

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2024/0312

TO: Gerry Robb Architectural Design Services
Bridgend
Bridgeview Road
Aboyne
AB34 5HB

FOR: Peter Graham Associates Proprietors of Mar Estate
New Elgin Road
Elgin
IV30 6BA

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Planning Permission in Principle for Erection of 2 Dwellinghouses at Land to the East of, 32 Chapel Brae, Braemar, AB35 5YT

and in accordance with the plans docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Planning Permission in Principle** for the said development subject to compliance with the following conditions:

- (1) In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission in principle will lapse on the expiration of a period of five years from the date of this decision notice, unless the development hereby granted is begun before that date.

Reason: Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (2) Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and finishing materials of the proposed development, including a Design Statement;

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- (c) A detailed levels survey of the site and cross sections showing proposed finished floor levels to existing ground levels and a fixed datum point;
- (d) Full details of the proposed means of disposal of foul and surface water from the development;
- (e) Full details of the proposed means of access including visibility splays where appropriate;
- (f) Full details of the proposed car parking/vehicle turning area/lay-by for the development including surfacing;
- (g) Full details of the proposed refuse bin uplift area;
- (h) A landscaping scheme including a tree protection plan, proposed landscape features, and boundary treatments;
- (i) Details of all biodiversity and habitat enhancement on site and within buildings; and
- (j) A construction method statement.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (3) The dwellinghouse shall not be occupied until the foul and surface water drainage systems have been provided in accordance with the approved plans submitted and agreed under condition 2(d). The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

- (4) In accordance with condition 2 (e), no development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 2.4 metres by 45 metres, along the channel line of the public road has been provided from a point measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

- (5) The dwellinghouse hereby approved shall not be occupied unless its lay-by, driveway, parking and turning area and bin refuse storage area has been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority, in accordance with conditions 2(f) and 2(g).

- a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20 and should be fully paved.
- b) Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council Car Parking Standards.
- c) A suitable turning area, measuring not less than 7.6m x 7.6m, formed within the site so that vehicles movements onto or from the public road can be carried out in forward gear.
- d) A layby measuring 8m x 2.5m with 45-degree splays is to be formed on the frontage of the site and the proposed vehicular access is to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.
- e) Details of the refuse bin uplift store area shall be submitted to and approved in writing by the Planning Authority. 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.

Once provided, all parking, turning, and bin refuse areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of suitable servicing of the site in the interests of road safety.

- (6) No works in connection with the development shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority, in accordance with condition 2 (h).

Details of the scheme shall include:

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

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

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

- (7) No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the Planning Authority, in accordance with condition 2 (h). Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;
 - e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
 - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

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

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

- (8) Full details of habitat and biodiversity enhancement measures, required by condition 2 i, shall be provided and implemented prior to occupation of the dwelling. The measures should include, but are not limited to;
- i - bat and bird boxes within buildings or nearby retained trees
 - ii - planting of native species on/around the site
 - iii - wildflower planting in open grass areas

Reason: In the interests of delivering a positive effect on biodiversity.

- (9) No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the Planning Authority, in accordance with condition 2 (j). The construction method statement shall include details of preventing release of silt into adjacent watercourses. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the integrity of the River dee SAC.

- (10) For the avoidance of doubt, the public access route which runs past the site shall be retained in accordance with the approved plans.

Reason: In the interests of safeguarding public access and amenity.

Informatives

- (1) Applicants must be aware that this decision grants planning permission in principle only. Matters specified in the conditions and any suspensive conditions must be dealt with before development can commence. Any application for approval of the matters specified in conditions should therefore include the time necessary to validate and determine that application and allow for commencement of the development to prevent permission lapsing.
- (2) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
- (3) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (4) The proposed vehicular access onto the public road shall be formed at the Developer's expense and must be constructed in accordance with the council's specification.
- (5) Adequate provision shall be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa.
- (6) Adequate precautions shall be taken to protect any Statutory Undertaker's plant which may be affected by the works/development.

