
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNER, DEVELOPMENT CONTROL

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR CHANGE OF USE OF AND ALTERATIONS/EXTENSIONS TO HOTEL TO FORM 35 FLATS AND ASSOCIATED COMMUNAL FACILITIES (INCLUDING DEMOLITION OF ADJOINING DWELLINGHOUSE), MONALTRIE HOTEL, BALLATER

REFERENCE: 04/213/CP & 04/214/CP

APPLICANT: MR. & MRS. DAVID VERNEY, TULLICH HOUSE, BALLATER

DATE CALLED-IN: 7 MAY 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The Monaltrie Hotel is a Category C(S) Listed Building (local significance) located on the north banks of the River Dee on the south eastern edge of the Ballater Conservation Area. It occupies a prominent position adjacent to the bridge over the Dee when approaching from the South Deeside Road. The North Deeside Road forms the north boundary of the hotel site. The building has four floors, including a lower ground level, and its main entrance faces north westwards towards the public road. Open parking areas also exist on this side. Adjoining the hotel on its north east side is a single storey dwellinghouse known as the "Tink House". This building was formerly a bar but is currently used as a self catering holiday house. Further to the north east on this side, there is some grassed areas and a detached shop building which is occupied by McEwans of Perth. The hotel has some garden areas to the south west side below the level of the bridge and there is one mature tree located in a central position. A footpath which runs along the riverbank, passes under the bridge and in front of the hotel before emerging between the "Tink House" and McEwans of Perth.
2. Following concerns about the original submission, an amended scheme was submitted. Neighbours were re-notified and the application was re-advertised. The proposal is to remove the interior of the building and its roof, reconstruct these elements, and build two new wing extensions on the north east side which will require the demolition of the "Tink House" and some other newer additions. This will form 35 flats in total (27x2no. bed, 5x1no. bed & 3x3no. bed). Twelve of the units will be formed in the new build wings and the rest within the walls of the original building. Some car parking and communal facilities such as games room, laundry and locker rooms are also proposed on the lower ground level. Parking areas for 45 cars are proposed mainly adjacent to the road and to the north east side. A central glazed atrium is proposed over the internal communal stair, foyer and courtyard circulation areas.

DEVELOPMENT PLAN CONTEXT

3. There are numerous planning policies which relate to this proposal and these are contained in the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST)** and the **Finalised Aberdeenshire Local Plan 2002**. In the structure plan, **Policy 6 (Tourism)** encourages tourism and related proposals where they are compatible with policies to safeguard and enhance the built and natural environment. **Policy 11 (General Housing Considerations)** seeks to direct housing preferentially to brownfield sites within settlements and ensure new housing developments; make a positive contribution to sustaining the community through sensitive siting and design; offer a choice of residential environments and house types; and take account of the

availability of infrastructure, services and facilities. **Policy 13 (Developer Contributions)** requires developers to address the impacts brought about by their developments by providing appropriate contributions towards the cost of infrastructure, community facilities, and any other elements. Contributions will be related to the scale and kind of development.

4. **Policy 14 (Affordable and Special Needs Housing)** seeks to secure appropriate levels of affordable and special needs housing. **Policy 19 (Wildlife, Landscape and Land Resources)** states that development that will have an adverse effect on an International Designation, such as a Natura 2000 site (River Dee is designated as such), will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social, environmental or economic nature. **Policy 20 (Built Heritage and Archaeology)** seeks to conserve and promote the built heritage of the North East as a valuable non-renewable resource. Local Plans should protect the integrity and setting of Listed Buildings and protect and enhance Conservation Areas. **Policy 21 (Design)** seeks to improve the general standard of design, including, amongst other things, environmentally friendly layouts, energy efficient designs, habitat enhancement, and the use of sustainable materials. **Policy 22 (Water Management)** directs developments away from areas at significant risk from flooding. In appropriate cases, developers shall be required to provide Flood Risk Assessments. Developers are also required to deal with surface treatment in a sustainable manner.

