
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Demolition of ancillary buildings, conversion of school to 10 dwellinghouses, reinstatement of schoolhouses to form 2 dwellinghouses, erection of 3 dwellinghouses and 11 flats (affordable houses), formation of access and alterations to boundary walls at Ballater Old School, Abergeldie Road, Ballater, Aberdeenshire, AB35 5RR

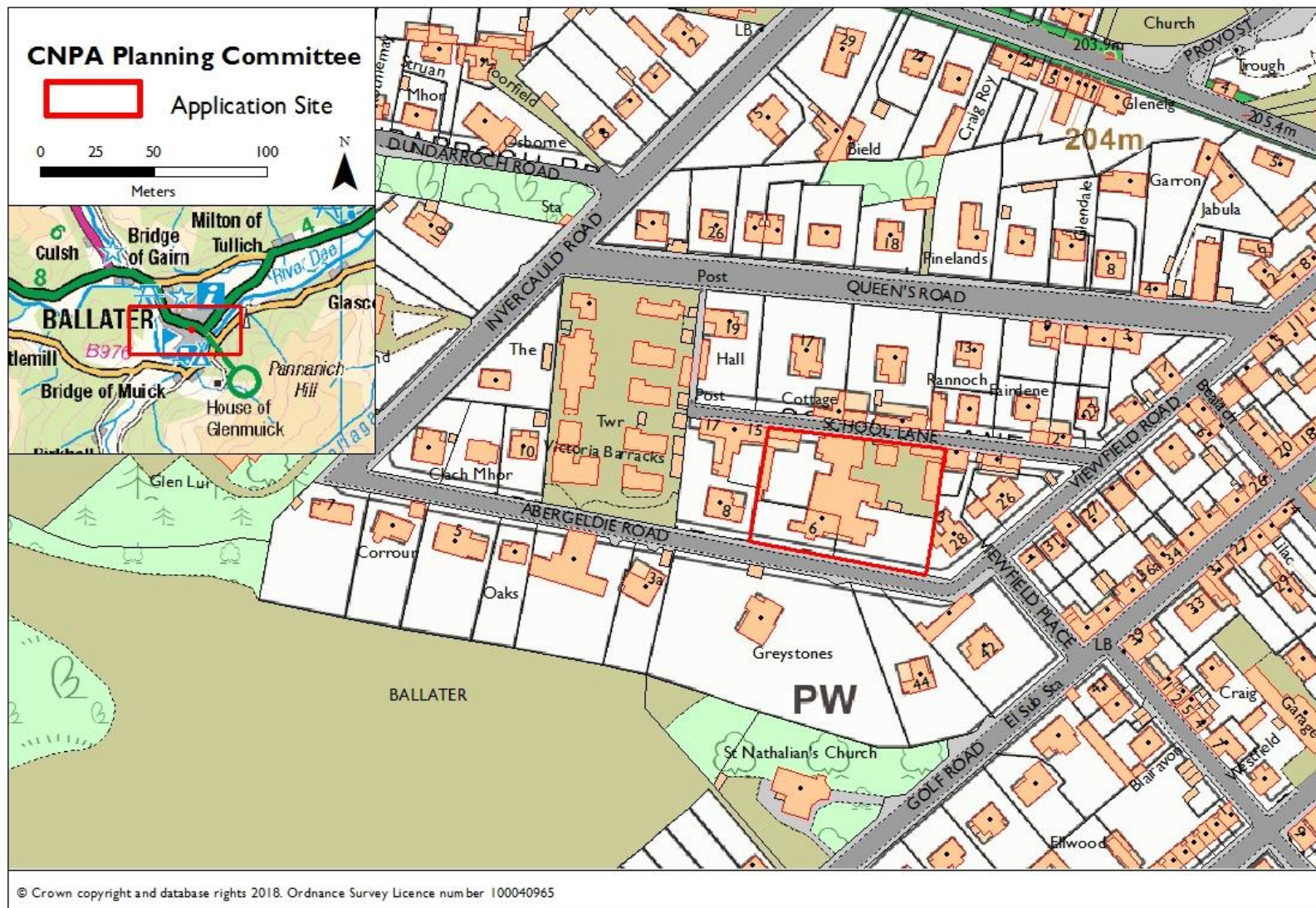
REFERENCE: 2017/0284/DET and 2017/0285/LBC

APPLICANT: Grampian Housing Association

DATE CALLED-IN: 24 July 2017

RECOMMENDATION: Approve Full Planning Permission and Listed Building Consent subject to Conditions

