

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

<b>DEVELOPMENT PROPOSED:</b>	
------------------------------	--

Conversion of School to 10 Dwellinghouses, Reinstatement of Schoolhouses to form 2 Dwellinghouses, Erection of 1 Dwellinghouse and 11 Flats (Affordable Houses), Formation of Car Park, Access and Alterations to Boundary Walls at Ballater Old School, Abergeldie Road, Ballater, Aberdeenshire, AB35 5RR	
---	--

<b>REFERENCE:</b>	2019/0003/DET and 2019/0006/LBC
-------------------	---------------------------------

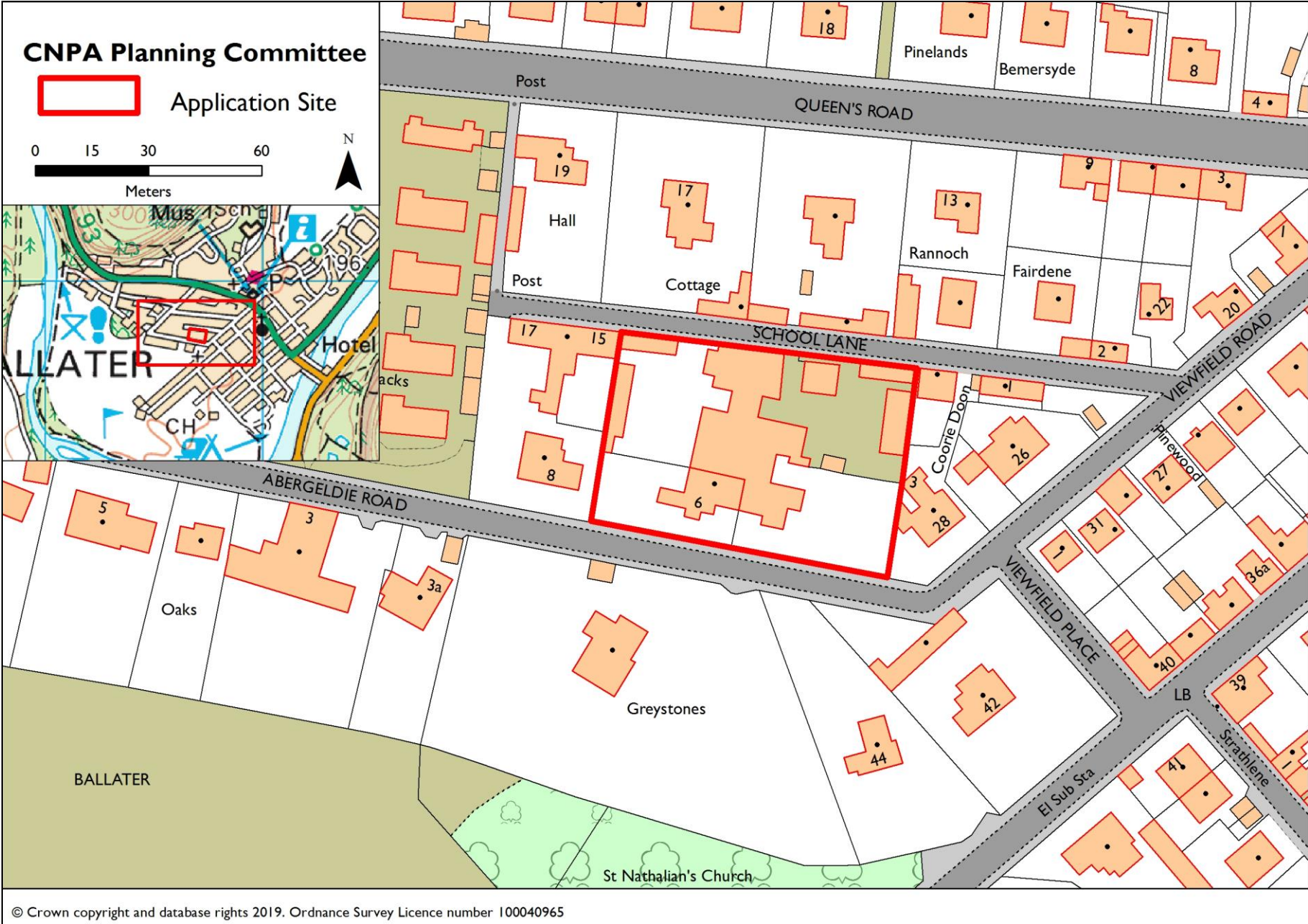
<b>APPLICANT:</b>	Grampian Housing Association
-------------------	------------------------------

<b>DATE CALLED-IN:</b>	7 January 2019
------------------------	----------------

<b>RECOMMENDATION:</b>	Approve Full Planning Permission and Listed Building Consent subject to Conditions
------------------------	--

<b>CASE OFFICER:</b>	Katherine Donnachie Planning Officer
----------------------	--------------------------------------

---



## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is Ballater Old School, schoolhouses and school yard located within Ballater bounded to the south by Abergeldie Road and to the north by School Lane. The buildings include a substantial former school building dating from 1877 with two schoolhouses formerly housing the headmaster and headmistress on either side of the main entrance. These granite and slate buildings face Abergeldie Road, Ballater off which pedestrian access is currently taken via openings in the castellated wall that runs along the site frontage to Abergeldie Road. The buildings are set back from the road, with mature trees along the site frontage, around the buildings and between the buildings and the properties to the west and east.
2. The complex includes rear classroom wings to the north and a connecting more recent addition within the central courtyard area. There is a further pedimented roof school building fronting School Lane together with a number of ancillary toilet and shelter buildings behind a high stone wall which bounds the site along this frontage. There are two existing vehicular access points onto School Lane with gate pillars and these accesses lead into the former playground and yard areas.
3. The site is bounded on the west and east sides by stone walls. Residential properties are located on either side of the site on both the Abergeldie Road and School Road frontages. The Queen's Barracks lie further west and there are parking restrictions in place in the surrounding roads when the barracks are occupied during August to October.
4. The relationship of the site to the surrounding area is shown on the location plan included in **Appendix Ib- Plans**.
5. Ballater School and associated buildings, including boundary walls, is a category C(S) listed building of architectural and historic importance. They are described as a good example of a post 1872 Education Act school with more rarely seen two schoolhouses and unusual gothic detailed classroom, with the distinctive pedimented gableheads of the school providing an interesting and positive contribution to the local streetscape, presenting a particularly striking façade to the south.
6. The school is currently vacant and the listing description notes that it was last used as a school in the 1960s when the new school in Ballater was built. It was used as an outdoor centre, but this use stopped in the 1990s and the building has been unused since. It is on the Buildings at Risk Register.
7. There are a number of mature trees and shrubs within the site, mostly in the southern part facing Abergeldie Road.