5. In the local plan, **Policy Env\1(International Nature Conservation Sites)** states that development that would have an adverse effect on Natura 2000 sites will be refused, unless the developer proves that certain criteria are met. **Policy Env\15 (River Engineering Works)** states that river engineering works that would have an adverse effect on water quality, quantity or flow rate, riparian habitat, protected species or floodplains will be refused. **Policy Env\17 (Conservation Areas)** seeks to protect the special character and setting of Conservation Areas from detrimental development. New development must be of the highest quality. **Policy Env\18 (Listed Buildings)** seeks to protect the listed character, integrity and setting of Listed Buildings. Alterations and extensions must be of the highest quality and respect the original structure in scale, setting, design and materials. Sympathy will be given to the principle of development where it is proved to be essential for securing the viable use of a Listed Building. **Policy Env\22 (Public Access)** states that development which will have an adverse effect on any existing or proposed public access will be refused, unless it retains the access while maintaining its amenity value, or alternative access provision is secured. **Policy Hou\8 (Affordable Housing)** states that housing development will be approved in principle, and subject to compliance with other policies, if a contribution is made towards the provision of affordable housing. The

general level of provision will vary according to the area but is likely to be around 35%.

6. **Policy Inf\2 (Parking, Servicing and Accessibility)** states that development will require to be, amongst other things, in compliance with maximum parking standards, and accessed conveniently and safely with minimal impact on the character of the site and the surrounding area. **Policy Inf\4 (Drainage and Water Standards)** supports development where it will not overload existing mains infrastructure and where requested, a Drainage Impact Assessment is provided. **Policy Inf\5 (Sustainable Urban Drainage Systems)** requires surface water treatment to be dealt with in a sustainable manner. Flood Risk Assessments will be required where flooding can be expected. **Policy Gen\1 (Sustainability Principles)** requires development to be assessed against sustainability indicators that relate to the local environment, community and economy. **Policy Gen\2 (The Layout, Siting and Design of New Development)** sets out criteria for the siting and design of new development against which a new development will be assessed. **Policy Gen\3 (Developer Contributions)** seeks a fair and reasonable contribution from the developer, in cash or kind, towards the cost of public services, facilities and infrastructure and the mitigation of environmental impacts. **Policy Gen\8 (Flooding)** states that development on land at risk from flooding, will be refused unless certain criteria are met, including the submission of a Flood Risk Assessment. Due to continuing changes in climatic patterns, the precautionary principle will apply.
7. In addition to these local policies, important national policies relative to the proposal are found in **The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998**, **SPP7 (Planning and Flooding, 2004)**, **PAN 69 (Planning and Building Standards on Flooding, 2004)**, **PAN 61 (Planning and Sustainable Urban Drainage Systems, 2001)** and **PAN 74 (Affordable Housing)**.

CONSULTATIONS

8. A number of consultations have been carried out.
9. **Scottish Water** state that public sewers and public mains water are available. However, no surface water can be accepted to the existing combined sewer system.
10. **Aberdeenshire Council's Flood Prevention Unit** insist that a detailed Flood Risk Assessment (FRA), which should take account of a 200 year flood event, plus climate change, and historical records for the area, is carried out before the determination of the applications. Consultants for the applicants have carried out an FRA. The Council's Flood Prevention Unit has raised concerns about it. They have listed a number of points about the adequacy of the assessment, in terms of

the models and the levels of information used to formulate the conclusions. They state that the FRA does not demonstrate, in a robust and reliable method that there is no flood risk. As such, they find it difficult to accept that the FRA is a true representation of the risk of flooding in this area.

11. **SEPA** request the incorporation of Sustainable Urban Drainage Systems for the treatment of surface water. They request that a Drainage Impact Assessment be in line with established guidance and policy advice be submitted prior to the determination of the applications. Following receipt of SUDs information, they have confirmed that they find the proposals acceptable, subject to clarification of certain points. In this respect they suggest that conditions be imposed. However, on the basis of the submitted FRA, they **object to the development, if the planning authority proposes to grant permission**. In this respect they would consider invoking the Notification of Scottish Ministers paragraph of their Policy 41 (A SEPA-Planning Authority Protocol, Development at Risk of Flooding: Advice and Consultation), which requires an application to be notified to the Scottish Ministers "*if the site in question has a risk of flooding and to allow development to proceed would place property or persons at serious risk*". Nevertheless, this objection could be withdrawn, and the referral avoided, if issues are addressed to the satisfaction of SEPA and Aberdeenshire Council's Flood Prevention Unit, **prior** to the determination of the application.
12. **SNH** initially objected to the proposals on the basis that there was insufficient information about the potential impacts that the development, during construction, would have on European Protected Species in the SCI designated River Dee. However, following the submission of information from the developer's engineer which confirms that neither pile driving or explosives are required during construction, they have confirmed that they remove their objection.
13. The **CNPA's Natural Resources Group** supported SNH's initial concerns about the potential impacts on the River Dee and suggested that construction method statements be prepared prior to determination. With the removal of the objection from SNH, there are no further concerns.
14. The **CNPA's Access Officer** raised concerns about the initial proposals because of the potential impact on the existing public footpath route along the riverbank, immediately adjacent to the hotel building. However, following the submission of the amended scheme, which moved the proposed extensions further back from the footpath, and confirmed its retention for public use, these concerns have been removed. Continued informal use of the footpath, whilst retaining the possibility of further upgrading in the future, can now be achieved.

