
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: ALTERATION AND CONVERSION OF BUS DEPOT TO CLASS I (SHOPS) AT BLUEBIRD BUS DEPOT, 4 GOLF ROAD, BALLATER, AB35 5RE

REFERENCE: 2013/0149/DET

APPLICANT: STAGECOACH SCOTLAND LTD

DATE CALLED-IN: 20 MAY 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



Grid reference: 336944, 795830

Fig. 1 - Location Plan

REASON FOR REPORT

1. Consideration of this application was deferred at the 11 October 2013 meeting of the Cairngorms National Park Planning Committee to allow for further investigation into parking facilities and staff access to the rear of the site.
2. The agent has provided an additional Parking and Access Report addressing the possibility of providing car parking and staff access to the rear of the site for consideration. A copy of the Parking and Access Report is attached as Appendix 3.
3. The agent's Parking and Access Report has been referred to Aberdeenshire Council's Roads Service for further comment. A copy of their response is attached as Appendix 4.
4. Changes to the original Committee Report of 11 October 2013 arising from this situation are now highlighted in bold throughout this Committee Report of 9 November 2013 for ease of reference.

SITE DESCRIPTION AND PROPOSAL

5. The site of this application is the existing Stagecoach Bus Depot in Golf Road to the north-west of the Church Square in Ballater town centre, just off the A93. The site is located within the Ballater Conservation Area.
6. The building has a plain granite frontage with two large openings to allow buses to enter and exit. There is ancillary accommodation in the two wings of the building flanking the sides of the bus depot, with an entrance door at ground floor level and a first floor window above. The eastern door has a wooden canopy above. There is also a bus stop here. There is a variety of building styles along the north-west side of Church Square, with the ground floors predominantly in retail use.
7. The site extends in total to 0.1208 ha (0.30 acres). The existing depot extends to approximately 730 sq m (gross internal). Outbuildings to the rear extend to 118 sqm and the existing yard extends to some 276 sqm. The main access to the existing depot is from Golf Road but the site also has a narrow frontage onto Viewfield Road to the rear.



