



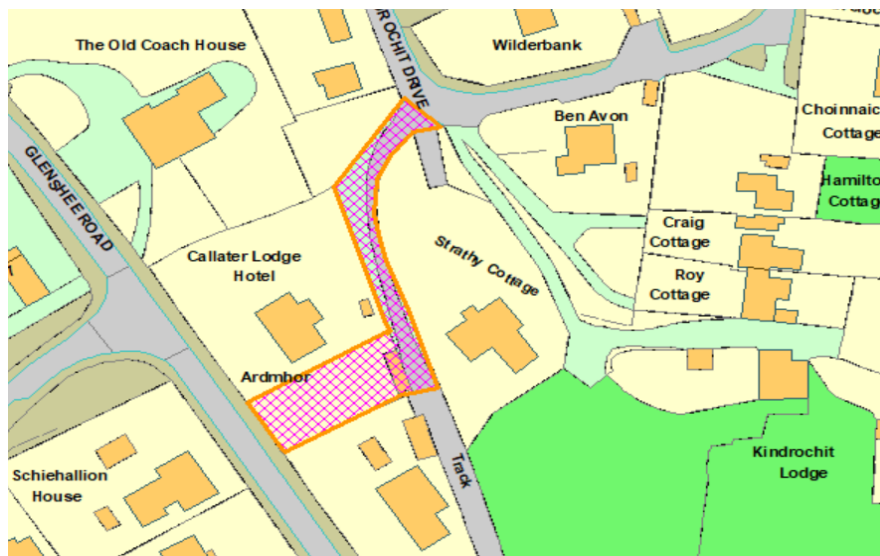
Marr Area Committee Report 16 April 2024

Reference No: [APP/2023/1978](#)

Full Planning Permission for Erection of Dwellinghouse and Installation of Air Source Heat Pump (Amended Design to APP/2022/2681) at Land at Ardmohr, Glenshee Road, Braemar, AB35 5YQ

Applicant: Mr Ernie Smith
Agent: Ian Rodger Architects

Grid Ref: E:315370 N:791208
Ward No. and Name: W15 - Aboyne, Upper Deeside and Donside
Application Type: Full Planning Permission
Representations: 1
Consultations: 8
Relevant Proposals Map: Cairngorms National Park Authority Local Development Plan 2021
Designations: Braemar Settlement
Complies with:
Development Plans: Yes
Main Recommendation: Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1e of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for approval and there have been valid objections from third parties and 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

Councillor Anouk Kloppert – “I would like to discuss if Policy 23 of NPF4 is fully applied in order to protect health and wellbeing of the neighbouring properties. I am not sure that the full impact of noise pollution is taken into account despite the tests done according to standards required. From a study, used in the final report of the Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations’ (DESNZ Research Paper Number 2023/046), I understand that the noise from ASHPs can cause adverse impacts depending on the background sound levels. Quieter areas can potentially experience more adverse effects from ASHP installations according to this study.”

Councillor Geva Blackett – “I am concerned about the noise impact of the air source heat pump on the neighbouring property as the tests show it is just one decibel below acceptable levels and would like Environmental Health to come to committee to help us consider Policy 23 of NPF4 and the potential impact as I have seen a recent case where an air source heat pump has caused considerable issues for a neighbouring property.”

- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks full planning permission for the erection of a dwellinghouse and installation of an Air Source Heat Pump on land adjacent to Ardmohr, Glenshee Road, Braemar.
- 2.2 The site is situated to the south of Ardmohr on Glenshee Road, which is one of the primary routes through Braemar, but it is accessed via a private track to the east of the plot. This is located within the Braemar Conservation Area and there is a wee timber house in the southeast corner of the site. The area of the site is approximately 563m².
- 2.3 Planning permission was sought to subdivide the feu at Ardmohr and erect a dwellinghouse in 2022 (APP/2022/2681), which was approved in March of

2023. This application is an amendment to the original proposal which included the demolition of the wee timber house.

2.4 The proposal differs from the 2022 application as it is proposed to increase the overall ridge height by 870mm, position the house 500mm closer to Glenshee Road, install dormer windows and an entrance canopy on the east elevation, finish the whole building with timber cladding, remove two trees, install beech hedging on the Glenshee Road boundary, install four rustic columns to the main façade and form a gate and stairs to create pedestrian access from Glenshee Road. The latest proposal also includes the retention of the wee timber house.

2.5 It is proposed to reposition the air source heat pump which was approved in APP/2022/2681 from the northwest side of the vestibule to the southeast of the vestibule. It is also proposed to create a bin store in this location with a solid timber fence.

2.6 Relevant Planning History

APP/2022/2681 Erection of Dwellinghouse and installation of Air Source Heat Pump. Approved 30.03.2023. This permission is extant and could be implemented.

