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## CAIRNGORMSNATIONALPARKAUTHORITY

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**Title:** REPORTONCALLED -INPLANNING APPLICATION

**Preparedby:** NEIL STEWART, PLANNER, DEVELOPMENT CONTROL  
DONMCKEE,HEADOFPLANNING

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**DEVELOPMENTPROPOSED:** 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.DAVIDVERN EY,  
TULLICHHOUSE,BALLATER

**DATECALLED -IN:** 7MAY2004



**Fig.1 -LocationPlan**

## 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 westward towards the public road. Open parking areas also exist on this side. Adjoining the hotel on its north east side is a single storey dwelling house 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 river bank, 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 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 (27x2 no. bed, 5x1 no. bed & 3x3 no. 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.
3. **Consideration of this application was deferred at the meeting on 17<sup>th</sup> June 2005 to address concerns at the level of affordable housing provision and to afford the applicant an opportunity to provide a more robust Flood Risk Assessment for the development. Changes from the previous report are highlighted in bold (references to policy and names of consultees etc. were already in bold).**

## DEVELOPMENT PLAN CONTEXT

4. 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.
5. **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 overriding 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.
6. 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%.

7. **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.
8. 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

9. A number of consultations have been carried out.
10. **Scottish Water** state that public sewers and public mains water are available. However, no surface water can be accepted to the existing combined sewers system.
11. **Aberdeenshire Council's Flood Prevention Unit** insisted 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, had to be carried out before the determination of the applications. Consultants for the applicants had carried out a FRA, but the Council's Flood Prevention Unit had raised concerns about it. **Further information has since been submitted by the consultants and the Flood Prevention Unit are now satisfied that the application can proceed.**
12. **SEPA** requested the incorporation of Sustainable Urban Drainage Systems for the treatment of surface water. They requested 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 previously submitted FRA, they objected to the development, if the planning authority proposed to grant permission. In this respect they would have considered 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". They had stated that 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. **Further information has since been submitted by the applicant's consultants and SEPA withdraws its objection and recommends a minimum floor level for the proposed extension.**
13. **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.

14. 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.
15. 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.
16. **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.
17. 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.
18. **Aberdeenshire Council's Planning Gain Coordinator** 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. **Following the deferral of the application on 17<sup>th</sup> June, Aberdeenshire's Planning Gain Co-ordinator was requested to further discuss the issue of affordable housing provision with the applicant to explore whether the level of provision resulting from the development could be increased. Discussions have taken place and an agreement reached, subject to CNPA approval, of a package that would provide the 4.8 unit contribution (to a 6 unit development) referred to above, as well as a further 2 units elsewhere in the Aboyne Academy catchment area or an equivalent commuted sum. The applicant has an interest in a current application elsewhere in the Deeside area of the Park. The additional 2 affordable units would be provided as part of that development (over and above any affordable provision required by that development itself) : if planning permission is not forthcoming the applicant would make an equivalent commuted sum available to be used towards affordable housing elsewhere in the Park within the Aboyne Academy catchment area. In addition, and as a gesture not related to negotiations on planning gain, the applicant has undertaken, as men and materials will be on site, to work with local groups on the provision of a "Youth Shelter" in Ballater.**

19. 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 regard to 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 had suggested that consideration should be given to a precautionary approach for the time being with preference for safeguarding the existing hotel stock, but now feels that the additional affordable housing provision that has since been secured may be sufficient to alter the balance in favour of an approval.** The **CNPA Housing Officer** states that she **supports the level of off-site affordable housing negotiated via the Aberdeenshire Planning Gain Co-ordinator.**

20. 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.
21. **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, fail to comply with the Memorandum of Guidance and as such should be refused.
22. **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 cornicing, pillars, 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.

23. The **Ballater & Crathie Community Council** raised concerns on the initial proposal and continued to raise concerns about the revised proposal. Their three letters have been treated as representations (see below). **They spoke at the meeting on 17<sup>th</sup> June.**

## REPRESENTATIONS

24. 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 river side 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 demonstrates that they will be for holiday home use.*
  - *Concern about the loss of the "Tink House" which has considerable historic value.*
25. Copies of these letters are attached to the report. **Rosemary Nonkin spoke against the application and Maurice Jones (the applicant's agent) spoke in favour of the application at the meeting on 17<sup>th</sup> June.**

## APPRAISAL

26. 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.