Fig 2: Photo of existing Golf Road Elevation

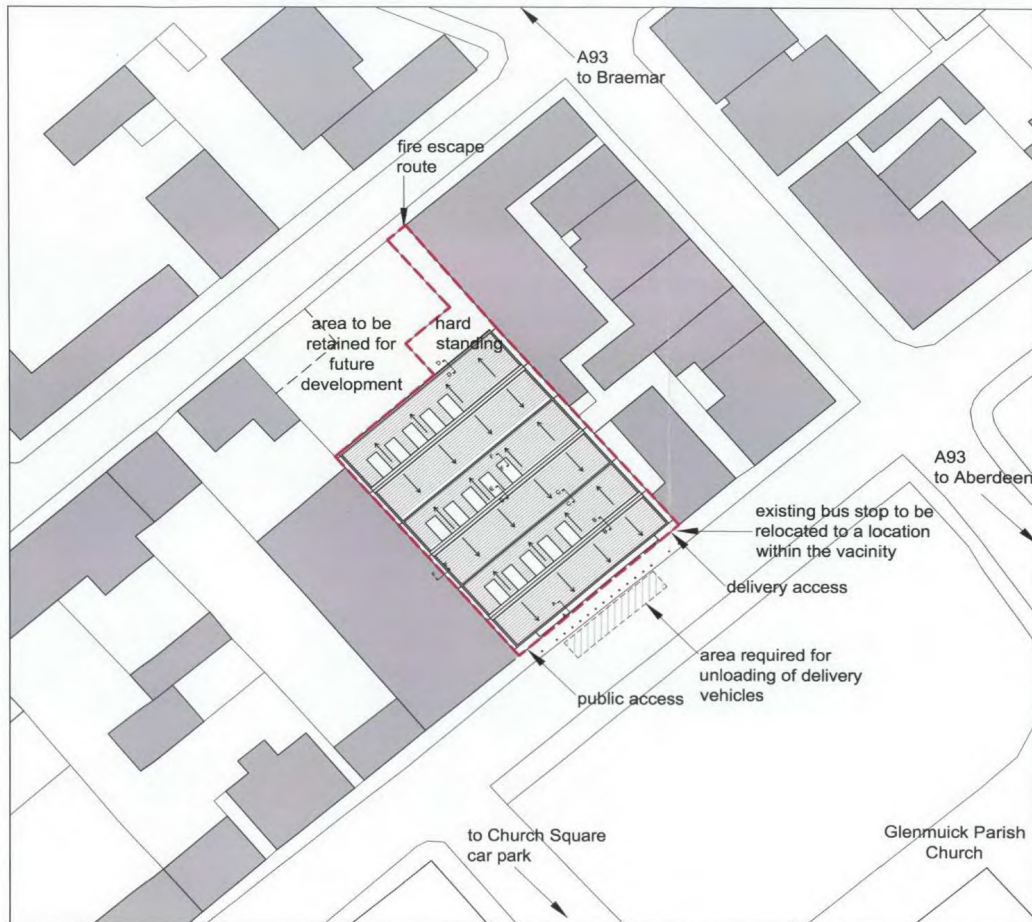
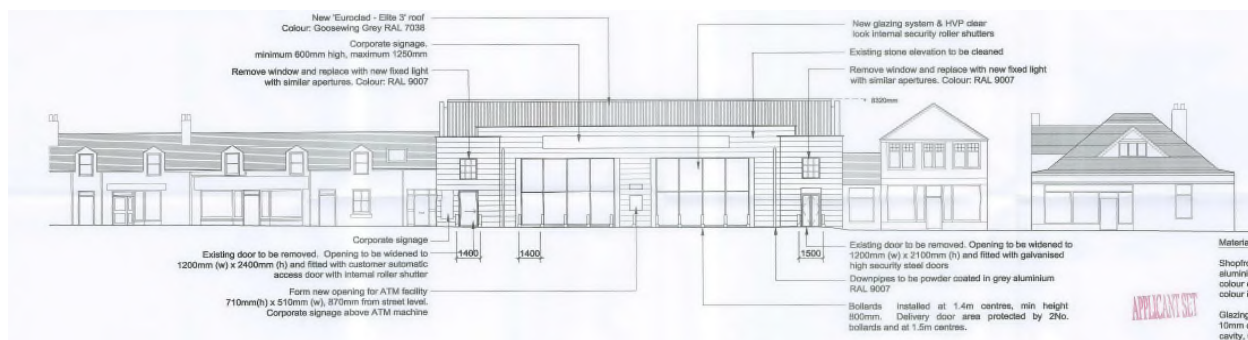


Fig 3: Site Layout as proposed

Development Proposal

8. The proposal is to convert the Bus Depot into a Class I (shop) use, with public access and servicing from the front in Golf Road. It is proposed that the development will comprise 511 sqm (5,500 sqft) gross internal sales, with 256 sqm of storage and back shop areas. The works to the building include a new composite roof with insulated roof panels, the installation of full height glazing in place of the bus access doors, and the widening of the pedestrian doors at either side of the Golf Road elevation. The existing signage, canopy and realtime display will be removed and the elevation made good. All external window and door frames will be Goose Grey to complement the variety of colours used in the adjacent retail units. An automated cash machine is proposed between the two main windows.
9. The customer entrance is from Golf Road via a new sliding automatic glass door installed in the widened existing opening on the west front side. The service entrance is also via Golf Road via new outward opening solid doors installed in the widened existing opening on the east front side. In addition there is a fire escape route to the rear of the premises onto Viewfield Road, which will also be used for general refuse collection. The existing and proposed layout plan is attached as Appendix I.
10. The proposed windows are predominantly clear glass, with the exception of the third of the right hand window when viewed from the street, which is in front of the storage and back of house area. This will be filled in with a grey aluminium powder coated curtain wall system, matching the colour of the window frames. The proposals include an internal face fixed punched steel roller shutter, which is designed to appear as a light, open structure. The agent has advised that the shutters will only be closed during the hours when the shop is closed. Additional security measures are proposed in the form of a series of bollards along the rear of the pavement to prevent ram raids.
11. The application contends that the service entrance on Golf Road will benefit from the existing wide road, along the current bus route. It suggests that the existing bus stop on Golf Road, adjacent to the bus depot building, will be repositioned to an appropriate location within the town centre and existing bus route. It recommends that three spaces within the on-street parking at 10-16 Golf Road are designated 'disabled'.



