



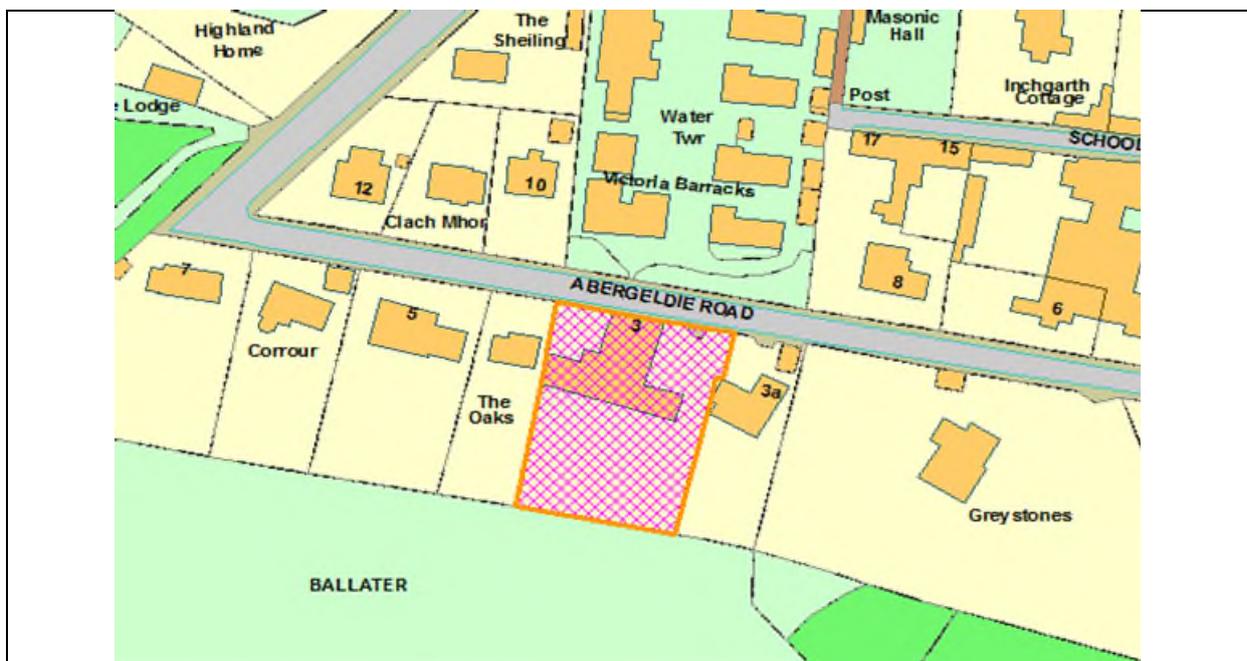
## Marr Area Committee Report 30 August 2022

Reference No: APP/2022/1186

**Full Planning Permission for Change of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis) at Craigard House, 3 Abergeldie Road, Ballater, Aberdeenshire, AB35 5PR**

**Applicant:** Artfarm Ltd, Stockwell House, 13 High Street, Bruton, Somerset, BA100AB  
**Agent:** Moxon Architects Ltd, Quarry Studios, Crathie, Ballater, AB35 5UL

Grid Ref: E:336579 N:795707  
 Ward No. and Name: W15 - Aboyne, Upper Deeside and Donside  
 Application Type: Full Planning Permission  
 Representations: 4  
 Consultations: 4  
 Relevant Proposals Map: Cairngorms National Park Local Development Plan 2021  
 Designations: Ballater Settlement and Conservation Area  
 Complies with:  
 Development Plans: Yes  
 Main Recommendation: Grant



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee – namely the Ballater and Crathie Community Council.