## Proposal

8. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:  
<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKYKINSI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Comparison Plans			
Location Plan	001	Dec 15	
Existing Floor Plans	002 Rev B	21/02/17	
Existing elevations/sections 1	004 Rev A	21/02/17	
Existing elevations/sections 2	005 Rev A	21/02/17	
Proposed Housing Units	025 Rev A	31/12/19	
Proposed Ground/Site Plan	020 Rev G	20/12/19	
Proposed First Floor Plan	021 Rev B	08/02/19	
Proposed Roof/Site Plan	022 Rev A	08/02/19	
Proposed Elevations/Sections 1	023 Rev A	20/02/19	
Proposed Elevations/Sections 2	024	Dec 18	
Proposed Housing Units	25 Rev B	30/01/19	
Boundary details	028	April 2018	
Preliminary surfaces layout	103 Revision F	02/04/19	
Replacement window details	029	April 2019	
Bike Store details	430	April 2019	
Access and Parking Statement (extract design statement)			
Additional Roads information submission			02/05/19
Site survey level plan	T-01	05/11/16	
Visualisation – aerial view	-	June 18	
Additional site visualisations			20/02/19
Design Statement by Ian Rodger Architects	Revision B	20/02/19	
Heather Dale Landscape Design Landscape Report			
Heather Dale Landscape Design Landscape Plan			
Tree Survey Report by Struan Dagleish		Feb 2019	
Tree Survey Schedule		Feb 2019	
Arboricultural Impact Assessment and Tree Protection Plan			
Bat Survey Report		June 2017	
Bat Species Protection Plan		Feb 2018	

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Swift Species Protection Plan		Feb 2018	
Timber Survey Letter and Report		Feb & April 2017	
Ground Investigation Report by Greencat Renewables		21/04/17	
Asbestos Report by Environtech	J346282	Nov 2016	
Silver energy level for buildings statement			
Proposed Demolition	017 Rev B	15/02/19	
Swept path plans van and refuse	104 Rev B	01/04/19	
Swept path cars	100 Rev H	01/04/19	
Construction Method Statement	21118- 01	05/02/19	
Site set up plan			
Drainage Impact Assessment	C2522 Revision D	13/02/19	
Preliminary Drainage Layout	101 Rev F	13/02/19	
Preliminary drainage details	103 Rev G	02/04/19	
Communal Bin Store	026		
Copy of SNH bat license		21/12/18	

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

9. By way of background, some members may recall a previous application for development of 26 residential units on this site, taking access off School Lane This is covered in the planning history section later. Following refusal of this application by the CNPA Planning Committee, the applicants lodged a successful appeal to the Directorate of Planning and Environmental Appeals (DPEA). The current application seeks to address the reasons for refusal of the original application. A plan showing the current proposed layout compared to that previously proposed is attached as **Appendix I (a) – Comparison Layout.**
  
10. The current proposals seek full planning permission and listed building consent for the conversion and renovation of the existing buildings and erection of new buildings within the site to provide a total of 24 residential units. All units will be social rented housing provided by Grampian Housing Association. Both applications are covered in this single report.
  
11. The proposals can be summarised as follows:
  - a) Conversion of the former school building to ten residential units using the existing form of the buildings and openings;
  - b) Renovation of the schoolhouses to two houses and removal of more recent gable end wing to side of westernmost schoolhouse;
  - c) Erection of single storey two bedroom house in south west corner of site facing Abergeldie Road;
  - d) Erection of 1½ storey block of three flats in north west corner, two on ground floor one on upper floor, facing School Lane; and
  - e) Erection of 1¾ storey block of eight flats in north east corner of site facing School Lane.

12. The mix of housing comprises fourteen two bedroom properties, eight one bedroom properties, one three bedroom property and one four bedroom property. Plans of the proposals are attached in **Appendix Ib- Plans** and these include massing images to illustrate how the development may appear in the local streetscape. The existing granite and slate finishes of the existing buildings will be retained as part of the conversion works and all new windows constructed to match existing fenestration. The new build proposals will be finished in a mixture of harled/timber walls and slate roofs. Demolition of existing outbuildings on the site is proposed together with a connecting building of more modern construction within the demolition of the central courtyard within the school complex.
13. Vehicular access is to be taken from Abergeldie Road Lane via a new opening to be formed in the existing listed wall alongside the public road in the south east corner of the site. It is also proposed to provide kerbed build outs at the junction point. Construction vehicles will use this access point too.
14. The two existing access points onto School Lane will be narrowed and retained for pedestrian access, and paths are proposed within the site to enable all residents to access units from both School Lane and Abergeldie Road.
15. The new vehicular access from Abergeldie Road will serve a single proposed parking area within the site accommodating a total of 28 spaces including 2 disabled spaces and 3 visitor parking spaces. The parking area will be broken up visually by retention of an existing large tree within the site and adjacent to the boundary of the house to the immediate east, together with proposed cellular tree planting for SUDS purposes. On street parking on Abergeldie Road will continue to be used to serve the former school houses as was the existing practise together with visitor parking spaces here. The applicants have confirmed that parking spaces will not be allocated to individual units, but will be communal and available for all residents to use. The parking areas will be finished in permeable paving defined by natural paving blocks. Construction traffic will access the site from Abergeldie Road too, with the construction method statement detailing how this will be undertaken.
16. Existing stone boundary walls will be lowered and rebuilt with proper foundations along School Lane and existing boundary walls retained on the west and east site boundaries. Low level fencing and hedging is proposed to define those properties which have individual gardens fronting Abergeldie Road. All other open space will be communal, and will include a large communal green space in the north-west corner of the site as shown on the landscape plan within **Appendix I(b) - Plans**. It is proposed to retain significant trees fronting Abergeldie Road and also between the development and the houses on either side. New landscaping is proposed to compensate for tree loss, together with protection for those trees being retained.
17. Bike storage for twenty bikes is proposed in the north part of the site on part of the original westernmost access here, where it is being narrowed to facilitate pedestrian access from School Lane. This bike storage will serve the whole site via the various paths proposed within the site and will be provided within a lean too roofed timber clad structure.

18. Similarly communal bin storage is proposed on the Abergeldie Road frontage within timber lined curved roof covered enclosures as shown in **Appendix I (b) - Plans**. These will be located set back from, but within 10 metres of, Abergeldie Road where refuse vehicles are able to pick up waste. The bin storage will be maintained by the applicants who will also ensure that connecting paths are kept free from ice and snow.
19. It is proposed to connect to public sewers and water supplies. Surface water is to be dealt with by a SUDS system comprising permeable surfacing (porous paving car park) and attenuation. This scheme includes provision for infiltration soakaway, plus three cellular tree systems to allow for some surface water to be removed by tree roots before infiltration into the site subsoils. The system will be maintained by the developer.
20. In terms of energy provision, the potential for ground source heating is being considered and it is proposed to build the properties to the “silver” standard of sustainability which involves targets relating to issues such as water usage, home working provision, real time electricity usage monitoring and internal recycling space.
21. Although this is not a major planning application as defined in the Scottish Government’s hierarchy of development the applicants carried out some public engagement during the consideration of the applications, including displays in the architects’ office in Ballater and public information event.
22. A number of supporting documents have been submitted with the applications including:
  - a) Design Statement;
  - b) Tree Survey Report, arboricultural impact assessment and tree protection plan;
  - c) Timber Survey;
  - d) Asbestos Report;
  - e) Drainage Impact Assessment;
  - f) Landscape Report and plan;
  - g) Bat Survey and Species Protection Plan;
  - h) Construction Method Statement
  - i) Swift Species Protection Plan;
  - j) Swept path analysis drawings; and
  - k) Massing visualisations.

