussed below, I find it difficult in this instance to continue to resist the principle of the off-site provision. There is though a requirement to ensure that this is legally “tied up” by the completion of a S75 legal agreement, prior to the issue of any planning permission.**
51. In relation to the other aspects of the developer contribution requirements, there has been a discount provided for the provision of open space/playing fields because of the applicants indication on their plans, to provide a Community Woodland adjacent to the St. Andrews Terrace site. In discussion with the applicants, it has become clear that that their intention would be to “donate” the land to the community but that they would not physically undertake any works to form it. From a planning policy perspective, while some form of tree planting would be generally beneficial, there is no requirement for this woodland area adjacent to the river. People can already access the river bank by an existing footpath to the east side and opportunities to access this area will be afforded from the proposed development. **Since the woodland will not be physically formed, there will be a need to revisit the developer contribution package already promoted by the Council’s Planning Gain Officer. This need not hold up consideration of the application by the Committee but, if approval is given, no permission would be issued, until the developer contributions have been agreed. This also needs to be the subject of the S75 agreement.**

St. Andrews Terrace – Siting, Design and Impact

52. Some concerns from consultees and representees have been raised about the layout, design and impact of this proposal. I agree with some of the general sentiments about impact. This site has an open aspect, is on the settlement edge, and is located on a sloping landform. Developing the site does therefore present some challenges. However, what is critical, is that the site is an allocated one in the Local Plan with an identified number of houses provided. As such concerns about the principle of development on the site (or parts of it) cannot be sustained in landscape impact terms. A process of consideration of

landscape and visual impacts will already have been carried out when the allocation was adopted in the Local Plan.

53. The submitted Design Statement advises that they are looking to respect the traditional character, pattern and density of development in Braemar and maintain the village character but avoid monotony. Sustainability principles have had an important influence on the proposed layout of houses. These include minimising earth moving by routing roads and locating houses parallel to the site contours, orientating the houses to maximise solar gain and to minimise resistance to prevailing wind, and ensuring that there is space between houses to avoid excessive overshadowing. The Statement explains that the use of a “circular” road layout reduces the need for hammerheads and turning areas which are difficult to reconcile with the aim of maintaining an appropriate village character. The extent of roads and infrastructure is also minimised because the roads generally provide access on both sides. The layout also tries to reflect the character of Braemar with pockets of green spaces at key locations. The density of the development is considered to reflect the traditional pattern in Braemar and decreases from the village side northwards.
54. My view is that, any development on this site will have a landscape impact, particularly when you consider Braemar is a Conservation Area. This is inevitable because of its location, topography, and openness. With the whole site allocated, my approach therefore has been to minimise these impacts but accept that there will be a considerable change in the character of the setting of Braemar on this side. I agree with the approach taken which is to layer development along the contours, separate the layers by tree planting, and locate the lower semi-detached houses on the higher flatter part of the site at the south edge. Cutting into the slope where possible is proposed and with the highest part of the site to the west being lowered impacts will be reduced on the setting of the Listed St. Andrews Church. This church is though well screened in any case by mature trees. Substantial landscaping is required along the northern boundary at the lowest point of the slope and this can be conditioned. As previously stated, increasing the density of development, in my opinion, would potentially increase landscape impacts, and reduce the amount of space for landscaping and tree planting. I accept that the additional eastern part of the site adds to the exposure of the overall development but in landscape terms it is lower, and it is set against the backdrop of mature trees.
55. The house types are a mix of 3 and 4 bed roomed. The height to ridge of the houses varies from 6.7m (semi-detached types) to 7.5m (some detached types). These heights are not exceptional and the overall scale of the houses, I feel, is acceptable, taking account of the mix of house types and scales in Braemar and the sloping nature of the site. I have no concerns about the design characteristics and appearances of the houses in terms of the context of Braemar and its Conservation

Area. Roofs will be slate and conditions can be imposed in relation to wall finishes and window specifications.

56. In conclusion, taking account of all of the above, I cannot raise any resistance to the layout and design of this development, in relation to planning policy.