APP/2022/1331 Erection of Dwellinghouse. Refused 01.09.2022. This application was for Planning Permission in Principle and was refused as Policy 9.3. of the Cairngorms National Park Authority Local Development Plan sets out that, given the importance of design matters, planning permission in principle is not considered appropriate within conservation areas.

ENQ/2021/1875 Erection of Dwellinghouse and Subdivision of Feu. Advice Provided 06.12.2021.

2.7 Supporting Information Provided

Photographic Record of Wee House internal and external photographs of the timber outbuilding provided by Ian Rodgers Architects submitted 28.02.2024.

Air Source Heat Pump Calculations submitted 27.02.2024.

Drainage Statement produced by Ramsay and Chalmers Consulting Structural and Civil Engineers dated 15.08.2022. Provides details of proposed surface water collection and soakaway details. Foul Wastewater to be connected to the public sewer.

Tree Survey produced by Astell Associates dated 09.08.2022.

Design Statement produced by Ian Rodgers Architects dated October 2023 outlines the proposed amendments from the approved planning application APP/2022/2681 with a brief justification for each amendment. It concludes that although there are numerous amendments the proposal is still in compliance with CNPA's LDP 2021.

- 2.8 The proposal has been amended from the original submission firstly the original proposal included the demolition of the wee house, following discussions with Built Heritage the applicant has now agreed to retain the outbuilding. As a result, amendments were made to the vehicular access and parking arrangements. There was also feedback regarding the large catslide dormer to the rear of the property, which was deemed to be inappropriate in the conservation area. The revised drawings show two pitched dormer windows with infill between which has a more traditional appearance.
- 2.9 Further amendments then followed, following the revised drawing submitted on 11th January 2024 Built Heritage requested clarification and amendments to some materials proposed, this included specifying SIGA 120 indigenous roof slates, recessed black solar panels and aluminium rainwater goods.

3. Representations

- 3.1 A total of 1 valid representation (objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

Noise impact from air source heat pump

4. Consultations

Internal

- 4.1 **Business Services (Developers Obligations)** commented that contributions have previously been secured for this application via S69 Legal Agreement (upfront payment) under APP/2022/2681 which will be offset against the current application. Therefore, in this instance, no additional contribution is required.
- 4.2 **Environment and Infrastructure Services (Archaeology)** initially advised that they were disappointed that the wee house would be lost and request that prior to any demolition a Photographic survey be undertaken. Following the applicant's decision to retain the wee house it was confirmed that photographic survey was no longer required as a condition. However, as noted above the agent has provided a photographic survey.
- 4.3 **Environment and Infrastructure Services (Built Heritage)** commented that there would be a strong presumption for the retention of the timber wee house as these are characteristic of upper Deeside. The revised design to retain the

wee house was appreciated. Conversations around the proposed dormer windows to the rear elevation resulted in the large catslide dormer being replaced with two dormers with a small catslide infill between. There was a request to specify flush black solar panels, Siga 120 slates and Aluminium rainwater goods. Built Heritage have agreed that the proposal is acceptable.

- 4.4 **Environment and Infrastructure Services (Contaminated Land)** commented that there do not appear to be any issues of concern under Environmental Protection Act 1990: Part IIA Contaminated Land and no further information is required.
- 4.5 **Environment and Infrastructure Services (Environmental Health)** has commented that an MCS-020 assessment has been provided which indicates that the Air Source Heat Pump would meet the criteria regarding noise emissions that would typically allow it to be "Permitted Development" under planning regulations.
- 4.6 **Environment and Infrastructure Services (Roads Development)** has commented that they do not object to the proposal subject to conditions and advisories being applied should planning permission be granted. The conditions are to ensure adequate parking, refuse storage and visibility splays.
- 4.7 **Environment and Sustainability Services (Natural Heritage)** has commented that the tree protection details provided are acceptable and that compensatory planting for the trees being removed can be secured via a condition attached to any approval.

External

- 4.8 **Cairngorms National Park Authority** has decided not to call in this application.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long-term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection

with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 2 Climate mitigation and adaptation

Policy 6 Forestry, woodland, and trees

Policy 7 Historic assets and places

Policy 14 Design, quality, and place

Policy 15 Local living and 20-minute neighbourhoods

Policy 16 Quality homes

Policy 18 Infrastructure First

Policy 23 Health and safety

5.2 Cairngorms National Park Local Development Plan 2021

Policy 1: New Housing Development

Part 1.1: Housing delivery in settlements

Policy 3: Design and Placemaking

Part 3.1: Placemaking

Part 3.3: Sustainable Design

Policy 4: Natural Heritage

Part 4.3: Woodlands

Part 4.6: All development

Policy 9: Cultural Heritage

Part 9.3: Conservation Areas

Policy 10: Resources

Part 10.1: Water resources

Part 10.3 Connection to sewerage

Policy 11: Developer Obligations

5.3 Other Material Considerations

An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

6. **Discussion**

- 6.1 The main issues to consider in determination of this application are the principle of development, the layout, siting, and design of the development, and whether the proposal would have an impact on neighbouring amenity or the wider conservation area.

