THE HIGHLAND COUNCIL	Agenda Item	5.5	
SOUTH PLANNING APPLICATIONS COMMITTEE 25 February 2014	Report No	PLS/014/14	

13/04222/FUL: Clubhouse Scotland Ltd per Mr Colin Fotheringham Claymore House Hotel, Seabank Road, Nairn

Report by Area Planning Manager - South

SUMMARY

Description : Redevelopment of hotel

Recommendation - GRANT

Ward: 19 - Nairn

Development category : Local

Pre-determination hearing : n/a

Reason referred to Committee : 5 or more objections received from members of the public.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the redevelopment of an existing hotel within a residential street in Nairn, situated at the edge of the town centre. The proposal will result in:
 - An extension increasing the width of the main building to accommodate a new internal fire escape and to allow for the removal of the existing external fire escape (to comply with current fire regulations)
 - A new glass conservatory to the front of the building
 - Small side extension to form a beer store
 - Additional toilet facilities
 - New lobby/entrance
 - An increase in bedroom numbers from 14 to 15
 - Internal alterations to reconfigure the space
 - An increase in dining room covers

Parking will be provided to the front, side and rear (21 spaces overall) and limited planting is provided within the site.

1.2 No formal pre-application advice given.

- 1.3 All infrastructure is as existing. The site is accessed via 2 openings in the boundary wall, from Seabank Road. One of the accesses will be slightly widened while the other will remain as existing. A loading bay is included alongside the beer store to the side of the building. The majority of traffic (with the exception of larger delivery vehicles) will be encouraged by signage to enter the site using the western access and exit via the eastern access.
- 1.4 A Transport Assessment was submitted to outline the existing and predicted parking requirements.

2. SITE DESCRIPTION

2.1 The hotel is a traditional, stone built, detached, 2½ storey villa with an external metal fire escape on the SE elevation. There is a small conservatory on the SE side of the building and areas of parking to front and rear, alongside some mature trees and areas of shrubbery/planting. Boundary treatments are a mixture of stone walling, wooden fencing and mature hedging. Seabank Road is predominantly residential in nature, mainly consisting of private houses, but does also contain some guest houses, bed and breakfasts, and residential care homes.

3. PLANNING HISTORY

- 3.1 10/04958/FUL redevelopment of hotel (withdrawn on the advice of the planning authority due to large extension of function area)
- 3.2 11/01222/FUL redevelopment of hotel (withdrawn)

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 development Representation deadline : 10.12.13

Timeous representations : 7 representations from 7 addresses

Late representations : n/a

- 4.2 Material considerations raised are summarised as follows:
 - Insufficient parking for the rooms and dining customers (especially if there are functions); reduction in parking at front will lead to more on-street parking.
 - Modern glass extension is not in keeping with the Victorian frontage and its appearance (lit and full of people until late into the night) is considered 'absurd in this quiet residential part of Nairn'; visually divides the building into upper and lower level.
 - Noise. There is existing noise from functions etc including music, raised voices and banging of car doors; taxis; people smoking and talking outside the building. Concern that any increase in space will result in an increase in noise. Noise will be exacerbated by the removal of the shrubs.
 - Parking spaces provided are too narrow to allow adequate movement and turning, and parking bay inadequate for the size of lorries that use it and will restrict access to the rear.

- Residents opposite already suffer light pollution and this proposal will make it worse.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Nairn West Community Council**: Do not object to the application but outlined the concerns raised by local residents. These include the design of the front extension over which opinion was split, with some commenting that it was out of keeping with the frontage of the building and others stating that it was inevitable that buildings evolve and the design was clean and uncluttered. The loss of the planting to the front of the building is regrettable. The CC recognises that the management of the hotel has taken a responsible approach to noise and that it is important to support local tourism-related enterprises. Notes that local residents are concerned that the increase in space will result in more vehicle/pedestrian movements with associated impact upon the amenity of neighbouring houses. There are concerns that the proposals will mean that the hotel will increasingly become a function venue, again with implications for noise-related amenity. Suggest the use of planning conditions to restrict the number of non-residential guests. Would welcome any planning condition that helps protect the amenity of neighbours.
- 5.2 **TECS Roads**: Do not object to the application. State that the proposal to widen the access and level of parking provision is satisfactory.
- 5.3 **Environmental Health:** Do not object to the application and suggest a planning condition securing the submission of a noise management plan for the premises.
- 5.4 **Forestry Officer**: Does not object to the application and suggests planning conditions to ensure tree retention and protection, and timing of agreed tree planting.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place Making
- 44 Tourist Accommodation

6.2 Nairnshire Local Plan 2000 (as continued in force)

S2 Housing

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Inner Moray Firth Proposed Local Development Plan

7.2 Highland Council Supplementary Planning Policy Guidance

Trees, Woodlands and Development

7.3 Scottish Government Planning Policy and Guidance SPP

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The proposal is for the redevelopment of an existing hotel, including extensions. The use of the building as an hotel is already well established and is not under consideration.

