Agenda	7.4
item	
Report	PLN/073/18
no	

## THE HIGHLAND COUNCIL

Committee:	North Planning Applications Committee
Date:	27 November 2018
Report Title:	18/02161/FUL - Balmacara Hotel, Balmacara, Kyle IV40 8DH
Report By:	Area Planning Manager – North
1.	Purpose/Executive Summary
1.1	Applicant : Different Roads Management
	Description of Development : Proposed Alterations and Extension to Hotel
	Ward 05 - Wester Ross, Strathpeffer And Lochalsh
	Category : Local Development
	Reasons referred to committee : Number of objections
	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.
2.	Recommendation
2.2	Members are asked to agree the recommendation to grant as set out in section 13 of the report.

#### 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks full planning permission for the erection of two extensions to the Balmacara Hotel, as well the reconfiguration of the existing car park.
- Pre-application advice was provided in respect of a differently designed scheme 3.2 (ref. 17/03716/PREAPP) which stressed the need for the proposed extensions to respect the design of the original building, and for the car parking to be sufficient for the amount of bedrooms proposed.
- 3.3 A sunlighting/daylighting analysis in respect of the effect of the proposal on an existing residential property to the east of the site has been submitted.
- 3.4 Variations: The site layout has been amended to address issues raised by Transport Planning in respect of parking provision, drawing no. 306, Rev. B, submitted 15.10.2018.

#### SITE DESCRIPTION 4.

4.1 The site comprises the existing 28 room Balmacara Hotel and its car park. The original building is a two storey Victorian structure which has been extended to the rear, to the front and on its eastern side. The front and side extensions are architecturally unsympathetic, flat roof structures. A separate staff block was built to the west of the original building in the 1970's, but this has since been converted into private flats. There is a two storey dwelling house to the east of the site, known as Tigh na Coalas, originally built for the then owner of the Hotel, but which is now in separate ownership. A caravan site lies to the rear of the Hotel.

#### 5. PLANNING HISTORY

5.1 04/00174/FULSL. Alterations to Hotel. Application permitted 21.05.2004.

#### 6. **PUBLIC PARTICIPATION**

6.1 Advertised : Unknown Neighbour 14 Days

Representation deadline : 08.06.2018

Timeous representations : 10 from 10 different sources 1

Late representations :

- 6.2 Material considerations raised are summarised as follows:
  - Possible adverse impact on existing parking and access for private flats
  - Adverse visual impact from new parking and loss of two small walls and . existing trees
  - Enlarged Hotel would detract from character and quality of existing village .
  - Adverse effect on amenity from increased noise
  - Concerns over sufficiency and safety of parking layout and possible implications for flow of traffic on A87
  - Safety concerns from loss of public footpath
  - Adverse impact on existing access for neighbouring house onto A87

- Adverse impact on privacy of neighbouring house due to overlooking from proposed new staircase window
- Loss of light to neighbouring house from proposed front extension
- Adverse effect on amenity and wildlife from loss of existing trees
- No provision for increased refuse
- Possible lack of sewerage capacity
- Front extension is not subservient to original building and is not in keeping with it or with the locality
- 6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>. Access to computers can be made available via Planning and Development Service offices.

# 7. CONSULTATIONS

- 7.1 **Transport Planning**: Initial objection due to concerns over parking capacity/layout. Objection withdrawn following submission of revised parking layout.
- 7.2 **Access Officer** : No objection, requires access to existing Core Path spur north of village to be maintained
- 7.3 **Transport Scotland** : No objection, no conditions sought
- 7.4 **Scottish Water** : No objection, but applicant will need to confirm waste water capacity
- 7.5 **Access Panel :** Concerned at lack of an Access Statement and apparent lack of provision for all abilities

## 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

## 8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 34 Settlement Development Areas
- 44 Tourist Accommodation
- 77 Public Access

# 8.2 West Highlands and Islands Local Plan 2010 (as continued in force 2012)

Reraig Settlement Development Area

## 9. OTHER MATERIAL CONSIDERATIONS

### 9.1 Draft West Highlands and Islands Development Plan 2017

Balmacara and Reraig Growing Settlement

## 9.2 Highland Council Supplementary Planning Policy Guidance

Roads and Transport Guidelines for New Developments (May 2013) Sustainable Design Guide (Jan 2013)

### 9.3 **Scottish Government Planning Policy and Guidance**

Not applicable

#### 10. PLANNING APPRAISAL

- 10.1 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.
- 10.2 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.

### 10.3 **Development Plan Policies**

- 10.3.1 The application site falls within the Reraig Settlement Development Area (SDA), so Policy 34 applies. This policy supports development proposals within SDAs if they meet the Design for Sustainability requirements of Policy 28 which seeks sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.
- 10.3.2 Policy 44 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.
- 10.3.3 Policy 77 requires that development proposals should not adversely affect existing rights of public access.

