

Agenda Item	6.2
Report No	PLS 041/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 June 2018

Report Title: 18/01291/FUL: Loch Leven Hotel
Loch Leven Hotel, Old Ferry Road, North Ballachulish, Fort William, PH33 6SA

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Installation of six camping pods

Ward: 21 - Fort William and Ardnamurchan

Development category: Local

Reason referred to Committee: Community Council objection

All 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.

Recommendation

Members are asked to agree the recommendation to Approve as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the installation of six camping pods on land to the rear of the Loch Leven Hotel. The pods are of timber construction with a curved form and are to be arranged in a semi circular layout facing inwards to a communal patio area.
- 1.2 The Site Layout Plan includes six car parking spaces for the exclusive use of the six pods and these parking spaces are to be located to the west of the six camping pod developments. There are 2 overflow car parking areas (if required) which would cater for 5 car parking spaces to the north-east of the application site; and, 9 car parking spaces to the east of the application site. There are also existing car parking spaces for hotel users – 11 car parking spaces to the west of the camping pod spaces; 5 car parking spaces adjacent to the camping pod spaces and 2 disabled spaces to the south-west of the application site. Each of the pods have toilet/shower facilities and connection is proposed to the public water supply and public sewer
- 1.3 Pre Application Consultation: None.
- 1.4 Supporting Information: None.
- 1.5 Variations: Revised site plan identifying parking allocation and overflow, right of access and service connections.

2. SITE DESCRIPTION

- 2.1 The application site comprises of a grassed, fairly level, open space area to the north of the Loch Leven Hotel There is a gravel access track that follows the circular shape right round in a west to east direction, with an area for car parking at the west of the application site. The car parking spaces are bounded by a stone wall and there are outbuildings (used as a micro brewery and micro distillery) to the rear of the Hotel building. The northern area of the site is bounded by birch trees. The site is served by a private access track which joins the public road (Old Ferry Road) that serves neighbouring properties, an Industrial Estate and Art Gallery building. The site falls within the North Ballachulish SDA (Settlement Development Area) and the Ben Nevis and Glencoe NSA (National Scenic Area). To the north-east of the application site is a SAM (Scheduled Ancient Monument) and beyond this is Alltshellach Woodland.
- 2.2 There is an industrial estate and Art Gallery that bounds the site to the west and to the east is an area of green space/woodland. To the immediate north of Pods 5 and 6 is an existing house, Lochleven Cottage, which has a right of access over the access track. To the south of the site lies the existing hotel and three residential properties. There is a core path that runs along the eastern boundary of the site.

3. PLANNING HISTORY

- 3.1 26/08/2016 16/02857/FUL: Proposed alterations and Permission change of use from outbuilding to micro distillery Granted

3.2	26/04/2016	16/01236/PREAPP: Alterations to outbuilding to form micro brewery	Favourable response given.
3.3	12/09/2009	08/00505/FULLO: Change of use from function room & toilets to bunkhouse	Permission Granted
3.4	02/06/2008	07/00488/FULLO: Erection of 5 cottages & alterations to parking	Permission Granted
3.5	29/03/2005	05/00085/FULLO: Alterations to entrance porch of hotel	Permission Granted
3.6	29/03/2005	05/00079/FULLO: Alteration to hotel (window replacement)	Permission granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 29/03/2018

Representation deadline: 15/04/2018

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Amenity issues (noise and litter);
- b) Parking issues/increase in traffic in area;

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.

5. CONSULTATIONS

5.1 Nether Lochaber Community Council have commented as follows:

- No objection in principle to either the expansion of Loch Leven Hotel's business in the way shown, nor to the proposed location or design of the letting pods.
- Assurance sought that there will be no attempt to impinge on the public access
- Objects to the proposal to connect the letting pods to the public sewerage main that feeds into North Ballachulish waste water treatment works (further information provided).