CASE OFFICER: 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 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 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 1a**.
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=OTLOMZSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	001	Dec 15	
Existing Roof/Site Plan	003	Oct 16	
Existing Elevations Sections 1	004 Rev A	Oct 16	
Existing Elevations Sections 2	005 Rev A	Oct 16	
Proposed Roof/Site Plan	012 Rev F	05/04/18	11/04/18
Proposed Ground Floor Plan	010 Rev H	05/04/18	11/04/18
Proposed First Floor Plan	011 Rev F	05/04/18	11/04/18
Proposed Elevations and Sections 1	013 Rev F	05/04/18	11/04/18
Proposed Elevations and Sections 2	014 Rev F	05/04/18	11/04/18
Proposed Demolition	017	July 17	
Proposed Housing Units	015 Rev F	05/04/18	11/04/18
Design Amendments comparison		April 18	11/04/18
Communal Bin Store	B232		
Bike Store Details			
Preliminary Surfaces Layout	102 Rev C	06/04/18	11/04/18
Design Statement		July 17	
Design Amendment Statement		April 17	11/04/18
Re-submission Amendments Summary		Nov 17 and April 17	
Design Amendments Summary		Nov 17	
Proposed Site Massing Images		Nov 17 and April 18	
Planting report by Heather Dale Garden Design			11/04/18
Landscape Concept Plan	Version 1.2	29/11/17	
Heather Dale Garden Design Landscape Concepts Statement			
Tree Survey Report by Struan Dalgleish Arboriculture		Feb 17	
Tree Survey Drawing by Struan Dalgleish Arboriculture			

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Tree Survey Schedule by Struan Dagleish Arboriculture		Jan 2018	
Tree Protection Plan by Struan Dagleish Arboriculture		Jan 2018	11/04/18
Swift Species Protection Plan		Feb 18	11/04/18
Bat Survey Report by North East Nature		June 17	
Bat Species Protection Plan		Feb 18	11/04/18
Drainage Impact Assessment	C2522 Rev C	06/04/18	11/04/18
Preliminary Drainage Layout	101 Rev E	06/04/18	11/04/18
Proposed Cell Locations showing rootspace 1 cell with trees in soft landscape	001 Rev A	Mar 18	11/04/18
Tree pit system installation rootspace under footpath	GBU 2018 Rev A	Feb 17	11/04/18
Swept Paths- Van and Car	100 Rev F	06/04/18	11/04/18
Redevelopment of Former School Site- Viability Assessment statement by Grampian Housing Association			
Advice Note to the CNPA - Response to Ballater & Crathie Community Council's comments in April 2018 re. Grampian Housing Associations Allocations Policy		April 18	03/05/18
Development Case by Grampian Housing Association			
Asbestos Refurbishment and Combined Demolition Survey by Environtec	J346282	Nov 16	
Ground Investigation Report by Green Cat Renewables		21/04/17	
Timber Survey Report by Richardson and Starling		07/04/17	
Traffic Management Plan		Jan 2018	
Ballater School existing visibility splays	B232		
Ballater School proposed visibility splays	B232		
Ballater School proposed access details	B232		

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

9. When the application was first submitted it sought permission for conversion of the school buildings to 10 residential units together with renovation of the schoolhouses to a further two units. A block of eight new 1 ¾ storey flats was proposed in the north east corner of the site facing School Lane, and a pair of single storey houses proposed in the north-west corner of the site. A further pair of 1 ¾ storey houses was proposed in the south west corner of the site facing Abergeldie Road plus a terraced block of three 1 ¾ storey houses in the south east corner of the site facing Abergeldie Road giving a total of 27 units. The originally submitted site layout is attached as **Appendix 1b**.
10. Following discussion the application was revised in November 2017 to reduce the scale of the block in the south west corner to a single storey house, together with removing the easternmost unit of the terraced block in the south east corner of the site in order to try and address concerns regarding the relationship to houses on Abergeldie Road in terms of privacy and overlooking. The total number of units was reduced to 26 and the layout revised to address concerns regarding lack of meaningful green space together with retention of trees which were considered to be important to the local streetscape. The block in the northwest corner of the site was revised to a 1 ½ storey block of three flats. These revisions were advertised in December 2017 and the subject of re-consultation and re-notification of all interested parties.
11. The proposals now 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 26 residential units. All units will be social rented housing provided by Grampian Housing Association. 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 house in south west corner of site facing Abergeldie Road;
 - d) Erection of two 1 ¾ storey houses in south east corner of site facing Abergeldie Road;
 - e) Erection of 1 ½ storey block of three flats in north west corner, two on ground floor one on upper floor, facing School Lane;
 - f) Erection of 1 ¾ storey block of eight flats in north east corner of site facing School Lane.
12. The mix of housing comprises twelve two bedroom properties, eleven one bedroom properties, two 1.5 bedroom properties and one 3.5 bedroom property. Plans of the proposals are attached in **Appendix 1a** 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 School Lane via two existing access points. This element of the development has been the subject of ongoing discussion with Aberdeenshire Council Roads Service in order to try and address concerns with visibility and road safety concerns. As a result of these discussions revised plans were submitted in April 2018 which show the access points widened; gate piers re-positioned; the corners of the proposed new buildings adjoining the access points chamfered; and existing walling lowered to improve visibility from the accesses. It is also proposed to provide kerbed build outs at the junction points in order to try and clarify to users the public, pedestrian and private areas. These proposed access arrangements are illustrated in **Appendix 2**, as is the current visibility provision at the accesses onto School Lane.
14. These revisions to the access arrangements, which included further alterations to the listed wall alongside School Lane, required the applications to be advertised again. All interested parties and neighbours were duly re-notified and relevant consultees re-consulted. The applicants also at this stage submitted further SUDS, landscape and species protection information for consideration. This information provided more detail on these aspects rather than changing the layout. All of this information was part of the package of material re-advertised in April 2018. Plans were submitted to illustrate the evolution of these access changes and a copy is contained in **Appendix 2**. An explanation of the amendments was also provided.
15. Pedestrian access is to be retained to Abergeldie Road with paths laid out within the site to enable all residents to access units from both School Lane and Abergeldie Road.
16. The vehicular accesses from School Lane will serve two parking areas within the site accommodating a total of 28 spaces including 2 disabled spaces and 3 visitor parking spaces. 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. 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. In terms of construction traffic management it is proposed to avoid peak times for deliveries; instruct no parking on School Lane; use banksmen when School Lane has to be used for deliveries; and to drop off materials within the site.
17. Existing stone boundary walls will be retained along Abergeldie Road and on the west and east site boundaries. Low level fencing and hedging is proposed to define those properties which have individual gardens - seven in total fronting Abergeldie Road. All other open space will be communal, and will include two areas of green space running from Abergeldie Road through to the parking areas all as shown on the site plan. It is proposed to retain significant trees fronting Abergeldie Road and also between the new blocks here and the houses on