12. Viewfield Road is a narrow one-way road with restricted on-street parking, which was considered undesirable for the goods/service access. An area 9m x 4.6 m will be formed by a hardstanding at the rear of the building to allow for plant and refuse storage with access leading to Viewfield Road. Refuse bins will be positioned on a platt directly off Viewfield Road within a screened secure area for easy access to the roadside for collection purposes.
13. The existing bus depot has historically contained fuel storage tanks and bus de-icing facilities. Consequently, a ground investigation report accompanied the application submission for the proposed retail development.
14. The agent advises that the change of use offers minimal impact on climate change by retaining the existing building form, exceeding regulation thermal qualities of new roof covering, and proposing locally sourced materials and labour where possible.

Supporting Statement

15. The application is accompanied by a Supporting Statement, which refers to the proposed development as a retail supermarket. The statement also relates to proposals to relocate the bus depot to a site at Craigview Road/Pannanich Road, Ballater which are to be the subject of a separate application for planning permission in due course. The report states that the relocation of the bus depot is an integral part of the proposals.
16. It is stated that the submission represents a joint proposal by the owners and operators of the bus depot site, Stagecoach, and The Co-operative Food. The Co-operative own their two existing stores in the town, at Netherley Place and Main Street. The intention would be for the Co-op to relocate to the new proposed store on Golf Road and close its two existing premises, which would then be marketed on the open market.
17. The report refers to anecdotal evidence suggesting that a large proportion of retail expenditure locally is lost to larger foodstores in Banchory, Westhill and Aberdeen. The new Co-op minimarket is considered to be of a scale to better meet local shopping requirements, reduce the frequency of trips to other large foodstores and reduce the expenditure lost, to the benefit of the town centre as a whole.
18. The existing sales area of the Netherley Place store is quoted as 132 sqm and that at the Main Street store is 158 sqm. The proposed new store would more than double the size of the two existing stores combined but would still be smaller than the Co-op stores in Aboyne and Braemar. The report advises that staffing in the new minimarket will include those already employed in the two existing stores, together with an opportunity for a further 10 full time equivalent staff. The store will be open from 6 am to 11 pm 7 days a week.

Additional Parking and Access Issues Report

19. Following the consideration of the original report at the Planning Committee on the 11 October, the agent has submitted a further Parking and Access Report addressing the issues of parking for staff and access to the building. The Parking and Access Report addresses the following issues:-
- a) The requirement to retain the existing building on the adjoining site in Viewfield Road and the intention of the owner to renovate it in the future.
 - b) The fact that Golf Road is more suitable for the delivery access, rather than Viewfield Road.
 - c) The end user's preference for one main access to the building for both staff and public.
 - d) The difficulty of meeting the Building Regulations in respect of the provision of staff parking in Viewfield Road.
 - e) The identification of further parking spaces in Golf Road and the Church Square car park which were not included in the previous surveys.

The agent has confirmed that there is no intention to change the current application and that the applicant considers that it is infeasible to provide three on-site parking spaces.

Site History

20. It is understood that the building was purpose built in the 1930's as a bus depot and has been used for that purpose ever since. The proposals for the conversion of the depot into a shop have been the subject of pre-application discussions with the National Park Authority.

DEVELOPMENT PLAN CONTEXT

National Policy

21. *Scottish Planning Policy (SPP) (February 2010)* is the statement of the Scottish Government's policy on nationally important land use planning matters. It encourages planning authorities to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim 'to achieve the right development in the right place'.
22. As a replacement for a variety of previous planning policy documents the Scottish Planning Policy includes 'subject policies'. The key ones in relation to the proposed development are policies relating to economic development, town centres and retailing and the historic environment. Decisions on the location of new development should:
- a) promote regeneration and the re-use of previously developed land,
 - b) reduce the need to travel and prioritise sustainable travel and transport opportunities,

- c) promote the development of mixed communities,
 - d) take account of the capacity of existing infrastructure,
 - e) promote rural development and regeneration, and
 - f) prevent further development which would be at risk from flooding or coastal erosion.
23. The SPP advises that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential.