- 5.2 **Development Plans:** No objection
- 5.3 **Access Officer:** No objections subject to informative being applied in the interests of the nearby core path.
- 5.4 **Archaeology:** No objections subject to the imposition of a planning condition to protect the archaeological and historic interest of the site (as a consequence of the development being located in an area of archaeological potential).
- 5.5 **Transport Planning Team:** No objection.
- 5.6 **Environmental Health Officer:** Has advised a caravan site licence is likely to be required
- 5.7 **Scottish Water:** No objections
- 5.8 **SEPA:** No objections to the proposal. Advise they support the proposal to connect to the public sewer. For the avoidance of doubt they have advised they would object to any proposal for private waste water drainage.
- 5.9 **Lochaber Access Panel:** Have requested further information to allow them to appraise the application – questions asked regarding disabled access and toilet/washing facilities.

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 & Place-making
34 - Settlement Development Areas
44 - Tourist Accommodation
56 - Travel
57 - Natural, Built & Cultural Heritage
65 - Waste Water Treatment
77 - Public Access

6.2 West Highland & Islands Local Plan 2010 (as continued in force)

Policy 2 – Development Objectives and Developer Requirements

6.3 Proposed West Highland & Islands Local Development Plan (WestPlan)

The West Highland and Islands Local Development Plan Proposed Plan (WestPlan) was agreed in early 2017 and consultation on the Proposed Plan ran from 5 May 2017 to 21 July 2017. The Lochaber area based outstanding unresolved objections and the overarching vision and strategy were reported to the 11 April 2018 Lochaber Area Committee who agreed the Council's response and for the Plan to proceed for Examination.

The WestPlan is at an advanced stage and represents the 'settled view' of the

Council and is a material planning consideration in making planning decisions.

Proposal Map 2.7: North Ballachulish of the WestPlan shows the site situated within the North Ballachulish Settlement Development Area. The Proposed Plan does not however allocate the site for a particular land use.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2014

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) Impact on National Scenic Area
- c) Siting and design
- d) Community and residential amenity
- e) Servicing and Infrastructure
- f) Impact on Archaeology
- g) Public Access
- h) Any other material considerations.

Development plan/other planning policy

8.4 The site lies within the North Ballachulish Settlement Development Area where Policy 34 of the Highland wide Local Development Plan (HwLDP) supports proposals if they meet the requirements of HwLDP Policy 28 and all other relevant policies of the plan. Under Policy 34 proposals require to be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses and the effect on any natural, built and cultural heritage features. Developments which

are judged to be significantly detrimental in terms of the above criteria will not be supported until there are clear material considerations which would justify permission being granted.

- 8.5 The site is included in the adopted West Highland and Islands Local Plan as a housing allocation (H2) with an indicative capacity for five houses – this reflects a permission for planning permission granted in 2008 for five houses on the site.
- 8.6 Policy 44 of the HWLDP also supports tourist accommodation within settlement boundaries, providing that the proposal will not prejudice housing land supply. In this regard, whilst the site is allocated for housing, alternative uses including business/community uses are listed as being acceptable in the adopted West Highland and Island Local Plan site allocation for developer requirements. As such this site is not exclusive to housing use and given the scale of the site, would not materially impact upon housing land supply. The proposed WestPlan is consistent with this position in that the site is no longer being allocated for a particular land use and more strategic housing land has been allocated in the vicinity, south of Loch Leven at Glenachulish.
- 8.7 The principle of tourist accommodation at this location is well established and supported in both the adopted and emerging development plan. The proposals are capable of being in overall conformity with the development plan subject to site specific design considerations being addressed which are discussed below.

Impact on National Scenic Area

- 8.8 The site lies within the Ben Nevis and Glen Coe National Scenic Area (NSA). The special qualities of the NSA include its classic highland vistas, mountain grandeur, human settlement dwarfed by mountain and moorland and the expansive Moor of Rannoch. As the site lies within the existing settlement of North Ballachulish, to the rear of the existing hotel, and given the scale and nature of the development proposed, it is considered the proposal will not adversely affect the special qualities of the National Scenic Area. The proposal generally accords with Policy 57 of the Highland wide Local Development Plan.