either side. New landscaping is proposed to compensate for tree loss, and details of tree protection for trees to be retained provided.

18. Two bike stores are proposed in the northern part of the site utilizing existing walling to create a lean to type enclosure. This will serve the whole site via the various paths proposed within the site. Similarly communal bin storage is proposed in covered enclosures on the Abergeldie Road frontage where refuse vehicles are able to pick up waste, with build outs proposed to create a layby type arrangement to facilitate this.
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 and attenuation. This scheme has been updated to include provision for infiltration soakaways within garden spaces and provision of four 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. In terms of energy provision, the potential for ground source heating is being considered along with photovoltaic panels.
20. Although this is not a major planning application as defined in the Scottish Government's hierarchy of development the applicants carried out public engagement including displays in the architects' office in Ballater and public information event.
21. A number of supporting documents have been submitted with the applications including:
 - a) Design Statement;
 - b) Tree Survey;
 - c) Tree Protection Plan
 - d) Timber Survey;
 - e) Asbestos Report;
 - f) Development Viability Assessment;
 - g) Drainage Impact Assessment;
 - h) Landscape Concept Report;
 - i) Bat Survey and Species Protection Plan;
 - j) Draft Construction Traffic Management Plan;
 - k) Swift Species Protection Plan;
 - l) Swept path analysis drawings;
 - m) Massing visualisations.

History

22. There has been no recent planning application on the site. There was pre application discussion with Aberdeenshire Council Planning Service and the CNPA Planning Service input to this process along with other key consultees to outline issues to be addressed with any submission.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	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	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

23. 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>

24. 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 C1 – 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.

Planning Guidance

25. 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	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	X

CONSULTATIONS

26. A summary of the main issues raised by consultees now follows:
27. **Scottish Water** has no objection to the application noting that there is currently sufficient capacity in the Ballater water and waste treatment works. The agency is unable to reserve capacity and the applicant will require to submit a formal connection application after permission has been granted, and the agency will review capacity at that time.
28. **Aberdeenshire Council's Affordable Housing Officer** 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 proposal meets housing need as identified by Aberdeenshire Council's 2017 waiting list and the 2011 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.
29. **Aberdeenshire Council's Environment Planner** was consulted in relation to the Listed Building Application. The officer noted 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.
30. Initial concerns regarding density have been addressed by the applicant's justification for the number of units together with the proposals to drop back the new builds from the building line along Abergeldie Road to reduce their prominence. 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.
31. The application is considered to lack some detail in terms of repair and maintenance work required to the main building and boundary walls and a

scheme of repair and maintenance is required. It is also recommended that the samples of finishes be agreed along with details on internal finishes and any remaining decorative scheme. It is noted that all windows are proposed to be removed and replaced. This should be supported by a condition survey and where replacement is justified large scale section drawings should be provided. Details of any solar panels should also be agreed.

