
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: FIONA MURPHY
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

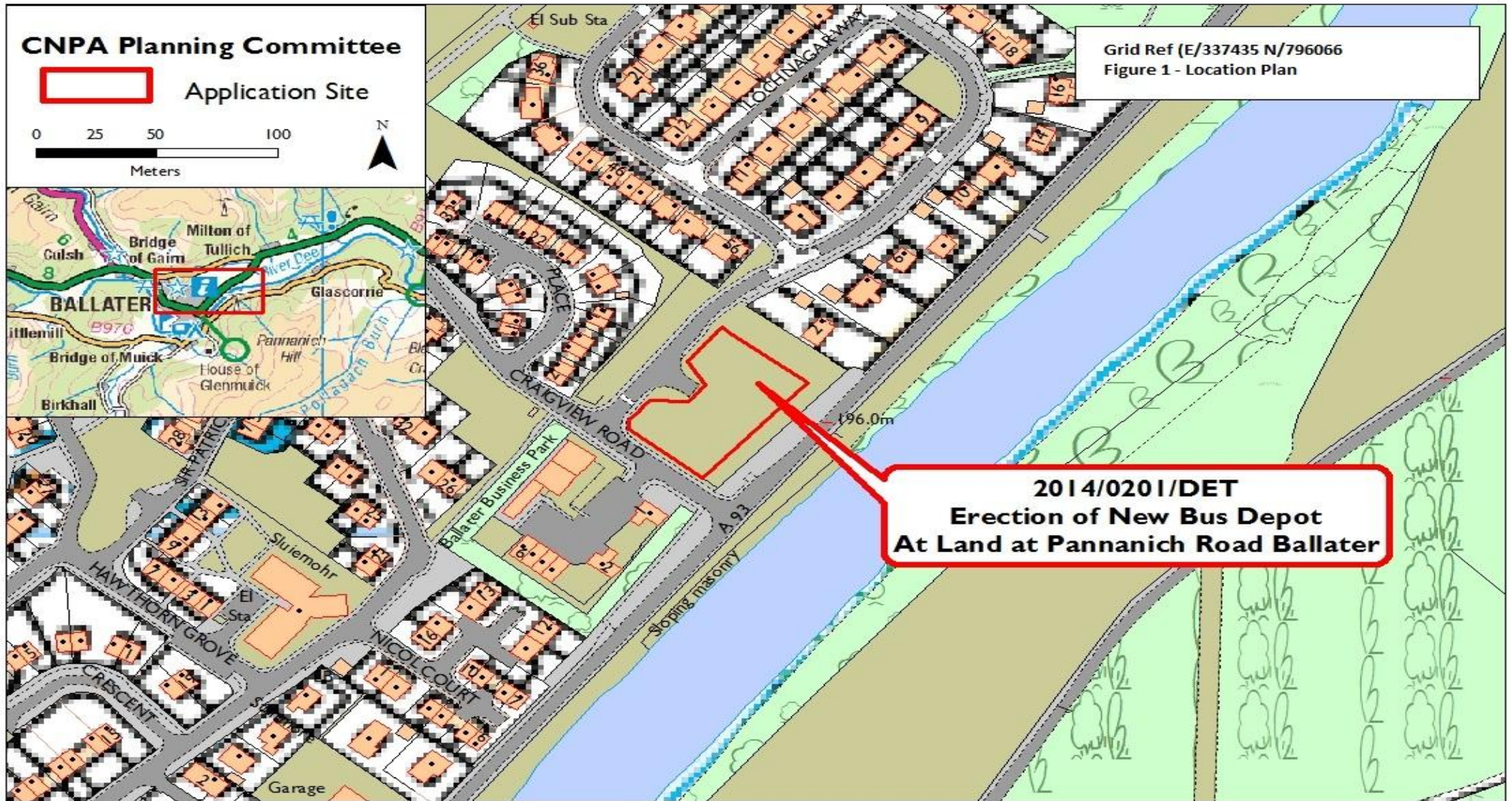
DEVELOPMENT PROPOSED: Erection of New Bus Depot to include Staff Welfare Facilities, Manager's Office, Fuel Pump and Bus Washing Facility and Erection of 1.8m High Fence and Gates at Land at Pannanich Road, Ballater, Aberdeenshire.