### Impact on Listed Building/Conservation Area

27. 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 as 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.
28. 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 up to 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 floor has 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.
29. From an inspection of the interior of the building, there are a 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.

30. 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.
31. 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.

32. 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.
33. 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 40 to 45 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**

34. There were initial concerns about the proposals impact on the River Dee which carries SCI status. The original extensions were repositioned close 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 runoff during construction. As such there are no contraventions of planning policy in this regard.

## Access, Roads and Parking

35. 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.
36. 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.
37. 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

38. 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.
39. 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. **The development involves a substantial extension on a site adjoining the River Dee**. Planning policy requires that new developments that are susceptible to flooding should be the subject of a Flood Risk Assessment (FRA). **This is why the submission of a FRA that satisfies SEPA and Aberdeenshire's Flood Prevention Unit (FPU) has been a pre-requisite of any approval for this application. With the additional information supplied since the Planning Committee last considered this matter, both SEPA and the FPU have withdrawn objections.**

## Loss of Hotel and Affordable Housing Provision

40. 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.
41. 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.

42. 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. The Head of the CNPA's Economic and Social Development Group had suggested 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.
43. 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.
44. 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.
45. **To conclude, it can be argued that there are advantages to be gained from permitting this development to go ahead, now that the flooding issue has been 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. **Members are reminded 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. **It was these latter factors, plus the outstanding objection on flooding grounds, that led, on balance, to a recommendation of refusal when this application was considered on 17<sup>th</sup> June. The flooding issue has now been resolved. Further discussions have taken place on the provision of affordable housing. There is a current need for affordable housing in Ballater and other nearby settlements. Aberdeenshire Council has a site in Ballater that can accommodate up to 6 units of social housing. Contributions from this development can ensure that this housing is provided sooner rather than later. Aberdeenshire's Planning Gain Coordinator has negotiated a contribution for an additional 2 affordable units. On balance, it is now considered that the present circumstances are such that a recommendation of approval can be made in respect of both the planning and listed building consent applications. This position relates solely to the distinctive circumstances in respect of this particular, prominently located, listed building and its very poor structural condition. A grant of approval in this case would be an exception to the CNPA's general opposition to development that diminishes the level, range and quality of tourist accommodation available in the Park.**

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

46. 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.

### **Promote Sustainable Use of Natural Resources**

47. 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**

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



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

49. 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. **This has to be balanced against the contribution of the development towards the provision of affordable housing in the area.**

## RECOMMENDATION

50. That Members of the Committee support a recommendation to:

**Grant Full Planning Permission, subject to;**

- a. the completion of a Section 75 Legal Agreement relating to the provision of off-site developer contributions; and**  
**b. the following conditions;**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That prior to the commencement of any works on site, a full detailed phased schedule of works, and detailed specifications/samples for all matters affecting the internal and external fabric and appearance of the existing building and the approved extensions, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Such a submission shall include:
  - (a) A full survey of all existing internal and external elements of the building;
  - (b) Details for the reinstatement/restoration/repair/replacement of all important existing internal features including, decorative cornices, pilasters, timber panelling, panelled doors, and moulded skirtings and door facings;
  - (c) Details for the reinstatement/restoration/repair/replacement of all important external features including, roof detailing such as chimney cans, finials, decorative eaves and dormer head timber work, and rainwater goods;
  - (d) Details for the use of salvageable slate, the use of new slate, and the proposals for the repair/restoration/finishing of all external walls, including exposed cills and lintols and window surrounds;
  - (e) Details of the reinstatement/restoration/repair/replacement of all external doors and windows (if replacement is proven necessary, all new windows shall be timber framed vertically sliding sash and casetype).
  - (f) Details of the design, construction and finishing materials for the approved glazed atrium roof.

3. That prior to the commencement of any work on site, a full detailed schedule of works, including detailed specifications/samples for the design and finishings to all external areas surrounding the building, including all footpaths, hardstanding areas, car parking areas, ramps, handrails and walls, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
4. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earth mounding, and shall ensure:
  - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority.
  - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
5. That from the date of this planning permission, the large singular tree located within the existing garden area to the south west side of the building, shall not be felled, lopped or topped without the prior written approval of the CNPA acting as Planning Authority. No works shall commence on site until this tree has been protected by chestnut paling fencing erected around the extremity of the crown of the tree to the satisfaction of the CNPA acting as Planning Authority, and in accordance with BS5837 (Trees in Relation to Construction).
6. That prior to the occupation of the first residential unit, the existing informal footpath along the riverbank shall be extended, as shown on the approved drawings, and unless otherwise agreed in writing with the CNPA acting as Planning Authority, informal use of this footpath by the public, shall be maintained at all times in the future. No obstruction to the use of this footpath shall be formed.
7. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, in consultation with Aberdeenshire Council's Transportation and Infrastructure Service, prior to the occupation of the first residential unit, a minimum of 45 car parking spaces shall be provided and maintained on site, as shown on the approved drawings.