Kindrochit Court - Siting, Design and Impact

57. The principle issue from a siting and design point of view for this site, is the amount of development being proposed and whether this impacts adversely on important tree cover in the area. Other considerations are the design and layout of the buildings and any impacts on the Conservation Area and the setting of the Listed Parish Church to the east.
58. The tree survey indicates that 10 trees (including some mature Scots Pine) out of 57 trees surveyed on the site, will be felled to allow for the development. I have some reservations, as do some consultees and representees, that there will actually be more trees under threat during construction. This causes a degree of concern. Nevertheless, my assessment is that if other trees are under threat, then it would still represent a low proportion of trees that will be lost on the site and that of the wider woodland area here. Clearly the loss of trees is regrettable. However, this must be weighed up against the provision of potentially 11 affordable units in an area where the need is high and the principle of infill development is acceptable in planning policy terms. The tree cover at this location is sizeable and extends southwards and although it is designated as Ancient Woodland, the overall impact, will not be significant or detrimental to overall integrity of the woodland area.
59. The design and layout of the buildings do not cause me concern. The buildings are laid out to accommodate garden and amenity areas and the character of the informal track, with unsurfaced parking areas, will be retained beyond the adoptable turning head in the access road. The buildings are designed to reflect traditional characteristics and I consider them appropriate for this Conservation Area site. The roofing materials will be slate and wall finishes and window specifications can be conditioned. Due to the intervening tree cover, I do not consider that there is any adverse impact on the setting of the Listed Parish Church.
60. With the applicants proposing to pass the title of the site to the Council for affordable housing purposes, it may well be that the design of this development will change. This will be dependent on the affordable housing provider who takes on the site. There may therefore need to be a further application if this is the case. However, my view is that the developer has demonstrated that, in terms of siting and design, 11 residential units for affordable purposes, can be accommodated on this

site without adverse impacts on the surroundings or conflicting with planning policy.

Cultural Heritage and Other Natural Heritage Impacts

61. Both sites require an archaeological watching brief during construction. This can be imposed as a condition. The Kindrochit Court site has though been the subject of bat and squirrel surveys. In relation to the bats, no evidence was found of roosts or bat activity in and around the existing buildings and the survey suggests that the buildings are not necessarily of the construction and type that would make suitable roosting sites. **At the time of writing, SNH have an outstanding objection and a response on the bat survey is awaited. An update on this will be given at the Committee.**
62. The squirrel survey found no signs of red squirrels in or around the immediate curtilage of the buildings but some squirrels were observed elsewhere in the wider woodland to the west and south of the site. However, the individual trees earmarked for felling are more exposed and unstable and no dreys were found.
63. SNH have also raised an issue in relation to potential for increased phosphate levels from treated sewage impacting on the natural heritage interests of the River Dee SAC, the need for a construction method statement to minimise risk of siltation, and the potential need for an appropriate assessment . **At the time of writing I await confirmation from SNH that these concerns have been removed and an update will be given at the Committee.**

Infrastructure/Technical Issues

64. Both applications have implications for roads access. For the St. Andrews Terrace site there is a need to carry out a realignment of the St. Andrews Terrace at its junction with Mar Road and for approximately 75m beyond. An engineers drawing indicating this has been received and the Council's Roads Service find the proposals generally acceptable. However, the works themselves are not on the current application site and constitute engineering and development works which require planning permission in their own right. It will therefore be necessary for the applicants to apply for planning permission for this. This need not delay consideration of the application by the Committee because it is possible to impose a suspensive condition which does not permit any works to commence on site until this road realignment has been approved and constructed. This will also allow public scrutiny of the plans. For the Kindrochit Court site, there will be an upgrade of the proposed access and the proposals that have now been submitted, are within the red line development boundary on the site layout, and are found to be acceptable by the Council's Roads Service. The upgrade will still be the subject of Roads Construction Consent. Again though, it would be

appropriate to impose a suspensive planning condition requiring the upgrade of the access road, prior to any other development commencing on site.

65. Concerns have been raised about disturbance due to increased traffic movements in and out of both sites. There will be an increase in movements but with both sites being acceptable in principle for residential development in terms of planning policy, I do not feel that there can be any justifiable objection, on planning grounds, in this respect.
66. With regard to water and sewage provision, Scottish Water have now confirmed that there is capacity at both treatment plants. Some upgrade of the water networks though will be required. On site drainage arrangements for surface water disposal will be by SUDS and there are no outstanding objections in this respect.
67. One concern that has been raised is that of the potential for complaints from occupiers of the houses at St. Andrews Terrace about noise from the existing substation. The operators of the site (SSE) are concerned about any development in the vicinity of the substation. However, it must be considered that this site is allocated for residential purposes in the Local Plan and has been for some time. The principle of development here has therefore been established. This said, there is a need to minimise the risk of noise complaints as they would need to be investigated by the Council's Environmental Health Service. The applicants are aware of the issue and have stated that if there is a problem, they would carry out mitigation (for example – acoustic fencing). Taking account of the fact that this is an allocated site and there is an argument to say that potential occupiers of the houses would be aware of the existence of the substation before they purchase, I feel that the SSE argument is quite difficult to sustain. However, following discussions with the Council's Environmental Health Service, I feel it is appropriate to impose a suspensive planning condition which does not permit development to commence on site until a noise assessment has been carried out and any mitigation measures agreed.
68. There are now no outstanding issues relating to contaminated land and relevant conditions can be imposed.