15. **Aberdeenshire Council's Local Roads Manager**, initially recommended refusal on the basis that the parking provision was inadequate and that the proposal did not address the requirement for pedestrian facilities at the location. The submission of the amended scheme, increases car parking on the site and provides a footway along the roadside. As such, the Roads Manager has confirmed that, although parking is still short of the standard 1.5 space per flat (7.5 short) and the footpath is only 1.5m wide, he is content to accept the proposals, subject to conditions. Further to this, he has added that, in relation to the parking that would remain for the McEwans of Perth shop, parking standards would require the shop to have four spaces. However, if only two are to remain, he does not believe that this would cause a problem. Many shops in Ballater do not have dedicated parking and the provision both in public car parks and on-street is quite good. He does not see this matter as a reason for changing their recommendation.
16. The **Aberdeen and Grampian Tourist Board** state that the Monaltrie Hotel is not a member of the Tourist Board and as far as they are aware, also not part of the VisitScotland Quality and Standards Scheme. Under the present conditions, they do not judge the quality of accommodation provision as particularly high. They do, however, feel that the establishment would have great potential if it were to be refurbished to a high standard. They are aware that this is dependent on levels of investment, but they state that it is a pity that the business would be lost to the tourism industry. Ballater is one of the top destinations in the region, and they feel that with the right amount of investment and marketing the hotel would no doubt be a successful tourism business and an asset to Ballater.
17. **Aberdeenshire Council's Planning Gain Co-ordinator** has been involved in discussions with the applicants regarding the level of planning gain sought and the provision of affordable housing that will accrue directly from the development and from policy requirements. Agreement has been reached which will enable the Council to embark on a project to develop a Council owned site identified in Ballater, for the construction of 4 to 6, 2/3 bedroom affordable houses for rent in conjunction with a Registered Social Landlord. Contributions from the proposed Monaltrie development will be utilised to help cross fund these units and a proposal would be worked up in the near future. It is stated that Scottish Executive Guidance benchmarks percentages for affordable housing provision at 25%. Taking account of the size of the flats proposed, the fact that it is a listed building and a brownfield site, the Council's specific requirement is 4.8 units. There are also contributions agreed towards local infrastructure. It is stated that the Council considers, as a stand alone project, the amount of affordable family homes that could be provided in Ballater as a result of the Monaltrie development, will assist in addressing the current demand for such units in the town, and would help kick start a project that would otherwise have been unlikely to proceed within the same time frames

as now predicted. It is emphasised that Housing Associations have expressed a reluctance to embark on a shared tenure development of flatted properties and that the need, as confirmed by the **Council's Housing Service**, is for 2 and 3 bedroomed houses.