Principle of Development

- 6.2 The principle of development was established under APP/2022/2681, and that permission is extant and could be implemented. The proposal remains acceptable under Policy 1, specifically part 1.1 of the LDP and Policy 15 of NPF4.

Design and Layout

- 6.3 The layout, siting and design of the proposal must be assessed against Policy 3: Design and Placemaking, which in part 3.3b seeks to ensure that all development proposals are sympathetic to the traditional pattern and character of the surrounding area, local vernacular, and local distinctiveness. In addition, Policy 14 'Design, quality and place' of NPF4 supports development proposals where they are consistent with the six qualities of successful places. Policy 16 'Quality Homes' also seeks to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes.
- 6.4 As the development is located within the conservation area, Policy 9, Part 9.3 of the LDP and Policy 7 of NPF4 also apply. These policies seek to ensure that development in or affecting a conservation area should preserve or enhance its character and appearance.
- 6.5 There are several changes proposed to the previously approved design, these include increasing the overall ridge height by 870mm, positioning the house 500mm closer to Glenshee Road, installing dormer windows and an entrance canopy on the east elevation, finishing the whole building with timber cladding, repositioning the air source heat pump, removing two trees, installing beech hedging on the west boundary, installing four rustic columns to the main façade and forming a gate and stairs to create pedestrian access from Glenshee Road.
- 6.6 Consultation was undertaken with Built Heritage regarding the proposed changes and alterations were sought to the proposed catslide dormer window as modern flat roof dormers are not acceptable within the conservation area. The revised proposal for two traditional style dormers with a smaller catslide dormer infilling the space between is considered to be acceptable by Built Heritage as are other amendments to the proposal. In particular the applicant's decision to retain the wee house rather than demolish it is appreciated. Archaeology was also consulted and advised that with the retention of the wee house no archaeological mitigations are required. The proposal therefore complies with Policy 9 of the LDP and Policy 7 of NPF4.
- 6.7 In respect of scale and design, the ridge height will remain lower than Ardmohr and the building line will remain set back slightly from Ardmhor. Thereby allowing Ardmhor to remain as the more prominent traditional villa when viewed from Glenshee Road. The proposed finishing materials are also

considered to be of a high standard and reflective of the finishes on other buildings within the conservation area.

- 6.8 It is considered that the proposed amendments to the proposal align with the pattern of development in the immediate area and the scale, design and layout of proposed house is acceptable and will not unduly impact the character and setting of the wider conservation area. It is therefore assessed that the proposals are in accordance with Policies 3 and 9 of the CNPA LDP 2021 and Policies 7, 14 and 16 of NPF4.

Residential Amenity

- 6.9 In respect to neighbouring amenity, the proposed development will not introduce any significant levels of overlooking or overshadowing of the neighbouring plots.
- 6.10 However, there has been representation received which raised concerns regarding the noise impact with respect to the new location of the air source heat pump, specifically how that will impact the neighbours at Cranford Cottage. Air Source Heat Pump Calculations (MCS-020) have been provided and Environmental Health were consulted. The calculations demonstrate that the air source heat pump would meet the criteria regarding noise emissions that it would be "Permitted Development" under planning regulations, however the site lies within the Braemar Conservation Area therefore in this instance despite meeting the acceptable noise requirements, the physical siting of the heat pump requires consent. Part of the calculation to ascertain the acceptable noise level is the solid timber fence around the bin store which helps reduce the noise, which is shown on the most recent site plan. A condition regarding the provision and maintenance of a solid timber fence will be attached to any approval. Environmental Health have confirmed this is acceptable, therefore the proposal is considered to comply with Policy 23 of NPF4.
- 6.11 Following Councillors' request to discuss the application at committee, the agent has requested that attention is drawn to the MCS-020 calculations which had a result of 40.4dB. This was rounded up to 41dB by Sugplumb who prepared the calculations when the guidance for the calculations state anything below 0.8 should be rounded down, thereby the result should be 40dB which is 2 decibels below the accepted permitted noise level. Regardless, the heat pump would operate within acceptable levels that would render it permitted development were the site not located within a conservation area. The need for consent relates to the siting of modern apparatus in a historical setting, not to do with noise or amenity. The noise levels from the proposed heat pump are below limits where consent would typically be required, and as such is not considered to pose any amenity impact.