Public Access

69. Both sites have footpaths or access tracks within their boundaries and adjacent which are used for public access. However, none of these are either Rights of Way or are proposed Core Paths Plan. They are nevertheless important routes within the wider footpath networks in and around the village. During construction, there will be affects on some of these routes but post-construction the routes will be retained. Conditions can be imposed to ensure retention of the routes and that

appropriate on-site management operations during construction can advise of alternative routes where appropriate.

Loss of Storage Accommodation at Kindrochit Court Site

70. Some concern has been raised about the loss of storage space in the existing buildings at this site. The site is still owned by the Mar Estate and it is presumed that they have agreed to the use of these former farm buildings for these local uses. In planning terms, I am not sure if these uses are authorised – they may well be long standing though. However, the site is not allocated in the Local Plan for such uses and is not afforded any protection from other uses. As stated before, the site is a brownfield one within the village where the principle of redevelopment is acceptable. It is for the Estate to decide whether these storage uses should continue, but there are no planning policies which can sustain resisting the redevelopment of the site for affordable housing purposes. In this respect it should be noted that in the forthcoming CNP Local Plan, the former site of the ambulance station is earmarked as an economic development opportunity.

Conclusion

71. There are a considerable amount of issues involved in these applications but I can find no conflict with planning policies or the aims of the National Park. Subject to some further clarifications, the completion of a legal agreement and conditions, I therefore recommend approval of both applications.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

72. There will be some potentially negative implications for this aim. This is in respect of some tree loss at the Kindrochit site and some change in the character of the setting of Braemar at the St. Andrews Terrace site. However, it is considered that, balanced with all other considerations and adopted planning policy, these are not of such significance to result in resistance to the proposals.

Promote Sustainable Use of Natural Resources

73. Energy efficiency measures for the houses are being considered by the applicants and will be developed as they work up the technical aspects of the designs.

Promote Understanding and Enjoyment

74. The routes of existing tracks which traverse or are near to the sites will be retained. There are therefore no permanent negative implications for this aim.

Promote Sustainable Economic and Social Development

75. The development will provide the opportunity for the provision of 11 affordable residential units in an area of need. This can be considered to be positive to this aim.

RECOMMENDATION

76. That the Committee agree a recommendation to:

A. Grant Full Planning Permission for the Erection of 30 Dwellinghouses, and Associated Roads and Parking, at Whole Site North of St. Andrews Terrace, Braemar (07/219/CP), subject to and prior to the issuing of any planning permission:

1. The completion of a S75 Legal Agreement ensuring the transfer of the off-site affordable housing provision at Kindrochit Court, to Aberdeenshire Council or an approved affordable housing provider, prior to the commencement of works on site, and ensuring the payment of agreed developer contributions;
2. A revision to the discounted developer contribution level currently being promoted (to account for the Community Woodland discrepancy);
3. Confirmation from SNH of removal of objection and need for appropriate assessment; and
4. The imposition of conditions: **THESE CONDITIONS ARE TO FOLLOW**

B. Grant Full Planning Permission and Conservation Area Consent for the Erection of 5 Dwellinghouses and 6 Flatted Units at Whole Site to the South West of Kindrochit Court, Braemar (07/222/CP & 07/223/CP), subject to, and prior to the issuing of any planning permission:

1. The completion of a S75 Legal Agreement ensuring the transfer of the site, to Aberdeenshire Council or an approved affordable housing provider, prior to the commencement of works on the St. Andrews Terrace site, and ensuring the payment of agreed developer contributions;

2. Confirmation from SNH of removal of objection and need for appropriate assessment;
3. Confirmation from SNH that they have no objection following receipt of the bat/squirrel survey; and
4. The imposition of conditions: **THESE CONDITIONS ARE TO FOLLOW**

Neil Stewart

22 May 2008

planning@cairngorms.co.uk

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.