Siting and design

- 8.9 The proposed six camping pods are to be arranged in a semi circle and regularly spaced, on land at the rear of the Loch Leven Hotel complex. The pods are of a fairly standard design which is common to this type of development. They are curved and finished in timber. Four of the pods are currently positioned on the site, however the agent has advised they are just being stored and are not connected to any services.
- 8.10 In visual terms the pods are fairly discreetly sited at the rear of the hotel and are not widely open to public view. They are to be neatly arranged and focused inward towards a communal patio area. Due to their construction, they will sit on minimal foundations and as the ground is level, this should allow easy access to the Pods for visitors of varying abilities.

- 8.11 The principle of development on this site has been established through its allocation for development in the adopted Local Plan and a previous consent (now lapsed) for five houses on the site. The proposal raises no concerns in terms of siting or design.

Community and Residential Amenity

- 8.12 Policy 34 of the adopted Local Plan requires proposals to be accessed as to their compatibility with adjacent land uses and likewise Policy 44 (Tourist development) requires that proposals can be accommodated without adverse impacts on neighbouring uses.
- 8.13 The Pods will introduce additional visitor accommodation at the rear of an existing hotel complex. There are four residential properties around the hotel complex, three of which are closer to the hotel than the site of the pods, and one near the pod development, at the end of the car park. One of the further away houses has raised concern over the potential for noise and litter as a result of the development. The proposed development will provide a different range of accommodation to serve the hotel and is considered suitable within the boundary of an existing hotel complex. The orientation of the pods inwards towards the patio area will direct most activity away from the closest house and the scale of development will not change the character of the area. Appropriate management of the site will ensure limited impact on residential amenity. It is in the interests of the operators of the existing hotel to ensure this appropriate level of management however the requirement for a caravan site licence will also reinforce this requirement.

Servicing and Infrastructure

- 8.14 Since concerns were received from the neighbouring property regarding access and parking, an amended plan has been submitted which includes dedicated parking for the pods, together with two areas of overflow parking (for 14 cars) within the site. The level of parking is considered to be appropriate for this scale of development. Provision is made for turning within the site, at the end of the right of access for Lochleven Cottage.
- 8.15 It is proposed to connect the pods to the public water supply and the public sewer. Nether Lochaber Community Council has objected to this latter element of the application on the basis of lack of spare capacity at the North Ballachulish Waste Water Treatment Works (WWTW). This has been the subject of representation as part of the Development Plan process for the new WestPlan. In short, the concerns relate to existing properties from In Cree to Onich not being provided with a connection to the sewer and that this should be provided ahead of new developments (of five or more units) in the North Ballachulish WWTW catchment being granted a connection. This is due to perceived capacity issues at the WWTW.
- 8.16 The issues referred to by the Community Council are being considered through the development plan process. As part of this, the Council contacted Scottish Water for a formal written answer on the current spare capacity of the North Ballachulish plant. Scottish Water's response is attached for information.

- 8.17 As Scottish Water has confirmed there is sufficient capacity within the public sewer to accommodate the development and SEPA have provided their support for connection to the public sewer, there is no basis for requiring anything other than connection to the public infrastructure for this proposed development. SEPA have confirmed they would object to a proposal for private waste water drainage. This approach accords with Policy 65 of the adopted Local Plan which resists the use of private drainage systems in sewered areas.

Archaeology

- 8.18 The Council's Archaeologist has advised the proposed development is located in an area of archaeological potential and has recommended a condition be attached to any consent requiring a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the work. A condition to this effect is included in the recommendation.

Other material considerations

- 8.19 The site is close to a core path. An informative is proposed to remind the applicant of the need to ensure this core path is unobstructed by the development.
- There are no other material considerations.

Non-material considerations

- 8.20 An issue raised regarding waste collection on the private access is not material to the planning determination.