18. The **CNPA's Head of Economic and Social Development Group**, states that there are both housing and tourism considerations to take account of here. The scheme will enable a small number of affordable housing units to be built off-site. However, the new flats would be open market, and would most likely be primarily attractive to second home buyers which would do little to meet local housing needs or be of benefit to the local economy. With regards tourism, Scottish Enterprise Grampian's recent "Royal Deeside Tourism Accommodation Audit Update" reports that, while there is an overall increase in accommodation over the 2001-05 period, this has been generally in the B&B and self-catering sector. The hotel market has declined but there is insufficient evidence to identify whether these trends relate to changing consumer requirements or whether they stem from other problems such as under investment in the hotel stock, ineffective marketing or current difficulties in securing labour. Work has been taken forward in relation to the Strategy and Action Plan for Sustainable Tourism and this should lead to an increase in tourism numbers and the average length of stay. He therefore suggests that thought should be given to a precautionary approach in the timebeing with preference for safeguarding the existing hotel stock. With regard to the details of the proposal itself, the **CNPA Housing Officer** states that some of the units appear small and there are reservations about meeting disabled access requirements. In relation to the affordable housing quota (4.8 units) agreed with Aberdeenshire Council's Planning Gain Co-ordinator, she notes that the figure reached is due the normal working practices of the Council relating to the fact that it is a brownfield site, and a listed building and that it relates to the number and size of flats proposed. However, she suggests that it would have been more satisfying to have 9 units which would seem to accord more with policy. She does agree that the waiting list in the area is for houses and not flats, and that the size of the flats in the proposed development, are not desirable for families. She generally supports the proposal for the off-site provision of the affordable units in Ballater.
19. The **Architectural Heritage Society of Scotland** were consulted by Aberdeenshire Council on the initial proposal. They stated that the proposals were generally well considered and the opportunity had been taken to eliminate some of the unfortunate additions made in the past.
20. **Aberdeenshire Council's Built and Cultural Heritage Officer** states that the building carries a Category C(S) Listing which suggests that it is of local importance, and a lesser example of any period, style or building type. This does not, however, allow for lesser consideration in the retention of architectural detail, style and integrity. On the amended scheme, it is stated that, in his opinion, the size, scale and

proportions of the extensions will have a detrimental impact on the architectural style and integrity of the original, particularly when viewed from the south east and north west sides. The siting of the car park impacts on the setting, and the proposed atrium roofline will be visible. True sash and case windows are required. There is not enough information on the internal detailing but it is important to retain the character of principle rooms and existing detailing. Detailing in the extensions should be like for like. He has no comments on the removal of the "Tink House". As such, it is felt that the proposal, fails to comply with the Memorandum of Guidance and as such should be refused.

21. **Historic Scotland** state that, if the National Park Authority is content with the principle of the development and is satisfied with the removal of the interior and roof for repair and structural reasons, they feel that the revised proposals, which include significantly smaller extensions, would seem to offer a viable re-use and future for the building. Subject to appropriate control of the detailed work, they are satisfied that the character of the listed building will not be unduly compromised. However, a full specification of works, including existing window repair and other restoration work should be submitted. This should include reinstatement of the important internal features, such as corncicing, pillasters, timber panelling, doors and moulded skirtings at ground level, and the reinstatement of roof detailing. The building should be recorded by the Royal Commission for Ancient and Historic Monuments in Scotland.
22. The **Ballater & Crathie Community Council** raised concerns on the initial proposal and continue to raise concerns about the revised proposal. Their three letters have been treated as representations (see below).

REPRESENTATIONS

23. A total of 16 representations have been received. The matters raised are summarised below:
 - *Complete "make-over" would destroy the hotel which is an important part of Ballater's history. It represents overdevelopment and the extensions are too large.*
 - *There is a preference for the retention of the hotel use. The loss of the hotel would have a detrimental effect on tourism.*
 - *The site is prominent in the Conservation Area and the works, including the car park will impact on this and the views towards the building.*
 - *Hotel is the only one in Ballater which has a sizeable function room.*
 - *There is a need for low cost housing in the area not open market/holiday homes.*
 - *The building is subject to flooding.*

- *The footpath along the riverside requires retention.*
- *McEwans of Perth have a heritable and irredeemable right for parking vehicles on the proposed site for the purposes of their retail business.*
- *The existing hotel business has been poorly run and the building not maintained. It could be sold as a going concern.*
- *There will be a loss of amenity areas in the locality and a loss of views and amenity for nearby houses.*
- *Development will lead to increase in traffic movements close to a busy junction.*
- *Potential detrimental effects on the River Dee.*
- *Design of the flats are small which demonstrate that they will be for holiday home use.*
- *Concern about the loss of the "Tink House" which has considerable historic value.*

24. Copies of these letters are attached to the report. **The applicants agent has requested to address the Committee.**

APPRAISAL

25. There are several considerations in the appraisal of this proposal. They will be dealt with under the following headings; impact on listed building/conservation area; impact on natural heritage; access, roads and parking; drainage and flooding; and loss of hotel and affordable housing provision.