REFERENCE: 2014/0201/DET

APPLICANT: Bluebird Buses Ltd

DATE CALLED-IN: 07/07/14

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



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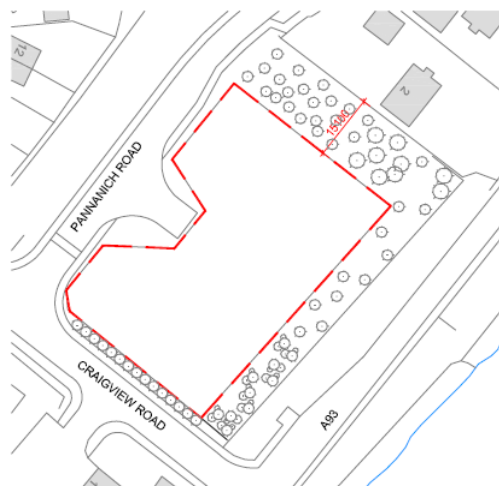
SITE DESCRIPTION AND PROPOSAL

1. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below.

	Drawing Number	Date on Plan	Date Received
Location Plan	40032-L-001	February 2014	02/07/14
Proposed Site Layout	40032-L-002 REV F	July 2013	02/07/14
Proposed Elevations	40032-L-003	February 2014	02/07/14
Proposed Roof Plan	40032-L-004 REV A	July 2013	02/07/14
Design Statement		June 2014	02/07/14
Planning Policy Statement		June 2014	02/07/14
Development Principles		June 2014	02/07/14
Flood Risk Assessment		June 2014	02/07/14
Noise Impact Assessment		September 2014	10/10/14

Table 1:- List of Plans and Documents Accompanying the Application

2. The site is located at the junction of Craigview Road and Pannanich Road. It is fairly level and is currently undeveloped. An access bellmouth exists from Pannanich Road. The site is adjoined by trees on the north-east and south-east boundaries and there are also trees to the north-west of the site on the opposite side of Pannanich Road. The trees are a mixture of Scots pine and native broadleaves. Beyond the trees are residential properties in Pannanich Road and Craigview Road, whilst the rear of the site is separated from the A93 by more trees. The site to the south-west of the application site in Craigview Road comprises a small industrial estate known as the Ballater Business Park.



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Figure 2: Location Plan (Extract from Drawing No 40032-L-001 – Location Plan – for information only)

Development Proposal

3. The application is accompanied by a Design Statement, a Planning Policy Statement, a Development Principles Report, a Flood Risk Assessment and a Noise Assessment Report. The information in this section has been taken from these documents.
4. Due to the close proximity to the centre of Ballater and the existing bus route, this site is considered most favourable by the applicant in allowing Stagecoach to maintain a regular bus service and associated employment in the village. The company advises that the application reinforces Stagecoach's commitment to providing a long term future for a bus service based in Ballater and maintaining the employment of 22 members of staff in the local area.
5. The building is to be located at the south-west boundary of the site next to the Ballater Business Park, at the furthest point from the houses. The depot will accommodate parking for 8 buses. Adequate hardstanding will be provided within the site boundary to allow buses to manoeuvre in and out of the depot and to ensure no reversing will be required onto Pannanich Road.



Figure 3: Site Layout (Extract from Drawing No 40032-L-002 Rev F – For information only).

6. The building is a functional one and has been designed to reflect its purpose. The walls and roof will be clad in Kingspan insulated cladding panels in vertical application, with the walls finished in bottle green and the roof

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finished in goosewing grey. The roller shutter doors to the bus bays will be goosewing grey. Consideration was given to using render and slate but the agent advises that the cladding will ensure long term reliability and service life, requiring low maintenance. The structure and thermal performance is guaranteed for 25 years and the coating is guaranteed for up to 40 years. The panels are Green Guide A+ rated as per the BRE Global 'The Green Guide to Specification'. An 1800mm timber fence with double gates will screen the site whilst still providing some through visibility for security. The gates will be manually opened. The existing post and wire fence will remain along Pannanich Road and on the north-east site boundary. Signage will be kept to a minimum.