## History

23. Applications for full planning permission and listed building consent for the erection of 26 affordable houses were refused, contrary to officer recommendation, at the May 2018 meeting of the CNPA Planning Committee. Reference 2017/0284/DET and 2017/0285/LBC. The committee also held a site visit to inspect the site prior to determining the applications.
24. The reasons for refusal were as follows:
  - a) *“The proposed development is contrary to Policy 3 Sustainable Design of the Cairngorms National Park Local Development Plan 2015. Specifically, under Policy 3.1 (b), (g), (i) and (j) the proposal is not sympathetic to the traditional pattern and character of the surrounding area and does not protect the amenity enjoyed by*



*neighbours due to (1) inadequate car parking facilities, (2) poor domestic amenity particularly in relation to flatted accommodation, (3) lack of recreational space, especially for children; (4) pedestrian and road safety issues arising from the access arrangements to and from the site at School Lane and the need for residents to cross car parking spaces to reach communal spaces within the development. As a result of these constraints the proposed development creates over development and access issues on School Lane.”*

25. The proposed site layout at that time is shown in **Appendix I (a)- Comparison Plans.**
26. Following this decision the applicants appealed to the Directorate of Planning and Environmental Appeals. Their appeal was upheld and planning and listed building consent was granted. A copy of the appeal decision letters is attached as **Appendix 2.**
27. Having considered the situation further the applicants decided to submit a revised planning application to try and address the concerns of the CNPA Planning Committee and objectors to the original submission and undertook pre application discussions with the CNPA Planning Service and Aberdeenshire Council, and the local Community Council.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	<b>X</b>
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

28. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:  
<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>



29. The application site lies within the settlement boundary of Ballater as defined in the adopted Local Development Plan. The site is specifically designated on the Ballater Settlement Plan as CI – Community with the settlement statement stating that the site of the old school presents an opportunity for investment in the heart of the village. It further notes that, listed and within the conservation area, redevelopment will be challenging, and any new development proposals must benefit the community in some way. It is noted that this may include affordable housing, open market housing, mixed use including employment provision, recreation and tourism development.
30. The CNPA is currently considering responses to the Proposed Local Development Plan 2020. The proposed Plan has no additional materiality with regard to decision making for this current application.

### **Planning Guidance**

31. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	<b>X</b>
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

### **Summary of the Main Issues Raised by Consultees**

32. **Scottish Water** has no objection to the application noting that there is currently sufficient capacity in the Ballater water treatment works. In order to confirm capacity in the waste water treatment works they would require the developer to submit a pre development enquiry form. They also advise that the agency is unable to reserve capacity and the applicant would require to submit a formal connection application after permission has been granted, and they will review capacity at that time. With regard to surface water they advise that connections into the combined sewer will not be accepted.
33. **Aberdeenshire Council’s Housing Service** supports the application, noting that the proposal involves all units being for social rent which will go some way to meeting housing needs within the Ballater area. They also note that the ground floor accommodation of the 1, 2 and 4 bed properties with ground floor bedroom and

bathroom may assist in meeting the housing needs of households with particular needs. They also note that the proposals meet housing need as identified by Aberdeenshire Council's 2019 waiting list and the 2017 Housing Need and Demand Assessment. They further advise that the developer should keep in contact with the Housing Service to discuss and agree the provision and delivery of affordable housing.

34. **Aberdeenshire Councils Developer Obligations Officer** does not consider there is any requirement for developer contributions in this case noting that there is sufficient capacity within the existing schools to service the site. Similarly there are not considered to be any impacts which would require other community facilities or services to be improved or increased.
35. **Aberdeenshire Council's Environmental Health Team** has no objections.
36. **Aberdeenshire Council's Environment Planner** was consulted in relation to the Listed Building Application. The officer notes that stand out elements of the existing buildings are the very dominant Abergeldie Road frontage with associated garden group, the solid and distinct boundary wall treatments and the communal and cohesive nature of the site, with the old school room and its impressive gothic window and bell cot adding to the interest and significance of the grouping. It is also noted that the site has been vacant and underutilised for a significant period of time so it is welcomed that a scheme has come forward which looks to incorporate the existing buildings.
37. Initial concerns at the time of the previous application regarding density were addressed by the applicant's justification for the number of units whilst the current proposals have further reduced the number of units and has completely removed the Abergeldie facing development in the eastern part of the site which is considered to be a really positive step which helps to retain the prominence of the frontage to Abergeldie Road. This also in some ways mitigates the loss of wall section here which is a more negative aspect of the current proposals. On balance it is considered that the retention of trees, conservation of existing wall and reduction in the scale of the development in this corner of the site helps mitigate any negative impact.
38. The choice of materials palette is appropriate with the use of timber as opposed to new granite welcomed as this will allow the new buildings to have a more ancillary feel and not compete with the main school. The use of a variety of hard surfaces is also welcomed together with low key, visually permeable boundary enclosures.
39. Finally, the officer considers that the landscaping of the site is well considered with the retention of green space along Abergeldie Road a positive element with additional tree planting true to the historic use of this part of the site. Variety in hard surfaces is welcomed as is the communal feel provided by keeping boundary enclosures low and visually permeable.
40. The officer considers that further detail will require to be agreed on matters such as repair and maintenance work required to the main building; samples of finishes and sample of harling; boundary walls; details on internal finishes and any remaining

decorative scheme; and details of windows. The proposed development is considered to be acceptable on this basis.