Impacts on Listed Building/Conservation Area

26. The Monaltrie Hotel is a building which is of local historical and architectural significance. As such it is classed as a Category C(S) Listed Building. It also occupies a prominent position close to the river and bridge at the junction of two entry points to Ballater. The retention and conservation of it, is of importance in terms of the cultural heritage of the Ballater community. Physically and structurally, the building has suffered from a lack of investment over the years and it is now at a stage where it is beginning to show visual signs of disrepair. While it is not at risk, it is clear that investment is needed in order to enhance its historical character and integrity.
27. The proposal is to remove the entire interior and the roof, leaving the external walls, and also remove some of the unfortunate and uncharacteristic later additions on the east side. There is also a proposal to remove the "Tink House". In order to justify these extensive works, a structural survey (by a qualified structural engineer) was requested and submitted. In summary, this report states that subject to some works the external walls are in a generally good condition, but the floors above the lower ground are suffering from being under-designed and as such have unacceptably high levels of

deflection and severe dips. The top floors dip by upto 40mm and this is caused by vertical deflection of the roof trusses resulting in roof loads being transmitted to the top floor via the stud partitions which divide the bedrooms. The ground floors have many levels, and there is evidence of a lack of ventilation and damp penetration. The roof trusses are unstable because of their raised-tie type. The recommendation of the survey is that, in order to effect a satisfactory conversion to housing units, all suspended floors and internal partitions should be removed and replaced, the roof trusses should be either removed and replaced, or provided with additional support to prevent further movement, and the external walls should be stripped, relined and provided with insulation. Walls below ground level require to be provided with waterproof membranes.

28. From an inspection of the interior of the building, there are few features of architectural or historical significance. On the ground floor, there is a function room and bar where there are interesting plaster cornices, tall skirtings, moulded door facings and panelled window shutters. To the rear on this floor there is also a dining room which contains similar features. However, these apart, there are no other distinguishing features elsewhere. The applicants have confirmed that they have no desire to denude the interior architectural quality and that they intend to replicate/reuse any features in the new build. Aberdeenshire Council's Built Heritage Officer remains concerned about the potential loss of some of the intrinsic interior character of the building, by subdividing the existing spaces and potentially removing existing features. However, Historic Scotland have taken the view that, if the National Park Authority is satisfied that it has been demonstrated, that for repair and structural reasons the removal of the interior is required, subject to appropriate control on detailed reinstatement and restoration work, they are satisfied that the character of the listed building would not be unduly compromised. Taking account of these factors, I consider that, there are sound reasons for carrying out the internal demolition works, provided that there are appropriate conditions imposed on reinstatement/restoration of features and re-use of materials.
29. Externally, in order to make the development viable, the applicant proposes to build two new wings onto the east side which will accommodate 12 flats. The proposals for these have been amended from the original submissions due to concerns about size, scale and impact. The extensions have been reduced in size and height. There is a new internal courtyard to be formed with a glazed atrium roof but the elevations show this as being almost totally hidden by existing and proposed roofs. Other than this, external changes to character and fenestration of the original building are minimal. Alterations and demolition works are proposed to the later additions on the east side, to allow the new wings, but in terms of scale and design, these additions are now viewed as subsidiary to the main original building. The wings are set back from the main elevations and are at a lower ridge height. Again, Aberdeenshire Council's Built Heritage Officer continues to raise

concerns about the size, scale and proportions of the extensions, in relation to their impact on the principal elevations. It is felt that they do not comply with the basic principles set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas which state that extensions should not dominate or affect the balance of the original building. However, again Historic Scotland takes the view that the revised proposals, which include significantly smaller extensions, seem to offer an opportunity to retain the building without impacting significantly on its character. I take a similar view. Subject to appropriate detailed design control, through conditions, I feel that the extensions are complimentary to, and will not unduly dominate, the character and appearance of the original building.