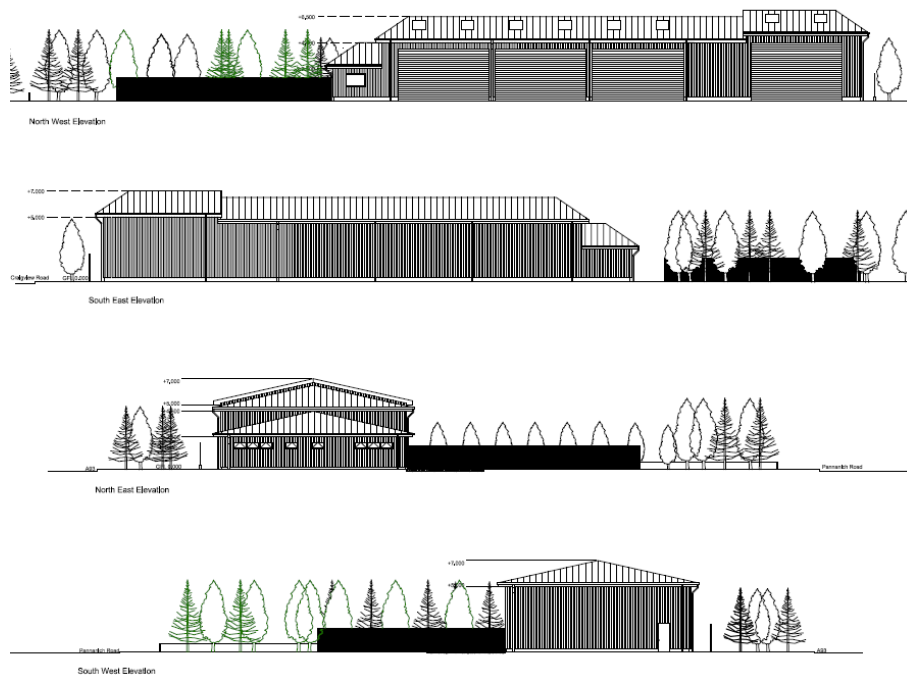


Figure 4: Elevations (Extract from Drawing No 40032-L-003 Rev D – for information only)

7. Further tree planting is to be included in the areas of soft landscaping within the site boundary. The applicant refers to initial advice and recommendations from tree nurseries regarding a landscape plan. It is proposed that trees will be planted at appropriate centres and in a triangular grid format to maximise screening potential but with space for trees to spread and reach full maturity. It is proposed to create a woodland mix which is representative of local pinewoods which can provide both a screening function as well as an attractive landscape for local residents. For example, concentrating Scots pine trees towards the development area to maximise screening while a proportion of other species which are less shade tolerant will be introduced towards the perimeter of the site. Juniper and rowan trees, for example, around the perimeter will add a diversity of colour and form, and their berries will attract birds.

Operation of the Depot

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8. The buses will be stored, re-fuelled and cleaned in the new depot at Pannanich Road. Buses will be stored within the garage overnight which will have particular benefit during the winter. No maintenance facilities are to be provided on site. The depot will include an office for the depot manager and welfare facilities for the bus drivers. Twelve parking spaces will be provided on site for staff.

9. Stagecoach has confirmed that there will be no loss to the service in Ballater as a result of these proposals. The existing bus timetable will remain the same with the first bus leaving Ballater at 05:20 and the last bus returning from Aberdeen at 01:30. The facility manager will be present on site Monday-Friday from 04:30 – 16:00 and a ‘shunter’ from 17:00 – 02:00 to park the buses. Stagecoach will be able to immobilise the reverse alarm on the buses at unsociable hours and will make amendments to their procedures to accommodate this. Members of the public will not have access to the site however the existing bus route and stops will remain unaltered.

10. Based on current bus diagrams, buses can be expected to run in and out of the new depot at the following times. All other services that show bus depot as a timing point will stay on the main road and not come into a new depot. The Braemar outstationed vehicle also does not enter the depot.

Mon - Fri		Saturday		Sunday	
Depart	Arrive	Depart	Arrive	Depart	Arrive
05:25	09:09	05:55	21:30	08:55	00:30
05:50	10:30	06:55	22:30		
06:15	10:44	07:00	23:30		
06:25	11:00	07:55	00:30		
06:30	18:38	08:55*	01:30		
07:50	20:03	09:55			
09:50	21:32				
11:40	23:24				
11:55	23:28				
13:00	00:24				
21:50	01:28				

*The 8:55 bus on Saturday leaves from Braemar, however should it need fuel it might make a stop at the depot in Ballater. It is not expected to be a regular occurrence but worth noting there may be occasional stops.

Table 2:- Bus Arrival and Departure Times

Noise Impact Assessment

11. A Noise Impact Assessment has been undertaken. This involved measuring the background noise at the site and obtaining representative measurements of the source noise (bus movement, reversing alarms, bus-wash facility) and

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modelling the impact of this on the nearest 116 buildings, including 110 residences, with assessment against BS4142 criteria.