32. Finally, it was considered that the landscaping of the site was 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 was welcomed as is the communal feel provided by keeping boundary enclosures low and visually permeable.
33. The Environment Planner was consulted on the revised proposals from November 2017 reducing the number of units, and considered this to be an improvement on the original scheme with the further reduction in particular along Abergeldie Road allowing the original building to increase its dominance on the site.
34. Following submission of the revised plans in April 2018 showing repositioning of gate piers and further lowering of the roadside wall along the School Lane frontage the Environment Planner was consulted again. The Officer has noted that, whilst this walling is an important aspect of the character of the site defining the original boundary to the school and providing a degree of privacy for the school yard, School Lane is the least prominent of the elevations with very little wider streetscape impact. It is further noted that although the proposed changes will have a negative impact in relation to loss of original fabric and detailing this has been robustly justified in relation to road safety requirements.
35. It is considered that the positive impact of the development in terms of a bringing a listed Building at Risk back into use helps outweigh any negative impacts in terms of alterations to the wall. Finally, the Officer highlights that the construction and detailing of the walls and pillar must be as close to the original so as to ensure that any negative impact is minimised.
36. **Aberdeenshire Council's Roads Development Service** was consulted on the original submission and objected on the basis of insufficient parking provision, insufficient visibility and road safety concerns.
37. The Service noted at this time that Abergeldie Road can accommodate some on-street parking, as it is relatively wide and has few driveways since the existing house are set back from the road and have large frontages. School Lane is narrower, has a very narrow footway along its length and is a lengthy cul-de-sac with only a very small turning area at its end that can barely accommodate a car. Additional parking could cause access difficulties for larger vehicles and for properties on the opposite side of the road. Additionally, that part of Abergeldie Road beyond the site frontage and the whole part of School Lane along the site and beyond fall within a controlled parking zone that prohibits parking on-street between 1st August and 31st October when the nearby Victoria Barracks are

occupied. Consequently if the development were to depend on on-street parking along the site frontage, that would not be available within the restriction period.

38. Following submission of the revised layout in November 2017 the Service was re-consulted and advised that the parking provision was satisfactory on the basis that the parking within the site is unallocated i.e. parking spaces are not allocated to individual properties.
39. Their concern in respect of road safety and visibility remained in relation to the accesses onto School Lane, noting that the visibility splays which were indicated on the revised plans were not achievable on site. Following a site meeting the applicants provided plans to more accurately show the extent of visibility which could be achieved at each access point together with swept path analysis plans to show how the accesses could be used by service vehicles and cars. A draft traffic management plan was also provided to explain how construction would take place in terms of road safety, traffic and amenity issues.
40. Further discussion took place as to how best to address visibility and road safety concerns and the applicants submitted additional material for consideration in April 2018.
41. The Service were duly re-consulted and have confirmed again that the parking provision is acceptable whilst noting this is based on the assurances given that parking spaces will not be allocated to particular households thereby giving flexibility for sharing of spaces between those parties who may not have a car and those who may have more than one. They highlight that this will need management and the applicant should perhaps explain how this will be done in practice.
42. With regard to the roads layout the Service has now confirmed that they do not object to the application subject to planning conditions being applied requiring surfacing of accesses, parking areas and implementation of access works onto School Lane prior to occupancy of any houses.
43. The Service has noted that the revised plans, showing alterations to the accesses onto School Lane, have eased turning manoeuvres for cars entering and leaving the site and provide adequate turning space for larger service vehicles. It is further noted that this could be affected by overspill parking onto the lane whereby the impact of the development will be dependent on the degree of management that the applicant can exercise regarding the parking demand of their residents. It is recommended that the applicant explain to the satisfaction of the Planning Committee how this may be achieved.
44. **Aberdeenshire Council's Waste Management Service** has reviewed the revised proposals and confirmed that the refuse bin provision for the flats, comprising communal refuse and recycling bins, is satisfactory providing there is an assurance that the site will be factored and the bins presented to the kerbside for collection.

45. **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. If the application is approved they wish a condition to be attached requiring the surface water drainage system to be provided and maintained in accordance with the submitted details. The Team were re-consulted on the revised plans and have no additional comments to make.
46. **Aberdeenshire Council's Education and Children's Service** advise that Ballater Primary School and Aboyne Academy have capacity for pupils generated by the development.
47. **Aberdeenshire Council's Archaeology Team** has requested that a condition be attached 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.
48. **Aberdeenshire Council's Scientific Officer** was consulted in relation to contaminated land issues. The Officer has advised that there is no indication from their records or the site investigation report that there is likely to be contamination present so no further information is required. It is however noted that fuel storage tanks and asbestos containing materials are present on site. This should be highlighted to the applicants by way of information notes as to procedures to be followed.
49. **CNPA Landscape Advisor** commented on the original submission noting that this part of Ballater has a strong and distinctive character. There is a variety of house styles, the density is not high and there are many mature trees set within gardens that contribute to the overall character. The site itself is noted as being one of the larger buildings in the areas with a number of mature and semi mature trees, largely facing Abergeldie Road, making a significant contribution to the tree structure within the street scape. It was noted that the density of housing reduced land available for green space and the planting of significant trees to mitigate the harder elements of the development and retain a sense of space was recommended. It was concluded that the effects on the site and immediate surroundings would be adverse with a loss of the integrity of landscape character. Recommendations were made to omit some units facing Abergeldie Road and to provide detailed landscape and tree protection plans to achieve an overall enhancement to the "gardenscape."
50. Following submission of revised plans which sought to address the above comments by reducing the amount of units on the Abergeldie Road frontage the Landscape Advisor was re- consulted and made comments on some points of details relating to the need for further detail on tree protection, and tree species choice to provide a stronger feature within the scheme.
51. The recent submission in April 2018 of additional material relating to landscaping and tree protection has now been considered by the Officer who has confirmed that the tree protection proposals are generally acceptable subject to some

points of detail regarding avoidance of unnecessary excavation within the vicinity of protected trees. (In the event of the application being approved this could be addressed by an appropriately worded planning condition.) Previous comments regarding the landscape scheme still stand and a detailed scheme will be required which can again be addressed by planning condition.