The parking spaces shall be retained for use in association with the development hereby approved.

8. That prior to the occupation of the first residential unit, the 1.5m wide footpath along the north west frontage of the site, as shown on the approved drawings, shall be constructed and completed to the satisfaction of the CNPA acting as Planning Authority, in consultation with Aberdeenshire Council's Transportation and Infrastructure Service. In addition, at the same time, a low boundary wall shall be erected along the rear of the footpath, in accordance with details which shall be submitted for the further written approval of the CNPA acting as Planning Authority prior to the commencement of works on site.
9. That prior to the commencement of any works on site, a detailed SUDS scheme, which shall be designed in accordance with the agreed Drainage Impact Assessment and the provisions of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, and shall provide 2 levels of surface water treatment for car parking area, shall be submitted for the further written approval of the CNPA acting as Planning Authority, in consultation with SEPA and Scottish Water. The approved SUDS scheme shall thereafter be constructed, completed and be fully operational, prior to the occupation of the first residential unit.
10. That prior to the commencement of works on site, a detailed site specific construction method statement, for all works in connection with the development, which shall address the temporary measures proposed for dealing with surface water runoff during construction and prior to the operation of the approved SUDS scheme, shall be submitted for the further written approval of the CNPA acting as Planning Authority, in consultation with SEPA.
11. That during the construction of the development hereby approved, there shall be no use of piledriving or explosives.
12. That prior to the commencement of works on site, a detailed scheme for the continued long term maintenance of all external communal hard and soft landscaped areas, shall be submitted for the further written approval of the CNPA acting as Planning Authority. The approved scheme of maintenance shall be implemented in perpetuity, on completion of the works, all to the satisfaction of the CNPA acting as Planning Authority.
13. The ground floor level of the extension shall have a minimum level of 198.75m AOD, as required by SEPA, and as shown in the Flood Risk Assessment. Prior to occupation of the first residential unit, all other mitigation measures as stated in the Flood Risk Assessment, shall be in place to the satisfaction of the Planning Authority and the approved measures shall be maintained thereafter.

52. **Grant Listed Building Consent, subject to:**
- a. **Formal Notification to Historic Scotland (because of demolition works) and their subsequent approval; and**
  - b. **the following conditions;**
1. The development to which this consent relates must be begun within 5 years from the date of the permission.
  2. That prior to the commencement of any works on site, a full detailed phased schedule of works, and detailed specifications/samples for all matters affecting the internal and external fabric and appearance of the existing building and the approved extensions, shall be submitted for the further written approval of the CNPA acting as Planning Authority. Such a submission shall include:
    - (a) A full survey and photographic record of all existing internal and external elements of the building;
    - (b) Details for the reinstatement/restoration/repair/replacement of all important existing internal features including, decorative cornices, pilasters, timber panelling, panelled doors, and moulded skirtings and door facings;
    - (c) Details for the reinstatement/restoration/repair/replacement of all important external features including, roof detailing such as chimney cans, finials, decorative eaves and dormer head timber work, and rainwater goods,
    - (d) Details for the re-use of salvageable slate, the use of new slate, and the proposals for the repair/restoration/finishing of all external walls, including exposed cills and lintols and window surrounds;
    - (e) Details of the reinstatement/restoration/repair/replacement of all external doors and windows (if replacement is proven necessary, all new windows shall be timber framed vertically sliding sash and casetypes).
    - (f) Details of the design, construction and finishing materials for the approved glazed atrium roof.
  3. That prior to the commencement of any work on site, a full detailed schedule of works, including detailed specifications/samples for the design and finishings to all external areas surrounding the building, including all footpaths, hard standing areas, car parking areas, ramps, handrails and walls, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

**Don McKee & Neil Stewart**

**20 July 2005**

**planning@ Cairngorms.co.uk**