12. Model output indicates that noise associated with just movement of bus depot traffic on Craigview and Pannanich Roads into and from the depot will result in:
 - a) Daytime: two residences being impacted at above the +5dB difference level only ('marginal significance') and one impacted at above the +10dB difference level ('complaints likely')
 - b) Night-time: one residence being impacted at above the +5dB difference level only ('marginal significance') and two impacted at above the +10dB difference level ('complaints likely')
13. The report observes that it is understood that the applicant proposes to restrict the use of reversing alarms to day-time periods in order to reduce the noise impact during night-time bus reversing movements. It notes however that the use of reversing alarms during just daytime periods will significantly increase the likelihood/frequency of complaints: the number of residences having a level difference of +10dB or more during this activity is 22.
14. Bus washing activities were modelled on the basis that these would be carried out within the depot building but under two scenarios – with the doors open and closed. This indicated a total of 35 residences would have a level difference of +10dB or more (open doors), reducing to 11 when the doors were closed.
15. Stagecoach has previously indicated that the reversing alarms can be disabled if required and they will look at reviewing their operational procedures to ensure that the safety of staff at the depot will not be compromised as a result. Stagecoach have requested to use the reversing alarms between normal working hours of 08:00 – 18:00.
16. As the noise assessment indicates the level of disturbance from the power washer is significantly reduced when the access doors are closed, Stagecoach have requested to use their washing facilities between normal working hours of 08:00 – 18:00 with the agreement that access doors are closed.

Site History

17. There have been no previous planning applications on the application site. On the 6 June 2008, planning permission was given by Aberdeenshire Council (M/APP/2008/0020) for premises in the Ballater Business Park in Craigview Road for premises for restoration of historic vehicles, workshop/design studio and associated car parking. This was subject to various conditions but no restrictions were placed on the hours of operation. A copy of the Decision Notice is attached as Appendix 3.

DEVELOPMENT PLAN CONTEXT

National policy

18. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
19. Under the heading 'A Connected Place', the SPP promotes sustainable transport and active travel. Paragraph 270 (Policy Principles) states that the planning system should support patterns of development which optimise the use of existing infrastructure and facilitate travel by public transport.
20. The SPP sits alongside four other Scottish Government planning policy documents:
 - a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

21. **Cairngorms National Park Partnership Plan (2012-2017)**

The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
22. Three long term outcomes for the Park are set out as follows:
 - 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.

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These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

23. 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>
24. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. 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.
25. 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.
26. *Policy 25 (Business Development)*: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses, supports or extends existing business, is located within an allocated site identified on the proposals maps, or where the following criteria are met in relation to identified settlements – is located within an existing settlement boundary and supports the economic vitality and viability of that centre.
27. *Policy 29 (Integrated and Sustainable Transport Network)*: developments will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network through the use of methods to reduce car dependency and promotion of sustainable transport modes.
28. *Policy 16 (Design Standards for Development)*: this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy

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16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :

- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
- use materials and landscaping that will complement the setting of the development;
- demonstrate sustainable use of resources;
- protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone; and
- be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

29. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

30. Policy 12 (Water Resources): Includes Section B – Flooding – which states that there will be a presumption against development which does not meet all of the following criteria in relation to flooding:-

1. Be free from significant risk of flooding
2. Does not increase the risk of flooding elsewhere
3. Does not add to the area of land that requires flood prevention measures
4. Does not affect the ability of the functional floodplain to store or move flood waters.

31. The site is located within the settlement boundary of Ballater but is not specifically allocated for development. It is within the 1 in 200 year Flooding risk.

Supplementary Planning Guidance

32. 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 the Sustainable Design Guide, which is relevant to the current application.

Sustainable Design Guide

33. The guide highlights the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient,

comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.

34. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

Proposed Cairngorms National Park Local Development Plan (LDP)

35. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
36. The Proposed LDP includes the following policies:-
- i. Policy 2.3 Supporting Economic Growth – Other economic development – Proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities will be considered favourably where a) it is compatible/complementary with existing business activity in the area and b) it supports the vitality and viability of the local economy and the broader economy of the Park;
 - ii. Policy 3: Sustainable Design;
 - iii. Policy 5: Landscape; and
 - iv. Policy 10.2 Resources – Flooding. All development should a) be free from significant risk of flooding and b) not increase the risk of flooding elsewhere and c) not add to the area of land that requires flood prevention measures and d) not affect the ability of the functional floodplain to store or move flood waters.
37. The policies in the LDP have been reviewed and they raise no new issues that are not already considered in this report. As with the Local Plan, the application site is included within the settlement boundary in the Local Development Plan but is not specifically allocated for development.

CONSULTATIONS

38. Whilst the **Scottish Environmental Protection Agency (SEPA)** had originally objected to the application, the agency withdrew their objection in

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their letter dated 4 November 2014, subject to the following planning condition being imposed:-

‘Detailed designs for the proposed building, including mitigation measures to reduce the impact of flooding, should be submitted for review prior to construction.’