29. One of the new wings will require the removal of the "Tink Cottage". This single storey building, which is currently a self-catering holiday home, is not of any architectural significance. However, as stated in some of the representations, its former use as a public house does contribute some cultural heritage to the site. Nevertheless, no objections to its removal have been made by either Aberdeenshire Council or Historic Scotland.
30. The building occupies an important position within the Ballater Conservation Area. As a building which is showing signs of decay, it does not enhance the character of the Conservation Area at present. The works are fairly substantial and the extensions will increase the visual prominence of the building when viewed from various approaches. However, I do not believe that this is an unacceptable visual impact. The extensions, subject to detailed design control, are in character with the existing building and being a stand alone building within its own setting, I do not find that the setting or character of the Conservation Area will be adversely affected. It is the case that there will be a larger car parking area formed around the building. However, subject to detailed design control on finishing and landscaping, I find that the parking situation will not significantly impact on the setting of the building or the surrounding area and will be no more imposing than the existing situation.
31. I conclude that, subject to detailed control and on its own merits, the proposal does not conflict directly with planning policy in relation to impacts on the Listed Building and the Ballater Conservation Area. However, if the change of use of the hotel is not found to be acceptable, the works to the Listed Building would be seen as being unnecessary and consequently unacceptable. The loss of the hotel and its historical role within the settlement are discussed in paragraphs 39 to 44 below but in the absence of a planning permission for the change of use, the detailed works would not be seen as conserving and enhancing the cultural and built heritage of the building or the surrounding area.

Impact on Natural Heritage

32. There were initial concerns about the proposals impact on the River Dee which carries SCI status. The original extensions were positioned closer to the river and the concerns related to the possible use of pile driving and blasting techniques for construction, where noise and vibration could impact upon the European Protected Species in the River Dee. Following clarification from the applicant and his consultants, it has been confirmed that neither piling nor the use of explosives will be required. On this basis, this concern has been removed and SNH have removed their objection. SEPA are content with the proposal from a water pollution point of view subject to conditions being imposed that a detailed site specific construction method statement be submitted, agreed and thereafter implemented, to deal with surface water run-off during construction. As such there are no contraventions of planning policy in this regard.

Access, Roads and Parking

33. The impact of the original scheme, in particular the extensions, on the footpath that runs along the riverbank immediately adjacent to the hotel was an initial concern. This was due to the proximity of the new build elements (including private windows) and as such, in the interests of residential amenity, the probability of pressure to prohibit continued informal access along the path. The footpath is not a Right of Way but it is an established and well-used local route from the Monaltrie under the bridge, and along the riverbank to the west. In terms of planning policy it is necessary to retain this type of route. The revised scheme, moves the extensions further back and the drawings indicate the footpath being retained and extended to allow access along the riverbank in front of the building and into the car parking area. As such, the CNPA's Access Officer has advised that the revised proposal should allow for continued informal use, whilst retaining the possibility of further upgrading and development of the path in the future. On this basis, this issue has been satisfactorily addressed.
34. Once again, there was concern about the level of parking provided on the original scheme. This fell short of the Council's standards. However, the revisions provide for an increase in the number of spaces. The total number is now 45. This is still short of the 1.5 space per flat standard (by 7) but the Council's Local Roads Manager, feels that this is acceptable, bearing in mind the availability of public parking in reasonable proximity to the site. They also accept the provision of the 1.5m wide footpath (although less than the 2m standard) along the roadside.
35. Agents on behalf of McEwans of Perth are concerned about the impact the parking arrangements for the development will have on the existing parking provision for their shop. There is legal evidence that McEwans of Perth have a "*heritable and irredeemable servitude right for parking vehicles on adjoining ground*". This refers to the existing parking areas

at the Monaltrie Hotel. Some space for parking will remain between the shop and the road (probably 2 spaces) and there is a separate access. However, it is the case that the new parking arrangements, with separate access for the Monaltrie development, will not allow for ad-hoc parking for the shop. The right to have access to parking for the shop is a legal one but in planning terms the issue is whether or not, as a result of the development, there will be a shortage of parking for the shop and if so, does that impact on road safety. The Council's Local Roads Manager has considered this situation and he has advised that to comply with standards, on the basis of the floor space of the shop, 4 spaces would be required. Nevertheless, he does not feel that this shortfall will cause a problem because most shops do not have dedicated parking spaces and there is adequate public provision nearby.