52. **CNPA Ecology Advisor** commented on the original submission noting that a full bat survey had been conducted which found bat roosts in the main school building whereby a Bat Species Protection Plan would be required. This was provided and details provision of alternative bat roosting opportunities (bat boxes) or provision for bats to continue to access the roofs (bat slates) Further mitigation was sought in relation to (1) ensuring that works to the roof of the main building are be carried out outwith the bat activity period (April to September inclusive) unless a further bat survey is undertaken and (2) bat slates to be installed during roof renovation and bat boxes to be in places before works commence . A recommendation for further enhancement by way of installing internal bat boxes into new buildings was also made.
53. The officer also recommended that the lighting plan be amended to take full account of impacts on bats by reconsideration of a lighting column close to the bat roosts, and that a Swift Protection Plan be provided. Similarly to the Landscape Advisor, it was recommended that more trees be retained and green space provided in order to improve ecological value and bat foraging habitat. A Tree Protection plan was requested along with amendments to the SUDS scheme to help deliver biodiversity and amenity benefits. The proposed SUDS scheme was noted to involve the use of permeable paving leading to an attenuation tank, and the use of vegetated swales in communal open space and hydro trees was recommended in order to deliver these multiple benefit.
54. Following submission of additional material in April 2018 the Officer has confirmed that the revised bat species protection plan has addressed previous comments and a condition should be imposed to secure compliance. Similarly the submitted Swift Species Protection Plan has addressed point raised subject to a condition being imposed to secure compliance and details of a single swift brick into one of the new buildings. The revised SUDS scheme is welcomed.
55. **CNPA Outdoor Access Team** is satisfied that opportunities to encourage active travel are being considered and accommodated.
56. **Ballater Community Council** was consulted on the original submission, and held an emergency meeting to discuss the proposals. This was attended by twenty people representing residents of Abergeldie Road and School Road. All parties supported the concept of affordable housing and the redevelopment of the old school, but concern was raised regarding density, insufficient parking space, lack of green space and poor quality of accommodation in terms of size of units. Concern was also raised regarding proximity to existing housing, loss of privacy and light, inadequate drainage system, proposals to remove asbestos from site, unsuitable access roads, creating social divides by clustering housing in this way, and the design of the development in a Conservation Area.

57. The Community Council concluded that they fully supported the re-development of the old school and provision of affordable housing and in representing the community were passing on these concerns, in particular in relation to overdevelopment, requesting that they be addressed and a site visit by the Planning Committee undertaken.
58. Following the re-advertisement of revised plans in December 2018 the Community Council advised that they did not consider the submission addressed previous concerns and objected to the proposals. Whilst noting support for the principle of affordable housing on the site they object on the basis of there being too many units for the site with no housing allocation policy for those living within the area. Reference was also made to existing congestion in Ballater since the Coop amalgamated to one shop which it was considered would be made worse by the proposed development. Concern was also raised as to why it is considered acceptable to lower walls on School Lane to gain access yet not on Abergeldie Road which would provide safer access.
59. The Community Council were consulted on the revised submission in April 2017 detailing access improvements. They advise that they object to the application, their fundamental objection relating to the density of the development. They also confirm that their concern regarding access arrangements remains, and that they do not consider that the proposed alterations will be viable in practise.
60. They have raised an additional concern regarding that the allocation of affordable housing will not be to those residing in Ballater. They conclude that a revised design should be sought that will meet local need for affordable housing, is sympathetic to neighbouring properties, is supported by the local community and allocated to residents of Ballater area.
61. All responses are attached as **Appendix 3**. The Community Council has requested to be heard at Committee.

REPRESENTATIONS

62. The applications were advertised in the local press and Edinburgh Gazette when first submitted. A total of 26 representations from 22 separate parties were received which are attached as **Appendix 4a**. Two of these were on behalf of other residents who countersigned material submitted. Whilst some contributors highlighted that they did not object to the principle of housing development on the site all representations objected to the development as proposed.
63. Key concerns are summarised as follows:
- a) Overdevelopment – with some residents commenting on how the density could be reduced through removing some of the units with other more appropriate schemes possible;