39. In addition, SEPA provided guidance as follows:-
- a) We previously provided comments on this site (PCS/136015) where we stated that further information was required to demonstrate that the building could be designed so that it would not have a negative impact on flow paths through the site, and that flood risk elsewhere would not be increased.
 - b) We received additional information from Fairhurst with details of a small scale hydraulic model that had been carried out for the site. The additional information indicated there is no increased flood risk to properties in the vicinity of the site as a result of the construction of the new bus depot.
 - c) The methodology supporting the work carried out by Fairhurst appears reasonable for this site.
 - d) We note from the maps provided by Fairhurst that any localised increases in depth and velocity at the site are predicted to be minimal. As stated previously we agree that the proposed use of the site is to be a work place with no residential element, and therefore is of low vulnerability.
 - e) The FRA stated that there were proposals to design the building to be flood resistant. We welcome these proposals but request that detailed designs for the building, including mitigation measures, are submitted for review prior to any construction taking place.
40. **Aberdeenshire Council Roads** does not object to the application subject to various conditions relating to the provision of off-street parking, an appropriate visibility splay and surface water drainage, plus informatives relating to statutory undertaker’s plant and a Road Excavation Permit.
41. **Aberdeenshire Council Environmental Health Officer** suggested a series of conditions are attached to any planning permission relating to the type of works and the operational hours. The officer comments that the hours of operation proposed are not unusual for this type of establishment. He advises that noise, light and other problems generated on site can largely be controlled by the standard conditions. He suggests that the arrival of staff by car early in the morning and their departure late at night is likely to cause nuisance to local residents as is the starting up of buses and their leaving the site in the early hours of the morning and returning late at night. He advises that the only way to avoid this completely would be to site the development in an area where there are no houses.
42. Having reviewed the Noise Impact Assessment, the Environmental Health Officer has confirmed to the agent that keeping the washer doors shut and switching reversing alarms off except 08:00 to 18:00 seems a reasonable compromise.

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43. **Aberdeenshire Council Contaminated Land Officer** advises that there is no indication of any past use which might have caused contamination. He has no further comments as a result.
44. **Aberdeenshire Council's Flood Officer's** comments include:-
- a) Details of the drainage proposals for the site are required.
 - b) The building should be designed in such a way as to allow the free flow of water into the vehicular area of the depot during a flood event.
 - c) Recommend that the planning authority satisfy themselves regarding the risk to any refuelling plant during a flood event.
45. **Ballater and Crathie Community Council** advises that the majority of the Committee is in favour of the new Bus Depot development at Pannanich Road, and that they have considered the pros and cons in reaching this decision.
46. The **CNPA Natural Heritage Officer** advises that the development raises no issues in relation to ecology and there is scope for enhancing the site by planting trees to complement existing woodland. She observes that additional planting in the form of semi-mature trees at 5-6m, predominantly evergreens, is proposed and welcomes this. She recommends that Scots pine and broadleaves are planted in accordance with the current British Standard. She also advises that the roots of existing trees should be protected during the construction works.
47. The **CNPA Economic Development Manager** advises that the development has potential for a positive impact on the local economy. There will be a short term benefit to the local community during the construction phase. The development will also ensure the long term continuation of 'life-line' public transport services in the area as well as ensure the retention of employment in a rural community.
48. The **CNPA Landscape Adviser** considers that the development would have a local impact on the landscape and amenity of this part of Ballater but has the potential to be addressed by appropriate mitigation measures. She advises that attempts should be made to reduce the apparent mass of the building by using non-green cladding/more than one colour of cladding/a combination of horizontal and vertical cladding. A combination of greys with the roof being darker than the walls is likely to work best.
49. The Adviser welcomes the tree planting but advises against using semi-mature trees, commenting that semi-mature trees, particularly of this stature, can give an instant effect but are generally slow to put on growth and without a very high level of maintenance over the first few years are vulnerable to die-back and loss. Thereafter specimens are weaker in their growth and more prone to wind damage. To ensure a high level of establishment and good early growth the Landscape Adviser recommends using whips with good ground preparation and fertilising. Any semi-mature trees should be limited to light standards and feathered specimens of no more than 2.5m.