41. **Aberdeenshire Council's Roads Development Service** originally sought further clarification on parking and access visibility issues. Further information clarifying the on street parking, swept paths and dimensioned site plan was duly provided by the applicants.
42. The Service advises that parking provision is proposed based upon housing association parking which is no longer considered differently from other parking provision in Aberdeenshire. However given the history of the site the previously agreed parking requirements will be honoured in this case. They note that disabled and visitor parking has been accounted for within the parking calculation, but that disabled car parking spaces and their access zones need to be delineated on plan.
43. They also note that existing on street parking arrangements for two of the properties will remain, and that half of the visitor parking will be on Abergeldie Road. They highlight that the applicants should be reminded that there is a parking restriction in place for Abergeldie Road in the summer months when the Royal Guard is resident at the Barracks. The Service also note that the car parking provision will be on an unallocated basis.
44. They require further information on the detail of the layout to show the build outs on Abergeldie Road with a half batter road kerb in order to provide an upstand to the kerbs, and also that the disabled car parking access areas be delineated on plan. These points have been addressed in revised plans and at the time of writing the final comments of the Roads Service on these details are awaited.
45. **Aberdeenshire Council's Waste Management Service** has no objections subject to the layout being designed to the satisfaction of the Roads Service.
46. **Aberdeenshire Council's Flood Risk and Coastal Protection Team** advise that the area does not lie within an area identified as having a probability of flooding equal or greater than 0.5% (i.e. 1 in 200 years) nor are they aware of any previous flooding on the site. Consequently, they are satisfied with the level of flood risk. The Team initially asked for an updated drainage impact assessment to reflect the current layout. On receipt of this information they advised that they had no further comments to make.
47. **Aberdeenshire Council's Education and Children's Service** advised with the previous application that Ballater Primary School and Aboyne Academy have capacity for pupils generated by the development.
48. **Aberdeenshire Council's Archaeology Team** originally requested a condition be attached to the previous planning applications requiring an archaeological standing building survey to be provided for inclusion in the National Record of the Historic Environment and in the local sites and monuments record. This information has now been provided to the Team with the previously approved applications.

49. **Aberdeenshire Council's Scientific Officer** was consulted in relation to contaminated land issues on the original application. The Officer advised at that time that there was no indication from their records or the site investigation report that there is likely to be contamination present so no further information was required. It was however noted that fuel storage tanks and asbestos containing materials are present on site and that this should be highlighted to the applicants by way of information notes as to procedures to be followed.
50. **CNPA Conservation Manager and Conservation Officer** have commented on landscape and ecology issues noting that this is a resubmission of a previous application with the changes in summary being to remove two semi-detached units from the south eastern corner and position all of the car parking here with access now taken from Abergeldie Road and a larger green space provided in the western side of the site. The officer has summarised the key changes and impacts as follows:
- a) Removal of housing units reduces the visual and landscape effects on Abergeldie Road and retains clearer views to the surrounding hill, a key feature of the area. It also retains unhindered the strong relationship between the old school building and other existing houses.
  - b) Putting the car park in one area simplifies the layout, but most significantly allows for a cohesive open space on the site that is safe for use by residents, in particular children who will benefit from passive supervision from the surrounding houses and will be separated from site traffic.
  - c) Access from Abergeldie Road will remove a section of an existing stone wall which is an important landscape feature. The design statement has highlighted that this will be modified using original materials and to match existing design and a detail for this should be provided (*Note: further detail on the boundary wall has now been provided*).
  - d) Full planting plan will be required although the indicative plan will only require minor modification.
51. The Officer considers that these changes make a significant improvement to the landscape and visual aspects of the development thus reducing any adverse effects on landscape and visual aspects. It is recommended that conditions be attached to secure final details of landscaping and tree protection.
52. In terms of ecology issues it is noted that the ecological features of significance on the site are bats and swifts and that species protection plans relating to these from the previous application should be resubmitted and the mitigation contained therein implemented. These plans have now been resubmitted. It is also noted that a species license is proposed for bats and SNH will deal with mitigation when considering this - this license has now been issued.
53. It was also recommended that an above ground solution for SUDS be pursued and revised plans showing cellular tree planting have now been provided.
54. On this basis it is concluded that the proposals are an improvement on the 2018 scheme and with appropriate mitigation secured by condition will be an enhancement to the area in landscape, visual and ecological terms.

55. **CNPA Outdoor Access Team** is satisfied that the development facilitates access onto the surrounding roads to encourage active travel.
56. **Ballater and Crathie Community Council** have confirmed support for both applications. They advise that following discussion with Grampian Housing Association (the applicants) and members of the community they are satisfied that matters relating to access, safety, amenity and density which were the subject of objection with the previous applications have been addressed. They note that at a public meeting held in November 2018 the Community Council was presented with a letter of support for these proposals signed by 238 members of the community.
57. The Community Council has requested to be heard at Committee and their response is attached as **Appendix 3**.

## REPRESENTATIONS

58. The applications were advertised in the local press and Edinburgh Gazette. Two representations were received which are attached as **Appendix 4**. One objects to both applications and the other raises points on the application for full planning permission.
59. Objection letter notes that the writer has no objection to the redevelopment of the site, but considers that more effort should be made to make the design more traditional with any changes so made having the potential to reduce the number of properties and thus reduce car parking requirements. Key points are summarised as follows:
- a) New buildings not well designed, with wide gables, shallow roof pitch and roof overhangs, which are unattractive.
  - b) Variation in roof lines with no proper termination and small window proportions given accentuated horizontal effect.
  - c) Too many roof light styles.
  - d) Use of timber on front elevation out of character in Ballater.
60. The second representation highlights that whilst the writers, who have properties opposite the site on Abergeldie Road, will be impacted by the new proposals they appreciate the concerns of residents regarding the suitability of School Lane to access the site and as such in principal support the proposal to access the site from Abergeldie Road. Whilst they still consider the development to be overly dense and urban in design for the Conservation Area and remain concerned regarding impacts on local drainage infrastructure and roads, they support the principle of the application providing approval were subject to the following conditions:
- a) An obligation to ensure that a local lettings policy will be provided and enforced to satisfy the provision of a community use on the site.
  - b) A requirement for sufficient planting between the proposed car park and Abergeldie Road for both ecological and buffering reasons.

## APPRAISAL

61. The following is a joint report for Planning Application (2019/0003/DET) and Listed Building Consent application (2019/0006/LBC).

### Principle

62. The principle of housing development within a designated settlement is well established by Policy I: New Housing Development of the Cairngorms National Park Local Development Plan 2015. This sets out in Policy I.1 Housing in Settlements that all new housing developments within settlements will be supported where they occur within a designated site or where they reinforce and enhance the character of the settlement maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. The proposed development, subject to design and layout, readily complies with these principles being located within Ballater and converting and redeveloping an underused site.
63. This is reinforced by Policy I.8: Conversions, which explains that conversion of existing vernacular buildings to housing is supported where the building is capable of conversion and the development maintains the style and character of the original building. Also in terms of principles, Policy I.4: Contribution towards Affordable Housing also requires that provision generally be made for 25% affordable housing provision on sites – this is far exceeded with the current submission for 100% affordable housing.
64. As noted previously in the policy section, the site is specifically designated within the Local Development Plan for community uses, highlighting that this includes affordable housing. The settlement statement notes that any new development proposals must benefit the community and it is considered that affordable housing will indeed benefit the community providing much needed social housing in Ballater. This is particularly so given that provision of affordable housing in the National Park is a key priority of the recently adopted Cairngorms National Park Partnership Plan 2017-2022. This Plan highlights that it is currently hard for many households to access housing on the open market in the National Park with this being particularly acute in certain areas such as Deeside where the median house prices are around six times higher than median household incomes. In this case Aberdeenshire Council Housing Service has clearly confirmed the need for affordable housing in Ballater. Finally in this regard the supporting text to the Ballater settlement statement in the Local Development Plan sets out that the community of Ballater wish to ensure that the advantages of living in Ballater are passed onto future generations and to make this happen quality and affordable housing to meet local needs is seen as a priority, using redevelopment opportunities where possible. Again the proposed development readily supports all of these objectives.
65. The site is well located in terms of proximity to the services and amenities of the village, being within ready walking distance of both the village centre and the surrounding countryside. It is also within ready walking distance of bus stops. As such the location is considered to be a very sustainable one complying with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015

which seeks to ensure that development is sited to make sustainable use of resources, in this case reusing a redundant building and site, as well as promoting sustainable travel methods.