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

24. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected accord with those :
- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>

Structure Plan Policy

25. *North East Scotland Together – Aberdeen and Aberdeenshire Structure Plan 2001-2016*. The NEST structure plan was approved by Ministers in 2001 remains part of the development plan in that part of Aberdeenshire within the Cairngorms National Park. The structure plan is firmly based on the concept of sustainable development, meeting the needs of the present but without compromising the needs of future generations. It states that achieving this will be based firmly on three principles:
- a) responsible management of our natural, built and community resources;
 - b) fairness in allocation of these resources between competing demands; and
 - c) the need to benefit both existing and future generations.

26. The central theme of the plan is connecting communities by finding better ways of giving people access to the services and facilities they need in a healthy and safe environment. Relevant policies include:-
Policy 3 – Other Employment Opportunities;
Policy 15 – Retailing and Town Centres;
Policy 20 – Built Heritage and Archaeology;
Policy 21 – Design;
Policy 31 – Connecting Communities within the North East; and
Policy 33 – Sharing Responsibility for Transport.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

27. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
28. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
29. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
30. *Policy 16: Design Standards for Development* sets out the design standards to be met with new development and is supported by Supplementary Planning Guidance in the form of the Sustainable Design Guide
31. *Policy 10 – Conservation Areas* which requires development to preserve or enhance the character of the Conservation Area, with appropriate design standards sought.

32. *Policy 26 - Retail Development* which supports retail development proposals which support the local economy and within village centres where the proposal adds to the vitality and viability of the village centre and has no adverse impact on neighbouring properties. Such development should consolidate the traditional high street in terms of visual impact and built form.
33. Other policies of relevance include *Policy 11 – The Local and Wider Cultural Heritage of the Park*; *Policy 14 – Contaminated Land*; *Policy 18 – Developer Contributions*; *Policy 25 – Business Development*; *Policy 27 – Conversion and Reuse of Existing Traditional and Vernacular Buildings* and *Policy 29 – Integrated and Sustainable Transport Network*.
34. Section 6 of the Local Plan details the *Settlement Proposals*. Ballater is identified as a strategic settlement within the settlement hierarchy. The application site is highlighted as an economic development site – *Proposal BL/ED2* states that the bus station between Golf Road and Viewfield Road will remain as a site for business use or another use appropriate to a town centre, should it be vacated by its current occupiers.

Supplementary Planning Guidance

35. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted, including:-

Sustainable Design Guide

36. This guidance encourages everyone involved in development in the Cairngorms National Park to adopt a more sustainable approach to design, and this should help to deliver individual buildings and larger scale developments which:
 - a. are sensitively located, reflect existing development pattern and setting, and respect the natural and cultural landscape of the Park;
 - b. reflect traditional materials and workmanship and take on board innovation, contemporary design and the emergence of modern methods of construction;
 - c. maximise efficient use of natural resources;
 - d. minimise negative environmental impacts; and
 - e. provide the foundation stone for sustainable communities.

CONSULTATIONS

37. Aberdeenshire Council Roads
The initial observations from Aberdeenshire Council Infrastructure Services Roads Development were that under the Council's Parking Standards the required parking provision for the premises is 61 spaces. It was accepted that the development cannot provide on-street customer parking or an off-street loading bay. The comments included:-

- a) A suggestion that some staff parking is provided to the rear of the premises in Viewfield Road in the area shown as 'retained for future development'
 - b) A recommendation that further beat parking surveys during the week and at the weekend are undertaken
 - c) An observation that a delivery bay and disabled parking could be provided along the store frontage but this would be subject to the appropriate Traffic Order(s) being in place.
38. Further parking surveys have been carried out and additional information provided. Aberdeenshire Council's response is that the parking survey indicated a good turnover of vehicles in the central area around the proposed store. Generally it has been demonstrated that between 30 and 40 on-street/car park spaces are available in the vicinity of the proposed store during the day in the summer months. In addition some additional parking could be introduced on Golf Road opposite the site. This section of road is presently no waiting at any time/double yellow lines to allow buses to manoeuvre in and out of the existing bus depot. The no waiting provision would not be required if this development were approved. Once implemented, this could provide a further 6 no on-street parking spaces. Three disabled spaces are required on street. If a minimum of 3 off-street staff parking spaces are also provided to the rear of the store this broadly equates to 39 to 49 parking spaces against the maximum parking standard requirement of 61 spaces. The Roads Service advises that in considering all of the above factors, this is considered to be acceptable for this retail development in Ballater.
39. **The additional Parking and Access Report has been referred to Aberdeenshire Council's Roads Service, who have provided further comments as follows:**