## 2. Background and Proposal

- 2.1 Full Planning Permission is being sought for proposed change of use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis) at Craigard House property, located at 3 Abergeldie Road within the settlement and Conservation Area of Ballater. The property site is situated within the Cairngorms National Park; therefore, the proposed development shall be assessed against the relevant policies of the CNPA Local Development Plan 2021.
- 2.2 The existing property site is located on Abergeldie Road, Ballater. The building is primarily stone construction and 2.5 storey in height. The building features modern extensions to the north, east and west, which comprise of stone, blockwork and render. There are paved parking areas to the north-east and north-west. The property site is accessed off Abergeldie Road, entering the rear of the property. The primary elevation faces south onto the golf course. Craigard House previously operated as a registered care home comprising of 19 bedrooms. The operation as a care home ceased in early 2022.
- 2.3 It is being proposed to change the use-class of this property building from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis), to provide accommodation for staff required to ensure continued successful operation of the Fife Arms hotel in Braemar and other related restaurants and Artfarm facilities locally. The proposal is for 17 members of staff to be accommodated at Craigard House.
- 2.4 No alterations to the externals of the property have been proposed as part of this Change of Use application. Internal refurbishment shall be carried out, however the proposed number of staff to be housed at the property will remain at a maximum of 17 people. The parking provision for the new proposed use will be provided by the two existing car parks that are already present on site. The north-western carpark will contain 5no. parking spaces and a bike storage area, whilst the north-east carpark shall contain 9no. parking spaces and 1no. accessible parking space. The allocation of these spaces will be managed by the live-in caretaker at the property. The applicant states that they are developing a transport strategy which will include providing a mini-bus with a dedicated driver to transport staff to and from the hotel reducing the amount of traffic commuting in and out of the village.
- 2.5 There is no relevant planning history related to this property site.

2.6 The following supporting information has been provided within the application:

Design Statement – Moxon Architects – Outlines the background ambitions of Artfarm Ltd (the applicant), whilst detailing both the current existing site situation and the development proposed within this application.

Parking Statement – Moxon Architects – Provides information which aims to justify that the number parking spaces within the site is sufficient to cater to the proposed use. It also details Artfarm's free-of-charge shuttle service which provides a means of transport for team members between Aboyne and Braemar.

Justification Statement – Moxon Architects – Provides further information which outlines the building as redundant in its current use and stated the following:

*“Craigard House cannot be re-opened as a Care Home as, while the current care standards cannot be made retrospective, the fact that it has closed means that it would have to re-register with the Care Inspectorate and they wouldn't accept the registration of a Victorian building. Further, the building would have to undergo total refurbishment to provide what would essentially be a brand-new building. This simply wouldn't be viable for a 19 bed Care Home”.*

### 3. Representations

3.1 A total of 4 valid representations (4 objections) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

#### Objection

- Concerns over the loss of the residential institution (care home) use.
- Concerns over perceived increase of noise and traffic.
- Does not help meet the needs of the local business community in Ballater.
- Providing accommodation closer to Fife Arms in Braemar instead of in Ballater would reduce the need for transport and resultant carbon emissions.

### 4. Consultations

#### *Internal*

4.1 **Environment and Infrastructure Services (Roads Development)** originally objected due to concerns regarding parking provision, however further information and amended parking diagrams were submitted by the applicant to confirm that adequate parking can be provided within the property site. Furthermore, in the unlikely event of overspill, the public streets in the vicinity can cater to this demand.

- 4.2 **Environment and Infrastructure Services (Environmental Health)** stated that matters of concern within these proposals often relate to the possibilities of unacceptable levels of noise and disruption to neighbours. However, these matters are addressed in the licensing regime for Houses of Multiple Occupation. Accordingly, Environmental Health does not object to the approval of this application.

*External*

- 4.3 **Cairngorms National Park Authority** decided not to call in this application.
- 4.4 **Ballater and Crathie Community Council** object to the proposal. Whilst several aspects of the letter of objection received are not material planning issues relating to this application, BCCC outlined that this building as a care home has been of benefit to the community and the Community Council would ideally prefer to see the building retained for some community benefit use. BCCC also noted that providing accommodation nearer to the place of work (Braemar) would reduce the need for transport and its associated carbon footprint.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long-term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

### 5.2 Aberdeen City and Shire Strategic Development Plan 2020

The Strategic Development Plan (SDP) was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs,

homes and infrastructure over the next 20 years. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

### 5.3 Cairngorms National Park Local Development Plan 2021

Policy 2: Supporting Economic Growth  
Part 2.2 Tourist Accommodation  
Part 2.4 Other economic development

Policy 3: Design and Placemaking  
Part 3.5 Converting existing building stock

Policy 9: Cultural Heritage  
Part 9.3 Conservation Areas

## 6. Discussion

- 6.1 The key issues to be discussed in the assessment of this application are the acceptability of the principle of the proposals and whether the site can be adequately serviced to facilitate this proposed new use. The material planning matters raised within letters of representation received shall also be addressed.