66. The site contains listed buildings which have lain empty for many years since the last use as an Outdoor Centre ceased and which are on the Buildings at Risk register. No other uses for the building have come to fruition and a proposal to bring these buildings back into a productive use is greatly welcomed. Indeed the principle of converting existing building stock to a new use is well established by Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 which, under Policy 3.3, supports the reuse of redundant buildings where the conversion works maintain the style and character of the original building in terms of form, scale, materials and detailing. Similarly Policy 9: Cultural Heritage supports the conservation and enhancement of listed buildings.
67. Finally, as noted previously in this report there is live planning and listed building consents for the development of 26 residential units at this site. Accordingly this existing consent is an important material planning consideration which clearly establishes the principle of housing development here.
68. In these overall circumstances the principle of this development is well established here and greatly welcomed, complying with policy providing the design, servicing and layout of the proposals is satisfactory and this will now be considered in detail.

### **Changes compared to original submission**

69. As noted earlier the original applications for development of 26 units at this site were refused at the May 2018 meeting of the CNPA Planning Committee and the reasons for refusal related to concerns around density, access arrangements, parking and open space. This decision was overturned following a successful planning appeal (**Appendix 2**) and the consents granted remain in force with suspensive conditions relating to these consents now discharged enabling site works to commence. However, notwithstanding this position, and following further consideration and discussion with the community, the applicants decided to try and address the Committee's reasons for refusal and the concerns of the community around access from School Lane and density of development. This resulted in the current submission which seeks to address these concerns.
70. **Appendix I (a)** shows the key changes with this current submission as compared to the original 2017 applications. These can be summarised as follows:
  - a) Removal of two residential units in south eastern corner of site facing Abergeldie Road in order to reduce density and enable access to be taken from Abergeldie Road, knocking an opening in the existing castellated wall here.
  - b) Vehicular access taken from Abergeldie Road as opposed to School Lane, with existing vehicular accesses onto School Lane narrowed down to form pedestrian access only links. This is intended to remove vehicular access from School Lane which is narrower than Abergeldie Road and was the source of much objection with the original applications.



- c) Provision of single car park taking access from Abergeldie Road on area previously occupied by new housing with no parking now taking access from School Lane.
  - d) Creation of large communal amenity space on land previously shown for parking with original submission. This will enable children to access amenity space without crossing trafficked areas, with parking and amenity spaces now effectively segregated.
  - e) Change in design for unit in north western corner of site to accommodate three flats in longer footprint with bike storage adjacent, resulting in narrowing of westernmost existing vehicle access onto School Lane to provide for pedestrian access only.
71. These changes have addressed in principle the key concerns of the community as articulated in the previous objections to the original applications. The detailed land use planning implications of this revised submission will now be assessed.

### **Landscape, Siting and Amenity Issues**

72. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
73. In this case a key feature of the landscape and streetscape of this part of Ballater is the landmark School building, being a prominent listed building of architectural and historic importance located within the Conservation Area. The layout of the proposed development ensures that this building remains dominant in the streetscape with the new units set back in terms of both scale and siting from the main school building on its Abergeldie frontage. In addition the current layout now removes residential units as originally proposed to the east of the School as facing Abergeldie Road thus further reinforcing its dominance in the streetscape. Removal of this block has released additional land for car parking here which in turn has allowed the provision of a much more meaningful communal amenity area, easily and safely accessed from the various housing units on site.
74. The layout also enables key trees to be retained which are an important feature of the streetscape here with additional planting proposed. It also allows for corridors of planting and open space throughout the site giving a greener feel to the development and enabling biodiversity and amenity connectivity.
75. Whilst a new opening will be required in the listed, castellated roadside walling fronting Abergeldie Road here it is proposed to reinstate cast iron railings on the remaining wall frontage and to retain as much walling as possible. The only walling to be removed will be that portion required to get access into the site, and stone piers will be formed on either side of the access point.
76. On the School Lane frontage the streetscape is largely set by housing hard on the roadside. It is proposed to lower the existing roadside walling here to improve the aspect from the new houses and from the narrowed pedestrian only access points,

along with repositioning the existing gate piers. The new houses will be set close behind this lowered wall so retaining this key streetscape element.

77. Ample open space has been provided to create a good setting for the development, providing this is suitably landscaped in terms of both hard and soft landscaping. Landscape details provided indicate that this will be the case and in the event of the application being supported appropriate planning conditions can be attached to ensure this is implemented. The proposed green space, as well as providing attractive and meaningful amenity space for the new residents, will also help to secure biodiversity connections for wildlife including bats.
78. On this basis in landscape terms the application is considered to comply fully with Policy 5: Landscape.
79. In terms of residential amenity, Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development protects the amenity currently enjoyed by neighbours.
80. The proposed site layout shows three new residential blocks in three corners of the School site plus car parking in fourth corner of the site, with the existing school buildings occupying the central part of the site. Ancillary outbuildings and more recent additions are to be removed and parking provided to service the site.
81. The housing layout along the Abergeldie Road frontage achieves satisfactory separation distances from the existing house to the west (which has some windows looking to the application site) whereby there is no loss of residential amenity or privacy, with green space separating the new house proposed here from existing. In addition there are no windows proposed in the new housing overlooking the existing house. There is also ample space between the residential development and the existing house to the east, with houses to the south separated from the development site by the wide Abergeldie Road.
82. On the School Lane frontage, due to the configuration of the existing houses, there are no overlooking or privacy issues considered to arise with new development. Accordingly the application is considered to comply fully with Policy 3: Sustainable Design.
83. Finally in terms of siting Policy 3: Sustainable Design and Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that new development reinforces and enhances the character of the settlement.
84. In this case the site is located in a primarily residential area with some other higher density uses such as the Queens Barracks and a Nursing Home located to the west. Housing on this site is entirely appropriate to this character and it is considered that the layout is of an appropriate density particularly bearing in mind the previous use of the site, the existing buildings on site, the relationship to existing housing, and the proposed layout which now makes ample provision for amenity space. It is also worth noting that additional amenity space is now being proposed as compared to the consented layout, whilst it is also material that the site lies within ready access to

other green areas and open space/parks in the village. The design of the buildings is considered in the next section of this report.

85. In these circumstances it is considered that the proposed layout offers a good living environment for future residents with a good balance provided between converting an older building productively and providing new purpose built housing.
86. Accordingly the application is considered to comply fully with Policies 1: New Housing Development and 3: Sustainable Design.