Generally it has been demonstrated that between 30 and 40 on-street/car park spaces are available in the vicinity of the proposed store during the day in the summer months. In addition some additional parking could be introduced on Golf Road opposite the site. This section of road is presently no waiting at any time/double yellow lines to allow buses to manoeuvre in and out of the existing bus depot. The no waiting provision would not be required if this development were approved, however applicant would need to discuss this with Roads Development, Aberdeenshire Council. Once implemented, this could provide a further 6 no on-street parking spaces. If it is now accepted that no parking can be provided to the rear of the store the parking shortfall will increase by 3 spaces. However, the recycling bins in the Church Square car park have been rearranged bringing 5 parking spaces back into public use, more than offsetting the loss of spaces within the site. While this still represents a shortfall of spaces in terms of the maximum parking standards this is considered to be acceptable for this retail development in Ballater.

40. Aberdeenshire Council Building Standards
Aberdeenshire Council's Building Standards were asked to comment on the information concerning Building Regulations within the additional Parking and Access Report submitted by the agent. Building Standards have responded by email that 'The comments **contained within the report in relation to Building Regulations requirements are indeed accurate**'.
- Ballater and Crathie Community Council
38. The Community Council are not objecting to the application. They advise that this decision is based upon the information provided – that there will be a separate application regarding the site and layout of a new bus depot.
- Ballater Business Association
39. The local Business Association has made detailed representations. It identified various issues for BBA to discuss with Stagecoach including the type of goods sold, employment, empty retail premises, local economy and parking. These issues were discussed at a meeting on the 1st August 2013.
- Access Panel
40. The Access Panel is seeking to ensure that accessible toilets are provided for staff and customers. This is an issue that is normally addressed under the Building Warrant.
- Aberdeenshire Council Infrastructure Services
41. In relation to the possibility of contamination on the site, Aberdeenshire Council's Infrastructure Services advises that the applicant has been requested to provide a site investigation and that further comments will be made upon receipt of this.
- Aberdeenshire Council Environmental Health
42. Aberdeenshire Council's Environmental Health raise concerns about possible deliveries from Viewfield Road and about noise from any cooling, heating or ventilation equipment due to the proximity of adjacent residential properties. They have no objections to the proposed development subject to conditions concerning noise levels and confining servicing to Golf Road.
- Aberdeenshire Council Waste Management
43. Aberdeenshire Council's Waste Management Service has advised that it is satisfied with the waste storage and collection arrangements.
- Scottish Water
44. Scottish Water has no objection to the planning application but makes a series of comments, all of which may be viewed on the Park Authority's website.

CNPA Economic Development

45. The National Park Authority's Economic Development Manager concludes that the development could have minor impacts on existing businesses but has the potential to be addressed by appropriate mitigation measures. He advises that the development has potential for a positive impact on the local economy.

Protected Species

46. North East Scotland Biological Records Centre (NESBReC) advised that there were records of Brown Long-Eared Bats being present in the vicinity of the Bus Station. As a result, a Bat Survey was carried out. This concluded that the immediate vicinity of the site has very low bat use and no bats are currently using any of the structures on the site. There was no evidence of past usage by bats in the yard or depot. The conclusion was that the proposal to redevelop the bus depot will have no bat implications.

Aberdeenshire Council Infrastructure Services Public Transport Unit

47. The Public Transport Unit did not have any substantive comments to make. It was pleased to note that any changes to Stagecoach's operating centre in Ballater would not affect the level of service provided by the company in the area. In addition, the bus stop that is located near the bus depot is the principal stop in Ballater and the Unit would be keen to retain a stop in this area.