- 6.12 Overall, it is considered that the development will not have a significant impact on the residential amenity of the area and as such complies with Policy 3 of the CNPA LDP 2021

Trees

- 6.13 The proposal is to remove tree no.5 and tree no. 10, as identified in the tree survey provided. Natural Environment have commented that this is acceptable and the updated tree protection details provided have been accepted. Compensatory tree planting details are to be provided and a condition to this effect will be attached to any permission granted.
- 6.14 The Planning Service is therefore satisfied that the proposed development complies with Policy 4 Natural Heritage of the CNPA LDP and Policy 6 of NPF4.

Technical Considerations

- 6.15 Consultation was sought with Developer Obligations to ascertain whether any contributions would be required, they advised that contributions have previously been secured for this application via S69 Legal Agreement (upfront payment) under APP/2022/2681 which will be offset against the current application. Therefore, in this instance, no additional contributions are required.
- 6.16 The proposed plot will be accessed off Kindrochit Drive via a private access track to the east of the site which is presently used by Ardmhor and the neighbouring plot at Cranford to the south. It is proposed that the new plot will have an access formed onto this private lane. In order to retain the wee house, the access and parking arrangements were altered. This proposed configuration is considered acceptable, and the Council's Road Development Team have also reviewed the proposals and advised that they have no objection to the development subject to conditions on off-street parking, refuse bin uplift and vehicle turning area.
- 6.17 It is proposed that the development will form a new connection to the public foul water drainage network and surface water soakaway will be installed within the site which attenuate any surface from the site. The proposed dwelling also proposes to connect to the public water supply network.
- 6.18 In light of points 6.13 – 6.15, the proposal is considered to comply with Policy 3, 10 and 11 of the LDP and Policy 2 and 18 of the NPF4.

Conclusion

- 6.19 To conclude, it is considered that the amended proposal is in keeping with the character of the area, does not unduly impact on neighbour amenity and will not have a significant detrimental impact on the character or setting of the

conservation area. As such, the proposal complies with Policy 1, 3, 4, 9, 10 and 11 of the Cairngorms National Park Local Development Plan 2021. The proposal also complies with policies 2, 6, 7, 14, 15, 16, 18 and 23. of National Planning Framework 4. This application is therefore recommended for approval.

7. Area Implications

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

8. Implications and Risk

8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

8.2 There are no staffing and financial implications.

8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures - none

9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.

9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. Recommendation

10.1 **GRANT subject to the following conditions: -**

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The dwellinghouse hereby approved shall not be brought into use unless its turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans. Prior to occupancy of development, 2 off street parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards. A suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Once provided, the loading, offloading, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

03. The dwellinghouse hereby approved shall not be occupied unless a refuse bin uplift store area has been provided and surfaced in accordance with the details to be submitted and approved in writing by the Planning Authority. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

04. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy 3 of the Cairngorm National Park Local Development Plan 2021.

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

Reason: To ensure this development complies with the on-site carbon reductions required in National Planning Framework 4 Policy 2 and Policy 3 of the Cairngorm National Park Local Development Plan 2021.

05. Prior to the commencement of any works on site, all trees and hedges on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected as per the approved Tree Protection Plan (Drawing Ref: AGB-2208-TP (A) dated 27/02/24). Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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.

06. Prior to the commencement of development a landscaping plan that identifies compensatory planting of two replacement trees of an appropriate species shall be submitted for the approval of the Planning Authority. Thereafter the trees shall be planted within the first available planting season following the completion of the development.

Reason: In the interests of amenity and to secure appropriate compensatory planting

07. The noise emission resulting from the operation of the air source heat pump shall not exceed a limit of 42 dB LAeq, 5 mins 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 facade.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

08. The dwellinghouse hereby approved shall not be brought into use unless the 1.5m high vertically close boarded timber screen fence has been erected to form bin store and reduce noise impact in accordance with the details shown on the approved plan. Once erected, the fence shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property.

09. The dwellinghouse hereby approved shall not be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and Drainage Statement prepared by Ramsay and

Chalmers dated 15.08.2022 . The surface water drainage system 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.

10.2 Reason for Decision

The application is considered by the Planning Authority to comply with the Cairngorms National Park Authority Local Development Plan 2021 and National Planning Framework 4. The proposal is in keeping with the surrounding area and would not have a detrimental impact on the conservation area and therefore complies with Policy 1 New Housing Development, Policy 3 Design and Placemaking, Policy 4 Natural Heritage, Policy 9 Cultural Heritage, Policy 10 Resources and Policy 11 Developer Obligations of Cairngorms National Park Authority Local Development Plan 2021 and Policy 2 Climate mitigation and adaptation, Policy 6 Forestry, woodland, and trees, Policy 7 Historic assets and places, Policy 14 Design, quality, and place, Policy 15 Local living and 20-minute neighbourhoods, Policy 16 Quality homes, Policy 18 Infrastructure First and Policy 23 Health and Safety of National Planning Framework 4.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Amy McFadzean
Report Date: 27 March 2024