## **Design and Cultural Issues**

87. Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that development affecting listed buildings has no adverse effect on the structure or the setting, and conserves and enhances the structure and the contribution it makes to the cultural heritage of the National Park. The policy also requires the layout, design, scale, siting and use of the development to be appropriate to its character and setting and that development in a Conservation Area enhances its character. Policy 3: Sustainable Design similarly requires development to be sympathetically designed and sustainable.
88. The proposed development involves a very sympathetic conversion of a category C Listed Building, which is currently redundant, on the Buildings at Risk Register, and lying vacant in overgrown, neglected grounds within the Conservation Area and heart of Ballater. Ancillary buildings of little architectural merit are to be removed to enable the new components to be built, along with the removal of a more recent gable extension to one of the school house buildings.
89. Part of the castellated boundary wall fronting Abergeldie Road is to be removed in order to facilitate vehicular access with the remainder of the wall retained and original cast iron railings features here reinstated in a sympathetic manner. This is considered to be satisfactory in streetscape and cultural heritage terms given (1) the road safety and site layout advantages being secured by this layout and (2) the townscape enhancement which will arise from reinstating railings and securing the ongoing maintenance of not only the wall, but the entire listed complex which will arise from this development. As noted by Aberdeenshire Council's Environment Planner overall it is considered that the retention of trees, conservation of existing wall and reduction in the scale of the development in this corner of the site helps mitigate any negative impact.
90. The boundary wall to the rear on School Lane is to be lowered with gate piers repositioned in order to facilitate safe pedestrian access and a good aspect for the residential units, with all alterations proposed being sympathetic to the area and the character of the listed buildings and structure. This is considered to be acceptable in design terms particularly given these are not the frontage walls of the site and a balance requires to be struck between residential needs and cultural heritage requirements in order to help facilitate the re-use of the building.
91. The proposed new units are of a design and scale which complements the existing listing buildings, but does not try to replicate them, with care taken to ensure the

continued dominance of the main listed buildings. They are considered to be well proportioned and designed taking appropriate account of the surroundings with suitable external finishes proposed. Aberdeenshire Council's Environment Officer shares this view, welcoming the development and recommending conditions are imposed to secure final detailing in the event of the application being supported. In this regard it is considered appropriate to impose the same conditions on any listed building consent as those attached by the Directorate of Planning and Environmental Appeals.

92. Finally with regard to finishes, as noted by the Environment Officer the choice of timber finishes is considered to be entirely appropriate here as this will allow the new buildings to have a more ancillary feel and not compete with the main school as opposed to using new granite for finishes.
93. In terms of the setting of the building it is considered that this will be conserved and enhanced by the retention of existing trees and provision of new landscaping and larger amenity areas, together with care over hard landscaping and boundary treatments as outlined in the landscape section earlier.
94. Overall it is considered that the development will bring back an important cultural asset into an appropriate use in a wholly sympathetic manner, entirely in character with its listing and location in a Conservation Area, which is an inherently sustainable approach. The new buildings will similarly enhance the setting of the listed building.
95. In these circumstances the design of the proposals is considered to fully comply with Policy 9: Cultural Heritage and Policy 3: Sustainable Design.

### **Environmental impacts**

96. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity.
97. The main likely environmental impacts from this development relate to the potential for disturbance to bats roosting in the building and their foraging habitat. Satisfactory bat survey work has been undertaken and a satisfactory Bat Species Protection Plan provided along with a Swift Protection Plan. The increased amenity space provision, tree retention and landscaping provides an ideal opportunity to mitigate any loss of habitat and enhance biodiversity. Similarly the arrangements for surface water disposal offer an opportunity to incorporate measures to enhance biodiversity and the applicant has taken this opportunity by incorporating the use of soakaways and trees as part of the solution which is greatly welcomed.
98. Appropriate planning conditions can be attached to cover implementation of these matters in the event of the application being approved and on this basis the application is considered to comply with Policy 4: Natural Heritage.
99. Given the previous use of the site Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 is also relevant in respect of environmental impacts. This requires that assessment is carried out in relation to any development

affecting contaminated land with appropriate remedial actions taken as necessary depending on the outcome of investigations.

100. In this case appropriate investigations were undertaken with the previous applications when Aberdeenshire Council's Scientific Officer was satisfied that there was unlikely to be contamination. Advice was provided on the disposal of asbestos from the site and this can be passed onto the applicants as an informative. On this basis the application is considered to comply with Policy 10: Resources.

### **General Servicing Issues**

101. Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
102. In this case it is proposed to service the site by connection to public water and drainage supplies with Scottish Water raising no objections in this regard confirming that there is capacity for the development. Whilst one of the contributors has referenced drainage infrastructure issues this is not borne out by the comments of Scottish Water. The applicant contacted Scottish Water with the previous application regarding the points raised at that time by objectors relating to existing problems with the drainage system and advised that there is an existing issue which the Agency require to address. This is not a matter which should affect any current proposals which are not related to, or causing, these issues.
103. In relation to arrangements for the disposal of surface water the principle of the applicants' proposals are acceptable to the technical consultee Flood Risk and Coastal Protection Team. As noted earlier the proposals offer an ideal opportunity to try and integrate SUDS proposals with landscape proposals to improve biodiversity and this opportunity has been taken. Appropriate conditions can be imposed to ensure implementation of the SUDS proposals and ongoing maintenance.
104. With respect to waste management the arrangements for communal bin storage are considered to be a pragmatic solution which addresses the need to retain the quality of the setting of the listed building and Conservation Area whilst making provision for the recycling, storage and collection of waste. Again conditions can be imposed in the event of the application being supported to secure implementation and maintenance of these measures.
105. In these overall circumstances the application is considered to comply with Policies 3: Sustainable Design and 10: Resources.

### **Developer Contributions**

106. **Policy 11:** Developer Contributions of the Cairngorms National Park Local Development Plan 2015 set out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements.

- I07. In this case there is sufficient capacity within the existing schools to service the site and similarly there are not considered to be any impacts which would require other community facilities or services to be improved or increased. Indeed the introduction of new residents would help support the facilities of the village.
- I08. In these circumstances the proposed development is considered to comply with Policy 11: Developer Contributions.

