

**KEY INFORMATION**

**Ward** West Ferry

**Proposal**

Demolition of Ballinard Hotel and associated out buildings

**Address**

Ballinard Hotel  
26 Claypotts Road  
Broughty Ferry  
Dundee  
DD5 1BU

**Applicant**

Justice Homes Plc  
31 Hawkhill  
Dundee  
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**Agent**

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Dundee  
DD1 1PD

**Registered** 12 Dec 2001

**Case Officer** Gordon Reid



# Proposed Demolition of Former Ballinard Hotel

The demolition of the Ballinard Hotel and associated out buildings is **RECOMMENDED FOR APPROVAL subject to Conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal to demolish the unlisted buildings within the grounds of the Ballinard Hotel is considered acceptable, as the quality of the replacement proposals will not detract from the character or the setting of the Forthill Conservation Area.

The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Conservation Area Consent is sought for the demolition of unlisted buildings located within the grounds of the Ballinard Hotel, Claypotts Road, Broughty Ferry, Dundee.
- The demolition is sought to allow for the erection of 10 houses within the Hotel site. A Report and recommendation on this proposal is contained elsewhere on this Agenda.
- The site is contained within the Forthill Conservation Area and Built Environment Policy BE11 applies. This policy requires the protection and enhancement of the character and setting of the local area. The site is also within an area covered by a Tree Preservation Order.
- Objections to the demolition of the building were received from residents in the surrounding area and the Broughty Ferry Community Council. They wished to see the retention of the main building and coach house and their conversion to a residential use.
- The application is considered to be in accordance with the Built Environment Policies of the Local Plan. The replacement proposals for 10 houses are considered to be acceptable in terms of their design and would not detract from the character or setting of the Forthill Conservation Area.

## DESCRIPTION OF PROPOSAL

Conservation Area Consent is sought for the demolition of the unlisted Ballinard House Hotel and associated buildings at 26 Claypotts Road, Broughty Ferry, Dundee. The applicant intends to redevelop the site for housing. The details of the proposed housing development are contained within the report relating to planning application 01/30377/FUL, which is also on this Agenda.

The applicants submitted an engineer's report on the structural condition of the hotel building in support of their application.

## SITE DESCRIPTION

The application site is located to the east of Claypotts Road and to the north of Davidson Street. The site is currently occupied by the Ballinard House Hotel and associated buildings and extends to approximately 0.68 hectares. There are a large number of mature trees within the grounds of the Hotel. The main Hotel building is a former large mansion house, which has been considerably extended at various times. There is a modern three-storey bedroom block to the north of the hotel building and a coach house to the northeast. The main car park is to the east of the hotel. There are two lawn areas one directly to the south of the hotel and the other to the south of the car park.

The main access to the site is from Claypotts Road with a secondary access from Davidson Street.

The site is located within the Forthill Conservation Area and within an area covered by a Tree Preservation Order.

## POLICY BACKGROUND

National Planning Policy Guideline 18-Planning and the Historic Environment:

This document provides statements of Government Policy in relation to the historic environment. This NPPG deals primarily with conservation areas and listed buildings and reference is made to the Memorandum of Guidance.

Section 64 of the Planning (Listed Buildings and Conservation

Areas)(Scotland) Act 1997 seeks to ensure that special attention is paid to the preserving or enhancing the character or appearance of conservation areas.

## Dundee Local Plan 1998:

Built Environment Policy BE11 seeks to ensure that all developments both complement and enhance the character of the surrounding conservation area.

Memorandum of Guidance on Listed Buildings and Conservation Areas 1998:

This document provides local authorities and applicants with best practice advice in dealing with developments, which may affect or have an impact on conservation areas.



## LOCAL AGENDA 21

Key Themes 13 and 15 are relevant to the consideration of the application. Key Theme 13 seeks to ensure that places, spaces and objects combine meaning and beauty with utility. Key Theme 15 seeks to ensure that diversity and local distinctiveness are valued and protected. The proposed development conforms to the aims of these Key Themes.