National and Council policies are generally very supportive of proposals which maintain and promote established businesses. The SPP states that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places".

Policy 44 of the Highland-wide Local Development Plan states that proposals for tourist accommodation within settlement boundaries will be supported if the Council is satisfied that the proposal can be accommodated without adverse impacts upon neighbouring uses; complies with Policy 28 (Sustainable Design); and will not prejudice the residential housing land supply.

Given that the use itself is already established, the key determining factors in this application are whether or not the proposals meet the terms of Policy 28, in particular with regard to their impact on individual and community residential amenity; and whether the design of the extensions is appropriate.

8.4 Material Considerations

Intensification of use: A key factor in this development is the removal of the external fire escape and replacement with an internal stairway. This is required to allow the hotel to comply with modern fire regulations. The opportunity has been taken to extend and reconfigure the internal layout of the hotel at the same time as the essential works to the fire escape. Despite the extension and alterations, the proposal will only result in 1 additional bedroom. The toilet facilities will be relocated and enlarged resulting in larger, more useable dining space.

The applicant has stated that this, along with the additional front conservatory, will result in 20 additional dining covers. There will be no increase in floorspace to the side conservatory.

Noise/Amenity: A number of the letters of representation express concern about an increase in noise as a result of the proposals. Some of the letters refer to occasions where noise has been an issue in the past. As an established business, any existing noise issues are for the management of the hotel to address, and the determination of this application must restrict itself to the consideration of any additional noise which may result as a consequence of the development. It should be noted that the Community Council response states that the existing management of the hotel has taken a responsible approach to noise in the past.

While the development will result in only one extra bedroom, the front extension and increased internal dining space is likely to attract additional non-residential visitors who will need to enter and leave the hotel, with potential implications for disturbance to local residents. Any increase in functions arising from the additional space also has the potential for noise nuisance from amplified music.

In terms of mitigation, the proposal includes the re-roofing of the side conservatory with insulated slate effect metal cladding which will also help to reduce sound emissions through the roof. The front conservatory will be triple glazed to provide good sound insulation, and will use colour coated glass (colour to be agreed) to reduce the amount of light spilling onto the street.

While acknowledging that the proposals do not suggest the inclusion of a music stage or increase to the function area, given the hotel's residential position Environmental Health have suggested a planning condition to ensure that the applicant prepares and implements a noise management plan for the premises before any work commences.

There are also other mechanisms through which the amenity of residents can be protected. In exceptional circumstances Environmental Health have powers under their own legislation to address noise related concerns, and the liquor licensing procedure restricts the times during which alcohol can be sold. Any one-off extension to the existing licensing hours (for example to accommodate a function) would need to be applied for and the impact on adjacent neighbours would be considered by the licensing team when making a decision.

These mechanisms along with planning conditions and noise mitigation measures should reduce the impact of additional visitors on the amenity of neighbouring properties.

Parking: The site can accommodate 21 cars within its curtilage at front and rear. There is also a loading bay to the side. A traffic assessment was submitted which outlines the current and predicted parking requirement. TECS have agreed that the number of spaces is appropriate given the size of the hotel and its edge of town centre position. A number of letters of representation do, however, state that parking is a concern, particularly people parking on the roadside at the front of the hotel rather than making use of the parking which is available to the rear; and exiting the hotel late at night. Some of this is unavoidable, e.g. taxis collecting/dropping off, however it is considered that the situation could be improved with better signage. Signage has recently been erected to direct traffic to the rear of the hotel, and a planning condition will be included to ensure that additional signage is put in place to direct the public to the available parking areas, and to improve the flow of traffic within the site.

Design: The 2 storey extension to the main building is designed to very much reflect the existing building, and once complete it should read as a single building. Care will need to be taken when sourcing the finishing materials to ensure that they match the original as closely as possible. The frontage of the building was rendered for many years; however the render has recently been removed. It is likely that a more successful result will be achieved by re-rendering the whole frontage rather than trying to match the stone, however a condition will be added to ensure that full details of all materials, including samples where necessary, are agreed with the planning authority.

The front conservatory extension is of a much more modern design, constructed of plate glass beneath a protruding canopy, leading to a side copper clad/glazed entrance lobby. A number of representations refer to the design of this elevation. It is acknowledged that design is subjective, and this is reflected in the comments from the Community Council following their meeting, which indicates that opinion was very much split. Some members viewed the extension as simple and uncluttered while others thought that it was completely out of character with the original building.