Matters to be secured by Section 75 Agreement

- 8.21 a) None.

9. CONCLUSION

- 9.1 The proposed development accords with Policies 28, 34, 44, 56 and 65 of the adopted Highland wide Local Development Plan.
- 9.2 All 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 applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. The six camping pods, hereby approved, shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any one family, group or individual for more than three months (cumulative) in any one calendar year.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the amenity, in recognition of the design of the units, the lack of private amenity space and in accordance with the use applied for.

2. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to and approved in writing by the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site

3. No development shall commence on site until evidence has been provided to the planning authority that Scottish Water have granted their permission to connect the proposed development to the public sewer and the public water main.

Reason: In order to ensure that the development can be adequately serviced.

REASON FOR DECISION

All 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.

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.

FOOTNOTE TO APPLICANT

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is 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.

Access /Core Path:

The development is next to a core path between the shore and Bail Ur. This core path is to remain accessible and open and free from obstruction or encroachment before, during and on completion of the development.

Access for disabled people:

Regard should be given to facilitating access by disabled persons by providing a ramp with a gradient not exceeding 1 in 15, and including a handrail; and vehicular access should be maintained immediately adjacent to the pods.

Caravan Site Licence

Separate to planning permission the proposed development is likely to require a Caravan Site Licence. You are advised to contact the Council's Environmental Health Team to discuss these requirements prior to the commencement of the development. Contact envhealth@highland.gov.uk

Signature:	Nicola Drummond
Designation:	Area Planning Manager – South/Major Developments
Author:	Susan Macmillan / Philip Sweeney
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 000001 Location Plan
	Plan 2 - 000002 Foundations
	Plan 3 - 000003 Elevations
	Plan 4 - 000004 Floor Plan
	Plan 5 - 101 Rev D Site Layout Plan
	Plan 6 - Letter from Scottish Water



26th February 2018

Tim Stott
Principal Planner
Development & Infrastructure Service
Highland Council
Glenurquhart Road
Inverness
IV3 5NX

SCOTTISH WATER

The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
G33 6FB

M: [REDACTED]

W: www.scottishwater.co.uk

E: [REDACTED]

Dear Tim,

RE: North Ballachulish WWTW Capacity

In reference to our previous correspondence regarding the capacity at the waste water treatment works in Ballachulish I am writing to confirm the capacity of the works.

There are effectively two waste water treatment plants on this site; one serving Ballachulish & Glencoe catchment and the other North Ballachulish & Onich catchment areas. Currently, there is a spare capacity of 535 housing units of which the following breakdown applies;

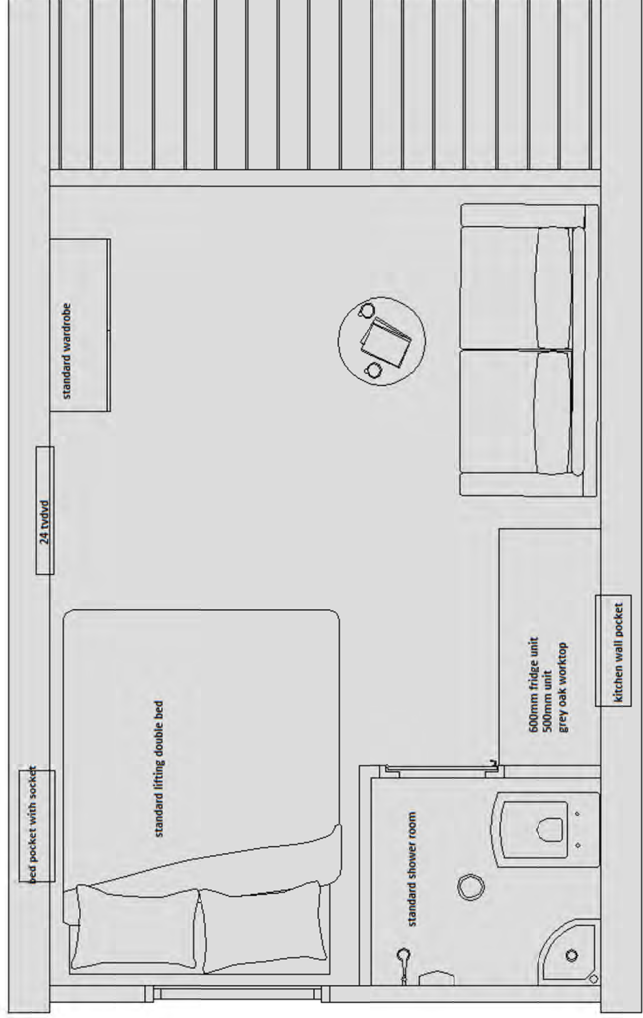
- North Ballachulish WWTW (North Ballachulish & Onich catchment) has a **spare capacity of 270 HU.**
- N Ballachulish Sep 1 2008 (Ballachulish & Glencoe) has a **spare capacity of 265 HU.**