### Principle of Development

- 6.2 The principle of development can in this case be deemed acceptable under Policy 2 Supporting Economic Growth (Parts 2.2 Tourist accommodation and 2.4 Other economic development) in that the proposed change of use would be contributing to a year-round economy by enabling continued adequate accommodation for the staff of a vital local tourist facility – the Fife Arms Hotel. The proposals would help support and extend the vitality and viability of an existing business which is crucial to the local economy. Further, it is not anticipated that any neighbouring amenity will be reduced through the proposed development. Therefore, the principle of the development can be accepted provided the proposals are also in compliance with the other relevant policies from the CNPA LDP 2021 – in this case Policies 3 and 9.

### Technical Matters

- 6.3 Environmental Health were consulted in relation to the proposed development, and subsequently outlined that the most common matters of concern within these proposals often relate to the potential for high levels of

noise and disruption to neighbours. However, as these matters are addressed in the licensing regime for Houses of Multiple Occupation, Environmental Health has no objection to the proposals and does not feel it is necessary to impose further controls on noise.

- 6.4 Roads Development were also consulted and initially held concerns regarding a lack of parking provision on site to cater to the demand arising from the number of staff bedrooms proposed. Moxon Architects subsequently submitted further design drawings confirming the number of vehicular spaces on site (including an accessible space) and a justification statement showing that on-street parking is available on the nearby School Lane, Queens Road and Viewfield Road public streets in the unlikely event of the onsite provision being at capacity. A letter of objection raised the point that parking controls are in place on Abergeldie Road between 1<sup>st</sup> August – 31<sup>st</sup> October, however this has been noted within the on-street parking diagram produced by Moxon Architects which also displays that ample street parking with no parking controls is available in proximity on the other aforementioned streets nearby.

#### Layout, siting and design

- 6.5 Relevant to this aspect of the proposed development is Policy 3 Design and Placemaking, specifically part 3.5 Converting existing building stock. Part 3.5 stipulates that conversion of existing building stock will be supported where the building is redundant for its original use and is unlikely to have a commercial or economic future in its current form, and where the conversion works maintain the style and character of the original building in terms of form, scale, materials and detailing. As no external alterations are proposed through this development, the style and character of the original building will be maintained in compliance with Policy 3 Part 3.5.
- 6.6 In respect to the commercial and economic viability of the previous care home use; the applicant has provided a justification statement wherein a response from the current owner and previous operator of the Craigard property outlined that the building would not meet the standards demanded by the Care Inspectorate were it to be re-registered now. The owner outlined that the fact that the previous care-home operation has now ceased means that it would have to re-register with the Care Inspectorate, who would not accept the registration of a Victorian building. Furthermore, the building would have to undergo total refurbishment to provide what would essentially be a brand-new building – the owner feels that this simply would not be economically viable for a 19-bed Care Home and has therefore made the property available for purchase. With this justification statement supplied by the applicant, the Planning Service is satisfied that it has been sufficiently demonstrated that the building is redundant for its existing use and is unlikely to have a commercial or economic future in its current form. As such, it is considered that that the proposed change of use is in compliance with Policy 3.5.