- b) Inappropriate scale of development in relation to adjoining housing, local environment and old school;
- c) Loss of trees;
- d) Proposed lighting may affect dark skies aspirations for Ballater;
- e) Number of units has been based upon financial viability as opposed to local needs;
- f) Insufficient parking space leading to overspill onto adjoining roads, with concerns raised as to how visitor parking provision will be enforced;
- g) Lack of green space;
- h) Poor quality of accommodation in size terms;
- i) Greater mix of housing types is required – too many one room properties provides no room for families to grow and so sustain the community;
- j) Loss of privacy, light and amenity for adjoining houses, and poor relationship to adjoining houses in terms of scale;
- k) Access roads unsuitable for development including at construction stage and also for delivery vehicles, emergency vehicles and bin lorries – this will adversely affect residents and existing businesses in vicinity;
- l) Potential damage to properties on School Lane from extra traffic;
- m) School Lane and Abergeldie Road are subject to parking restrictions for security reasons from August to October which should be considered;
- n) Drains in area back up – unsuitable for further development;
- o) Conditions in titles of land require development to be of benefit to community of Ballater;
- p) How can developer ensure houses are allocated only to community of Ballater – also proposals do not accord with Community Council assessment on affordable housing needs in Ballater;
- q) Asbestos removal and safety issues;
- r) Social divide will be created by proposal for cluster of affordable housing in congested manner;
- s) Design not sufficiently sympathetic for Conservation Area. Scale, layout and massing also unsympathetic to listed building and walls;
- t) Finishes and detailing (such as bins and drying areas) not appropriate to area;
- u) Alternative options should be looked at for the site for community facilities with adequate designated housing land already available in Ballater;
- v) Road safety – School Lane is narrow cul de sac unsuitable for increased traffic – Abergeldie Road more suited for new access points;
- w) Unsuitable waste management arrangements – people will not take bins from School Lane side to Abergeldie Road for collection;

64. Nine parties have requested to be heard at Committee.

65. Following submission of revised plans in reducing the number of units to 26 and revising the layout all as outlined previously the applications were re-advertised and all interested parties and neighbours re-notified in December 2018. A total of 14 representations were received. All contributions are attached as **Appendix 4b**. Additional comments related to the following concerns:

- a) Even less car parking now proposed;
- b) Greater impact on School Lane residents as result of changes to layout;

- c) Boundary walls at Abergeldie Road offered more protection than walls, road safety and residents on School Lane;
 - d) Report previously commissioned by Aberdeenshire Council for redeveloping this site came forward with range of options none of which proposed more than 14 residential units and were better suited to site.
66. As noted earlier, following submission in April 2018 of revised proposals for access arrangement onto School Lane (including further lowering of walls and repositioning of gate piers) the applications were re-advertised again and all interested parties and neighbours re-notified. A total of 13 representations were received. All contributions are attached as **Appendix 4c**. All those who objected previously and have responded again have confirmed that previous concerns are not overcome. Additional concerns raised are as follows:
- a) Concern raised that mutual boundary wall to Roslin Lodge may be lowered with these proposals so causing damage; particularly so since previous test bores in the area caused cement to loosen on this wall;
 - b) Parking will cause potential air and noise pollution detrimental to health of residents.

APPRAISAL

67. The following is a joint report for Planning Application (2017/0284/DET) and Listed Building Consent application (2017/0285/LBC).

Principle

68. The principle of housing development within a designated settlement is well established by Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2015. This sets out in Policy 1.1 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. This is reinforced by Policy 1.8: 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 1.4: 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.
69. 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, provided using redevelopment opportunities where possible. Again the proposed development readily supports all of these objectives.

70. 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.
71. 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 building 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.
72. In these overall circumstances the principle of this development is welcomed and complies with policy providing the design, servicing and layout of the proposals is satisfactory and this will be considered now.

Landscape, Siting and Amenity Issues

73. 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.

74. 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. This also enables key trees to be retained which are an important feature of the streetscape here. The existing roadside walling will also be retained.
75. 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 visibility from the 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.
76. Sufficient 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 to date 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 the case. The proposed green space, as well as providing amenity space for the new residents, will secure biodiversity connections for wildlife including bats.
77. On this basis in landscape terms the application is considered to comply with Policy 5: Landscape.
78. 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.
79. The proposed site layout shows four new residential blocks in the four corners of the School 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.
80. The housing layout along the Abergeldie Road frontage now achieves reasonable separation distances from the existing houses on either side (which have some windows looking to the application site) whereby there is no loss of residential amenity or privacy, with green space now separating the new houses from existing. In addition there are no windows in the new housing overlooking the existing houses. 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 with Policy 3: Sustainable Design.
81. 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.

82. 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 bearing in mind the previous use of the site, the existing buildings on site, the relationship to existing housing, and the proposed layout which makes adequate provision for amenity space. Furthermore 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.
83. In these circumstances it is considered that the proposed layout offers a good living environment for future residents with a balance provided between converting an older building productively and providing new purpose built housing.
84. Accordingly the application is considered to comply with Policies 1: New Housing Development and 3: Sustainable Design.

Design and Cultural Issues

85. 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.
86. 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. The boundary wall fronting Abergeldie Road is to be retained with this frontage providing pedestrian access in line with the existing situation and history of the site.
87. The boundary wall to the rear on School Lane is to be lowered with gate piers repositioned to improve visibility at the existing access points. This is considered to be acceptable in design terms as these are not the frontage walls of the site and a balance requires to be struck between road safety and cultural heritage requirements in order to help facilitate the re- use of the building.
88. The new 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. Appropriate

external finishes are 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.