REPRESENTATIONS

50. A total of twenty-six representations have been received in respect of this application.
51. Nineteen representations object to the proposals. Copies are attached as Appendix I to this report. The objections may be summarised as follows:-

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52. Residential Amenity
- a) Industry/business use is inappropriate in a residential area
 - b) There will be noise, floodlighting and fume pollution, which will be worse in winter when buses need de-icing
 - c) The operating hours, especially the late nights and early mornings will affect the people that live there, especially children
 - d) There will only be peace in the middle of the night
 - e) The Ballater Business Park operates with a stringent hours' limitation.
53. Scale/Design
- a) Large tin shed – would prefer single storey stone building with gable ends and a slate roof.
 - b) The view will be detrimental and will impact on tourist businesses
 - c) High stone wall required to screen the industrial estate from the A93 – same should apply to the bus depot.
 - d) Contrary to paras 36 to 39 of SPP
54. Flooding
- a) The Flood Risk Assessment fails to take account of a number of floods in the village in the past, including the severe flood in January 1929.
 - b) Water table is high during wet months and laying of concrete on site will add to that through reduction of flood plain capacity and displacement
 - c) Report makes no seasonal baseline hydraulic survey of the area
 - d) Contrary to SPP 254 to 268 – flooding
 - e) Many insurers turn down the postcode on flooding grounds
55. Pollution
- a) Wildlife in River Dee will be put at risk through pollution from refuelling (storage of fuel) and management of bus washing water.
56. Access/Road Safety
- a) Conflict between residents' cars and bikes and buses and danger to small children in particular
 - b) Entrance to bus depot should be on main road, not off a residential street.
 - c) Could lead to a bottleneck for traffic at the junctions of Criagview Road with Pannanich Road and A93
57. Alternative Sites
- a) No other site on Upper Deeside has been evaluated, so cannot be argued that loss of site will cost jobs
 - b) Suggest the garage in Braemar, which is not on flood plain and currently for sale, and possible sites in Aboyne where land is already available.
 - c) The bus company is currently operating satisfactorily without a depot

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58. Seven of the representations are in support of the proposals. Copies are attached as Appendix 2 to this report. The support may be summarised as follows:-
59. Importance of Bus Service
- a) A reliable bus service that employs a number of local people is vital for the area
 - b) Bus service is vital for those that do not have access to a car
 - c) Provides a service for tourists
 - d) The Mar Area Bus Forum affords an opportunity to raise and address any difficulties
 - e) Ensures the company's presence in the form of a bus depot on Upper Deeside and continues a long established tradition of operator presence
 - f) Service availability and reliability should be maintained.
 - g) Particularly important in depths of winter when the bus service may be the only credible form of transport
 - h) Need a new bus depot to keep the service as good as it can be
60. Employment Issues
- a) Bus company local employment will be retained which ensures that the operating staff contribution to Upper Deeside and Upper Donside is maintained with all the benefits to those concerned.
61. Sustainability
- a) Having the depot in any other locations could have negative effects in relation to increased commuting or loss of employment and consequent loss of contribution to local area.
 - b) Shows the community is not a 'car-only' area
62. Residential Amenity
- a) The bus depot in the heart of the village did not deter residents
 - b) Stagecoach have taken significant steps to address local concerns
 - c) Suggests electric vehicles are considered if late night and early morning noise is an issue
63. Scale/Design
- a) Well-designed bus depot at entrance to Ballater village is something to be proud of
 - b) The new building will provide an up to date facility in keeping with the twenty-first century
 - c) Would be putting an abandoned overgrown field of weeds to good use, including tree planting
 - d) Presence of long established trees should reduce visual intrusion and dampen audible intrusion
64. Location
- a) Bus depot would sit opposite a long established business complex.
65. T Cox and V Jordan have requested to address the committee.

APPRAISAL

66. Under the heading 'A Connected Place', the SPP promotes sustainable transport, including facilitating travel by public transport. The development of the bus depot will support public transport in Deeside and help secure the retention of services within this part of the National Park and is therefore to be welcomed.
67. In terms of both the Local Plan and the Local Development Plan, the site is not specifically allocated for development, albeit that it is located within the settlement boundary. This means that any development must be considered on its merits against the relevant Local Plan policies.
68. It may first of all be noted that the site has not been identified as having ecological value and that none of the representees have sought to retain it in an undeveloped state.
69. Thus the issue then becomes one of whether the proposed use is compatible with the surrounding uses. To the south-west is the Business Park and to the south-east is the A93. On the other two sides, the site is separated from the nearby residential properties by trees and does not directly adjoin any houses. The nature of the proposal is a bus depot which does not include any industrial processes. This must be compared with the proximity of the industrial premises in the Ballater Business Park to residential properties and the designation of this site in both the Local Plan and the Local Development Plan for business uses.
70. Policy 25 (Business Development) specifies that proposals which support economic development will be considered favourably provided they meet certain criteria. The bus depot is compatible with the uses in the existing Ballater Business Park, provides jobs and services for the local area and supports the economic vitality and viability of Ballater by ensuring that the area continues to be supported by public transport services, to the benefit of local residents and businesses. It may therefore be considered that the proposal meets with the requirements of Policy 25 of the Local Plan and Policy 2.3 in the LDP.
71. As the proposal relates specifically to the provision of a sustainable transport network, it is considered that it meets with the requirements of Policy 29 (Integrated and Sustainable Transport Network).
72. In terms of Policy 16 (Design Standards for Development), the architect has designed a functional building meeting high standards of sustainability. Following the comments from the CNPA Landscape Adviser, the applicant is prepared to consider a dark 'slate grey' for the roof and light grey/silver for the walls to complement the light walls of the adjacent commercial units. Consideration will also be given to introducing areas of darker wall cladding panels to break up the mass of the building. Dark blue doors, again to match the existing commercial units would be considered appropriate. The