#### Letters of Representation

- 6.7 The most prominent issue raised across the letters of objection received relates to concerns over the loss of the care-home (residential institution use-class) within the community of Ballater. This issue has been addressed in the previous section 6.6 – the Planning Service remains satisfied that sufficient justification and reasoning has been provided by the applicant which shows the continued use of Craigard as a care-home to be unviable, owing to the large-scale refurbishment and related expense which would need to be incurred to meet the standards required for re-registering with the Care Inspectorate.
- 6.8 Those who have submitted letters of representation are also concerned that the conversion of this property site to staff accommodation for the Fife Arms Hotel in Braemar does little to bring tangible benefits to the community of Ballater. However, the Planning Service notes that a number of the staff residing at the proposed staff accommodation at Craigard are to be employed to work at local businesses within the community of Ballater, thus allowing the proposed use as staff accommodation to also contribute to the local economy of Ballater.
- 6.9 Concerns were also raised regarding a perceived potential increase in noise through the proposed development. The issue of noise nuisance and resultant loss of neighbouring amenity has been addressed above whilst discussing the consultation response from Environmental Health. The Planning Service remains satisfied that any potential noise risk will be mitigated against and addressed sufficiently during the licencing regime process for the Housing of Multiple Occupancy, therefore does not feel it is prudent or necessary to impose any further restrictions.
- 6.10 The issue of increased traffic was also raised as a concern. The level of parking provision is not being increased through this development, nor are the levels of occupancy being increased. The current existing number of bedrooms within the property building is 19, and the proposed number of bedrooms within the application plans is 17 – to cater to a maximum of 17 staff members. Whilst elderly care-home residents would presumably not be contributing to vehicular traffic movement to the same degree as Fife Arms staff members who frequent Braemar for work, the care-home residents would have likely received visitors who would arrive and depart the site via car. Furthermore, Artfarm Ltd have commissioned a free-to-use shuttle bus service which shall operate between Aboyne and Braemar and allow for staff residing in Craigard property building to travel without contributing further to traffic and also reduce carbon emissions. 10no. bike racks will also be located within the property site carparks, thus allowing for active travel to be utilised by residents and further reducing the need for car travel. A small number of the staff members residing in the Craigard House are to be employed in a local Ballater restaurant which they will be able to access by foot. For the reasons outlined above, the Planning Service does not anticipate that the levels of vehicular traffic will increase to any unacceptable degree through the change of use from Residential Institution to Housing of Multiple Occupancy.

### Other relevant issues

- 6.11 As the property site is located within Ballater Conservation Area, consideration must also be given to Policy 9 Cultural Heritage, part 9.3 Conservation areas. However, as no external alterations are being proposed within this application, no impact upon the character of the conservation area is anticipated, a viable re-use of the building is welcomed, and therefore the proposals can be deemed to accord with Policy 9 Cultural Heritage.

### Conclusion

- 6.12 In summary, the proposed development will result in the renovation of a substantial Victorian building which is currently disused and proven to be redundant in its current use. The building is well suited to the proposed use and its use as staff accommodation for the Fife Arms Hotel shall help support the vitality of what is a crucial tourism and economic business in the local area. Furthermore, the Planning Service is satisfied that all relevant technical matters and material objections have been sufficiently addressed.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Implications and Risk**

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **9. Departures, Notifications and Referrals**

### 9.1 Strategic Development Plan Departures

None.

## 9.2 Local Development Plan Departures

None.

9.3 The application is not a Departure from the Local Development Plan (and/or) Strategic Development Plan and no departure procedures apply.

9.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

9.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 10. Recommendation

### 10.1 GRANT Full Planning Permission

### 10.2 Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with the Cairngorms National Park Local Development Plan 2021. The proposed development shall bring back into use a vacant and redundant building and help support the vitality of what is a crucial tourism and economic business in the local area, whilst resulting in limited impact upon neighbouring amenity and cultural heritage, in line with Policy 2 Supporting Economic Growth, Policy 3 Design and placemaking and Policy 9 Cultural Heritage.

**Alan Wood**

**Director of Environment and Infrastructure Services**

**Author of Report: James Mould**

**Report Date: 11 August 2022**

# Comments for Planning Application APP/2022/1186

## Application Summary

Application Number: APP/2022/1186

Address: Craigard House 3 Abergeldie Road Ballater Aberdeenshire AB35 5PR

Proposal: Change Of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis)

Case Officer: James Mould

## Customer Details

Name: Mr Richard FRIMSTON

Address: Ardenlea 44 Golf Road Ballater AB355RS

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: BCCC objects to this application for the following reasons:

1. The building as a care home has been of benefit to the community and BCCC would ideally prefer to see the building retained for some community benefit use.
2. The Artfarm Group Ltd (AGL) has acquired a number of properties over the years to be used as accommodation for its staff. These include Schiehallion and Mayfield in Braemar and a site in Fife Brae, Braemar in addition to the Inver Hotel, Inver and Moorside in Ballater.
3. At the time that AGL applied for planning permission to use Moorside as MHO in June 2018, it made a number of undertakings which have not been complied with.
  - a. It undertook that the acquisition of Moorside would then give it sufficient accommodation. It is now applying for further accommodation.
  - b. It undertook to engage and seek the support of Community Councils. BCCC is disappointed that it has not been consulted in relation to the current application.
  - c. It stated that "availability of good quality accommodation is key to the sourcing and attracting of talent but also to their retention in the long term. A stable, comfortable living environment will also encourage the staff to become part of the community rather than be simply transient workers." Sadly none of the properties acquired by AGL appear to provide this environment. Many are somewhat run down and unloved and underused.
  - d. It undertook to refurbish and restore its various properties. Continuing maintenance seems to be somewhat lacking.
4. BCCC is supportive of the proposed reopening by the Artfarm Group Ltd (AGL) of the restaurant in Netherley Place as a fish restaurant and fishmongers. BCCC understands the need for AGL to provide staff accommodation particularly to workers who are on minimum wage. However, it appears to BCCC that Moorside can provide sufficient accommodation for staff for the Netherley

Place restaurant.