89. The setting of the building will be conserved and enhanced by the retention of existing trees and provision of new landscaping, together with care over hard landscaping and boundary treatments as outlined in the landscape section earlier.
90. Overall it is considered that the development will bring back an important cultural asset into an appropriate use in a 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.
91. 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

92. 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.
93. 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 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 with the revised details which incorporate use of soakaways and trees as part of the solution which is greatly welcomed.
94. Appropriate planning conditions can be attached to cover 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.
95. 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
96. In this case appropriate investigation has now been undertaken and Aberdeenshire Council's Scientific Officer is satisfied that there is unlikely to be contamination. Advice has been 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

97. 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.
98. 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 a number of objectors have referred to existing problems with the capacity of the public system in this part of Ballater this is not borne out by the comments of Scottish Water. The applicant has contacted Scottish Water regarding the points raised by objectors on existing problems with the drainage system and have advised that there is an existing issue which the Agency require to address. This is not a matter which should affect the current proposals which are not related to, or causing, these issues.
99. 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.
100. 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.
101. In these overall circumstances the application is considered to comply with Policies 3: Sustainable Design and 10: Resources.

Developer Contributions

102. 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.
103. 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.

104. In these circumstances the proposed development is considered to comply with Policy 11: Developer Contributions.

Access, Parking and Sustainable Travel Issues

105. 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.
106. 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.
107. 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.
108. Whilst there is capacity for on street parking on Abergeldie Road, as noted by objectors, 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.
109. With respect to off street parking the layout makes provision for sufficient parking for the level and type of units. The applicants have also 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.
110. The comments of Aberdeenshire Roads Service are noted in relation to the importance of the applicants managing the parking needs of their residents. This point is appreciated and it considered that by imposing a condition requiring that parking spaces are not expressly allocated to individual properties this can be satisfactorily addressed, enabling residents to share parking spaces as is the case with other schemes operated by the applicants. It is also appreciated that there are no restrictions such as yellow lines preventing residents from both existing

and proposed developments parking on School Lane. However should the local community identify problems in the future with on-street parking by tenants of the development they will be able to contact the applicants who as a social housing provider are in a better position to discuss such issues with their tenants than would be the case if the housing were privately and individually owned.

- I 11. In these overall circumstances the parking provision is considered to comply with Policy 3: Sustainable Design.
- I 12. 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 two existing accesses onto School Lane which served the original school use and then served the subsequent outdoor centre use. This approach is proposed as it uses existing openings and reflects the history of the site and listed buildings, as opposed to making new vehicular openings onto Abergeldie Road.
- I 13. The new proposals will intensify the use of the site and the majority of residents, other than those living in the schoolhouses, will take vehicular access from these access points. Accordingly the applicants have made considerable efforts to try and improve the access points to a level where improved visibility is achieved and have provided swept path analysis plans to demonstrate how this will work in terms of delivery vehicles and also to allow two cars to pass. As noted earlier this will involve widening the existing access point, lowering roadside walls, re-positioning gate piers and adjusting (or chamfering) corners of the new blocks on the School Lane frontage. These proposals are set out in **Appendix 2** and Aberdeenshire Council Roads Service has confirmed that these arrangements are satisfactory subject to the improvements being implemented and also subject to management of car parking to avoid overspill onto School Lane.
- I 14. Whilst appreciating the concerns expressed by contributors regarding access from School Lane it is considered that it should be borne in mind that these are existing accesses serving existing buildings which are being improved in terms of width and visibility through lowering walls and moving gate piers. Also that traffic speeds in this area will inevitably be low due to the configuration of the lane with a pattern of access openings in high walls. It is also considered that this may mean that users are more likely to exercise care in any event, arguably due to the historic layout resulting in traffic calming.
- I 15. It is considered that that the overall approach has achieved a balance between the townscape considerations of having buildings lines which follow the established character of School Lane whilst also achieving the need to improve access to the site, bearing in mind that the configuration of School Lane will itself ensure that traffic speeds are low.
- I 16. Consequently the proposed access improvements are considered satisfactory in both land use planning and road safety terms whereby the proposals as revised in April 2017 now comply with Policy 3: Sustainable Design.