I can confirm that Scottish Water has no planned capital investment activities for either of these assets because there is currently sufficient capacity at both works. At present, Scottish Water can accommodate all the allocations proposed in LDP. Scottish Water's position is that insufficient capacity should not be a barrier to sustainable development and presently Scottish Water is funded for part 4 asset upgrades, including water and waste water treatment works, should the growth criteria be demonstrated. I have attached a copy of both the growth criteria and the funding responsibilities of upgrades.

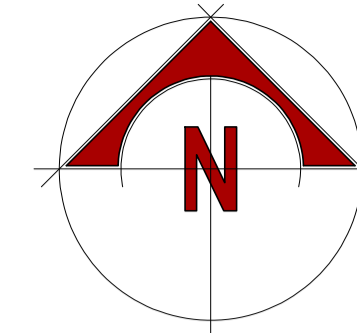
I trust that this information is acceptable to you, however, if you have any queries or further questions please do not hesitate to contact me directly.

Yours sincerely

Amanda Marshall
Development Planner – Scottish Water



Industrial Estate



ELECTRICITY SUPPLY TO BE TAKEN FROM EXISTING HOTEL

6 NO. PARKING SPACES FOR THE EXCLUSIVE USE OF THE 6 NO. PODS

OVERFLOW PARKING SPACES IF REQUIRED

PATIO AREA

Cairn (remains of)

Path (um)

EXISTING HOTEL

EXISTING MANHOLE FOR MAINS DRAINAGE

MAINS WATER SUPPLY

EXISTING HOTEL

Caledon House

Caolmara

Fireach



Note
The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.

NOTES :

A MAXIMUM OF 4 PEOPLE ATTEND THE DISTILLERY TOUR BUT THEY ARE NEARLY ALL HOTEL GUESTS.

THE EXISTING ACCESS TRACK HAS NEVER, TO OUR CLIENTS KNOWLEDGE, HAS NEVER BEEN BLOCKED.

REV D ADDITIONAL PARKING SPACES ADDED 18.04.18 DK

REV C RIGHT OF ACCESS TO LOCHLEVEN COTTAGE ADDED AND POSITION OF POD NO.6 ALTERED. EXISTING DISTILLERY BUILDING SHOWN WITHIN EXISTING BUILDING 13.04.18 DK

REV B PARKING SPACES FOR PODS SHAED 12.04.18 DK

REV A SERVICE ROUTES TO PODS ADDED 09.04.18 DK

project
PROPOSED HOLIDAY PODS AT LOCH LEVEN HOTEL

client
LOCH LEVEN HOTEL

detail
SITE PLAN

DKD
D KELLY DESIGN
Architectural Consultant

Queen Anne House • 111 High Street
Fort William • PH33 6DG
Tel: 01397 700999 • Fax: 01397 700888

scale 1:250 date 12.03.18

job no. 18/006 drg no. 10TD drawn D. KELLY