- (7) 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 council's website (<http://www.aberdeenshire.gov.uk/roads-and-travel/roads/residential-streets/application-forms/>):

Marr - marr.roads@aberdeenshire.gov.uk

- (8) You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water.
- (9) This planning permission has been granted on the basis that the proposed development will be connected to the public water supply. Should the developer wish to connect to a private water supply a fresh planning application would be required for the development to allow the planning authority to consider the implications of using a private water supply to service the development.
- (10) This planning permission has been granted on the basis that waste water from the proposed development will be disposed of via the public sewer. Should the developer wish to dispose of waste water via private means a fresh planning application would be required for the development to allow the planning authority to consider the implications of using a private means of disposal for waste water.

Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with the Cairngorms National Park Local Development Plan 2021 and National Planning Framework 4. The proposed development of two dwellinghouses within an allocated site is considered appropriate, and can be suitably accessed and serviced without posing any adverse impact to the natural environment or public access in compliance with Policy 1: New housing development, Policy 3: Design and placemaking, Policy 4: Natural heritage, Policy 8: Open Space, Sport and Recreation and Policy 10: Resources within the Cairngorms National Park Local Development Plan 2021, and Policy 4 Natural Places, Policy 6 Forestry, woodland and trees, Policy 14 Design, quality and place, Policy 16 Quality homes, Policy 20 Blue and green infrastructure and Policy 22 Flood risk and water management within the National Planning Framework 4.

Dated: 25 June 2024



Paul Macari
Head of Planning and Economy

List of Plans and Drawings

Reference Number: 2023-116/S01 Survey Drawing

Reference Number: 2023-116/P01 Version A Design Drawing

Stamped copies of any plans and the decision notice associated with your application are available to view and can be downloaded through our Planning - Public Access [Register](#) by searching for your application using the application reference number.

NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

An appeal form should be obtained from and the appeal submitted to:

Planning and Environmental Appeals Division

Scottish Government

Hadrian House, Ground Floor

Callendar Business Park

Callendar Road

Falkirk, FK1 1XR

Tel: 0300 244 6668

Fax: 0131 244 8990

Email: dpea@gov.scot

Appeals may also be submitted online at: www.eplanning.scotland.gov.uk

A copy of the appeal form and any documents should be sent to:

Head of Planning and Environment Service

Aberdeenshire Council

Viewmount

Arduthie Road

Stonehaven

AB39 2DQ

- (v) If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

The Permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the Planning Authority or seek professional advice. If you do not comply fully with the conditions the Planning Authority may serve a Breach of Condition notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the Planning Authority using the enclosed Notice of Completion.

Please note, the Planning Authority may take enforcement action where such notice is not given.

PLEASE NOTE – THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER LEGISLATION

NOTIFICATION OF INITIATION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27A(1)

APPLICATION REFERENCE NUMBER: APP/2024/0312
Planning Permission in Principle for Erection of 2 Dwellinghouses at Land to
The East Of, 32 Chapel Brae, Braemar, AB35 5YT
Dated: 25 June 2024

I hereby confirm that the above development is expected to commence on:

Date:

The person intending to carry out the development is:

Name:
Address:
.....
.....
.....
Postcode:
Telephone no:

***Please delete as appropriate**
*The above person is the owner of the land to which the development relates

*The landowner is (if different from the person above):

Name:
Address:
.....
.....
.....
Postcode:

The person appointed to oversee the carrying out of the development is (if applicable):

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Economy
Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

IMPORTANT:

1. Failure to submit this Notice before commencement of development would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.
2. Any planning conditions imposed which necessitate action prior to the commencement of development, must be complied with to prevent a Breach of Planning Conditions and the subsequent service of a Breach of Condition Notice or other enforcement action.
3. Any planning conditions imposed relative to this planning application will be the subject of our planning condition monitoring policy which will entail a visit(s) to the site.

NOTIFICATION OF COMPLETION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27B(1)

APPLICATION REFERENCE NUMBER: APP/2024/0312
Planning Permission in Principle for Erection of 2 Dwellinghouses at Land to
The East Of, 32 Chapel Brae, Braemar, AB35 5YT
Dated: 25 June 2024

I hereby confirm that the above development was completed on:

Date:

The person who completed the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Economy
Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