Drainage and Flooding

36. There is adequate capacity for foul water in the public system. SUDs information was requested and submitted recently. This demonstrates that the ground is suitable and that car parking and roof surface water will drain through adequate levels of treatment. Subject to conditions, SEPA accept these proposals.
37. There is still an issue, however, with flooding. It is known that the lower ground floor area of the existing building has been flooded in the past. The application proposes habitable accommodation in this lower ground floor. Planning policy requires that new developments which are susceptible to flooding should be the subject of a Flood Risk Assessment (FRA). Such an assessment was requested at an early stage in the processing of the application. However, it was not until very recently that this was carried out and submitted. The submitted FRA concludes that in the event of a 1 in 200 year flood, the cill level of the lower ground floor window facing the River Dee will be overlapped. Nevertheless, it states that by raising the embankment level and constructing a new "tanked" wall on top of the embankment to the same height of adjacent walls, and providing "tanking" to all the basement walls and floors, flood water will be prevented from entering the building. Revised drawings also show the internal floor levels in the the proposed extension closest to the river raised. This has been achieved without the need to raise the height of the new build wing.
38. SEPA and Aberdeenshire Council's Flood Prevention Unit have examined the findings of the FRA and both consultees are **not** satisfied. Indeed SEPA maintains a formal objection and if permission is granted on the basis of the submitted information, they will consider invoking their right to have the application notified to the Scottish Executive. Both feel that the FRA modelling and the information used is inadequate and does not take account of several factors. In short it has not been demonstrated, in a reliable and robust way, that the findings are a true representation of flooding in this area. As such, it is

not possible to support the proposal as it is presented. The precautionary approach must be taken where flooding is known to be a problem and on this basis, **the proposal fails to comply with structure and local plan policy.**

Loss of Hotel and Affordable Housing Provision

39. Occupying such an important position, there is no doubt that the building and its historic hotel use, is of significance to the Ballater community. It has a long established identity in the community and has served as an iconic tourist and social venue for many years. The letters of representation emphasise this. It is difficult to identify the reasons for its decline and the claims of it being unviable, but like other similar hotels on Deeside, it has suffered from changes in the tourism market and as a follow on from a lack of investment in its fabric and product.
40. Information provided by the applicant states that the current owner of the hotel, had taken steps to market the property as a going concern in 2001. During 2001, there had been several interested parties but towards the end of the year, all parties had confirmed that they were not prepared to submit an offer. The costs involved with regard to potential upgrading to bring the hotel up to a standard which might have been acceptable to major hotel chains, were found to be exorbitant and in 2002, alternative uses for the hotel were examined. There were a significant number of interested parties who wished to pursue the possible redevelopment of the property into residential accommodation but none who wanted to continue the use of the property as a hotel. The current applicants were the only party who proceeded to an offer. This was in 2003.
41. It is acknowledged that the amount of capital investment required to bring the property up to the quality that would merit, for example, a VisitScotland 4 star grading may not bring the required return on investment. However, the Head of the CNPAs Economic and Social Development Group suggests a precautionary approach to the loss of this type of tourism infrastructure within the National Park. While accepting that there needs to be considerable investment, the Tourist Board also consider that the establishment has great potential to be a successful tourism business. It is the case that the hotel use is part of the cultural heritage of this historic building and landmark location. The loss of the facility, its historical use and all its social functions (it has a function room, dining room, and bar) would be a loss to the Ballater community. There are no proposals to have public/social facilities in the new development.
42. The applicant has emphasised that the properties will be open market and therefore restrictions on occupancy or on tenure type are unlikely to be accepted by the applicant bearing in mind the investment costs of redeveloping. There may also be implications for the level of planning

gain contributions. The creation of 35 flats for the open market is likely to attract considerable interest in the second home market and it is considered that this will contribute little to the Ballater economy or the local housing need where there is a requirement for affordable houses for families. The proposal does though provide the opportunity to secure some affordable units off site and some other planning gain contributions. This is, of course, welcomed. However, this positive must be weighed against the loss of the hotel and its associated tourist and social functions. It is accepted that there are other hotels, tourist and social facilities in Ballater but the Monaltrie Hotel occupies an important location and has strong cultural links to the community.