Other Issues Raised in Consultations and Representations

117. The majority of points raised by contributors have been addressed throughout this report. However there are some issues which have not been covered.
118. Firstly an issue which has been raised by both contributors and the Community Council is that of housing allocation. Concern has been raised that the allocation of housing is not controlled to local needs, with queries also raised as to the need for the housing in relation to local need. In this regard the allocation of the houses will be 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. However in response to this concern the applicants submitted an advice note which explained that due to legislative issues which apply to all social landlords they could not guarantee that 100% of the housing would be allocated to people from Ballater – however local people would have the same priority as others. They have also highlighted that there may be people who wish to return to Ballater having moved due to lack of housing and have reiterated previous offers to work with the community to encourage local people to apply for housing. Finally they have noted that the Aberdeenshire Council Housing Manager (Options and Homelessness) has indicated that the Council are currently trialling local letting initiatives and would be happy to consider this for Ballater.
119. Potential alternative proposals and layouts for the site are also referred to by contributors. However it is the current application which is being considered in terms of whether it complies with planning policies and that is what falls to be considered here. Concern is also raised regarding the clustering of affordable housing in one place. This is not considered to be a valid land use planning reason to resist an application for housing which is well located and brings an existing building back to use. There is no policy reason to resist an application on this basis. Indeed policy supports provision of affordable housing, which in this case is indistinguishable in design terms from private units. The mix of housing has also been raised in respect of too many small properties and what happens when families grow. The housing is a mixture of mainly one and two bedroom properties which has been developed to meet housing needs and is considered to be an appropriate mix for the site.
120. Concern has also been raised regarding the impact of the new development upon dark skies in the area. As the site is located within the settlement it is not considered that this is a land use planning concern in this instance. However in the event of the application being approved conditions are recommended regarding the detail of lighting to ensure that there is no impact on bats. An additional concern related to noise and air pollution arising from the parking areas beside residential properties. This is not considered to be a particular issue given the level of parking (28 spaces) within an existing settlement

121. A final point made by the Community Council relates to parking issues arising in Ballater as a result of the new Coop which could be aggravated by the development. In this regard it is considered that the proposed development should only be required to address its own parking needs and given its location it is not considered likely that it will impact on the parking around the village core.
122. Finally concern has been raised by residents relating to potential damage to property during construction stage. The applicants have submitted a construction traffic management plan which seeks to demonstrate how traffic will be managed and this is considered to be satisfactory in principle. Should there be any damage to property this will be a matter between the property owners and the developers as opposed to a land use planning issue. It is also noted that there are no proposals to alter the mutual boundary walls to the east and west of the site.
123. All other matters raised by consultees and contributors have been fully addressed in this report.

CONCLUSION

124. 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.
125. 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, parking and water supplies and environmental issues have been satisfactorily addressed. Following submission of revised access details the development can now also be appropriately accessed.
126. In these circumstances the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park and approval is recommended subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee

(1) support a recommendation to GRANT Full Planning Permission for the demolition of ancillary buildings, conversion of school to 10 dwellinghouses, reinstatement of schoolhouses to form 2 dwellinghouses, erection of 3 dwellinghouses and 11 flats (affordable houses), formation of 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 demolition of ancillary buildings, conversion of school to 10 dwellinghouses, reinstatement of schoolhouses to form 2 dwellinghouses, and formation of 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 2017/0284/DET

1. **No development shall commence until details of the proposed maintenance arrangements for the approved scheme for the disposal of surface water by means of a SUDS scheme have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Flood Risk and Coastal Protection Team. The surface water drainage arrangements shall thereafter be 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 before any residential unit is occupied. 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.

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 revised 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 details of the arrangements for the presentation of communal waste and recycling containers have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Waste Management Service. Thereafter 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

5. **No development shall commence until protective barriers/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, subject to the caveat that, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, path construction under Scots Pine 5083 shall be by “no dig” construction and there shall be no wooden edge to the path in this location.**

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.

6. **No development shall commence 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) **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.**
- b) **Samples of all materials to be used in the development including sample panel of proposed harling and surfacing of parking areas.**
- c) **Details of the construction and detailing of the alterations to walls and pillars along School Lane – these details to reflect the requirement to be as close to the original as possible**

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.

7. **No residential unit shall be occupied until the visibility and access widening works at the access points onto School Lane 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.

8. All construction works shall be implemented in accordance with the approved Construction Traffic Management Plan.

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. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 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.
8. 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.
9. 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.
10. 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.
11. 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
2017/0285/LBC**

- I. No development shall commence 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) Scheme of proposed repairs and maintenance works for existing buildings, bell cot and boundary walls including specification of any proposed lime works including samples. If this scheme demonstrates that extensive repointing is required then a sample section shall be carried out on site and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Environment Team to confirm the proposed approach before work starts on any repointing;**
 - b) Details of proposed internal finishes and detailing including any remaining decorative scheme. Guidance should be sought from Historic Environment Scotland's Managing Change Guidance Note on Interiors;**
 - c) 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;**
 - d) Condition survey of existing windows. Where replacement windows are is justified by the condition survey details of the new windows to be provided including large scale elevation and section drawings sufficient to show new window detailing, dimensions, glazing patterns, ventilation and opening methods. This shall include any conservation roof lights and guidance should be sought from Historic Environment Scotland's Managing Change Guidance Note on Windows;**
 - e) Samples of all materials to be used in the development including sample panel of proposed harling and surfacing of parking areas;**
 - f) Details of the construction and detailing of the alterations to walls and pillars along School Lane – these details to reflect the requirement to be as close to the original as possible.**

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 development shall commence until a level 1 archaeological standing building survey of the extant buildings and structures on the site has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Archaeology Service. (The scope of the survey to be agreed with the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Archaeology Service and must be in digital format).**

Reason: To ensure that a historic record of the buildings is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record, In order to record the archaeological and historic interest of the site in accordance with Policy 9: Cultural Heritage of the 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

1. 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.