The proposed extension is undoubtedly very different in design to the existing building. Its use of glass and simple clean lines clearly distinguish it as a modern addition to a traditional building rather than as a pastiche of an earlier time. In this context it is considered that the design will not detract from the existing building and is therefore acceptable.

Landscaping: The proposals have retained the mature Scots Pine to the rear of the site as well as a small birch towards the SE corner. While the strip of planting along the front will need to be removed to allow for additional parking, two trees are included in the landscape plan as well as hedging along the western boundary of the site and planting along the eastern boundary. The landscaping proposals have been agreed with the Council's Forestry Officer. Some letters of representation have expressed concern over the loss of the landscaping strip along the roadside, stating that it is important for privacy and noise buffering. While it does contribute to the overall streetscene, and its loss is regrettable in this regard, the shrubs are very low and it is not considered that their loss will have a significant impact on privacy or noise.

9. CONCLUSION

9.1 Local residents have raised some valid concerns relating to increased noise and disturbance as well as the visual impact of the extension. These must be balanced against the expansion of a local tourism business and the wider economic benefits that will arise from this.

The proposal will only result in one extra bedroom, however it is likely to attract additional non-residential visitors which may have implications for the amenity of nearby residents. The proposals do include measures to improve the existing noise situation, and the front extension is designed to have good sound insulation. This, along with the inclusion of planning conditions and the legislative powers of other Services will all help to ensure that the risk of additional disturbance to local residents is manageable and overall loss of amenity should not be significant or sufficient to warrant a refusal of planning permission.

All other relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Notification to Scottish Ministers	Ν
Notification to Historic Scotland	Ν
Conclusion of Section 75 Agreement	Ν
Revocation of previous permission	Ν

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. Prior to the first occupation of the development hereby granted planning permission, the car parking and access arrangements detailed on approved plan ref. 1131 002 rev A shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to limit on street parking to the benefit of residential amenity.

2. No development shall commence until full details of additional signage have been submitted to and approved in writing by the Planning Authority. The signage shall be erected in accordance with the approved details prior to the first occupation of the development and shall be maintained in perpetuity. For the avoidance of doubt the purpose of the signage is to direct vehicles to the available parking to the rear of the hotel; direct service vehicles to the loading area; and to improve the internal flow of traffic within the curtilage of the hotel.

Reason: In order to reduce on-street parking and improve the flow of vehicles within the site.

3. No development or work shall commence until full details of all exterior finishing materials for walls and roofs, including the colour of the colour coated glass to the front conservatory, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason : In order to enable the Planning Authority to consider this matter in detail prior to the commencement of development in the interests of amenity.

- 4. No development shall commence on site until a noise management plan has been submitted to and agreed in writing by the Planning Authority, and thereafter implemented in accordance with the approved plan to the satisfaction of the Planning Authority. For the avoidance of doubt, the noise management plan should:
 - Identify any operational practices which are necessary in order to ensure that noise is controlled at neighbouring residential properties.
 - Establish monitoring systems to check on compliance with any noise control procedures.
 - Establish procedures and methods for recording and responding to any noise complaints.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

5. With effect from the date of this permission, no trees other than those specifically agreed, are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason : To ensure the protection of retained trees during construction and thereafter.

6. No site excavation or groundworks shall commence on site until all retained trees are protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason : To ensure the protection of retained trees throughout the construction period.

 The planting shown on the Landscape Proposals drawing (Dwg No 1131 002 Rev A) shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority. **Reason** : In the interests of amenity.

8. No development shall commence until a construction method statement has been submitted to and received the written approval of the Planning Authority. This shall include details of how visiting members of the public shall be separated and protected from the construction works; and mitigation measures to control dust and noise.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

FOOTNOTE TO APPLICANT

Time Limit For The Implementation of This Planning Permission: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationfo rmsforroadoccupation.htm

Prior to any work commencing to widen the entrance access, which is adjacent to the public road, the applicant is required to obtain permission to carry ut minor works on an adopted road from the Councils TEC Services. The application form to carry out minor works is available from the Council's website and should be returned to the Nairn Office.