43. It is recognised that to resist the development on this basis, may result in the further physical decline of the fabric of this listed building which would not be positive to the enhancement of the Ballater Conservation Area in the long term. However, conserving the cultural heritage of the area is not just about maintaining the physical fabric of buildings. It is also about retaining established historical and important uses in significant locations.

44. To conclude, it can be argued that there are advantages to be gained from permitting this development to go ahead (if the flooding issue is resolved). These relate to affordable housing provision, and the opportunity to conserve a listed building in a prominent location in a Conservation Area. It is also acknowledged that the levels of investment required are prohibitive in promoting its continued use as a hotel. However, I believe that there are other principles here, which carry significant weight. Some time has passed since the property was first marketed and the National Park now exists. This fact, plus the strategies for promoting tourist activity in the Park, provide the impetus and logic for retaining existing tourist facilities. Planning policy also seeks to retain and promote tourism and tourist accommodation. On balance, I therefore concur with some of the representees about the loss of an important cultural, economic and social use in Ballater and I believe that the loss of the hotel to open market residential units, would not accord with the spirit of extant planning policy on tourism and would also have negative implications for the aims of the National Park. Other forms of development in the tourism sector such as self catering units, which could also include retention of social facilities, would help to off-set the loss of the hotel to the tourist economy and we would be happy to work with various bodies in trying to achieve this. However, as it stands, the loss of the tourism use, coupled with the outstanding objection on flooding grounds, lead to a recommendation refusal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

45. There will be no adverse impacts on the natural heritage of the area. On its own merits, the works are deemed to be acceptable in terms of conserving the character and integrity of the Listed Building and the Ballater Conservation Area and they will provide the opportunity to channel investment into retaining the fabric of the building which otherwise may continue to decline. However, the loss of this long established important business to the tourism sector and its historical role in the settlement has negative implications for this aim. With the principle of the change of use being found to be unacceptable, the detailed conversion works are deemed unnecessary in the circumstances.

Promote Sustainable Use of Natural Resources

46. The development does not result in the promotion of the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Special Qualities of the Area

47. The retention of the footpath along the riverside is positive to this aim.

Promote Sustainable Economic and Social Development of the Area's Communities

48. The loss of the hotel and its associated tourist and social functions, to open market residential use, is deemed to have negative implications for this aim. While accepting that it may be difficult to maintain a hotel use, and that the proposal will allow the development of some affordable housing units elsewhere in Ballater, these factors are not seen as significantly off-setting the negative implications in terms of this aim.

RECOMMENDATION

49. That Members of the Committee support a recommendation to:
50. **Refuse Full Planning Permission for the following reasons:**
- 1. The application has failed to demonstrate in a robust and reliable way that the development will not be at risk from flooding. As such, the precautionary principle applies and the proposal is found to be contrary to Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST) Policy 22**

(Water Management) and Finalised Aberdeenshire Local Plan Policy Gen\8 (Flooding).

2. To permit the conversion of this hotel to open market residential use would result in the loss, without a commensurate replacement benefit, of a long-established tourist business which provides an important and well-located economic and social facility and which has strong cultural links to the Ballater community. The retention of existing tourist infrastructure of this type and in this location is important to sustaining and promoting tourist accommodation and tourist activity in the area, which is a vital part of the economy of this part of the National Park. The application has not convincingly demonstrated that the building and site are incapable of providing tourist accommodation of a type and standard that could prove viable in the context of Deeside and the National Park. The proposal therefore fails to comply with the spirit of Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST) Policy 6 (Tourism) and Finalised Aberdeenshire Local Plan Policy EMP\9 (Tourist Facilities and Accommodation), both of which seek to promote sustainable tourism. In addition, the loss of the hotel to the tourism sector has negative implications for the fourth aim of the National Park which seeks to promote the sustainable economic and social development of the area's communities.
51. Refuse Listed Building Consent, for the following reason:
1. The principle of the change of use of the hotel to open market residential use has not been found to be acceptable. In these circumstances, the proposed works to the Listed Building are seen as unnecessary. In the absence of a planning permission for the change of use, the detailed conversion proposals are not seen as conserving and enhancing the cultural and built heritage of this building and the surrounding area and as such they are found to be contrary to Policy 20 (Built Heritage and Archaeology) of the Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST) and Policy ENV\18 of the Finalised Aberdeenshire Local Plan.

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13 June 2005

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