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applicant would accept that this is addressed by condition. It is considered that the requirements of this policy and Policy 3 in the LDP have been met.

73. The scheme includes a high level of tree planting and landscaping. Whilst the applicant has sought to provide large trees on site for maximum immediate effect, the advice of the Landscape Officer is that this may not be the best approach. The applicant is happy for this to be addressed by condition. It is therefore considered that the requirements of Policy 6 (Landscape) in the Local Plan and Policy 5 in the LDP have been met.
74. SEPA has considered the final Flood Risk Assessment documents and has no objection to the proposals on flooding grounds, provided conditions are applied. Aberdeenshire Council's Flood Officer similarly does not object, subject to conditions. The proposals are therefore considered to meet with the requirements of Policy 12 (Water Resources) in the Local Plan and Policy 10.2 in the LDP.
75. In terms of technical issues, the site is not deemed to be likely to be contaminated and Aberdeenshire Council's Roads Service is satisfied on roads issues provided conditions are attached.
76. This leaves the issue of noise levels from the proposed development, which also relates to the operating hours. Aberdeenshire Council's Environmental Health Officer has not objected to the proposed development, provided various conditions are applied. The applicant has provided a full Noise Impact Assessment and taken steps to minimise the issues that have been identified by agreeing to only use the bus washing facilities during normal working hours and with the doors closed, and to switch off the bus reversing alarms outwith normal working hours. These were identified as the biggest sources of noise associated with the development. In addition, there will be the noise of the buses arriving and leaving and any staff that use cars to travel to/from work, outwith normal working hours.
77. Whilst it is accepted that there will be an impact on noise levels associated with the use of reversing alarms during the normal working day, it should be noted that on a weekday, this relates to 5 buses leaving the depot between 7 am and 1 pm and 4 buses arriving between the same hours. On a Saturday, there are only 3 buses departing between 7 am and 11 am. There are no buses between 1 pm and 5 pm on a weekday and none between 11 am and 5 pm on a Saturday. A condition is proposed requiring that reversing alarms are only used between the hours of 07:00 and 17:00 Mondays to Saturdays and that they are immobilised at all other times.
78. The impact of the development may be considered in relation to other uses as follows:-
 - a) The bus depot operated for many years in Golf Road in close proximity to residential properties. No representations have been received in relation to the current application suggesting that the previous location caused problems to residents.

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- b) The Business Park on the other side of Craigview Road is closer to residential properties than the application site but has been allocated for that purpose in both the Local Plan and the proposed Local Development Plan.
 - c) There is a planning permission on the west side of Craigview Road in the Business Park for premises for the restoration of historic vehicles, workshop/design studio and associated car parking but it has no planning condition restricting the operating hours of the premises.
 - d) The depot site is located next to the Business Park where deliveries are to be expected and it is presumed that no restrictions are placed on these vehicles with regards to reversing alarms.
 - e) Furthermore it is expected that refuse collection and deliveries will service the residential properties without restriction, again using reversing alarms.
 - f) There are similar power-washing facilities operating in Ballater without any time restrictions. These facilities are located externally, whilst the power washer at the bus depot is proposed inside an insulated building.
79. It is therefore considered that the applicant has taken all the steps possible to address any issues relating to noise and that this issue can be addressed satisfactorily by the application of appropriate planning conditions.

CONCLUSION

80. In conclusion, the current development proposals have raised issues relating to flooding and noise in particular but these have been addressed through the course of processing the planning application. As a result, it is considered that the proposals comply with the policies in the Cairngorms National Park Local Plan.
81. The Proposed LDP (as modified) addresses these issues/policies, as noted above. There is no significant difference between the policy intention or tests in the adopted Local Plan and Proposed LDP so the proposal also complies with the policy tests of the Proposed LDP (as modified).