## SITE HISTORY

There is no site history of relevance to the consideration of this application.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours. The application was advertised in the "Dundee Courier and Advertiser" on the 06 November 2001 as affecting the character of the Conservation Area.

Five letters of objection were received to the proposed development. The main grounds of objection were that:

- 1 The hotel building should be retained rather than demolished.
- 2 The proposed development would lead to the loss of a significant number of mature trees and hedges.
- 3 The proposed development would have a detrimental affect on the conservation area.
- 4 The proposed development would lead to the loss of hotel accommodation within Broughty Ferry.
- 5 The proposed houses were of a poor quality design.

Four letters of representation were received to the proposed development. These did not object to the proposed development but sought certain matters were addressed in the consideration of the proposal. These matters are:

- 1 The north boundary wall be retained and reinstated to ensure it matches the existing.
- 2 That the access from the site to Davidson Street is not used to serve the proposed development.
- 3 That the tree and shrub belt on the western boundary be retained.
- 4 That the number of houses should be reduced.

A single letter of support was received to the proposed development. The main grounds of support were that the proposed development would result in peace and quiet and reduced vehicular and pedestrian traffic.

Copies of all letters of objection, representation and support are available in the Members' Lounges and are addressed in the "Observations" section of this report.

## CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development on the grounds that:

- 1 That the demolition of the hotel would adversely affect the

character of the conservation area.

- 2 A number of attractive trees would be lost.
- 3 The design of the houses and the plot sizes are not in keeping with character of this part of the conservation area.
- 4 The loss of the hotel would not conform to the Council's intention to promote tourism in Broughty Ferry.
- 5 It would reduce the total number of jobs in the area.

No adverse comments were received from any of the other consultees.

## OBSERVATIONS

The determining issues for the Committee in this instance are whether:

- 1 The proposal is in accordance with Built Environment Policy BE11 of the Dundee Local Plan 1998.
- 2 The proposal accords with the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the guidance set out in NPPG 18 and Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

The proposal under consideration involves the demolition of unlisted buildings within the Forthill Conservation Area. The site is located to the east of Claypotts Road and is the grounds of the Ballinard Hotel. The applicant closed the hotel, on the 31 December 2001. The buildings that are proposed to be demolished are the main Hotel building, the coach house to the northeast and the bedroom extension to the north.

The main hotel building and the coach house do have architectural features of interest, but the bedroom extension is of a modern design and of no architectural value. The hotel and the coach house have been altered over time with the addition of the modern function suite to the hotel. The architectural importance and townscape value of these properties in this area is now therefore limited and

consequently the buildings remain unlisted.

The planning authority is required to have regard to the desirability of preserving or enhancing the appearance of a conservation area in exercising their responsibilities under planning legislation, and this statutory duty should be borne in mind when considering applications for demolition. In deciding whether consent should be granted, planning authorities should take account of the importance of the building to the character or appearance of any part of the conservation area, and of the proposals for the cleared site.

The bedroom extension to the north of the main Hotel building is a modern, 3-storey building. The extension is linked to the main hotel via an enclosed bridge at first floor level. The design of this extension is not of a high quality and does not complement the main hotel building or the character of the surrounding area. Its removal would, therefore, enhance the visual character of the Forthill Conservation Area.

The coach house is located to the north east of the main building and would appear to have been built at the same time as the main house. The coach house was used for hotel staff accommodation. The building has been altered with the introduction of patio doors in the south elevation and velux windows in the roof. The north wall of this property forms the boundary onto Seafeld Terrace. While the roof of the property is visible from the north, most of the building can only be seen from within the site. Therefore while the loss of the property would be unfortunate, it would not have such a significant detrimental affect on the character of the Conservation Area to warrant refusal. As indicated above the northern wall of this property forms part of the boundary wall along Seafeld Terrace. If consent is granted for demolition of this building, it will be important to ensure that the gable wall to the north is maintained in its current form.

The mansion house accommodates the main elements of the Ballinard Hotel. The building is a former mansion house which, was built in the late 19th Century. The house is made up of 4-levels and has had various alterations

including, the addition of a function suite, entrance area, kitchens etc. These alterations have removed many of the original features of the basement and ground floor levels of the house.