Police Scotland – Crime Reduction and Architect Liaison Officer

48. The Architect Liaison Officer advises that the Crime Profile/Risk Assessment for the area and the location of the shop would not suggest that ram raid bollards are required. He also advises that the Crime Profile/Risk Assessment for the area would not suggest that internal roller shutters were necessary but that internal roller shutters always enhance the security of a building and do not detract from the aesthetic appeal in the same way as external shutters. He also provides detailed advice on other measures that can be taken to secure the store.

Planning Gain Officer

45. The Planning Gain Officer is seeking a contribution to be utilised towards environmental and access improvements.

REPRESENTATIONS

46. There have been eleven representations from members of the public in relation to the proposals. The concerns include:-
- a) Design of the proposed shop, including opaque windows
 - b) Lack of parking
 - c) Lack of loading and waste collection
 - d) Creation of two vacant units
 - e) Impact on visitors of loss of central bus depot

- f) Timing of application – new bus depot cannot be considered at the same time
- g) Impact of new bus depot on local residents

These may be found in Appendix 2.

APPRAISAL

- 47. Planning legislation requires that planning applications are determined in accordance with current Development Plan policies unless there are material considerations which would indicate otherwise.

Development Plan Policies

- 48. The proposed change of use generally complies with national planning guidance and the Structure Plan policies.
- 49. In terms of the specific Local Plan policies, the Ballater bus depot is identified for economic development purposes under 'ED2', thus the principle of a retail store in this location would accord with the Local Plan policies. The proposal to retain and re-use the existing building is appropriate, given the location of the site within the Ballater Conservation Area.
- 50. The issue is then the compliance with the design guidance. The proposals generally have been designed to respect the character and external appearance of the original building, whilst adjusting it to facilitate the conversion to a shop. The existing bus depot has a distinctive frontage, and although not a listed building, it is part of the local cultural heritage of the area. It is also within the Ballater Conservation Area. The proposals to retain the frontage and utilise existing openings are therefore generally welcomed. The introduction of simple glazing is in keeping with the style and character of the building and it is accepted that solid panels need to be introduced in place of glazing in respect of the storage area.
- 51. The applicant is concerned about security and has added internal roller shutters and external ram raid bollards. These security arrangements have been referred to and considered by Police Architectural Liaison Officer. Confirmation has been obtained that the shutters are internal and will only be used within the hours when the shop is closed, which are currently proposed from 2300 to 0700 hours. It is accepted that the design has been carefully selected to minimise the visual effect whilst maximising security.
- 52. It is considered that a line of ram raid bollards along the exterior of the front elevation of the property will not enhance its appearance within the Conservation Area. In addition, the Police Architectural Liaison Officer does not consider that local crime levels are high enough to warrant a need for ram raid bollards. A condition is therefore proposed that these are omitted.

53. The proposed roofing material is metal cladding. A condition is suggested to ensure that the colour and profile are appropriate. The changes to the rear of the property that will be visible from Viewfield Road are minimal and will not adversely affect the Conservation Area.

Material Considerations

54. The main issue that has arisen from the consultations is the lack of additional parking associated with the proposed change of use. Aberdeenshire Council's Infrastructure Services Roads Development has requested that some staff parking is provided on site. This raises two issues – whether the site, which is outwith the application boundary, is within the applicant's control and available for development, and whether the use of this site within the Conservation Area for parking could be supported in planning terms.
55. The agent has advised that the site to the rear is owned by the applicant but is currently leased to a third party and is not available for this purpose. However, it has been observed that the site has been used in connection with recent site investigation works. The use of the site for parking is more of an issue, since it could compromise future proposals for the adjoining building. As there is currently no proposal to use the rear of the premises for staff access from Viewfield Road, it is questionable whether staff would choose to park at the rear of the building and walk round the block rather than finding parking on street at the front or indeed in Viewfield Road if everywhere is busy, since that would not involve the opening and closing of a set of heavy gates. In any event, planning permission would be required to change the use of the yard area to a private car park. It is considered that the provision of staff parking within the site would not necessarily guarantee its use and could compromise any future proposals for the adjoining building and accordingly it is not proposed to require that these spaces are provided.
56. In the light of the deferment of the application at Committee on the 11 October for further consideration about parking and access, it is considered that it has been demonstrated that in planning terms the creation of three parking spaces at the rear of the adjoining property in Viewfield Road would compromise the future development of that property and would not be in the best interests of the Conservation Area. It is noted that the topography of the site is such that the suggested parking arrangements would not meet with the requirements of the Building Regulations in respect of disabled access.
57. In view of the fact that further parking spaces have been identified within the Church Square car park and following the removal of double yellow lines opposite the Bus Depot, it is considered that this helps address the Committee's concerns and hence the recommendation remains that the additional parking spaces are not sought at the rear of the adjacent premises in Viewfield Road.