### **Access, Parking and Sustainable Travel Issues**

- I09. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel.
- I10. The application site is centrally located within Ballater within ready walking and cycling distance of all facilities and amenities of the village as noted previously. Bike storage is to be provided within suitably designed enclosures and links through the site to both Abergeldie and School Roads are proposed giving residents a choice of routes to other parts of the village. Residents could readily live and work in the village, or indeed use public transport to access other towns/places of work. Accordingly the application is considered to fully comply with policy in terms of sustainable travel issues.
- I11. Policy 3: Sustainable Design also requires that new development should include an appropriate means of access, egress, levels of private amenity ground and space for off-street parking.
- I12. Whilst there is capacity for on street parking on Abergeldie Road, there is little capacity for on street parking on School Lane whereby it is important to ensure that adequate parking is provided within the site to avoid any more on-street parking. This is particularly important given the parking restrictions which apply here when the Queens Barracks are occupied.
- I13. With respect to off street parking the layout makes provision for sufficient parking for the level and type of units. The applicants have also previously made the case that their experience has shown that not all of their residents have cars whereby it is likely that there may be spare capacity for other residents of the scheme to use. This can be controlled by ensuring that parking spaces are not allocated to individual houses so that sharing is possible. An appropriate planning condition can be imposed to this end.
- I14. Finally in respect of car parking it is noted that Aberdeenshire Council's Roads Service requires that disabled spaces access areas be expressly delineated on the site plan in detail. At the time of writing their comments on the final plans showing this are awaited, but may be addressed by imposition of a relevant planning condition meantime. This matter may be resolved by the time of the Planning Committee meeting in which case members will be advised if a condition is no longer required.

- I 15. In these overall circumstances the parking provision is considered to readily comply with Policy 3: Sustainable Design.
- I 16. Policy 3: Sustainable Design also requires that an appropriate means of access and egress is provided for developments. In this case it is proposed to utilize the existing accesses onto School Lane (which served the original school use and then served the subsequent outdoor centre use) for pedestrian access only which is entirely acceptable and will deliver good connectivity throughout the site.
- I 17. The sole vehicular access will be from Abergeldie Road as described earlier. Abergeldie Road is a wide, residential road with space for on street parking and as such an access here would readily overcome previously expressed public concerns regarding access.
- I 18. From the perspective of the technical consultee, Aberdeenshire Council Roads Service, whilst they did not object to the use of School Lane they are content with a new access onto Abergeldie Road subject to some minor modifications to kerb upstands at the new junction. This matter has been addressed in revised plans currently with the Roads Service for comments and meantime can be addressed by imposition of an appropriate condition in the event of the application being supported. As is the case with the disabled parking spaces discussed earlier, this matter may be resolved by the time of the Planning Committee meeting in which case members will be advised if a condition is no longer required.
- I 19. In these circumstances the proposed access arrangements are considered to be satisfactory in both land use planning and road safety terms whereby the proposals are considered to comply fully with Policy 3: Sustainable Design.

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

- I 20. Points raised by contributors relating to design and density have been addressed throughout this report. However an issue was raised by contributors relating to allocation of housing requesting that a local lettings policy be provided and enforced. In this regard the allocation of social rented houses is based on housing need and waiting lists, and it is clear that there is a need for affordable housing in Ballater. The details of who houses are allocated to is not a material land use planning consideration and local people will have the same priority as others.
- I 21. The applicants have previously advised that they are happy to work with the community to encourage local people to apply for housing and this remains the case. They also previously noted that the Aberdeenshire Council Housing Manager (Options and Homelessness) indicated that the Council are currently trialling local letting initiatives and would be happy to consider this for Ballater. It must however be reiterated that the allocation of housing is not a land use planning consideration.
- I 22. All other matters raised by consultees and contributors have been fully addressed in this report.



## CONCLUSION

123. The proposed development involves the very sympathetic conversion of redundant landmark buildings within the centre of Ballater to an entirely appropriate and much needed use for affordable housing, together with the erection of new housing in the redundant and neglected school yard. The site is particularly well located in terms of access to the facilities and amenities of the village and the design and layout is considered to be of a high standard which will provide a good living environment and sense of place for new residents. The proposed development is considered to fit in well with its surroundings, with the new elements considered to be of appropriate scale and design with no unacceptable impacts on neighbours.
124. Furthermore the proposed development will sensitively bring a Listed Building of architectural and historic importance, which is on the Buildings at Risk register, back into a productive use securing its long term viability and maintenance which is greatly welcomed. In addition the site can be satisfactorily serviced in terms of drainage, water supply, waste management provision, parking, vehicular and pedestrian access, and all environmental issues have been satisfactorily addressed.
125. Despite having valid planning permissions in place for 26 unit development on this site, the applicants have made every effort to address concerns raised previously by the community and the CNPA Planning Committee by submitting these revised proposals. This approach is to be commended and it is considered that the concerns of the CNPA Planning Committee which resulted in the previous refusal here have been fully addressed in this current submission. In this regard it is also worth noting that there are now only two objections to the proposals and that the local Community Council has offered full support for the proposals.
126. In these circumstances the development is considered to comply fully with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park and approval of both the listed building consent and planning applications is recommended subject to appropriate planning conditions.

## RECOMMENDATION

**That Members of the Committee:**

- (1) Support a recommendation to GRANT full planning permission for the conversion of School to 10 Dwellinghouses, Reinstatement of Schoolhouses to form 2 Dwellinghouses, Erection of 1 Dwellinghouse and 11 Flats (Affordable Houses), Formation of Car Park, Access and Alterations to Boundary Walls at Ballater Old School Abergeldie Road Ballater Aberdeenshire AB35 5RR, and;**
- (2) Support a recommendation to GRANT Listed Building Consent for the conversion of School to 10 Dwellinghouses, Reinstatement of Schoolhouses to form 2 Dwellinghouses, Erection of 1 Dwellinghouse and 11 Flats (Affordable Houses), Formation of Car Park, Access and Alterations to Boundary Walls at Ballater Old School Abergeldie Road Ballater**

**Aberdeenshire AB35 5RR**

**Both subject to the following conditions:**

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

**Conditions relating to Full Planning permission reference 2019/0003/DET**

1. **No development shall commence until a revised site plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Aberdeenshire Council Roads Development Service to provide details of disabled parking provision with delineated access zone, and the provision of a half batter road kerb at the build outs on Abergeldie Road in order to provide for an upstand. Thereafter no residential unit shall be occupied until the development is implemented in accordance with the approved details**

**Reason:** In the interests of road and pedestrian safety to ensure that there is appropriate access to the site in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence until a fully detailed landscape scheme has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority. This scheme shall include the following requirements:**
  - a) **Detailed landscape scheme showing all trees to be retained and trees/shrubs to be planted. Full details of species, number, location, sizes and planting distances to be provided. Hard landscaping to be included.**
  - b) **Maintenance and management details and implementation timetable.**

**The landscaping and tree retention shall be implemented in accordance with the approved details and timetable and maintained thereafter in accordance with the approved details throughout the lifetime of the development hereby approved.**

**Reason:** To ensure that a suitable landscape setting is established with trees appropriate to the streetscape, biodiversity is enhanced and that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

3. **No development shall commence until a Lighting Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall detail all lighting proposed including position and intensity and reflect the need to ensure that any**

**lighting standards on the east side of the building do not impact adversely upon bat roots.**

**All lighting shall thereafter be implemented and maintained in accordance with the approved details.**

**Reason:** To ensure that lighting at the site conserves and enhances the landscape character and special qualities of the National Park and does not adversely affect European Protected Species in the area in accordance with Policy 4: Natural Resources and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

4. **No development shall commence until protective barriers or fencing has been provided in accordance with the approved Tree Protection Plan. All trees shall thereafter be protected in accordance with the approved Tree Protection Plan throughout the construction of the development unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority. The trees shall thereafter be retained on site in accordance with the approved landscape scheme.**

**Reason:** To ensure the protection of retained trees throughout the construction period and so ensure that the development conserves and enhances the landscape character and special qualities of the National Park in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

5. No development shall commence on the conversion of the existing buildings or erection of the new buildings until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Environment Team:
- a) Samples of all materials to be used in the development including sample panel of proposed harling and surfacing of parking areas.
  - b) Details of any photovoltaic panels and ground source heating. Guidance should be sought from Historic Environment Scotland's Managing Change Guidance Note on Micro-renewables.