The applicants have submitted an engineer's report setting out the general structural condition of the hotel building. The report highlights that the building displays cracking in the outer walls which would appear to be signs of settlement distress. This settlement is particularly severe in the upper floors of the southwest corner where the capping tower has developed a distinct lean to the west. Other problems identified were shear cracks in major lintels and some seating areas and water ingress in the roof areas. The report concludes that remedial works to the lintels etc would incur a high degree of cost. In addition, the distortion to the tower would be more difficult to resolve and would require major structural works. Again the report advises that this would involve significant costs. The applicant has advised that the costs of the works make the retention of the building or its conversion prohibitive.

It is considered that the loss of the main building would be unfortunate. However, as the building has been altered with the removal of original features and as it is not highly visible from outwith the site, it is considered that its loss would not have such a significant affect on the character of the conservation area to warrant refusal.

The applicants have submitted details of the proposed redevelopment of the site and it is considered that these replacement proposals will not detrimentally impact on the visual character of the conservation area. The detailed examination of the redevelopment proposals is contained in a Report on this Agenda in relation to Planning Application 01/30377/FUL.

Therefore, it is considered that the proposals are in accordance with Built Environment Policy BE11 of the Local Plan and the guidance contained in Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

Letters of objection, representation and support were received to the proposals. Many of the concerns relate to matters other than the demolition of the

buildings. These are addressed in the Report relating to the Planning Application (01/30377/FUL) for the replacement residential development. Objections were raised to the loss of the buildings and the impact on the wall of the coach house to Seafield Terrace. As already discussed above it is considered that the demolition of the buildings can be justified in this instance and do not provide sufficient weight on which to refuse the proposals. It is considered that the wall onto Seafield Terrace should be retained as part of the proposals for the demolition of the coach house. This can be covered by a condition.

The site is located within an area, which is covered by a Tree Preservation Order. There are a large number of mature trees within the site and their protection from damage during the demolition of the buildings is required. Therefore to ensure that measures are put in place to protect the trees a condition should be attached to any planning permission requiring the applicant to submit a scheme for the protection of the trees in accordance with British Standard BS5837.

## Design

The replacement proposals for the new housing within the site are considered to be of good architectural quality. The new housing will not be particularly visible from outwith the site and therefore the affect on the conservation area will be limited. Further details on the assessment of the new housing are set out in the Report on Planning Application 01/30377/FUL.

## CONCLUSION

It is considered that the demolition of the unlisted buildings within this site are in accordance with the Built Environment Policies of the Local Plan and the guidance contained in Historic Scotland's Memorandum of Guidance. The replacement proposals are considered to be satisfactory.

## RECOMMENDATION

It is recommended that this consent shall not be issued unless and until Historic Scotland make a formal determination not to call in the application.

It is recommended that planning permission be GRANTED subject to the following conditions.

- 1 The works must be begun not later than the expiration of 5 years beginning with the date of this consent.
- 2 That a detailed reinstatement scheme for the north wall of the coach house be submitted to the Council for approval prior to the commencement of development and if approved the development shall be carried out only in accordance with such approved details.
- 3 That a detailed method statement in accordance with BS5837 for the protection of the trees during the demolition of all of the buildings shall be submitted to the Council for approval prior to the commencement of works and if approved the works shall be carried out only in full accordance with such approved details.
- 4 The existing buildings on the site shall not be demolished until a Joint Contracts Tribunal building contract or a building contract of a similar recognised form acceptable to this Authority for the carrying out of the works of redevelopment of the site in terms of the details of application ref no 01/30377/FUL has been made and evidence thereof supplied to the Council.

## Reason

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 To ensure that the wall of the coach house which, forms part of the northern boundary wall, is reinstated to match the existing wall along the length of Seafield Terrace.
- 3 To ensure that the existing trees within the site are not damaged during the demolition of the buildings.
- 4 To ensure that redevelopment of this site takes place immediately following demolition of the existing buildings, thereby ensuring that an unattractive site

does not remain to the detriment of the character and appearance of the conservation area.