5. CNPA 2022 plan envisages sustainable transport in Deeside and increased active travel and public transport usage within the National Park. AGL have both an existing site at Fife Brae to provide accommodation for 15 and Invercauld Estate have suggested further land in Braemar for such development. Providing accommodation near to the place of work would reduce the need for transport and its associated carbon footprint.

If planning permission is granted BCCC would ask:

1. That restrictions on parking should be imposed. Craigard is within the restricted parking security zone of Ballater barracks and on street parking is therefore prohibited during August to October.
2. Some element of development gain should be obtained. If a workforce has to commute between Ballater and Braemar, then it would appear logical for the local bus service 201 to be used whenever possible and a contribution to the maintenance of the service for the general public between Ballater and Braemar obtained.

# Comments for Planning Application APP/2022/1186

## Application Summary

Application Number: APP/2022/1186

Address: Craigard House 3 Abergeldie Road Ballater Aberdeenshire AB35 5PR

Proposal: Change Of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis)

Case Officer: James Mould

## Customer Details

Name: Mrs Angela Flynn

Address: 2 Craigendarroch Walk Ballater AB35 5ZB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I believe Craigard House should remain a Residential Institution and NOT change to HMO.

In early 2000's, my late father who lived in Ballater required care in a nursing home. The only suitable accommodation in the whole of Deeside was one in Portlethen (40 miles away) where he remained for 5 years. This made it impossible for my mother to visit regularly.

My mother also ended up going to Portlethen for care for 3 years, during which her Ballater friends and connections could not be maintained.

I believe there should be a good local care home catering for all ages and requirements for the residents of Ballater. This is particularly important given Ballater's significant ageing population.

# Comments for Planning Application APP/2022/1186

## Application Summary

Application Number: APP/2022/1186

Address: Craigard House 3 Abergeldie Road Ballater Aberdeenshire AB35 5PR

Proposal: Change Of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis)

Case Officer: James Mould

## Customer Details

Name: Mrs Ann Maggs

Address: 1 Craigendarroch Walk Ballater AB35 5ZB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I relied on Craigard Care Home when my husband resided there for several years. It was reassuring to know he was close at hand and I could visit regularly.

This property should remain a Care Home in my opinion

# Comments for Planning Application APP/2022/1186

## Application Summary

Application Number: APP/2022/1186

Address: Craigard House 3 Abergeldie Road Ballater Aberdeenshire AB35 5PR

Proposal: Change Of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis)

Case Officer: James Mould

## Customer Details

Name: Nadine Stuart

Address: 1 Darroch Court Ballater AB355RF

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Comment:1. I am concerned that we are loosing 19 residential places for aged care and no alternative can now be provided for locally for respite care or long term care. I was approached by a local resident who has waited 9 months for a respite care place and has had to place their father in a care facility over 45 miles away. Therefore none of his friends or family could visit easily. We are at a critical stage of health and social care provisions in rural communities and removing the opportunity of aged care provisions is not one that is logical given the aging population of Ballater.
2. The care inspectorate report did not raise concerns over the building or the facilities it has to offer our elderly residents therefor the use of the building use should remain the same. The change of use should not be granted and another care provider be sought prior to considering a change of use.
3. To change the use to staff accommodation ( for a hotel in Braemar ) when we don't currently have enough housing to meet our own villages staffing needs is not meeting or putting our local business communities needs first.
4. Increase volume of cars and noise concern. According to the proposal there could be 17 + staff residing and that would dramatically increase the volume of cars and noise at night. Shift workers coming and going late into the night will increase the noise level and disturb our local residents at night. We live in a very quiet area of Ballater and having young staff coming and going at all hours will be disruptive to all on the surrounding area.