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

82. The proposed development will not have a direct impact on this aim.

Promote Sustainable Use of Natural Resources

83. The timber fence and the landscaping will be sourced locally.

Promote Understanding and Enjoyment of the Area

84. Whilst not directly contributing to this aim, the development will help maintain the bus services in the local area, which provide access for residents and visitors to enjoy the area.

Promote Sustainable Economic and Social Development of the Area

85. The development will help promote sustainable economic and social development of the area by maintaining the local bus services. The development will also support and retain local employment.

RECOMMENDATION

That Members of the Committee support a recommendation to: GRANT PLANNING PERMISSION for the Erection of New Bus Depot to include Staff Welfare Facilities, Manager's Office, Fuel Pump and Bus Washing Facility and Erection of 1.8m High Fence and Gates at Land at Pannanich Road, Ballater, Aberdeenshire, subject to the following conditions:-

Conditions:-

- 1 No development shall commence until detailed designs for the proposed building, including mitigation measures to reduce the impact of flooding, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in conjunction with the Scottish Environmental Protection Agency and Aberdeenshire Council's Flood Officer.

Reason: To ensure that the development does not have an adverse impact on flooding issues.

- 2 No development shall commence until detailed surfacing and drainage proposals for the site have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in conjunction with Aberdeenshire Council's Flood Officer.

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Reason: To ensure that the details are suitable and that the development does not have an adverse impact on flooding issues.

- 3 No development shall commence until a risk assessment relating to the refuelling plant during a flood event has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in conjunction with Aberdeenshire Council's Flood Officer and Environmental Health Officer.

Reason: To ensure that the level of risk of pollution in the event of flooding is acceptable.

- 4 No development shall commence until visibility splays measuring 2.4m x 25m have been formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In the interests of road safety.

- 5 No development shall commence until a revised design for cladding the building, together with samples of the proposed external materials, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that the building is appropriate to its setting, in the interests of visual amenity.

- 6 No development shall commence until a revised and detailed scheme of landscaping and tree planting including maintenance arrangements has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The proposed tree species shall be native to the local area and the trees shall be planted, cared for and maintained in accordance with BS8545:2014. The approved scheme shall be implemented in the first growing season following the completion of the building and maintained thereafter in good condition.

Reason: To ensure that the landscaping and tree planting is appropriate and durable, in the interests of visual amenity.

- 7 Prior to occupancy of development, off-street parking for 7 cars, surfaced in hard standing materials, shall be provided within the site.

Reason: To ensure that there is adequate parking on site in the interests of road safety.

- 8 No maintenance or repair of buses shall take place either within the building or on the site.

Reason: As these uses would not be acceptable in proximity to residential properties due to noise, dust and fumes.

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- 9 No buses shall be parked or stored outside the building.

Reason: To minimise disturbance to residents in the interests of residential amenity.

- 10 Reversing alarms on vehicles using the bus depot shall be only be used between the hours of 07:00 and 17:00 Mondays to Saturdays. The reversing alarms shall be immobilised at all other times.

Reason: To minimise disturbance to residents outwith normal working hours in the interests of residential amenity.

- 11 The bus washing facilities shall be contained within the building and shall only be operated between the hours of 07:00 to 17:00 Mondays to Saturdays, with no use on a Sunday. The doors shall remain closed at all times when the bus washing facilities are in use.

Reason: To minimise disturbance to residents in the interests of residential amenity.

- 12 Where buildings and hard standing are proposed close to existing trees, the root protection areas of such trees must be protected in accordance with BS5837:2012.

Reason: To ensure that the existing trees are not adversely affected by the proposed works.

- 13 Prior to installing any external lighting, details of the level of illumination which will be received at the nearest point of human habitation shall be submitted to and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Aberdeenshire Council's Environmental Health Officer. Any external lighting shall be fitted with movement sensors to ensure that it is only switched on when it is necessary.

Reason: To minimise the disturbance from light pollution to local residents.

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Informatives:-

- 1 In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- 2 All construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and there shall be no work or deliveries of materials on Sundays and Public Holidays.
- 3 Adequate provision to 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.
- 4 Adequate precautions to be taken to protect any Statutory Undertaker's plant which may be affected by the works/development.
- 5 An application for a Road Excavation Permit must be submitted to Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. Note: The Public Road may incorporate- Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes.

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Date 5 December 2014

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