58. In relation to the possibility of contamination on the site, Aberdeenshire Council's Infrastructure Services advises that the applicant has been requested to provide a site investigation and that further comments will be made upon receipt of this. The agent advises that the works that are currently ongoing relate to the site investigations.
59. The Community Council does not object to the application but the Ballater Business Association has identified issues relating to the impact of the proposals on the town and local businesses, the majority of which are outwith the scope of the planning legislation.
60. Aberdeenshire Council's Environmental Health did not raise concerns about noise from any cooling, heating or ventilation equipment due to the proximity of adjacent residential properties. In view of the experiences connected with the change of use of the Walzing Waters building in Newtonmore to a similar shop, the applicant was however asked for further details of the proposals for ventilation etc to enable a greater degree of confidence that noise would not be an issue before presenting the application to Committee. Limited additional information has been provided and referred to Environmental Health, who have requested that the applicant provide full acoustic data of the proposed plant and attenuation measures in order to demonstrate that the development can meet the NR25 condition. Whilst it is accepted that the topography of the site presents fewer challenges than that in Newtonmore, it is nevertheless noted that there are residential premises in close proximity. It is therefore proposed that confirmation of noise levels is made the subject of a suspensive condition, in addition to a specific condition controlling noise levels.
61. Local residents have objected on various grounds. The objections about the possible use of the site in Pannanich Road cannot be taken into account in relation to the current application. The availability of alternative premises is an issue for Stagecoach and may be expected to form part of their business decision in relation to the future of the existing Bus Depot. The agent advises that the sale of this land and conclusion of sale with Aberdeenshire Council is still in progress and has prevented a full planning application from being submitted.
62. The impact of the proposals on bus services was addressed by Aberdeenshire Council, which does not consider this to be an issue. A letter from the agent advises that Stagecoach Buses have ensured that the current bus services shall not be affected by the closure of the depot, the development of the Golf Road site, the development of an alternative site as a bus park or the construction works of the minimarket. The proposal is to move the bus stop to the footway at the Church Square car park and provide a new bus shelter including realtime and maintain the bus services route. The suitability of the site in Pannanich Road, or indeed any other site, for a new bus depot cannot be addressed as part of the current application.

63. The Supporting Statement advises that the two existing Co-operative retail units in Ballater that are to be vacated will be made available on the open market. In a letter to the Ballater Business Association, the Co-operative has advised that they will treat the frontages of these units in the interim period. As these premises are not in the applicant's ownership, it is not possible to condition these temporary improvements, but an advisory note has been added to that effect.

Conclusion

64. The proposals accord with the Development Plan policies and there are no material considerations which would indicate that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

65. The proposed change of use involves the retention and conversion of an important building within the Ballater Conservation Area, thereby conserving and enhancing the cultural heritage of the National Park. The proposals will have no impact on the natural heritage.

Promote Sustainable Use of Natural Resources

66. The proposal involves the re-use of an existing resource – a building – and hence can be considered to promote the sustainable use of natural resources in this respect.

Promote Understanding and Enjoyment of the Area

67. This proposal to provide additional retail facilities within Ballater will help support this aim of the Park by encouraging residents and tourists to shop in the village.

Promote Sustainable Economic and Social Development of the Area

68. The development readily supports this aim by providing additional facilities for the public which will support the local economy. The local economy may also benefit from the construction of the development.