The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage and the conservation area in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

6. No residential unit shall be occupied until the surface water drainage arrangements have been implemented in accordance with the approved plans with certification from an appropriately qualified professional confirming compliance submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Aberdeenshire Council Flood Risk and Coastal

Protection Team. The scheme shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development hereby approved.

**Reason:** To ensure that satisfactory arrangements for the disposal of surface water and foul drainage are provided in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

7. No residential unit shall be occupied until its waste management provision has been provided in accordance with the approved plans and maintained thereafter in accordance with the approved scheme throughout the lifetime of the development hereby approved.

**Reason:** To ensure that satisfactory arrangements are made for the collection, storage and recycling of waste in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

8. No residential unit shall be occupied until the accesses, both vehicular and pedestrian and including visibility splays, have been implemented in accordance with the approved plans, and retained thereafter throughout the lifetime of the development hereby approved.

**Reason:** In the interests of road and pedestrian safety to ensure that there is appropriate access to the site in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

9. The development shall be constructed and implemented in accordance with the approved Construction Method Statement.

**Reason:** In the interests of road and pedestrian safety in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

10. Development shall be undertaken in accordance with the approved Swift Species Protection Plan and any mitigation or compensatory features required implemented in accordance with the approved Plan with (a) the provision of a single swift brick to be incorporated at two storey level into the north facing wall of one of the new buildings during construction and before completion of the relevant unit (b) details of works undertaken to protect or mitigate the loss of the existing nest submitted in writing to and approved by the Cairngorms National Park Authority acting as Planning Authority before any unit is occupied. All features to be retained thereafter throughout the lifetime of the development hereby approved.

**Reason:** To ensure that the development does not adversely affect wildlife interests in the area in accordance with Policy 4: Natural Resources of National Park Local Development Plan 2015.

11. Development shall be undertaken in accordance with the approved Bat Species Protection Plan. All mitigation set out the approved plan, including timing of works, shall be implemented in accordance the details contained in the Plan and any

compensatory features shall be retained throughout the lifetime of the development hereby approved.

**Reason:** To ensure that the development does not adversely affect European Protected Species in the area in accordance with Policy 4: Natural Resources of the Cairngorms National Park Local Development Plan 2015.

12. The residential units hereby approved shall be retained as social rented housing.

**Reason:** To ensure that provision is made for affordable housing and that the tenure remains as considered in this application in relation to the required parking provision in accordance with Policy 1: Housing Development and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

13. No residential unit shall be occupied until it is connected to public water and drainage supplies.

**Reason:** To ensure that the development is appropriately serviced in accordance with Policy 10: Resources and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

14. No residential unit shall be occupied until the cycle parking, car parking, pedestrian and vehicular accesses, delivery and turning arrangements have been formed and surfaced in accordance with the approved plans and retained thereafter throughout the lifetime of the development hereby approved. All parking and turning spaces shall be kept free for this purpose at all times and parking spaces shall not be allocated to individual properties.

**Reason:** In the interests of road and pedestrian safety to ensure that there is satisfactory parking and turning provision made on site in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 and to avoid overspill parking in the wider area.

15. No residential unit shall be occupied until the boundary enclosures, including roadside walling, has been completed in accordance with the approved plans.

**Reason:** To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

16. The development shall be completed in accordance with the approved plans and design and conservation statements.

**Reason:** To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage in accordance with

Policy 9: Cultural Heritage the Cairngorms National Park Local  
Development Plan 2015.

**Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development should note that should any contamination of the ground be discovered during development the Cairngorms National Park Authority shall be notified immediately. The extent and nature of the contamination shall be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Cairngorms National Park Authority in consultation with Aberdeenshire Council's Scientific Officer. The responsibility for ensuring the safe development of the site rests with the developer.
3. The person undertaking the development should note that adequate provision must 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; and that adequate precautions must be taken to protect any statutory undertakers plant which may be affected by the development.
4. The person undertaking the development should note that an application for a road Excavation permit must be submitted to Aberdeenshire Council Infrastructure Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Failure to obtain a permit is an offence under the terms of Section 56 of the Roads (Scotland) Act 1984. Please note the public road may incorporate carriageway, verge, cycleway/footway and visibility envelopes. Further details on the Council website or call the relevant Area Office (Marr) at 019755 64920.
5. The person undertaking the development should note that a legal agreement under the terms of Section 56 of the Roads (Scotland) Act 1984 will be required for any major works required to be undertaken on the existing public road network. A road bond or security will be required as a condition of any such agreement.
6. The person undertaking the development should note that the removal and disposal of asbestos containing materials should be undertaken in accordance with relevant legislation. Further information is provided in the attached guidance note.
7. The person undertaking the development is reminded that there is a parking restriction in place for Abergeldie Road in the summer months when the Royal Guard is resident at the adjacent Barracks.
8. The person undertaking the development should note that Scottish Water are unable to reserve capacity at their water and waste treatment plant, and will require to apply Scottish Water for formal connection at which time the Agency will review capacity.

9. The person undertaking the development should keep in contact with the Aberdeenshire Council Housing Service to discuss and agree the provision and delivery of affordable housing.
10. Construction work should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
11. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
12. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

### **Conditions relating to Listed Building Consent Reference 2019/0006/LBC**

1. No development shall commence on the conversion of the buildings until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Environment Team:
  - a) Samples of all materials to be used in the development including proposed harling and surfacing of parking areas;
  - b) Details of any photovoltaic panels and ground source heating. Guidance should be sought from Historic Environment Scotland's Managing Change Guidance Note on Micro-renewables.

The development shall thereafter proceed in accordance with the approved details.

**Reason:** To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage and the conservation area in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

2. No residential unit shall be occupied until the boundary enclosures, including roadside walling, has been completed in accordance with the approved plans.



**Reason:** To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

3. The development shall be completed in accordance with the approved plans and design and conservation statements.

**Reason:** To ensure that the development conserves and enhances the listed building of architectural and historic interest and enhances its character and the contribution it makes to cultural heritage in accordance with Policy 9: Cultural Heritage the Cairngorms National Park Local Development Plan 2015.

### **Informatives**

- I. The development hereby approved must commence within three years of the date of this decision notice. If it has not commenced within this period, then this listed building consent shall lapse.

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