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Signature:	Allan J Todd
Designation:	Area Planning Manager - South
Author:	Christine Macleod
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan (1131 P(RT1)001 rev A)
	Plan 2 - Block/Landscape plan (1131 002 rev A)
	Plan 3 - Existing Elevations (1131 P(RT1)100 rev A)
	Plan 4 – Existing Floor Plan (1131 000 rev B)
	Plan 5 – Proposed Elevations (1131 P(RT1303 rev I)
	Plan 6 – Proposed Floor Plans (1131 P(RT1)101 rev K)

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
C D Levick	42 Seabank Road, Nairn	02.12.13	Against
Mr William Thompson	Cranareen, 42a Seabank Road, Nairn	04.12.13	Against
Mr David Forrester	49 Seabank Road, Nairn	05.12.13	Against
Mr & Mrs G Ross	40a Seabank Road, Nairn	06.12.13	Against
Mr & Mrs Christensen	47 Seabank Road, Nairn	06.12.13	Against
Mr David Ness	42a Seabank Road, Nairn	06.12.13	Against
Alex W Boyne	36a Seabank Road, Nairn	10.12.13	Against



^{Client} Clubhouse Scotland Ltd.		Drawing title Site Location Plan
Project Proposed Redevelopment	COLIN ARMSTRONG ASSOCIATES Chartered Architects	Scale 1 : 1000
Claymore Hotel, Nairn		Drwg No. P(Rt1)001

	PLANNING
Date	Revision
December 2010	А
Job No.	Drawn
1131	DJC

X:\Documents\1131 Claymore Hotel\Drawings\CURRENT\1131 P(Rt1)J Draft.rvt







Rev A - Tree locations revised as per THC comments - CP - 27.09.13

Client Clubhouse Scotland Ltd	COLIN ARMSTRO	NG ASSOCIATES	Drawing Title	e Prop	oosals	
Project Proposed Redevelopment	Chartered	Architects	Scale I:100	Sheet AI	Date Sept '13	CAD File No. CP
Claymore Hotel, Nairn	LYLE HOUSE, PAVILION 1, FAIRWAYS BUSINESS PARK, INVERNESS, IV2 6AA.	TEL: 01463 712288 FAX: 01463 712055 EMAIL:architects@colinarmstrong.com	Job Number		Drwg. No. 002	Revision A



EXISTING FRONT

1 : 100







EXISTING SIDE 2

1 : 100 0





EXISTING REAR

1 : 100	
0	5m



SCALES SHOWN ARE AT A1 SIZE FOR A3 SIZED DRAWING REDUCE NOTED SCALES BY 50%

1:50 AT A1 = 1:100 AT A3 1:100 AT A1 = 1:200 AT A3

Clubhouse Scotland Ltd. Project Proposed Redevelopment Claymore Hotel, Nairn

Client

Drawing title Existing Scale 1 : 100 Drwg No. P(Rt1)100

^{Date} Dec. '10 Job No. 1131

Rev A 11 Nov 2013 CP Drawing updated for planning application

Revision A Drawn DJC/MP





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PROPOSED FRONT

1 : 100





1 : 100













PROPOSED SIDE 2





Planning COLIN ARMSTRONG ASSOCIATES

SCALES SHOWN ARE AT A1 SIZE FOR A3 SIZED DRAWING REDUCE NOTED SCALES BY 50%

1:50 AT A1 = 1:100 AT A3 1:100 AT A1 = 1:200 AT A3

Client Clubhouse Scotland Ltd. Project Proposed Redevelopment Claymore Hotel, Nairn

Drawing title

_Rev A_12 January 2011 DJC Stair tower & dining room extension revised. Rev B 18 January 2011 Stair tower revised. DJC Rev C 8 February 2011 DJC Various alterations in line with planning DJC process comments.

Rev D 15 February 2011 DJC Removed Cafe & increased size of conservatory.

Rev E 09 March 2011 DJC Removed dining room extension & reverted to as existing layout

Rev F 17 March 2011 DJC Revisions as per mark-up with client. DJC Rev G 24 March 2011 DJC Revisions as per clients comments.. Rev H 25 March 2011 DJC Revisions as per clients comments... DJC CP

Rev i 11 Nov 2013 C Updated for planning application

Proposed 3D View	vs & Elevations	
Scale	Date	Revision
1:100	Dec. '10	İ
Drwg No.	Job No.	Drawn
P(Rt1)303	1131	MP/DJC





Rev A 12 January 2011 DJC Stair tower & dining room layout revised. Rev B 18 January 2011 DJC Stair tower revised. Rev C 8 February 2011 DJC Various alterations in line with planning process comments. Rev D 15 February 2011 DJC Removed Cafe & increased size of DJC conservatory. Rev E 09 March 2011 DJC Removed dining room extension & reverted to as existing layout Rev F 17 March 2011 DJC Revisions as per mark-up with client. Rev G 24 March 2011 DJC Revisions as per client comments. Rev H 25 March 2011 DJC Revisions as per client comments. Rev i 19 Oct 2011 CP Revised seating layout as per client CP comment. Rev J 31 Oct 2011 DJC Revised to show 21 parking spaces Rev K 11 Nov 2013 CP Drawing updated for planning application

Drawing title Proposed Flo	or Plans	
Scale	Date	Revision
1 : 100	Dec '10	K
Drwg No.	Job No.	Drawn
P(Rt1)101	1131	DJC/MP