RECOMMENDATION

That Members of the Committee support a recommendation to grant planning permission subject to:

A) Prior to the issue of the Decision Notice, the submission for prior approval to the Cairngorms National Park Authority acting as Planning Authority of a comprehensive contaminated land investigation report for the site to meet the requirements of Aberdeenshire Council's Infrastructure Services and delegate to the Head of Planning to add to the decision notice any conditions required as a result.

B) Prior to the issue of the Decision Notice, payment of Developer Contributions as required by the Planning Gain Service.

C) The following planning conditions:-

1 The development to which this permission relates must begin no later than 3 years from the date of this permission.

Reason: To comply with Section 58 of The Town and Country Planning (Scotland) Act 1997.

2. Prior to the commencement of works on site, full details of the proposals for all plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services and including fans, ducting and external openings shall be submitted for the consideration and written approval of the Cairngorms National Park Authority as Planning Authority in consultation with Aberdeenshire Council's Environmental Health Service.

Reason: To ensure that the proposals are suitable as full details have not been submitted with the planning application.

3. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR25 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes, and no structure borne vibration is perceptible within any nearby living apartment.

Reason: To ensure that there is no adverse impact on the amenity of local residents.

4. All servicing shall be confined to the Golf Road entrance to the premises.

Reason: As Viewfield Place is too narrow and to avoid unnecessary disturbance to local residents.

5. Prior to the commencement of development on site, samples of the proposed materials shall be submitted for the consideration and written approval of the Cairngorms National Park Authority as Planning Authority.

Reason: To ensure that the materials are in keeping with the character of the building in the interests of visual amenity.

6. The proposed ram raid bollards along the front elevation of the property shall be omitted.

Reason: In the interests of visual amenity, as the line of ram raid bollards would adversely affect the character of this property within the Ballater Conservation Area, and as there is no identified need for such measures.

7. The internal security shutters shall remain open during all hours when the store is open for business.

Reason: In the interests of visual amenity, as whilst it is accepted that this security measure is necessary when the store is closed, during opening hours the closed shutter will adversely affect character and amenity of this property within the Ballater Conservation Area.

8. Prior to the commencement of development, full proposals for the rear service area, including the design and materials of all walls, fences and gates, shall be submitted for the consideration and written approval of the Cairngorms National Park Authority as Planning Authority

Reason: In the interests of visual amenity, as these details have not been provided with the application.

9. There shall be no external storage connected with the development outwith the building and rear yard area, including full and empty delivery trolleys, refuse containers and packaging materials.

Reason: To ensure there is no obstruction to pedestrians using the pavements in Golf Road and Viewfield Place and in the interests of visual amenity within the Conservation Area.

10. The footway in front of the premises in Golf Road shall be reinstated to match the existing footway. Details of the proposals to reinstate the footway, including kerbing and surfacing materials shall be submitted to the Cairngorms National Park Authority as Planning Authority in conjunction with Aberdeenshire Council's Infrastructure Services Roads Development.

Reason: To ensure that adequate provision is made for pedestrians and that the design and materials accord with those in the vicinity and do not detract from the appearance of the Conservation Area.

Advice Notes:

1. In the event that the change of use gives rise to the vacation of other unit(s) locally, the operator is encouraged to provide a temporary use and/or treatment of the vacated units, such that their appearance does not detract from the streetscene within the Conservation Area.
2. Aberdeenshire Council's Infrastructure Services Roads Development advises that no development should commence until a Traffic Regulation Order promoting 3 No on-street disabled parking bays plus removal of 36m of no waiting restriction (subject to agreement with Roads Service) is commenced.
3. Aberdeenshire Council's Infrastructure Services Roads Development advises that prior to the occupancy of the development 3 No on-street disabled parking bays must be provided and the removal of 36m of no waiting restriction (as agreed with Roads Service) must be implemented.
4. The developer to further discuss with Aberdeenshire Council Public Transport Unit the location of the bus stop.
5. The developer to further discuss with the Aberdeenshire Council's Infrastructure Services Roads Development the waiting restrictions along Golf Road. There may be a charge for promoting a new traffic order.
6. Adequate precautions to 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 Aberdeenshire Council's 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.**
8. The Developer is requested to provide potential customers and staff with information as to the nearest public transport services available.

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Date 30 October 2013

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