#### 10.4 **Policy and Material Considerations**

#### Siting and Design

10.4.1 The siting of the two proposed extensions is considered logical. The front extension would largely obscure the existing unsympathetic, mansard roofed extension to the eastern gable of the original building, and would present a much

more attractive façade of traditional appearance to the main public view from the A87. The proposed rear extension would be less visible from public view, but also improves the appearance of the hotel rear by again masking the existing side extension with four pitched roof bedroom blocks which feature increasing ridge heights towards the west. The submitted elevations do not specify any of the external finishes, but this is something which can be controlled by condition.

- 10.4.2 One of the submitted objections criticises the design of the proposed front extension on the basis that it is not pulled back from the front elevation of the original building, and because it features dormer windows which do not exist on the original building. However, the building line and design quality of the original front elevation has been much obscured by an earlier flat roofed extension, and the dormer windows on the proposed extension do not look out of place in relation to the visible frontage of the original building. In architectural quality terms, the new extension frontage is considered to help offset the poor visual impact of the earlier front extension.
- 10.4.3 The proposed rear extension will result in the loss of some trees, but given the overall visual benefit of the scheme it is not considered that this would adversely affect the amenity of the village. The same comment applies to the loss of the two small stone walls at the front of the existing Hotel.
- 10.4.4 The Access Panel have made various comments on matters of design detail. The proposed development shall require to obtain a Building Warrant, and in order to do so the internal design must meet relevant legislation for all abilities access.

#### **Neighbour Amenity**

- 10.4.5 An objection has been received from the nearest existing dwelling house to the proposed extensions, namely Tigh na Coalas, which lies to the east of the site. In respect of neighbour amenity, this objection states that the privacy and amenity of Tigh na Coalas would be adversely affected from overlooking by a large first floor window to a staircase which would link the proposed and existing extensions. However, this window is some 21m from the boundary and 29m from the closest visible windows of Tigh na Coalas, which is well in excess of the Council's 18m window to window yardstick used to judge overlooking. It should also be noted that the proposed staircase window opens onto a transitory space, and that its outlook towards Tigh na Coalas would be funnelled between the existing and proposed extensions, thus limiting the field of view. There are no other windows in the gable end of the extension.
- 10.4.6 The objection from Tigh na Coalas also expresses concern about overshadowing and loss of light resulting from the proposed front extension. The agent has undertaken a sunlight and daylight analysis using Building Research Establishment guidance which demonstrates that the only habitable room facing the proposed extension would not be adversely affected. Critical to this analysis is the relative orientation of the existing house and the new front extension. As can be seen from the site layout plan, the new extension lies almost entirely to the north and west of the existing house. As the sun transits from east to west within the southern sky, any dimunition of sunlight/daylight will be very limited in respect of the neighbouring building. The submitted analysis confirms this to be the case.

10.4.7 While it is accepted that the proposed development would result in some increase in noise levels, it is not considered that the additional noise resulting from the 21 bedrooms which are proposed would be so serious as to warrant refusal of this application. Any increased noise resulting from the additional bedrooms must be considered against the fact that the main entrance to the Hotel - and hence the main focus of activity and noise - is situated towards the western end of the building, away from Tigh na Coalas. It is noted that the new front extension is positioned in an area of the site currently used for car parking. It is considered that a degree of noise and disturbance from vehicle and pedestrian activity will already be associated with this use. These impacts on neighbouring amenity will reduce with the erection of the proposal, and this has been taken into account when assessing the 'net' impact of the proposal in this regard.

#### **Access and Parking**

- 10.4.8 While the site is adjacent to the A87 trunk road, Transport Scotland have no concerns or issues with the proposal, and do not seek any conditions. The Council's Transport Planning team initially had concerns in respect of a shortfall of parking spaces, disabled bays not being to the correct standard, and the positioning of cycle spaces. Following the submission of an amended parking layout these concerns have been addressed. Transport Planning have withdrawn their objection, and do not seek any conditions.
- 10.4.9 The existing refuse arrangement is that bins are stored at the rear of the main Hotel block. There is sufficient space within both the existing and proposed car park for refuse vehicles to manoeuvre so that they can access these bins, and there is sufficient space at the rear of the Hotel to accommodate additional bins, if required.
- 10.4.10 The proposed extensions do not impinge upon a right of access which is claimed by the occupants of Tigh na Coalas. It is noted that planning consent was granted in 2014 for the formation of a new access to this property from a minor road to the east, and that this consent (ref. 14/03279/FUL) has been implemented.
- 10.4.11 The site layout as originally submitted did remove the existing public footpath which runs parallel to the A87 on a grassed area between the Hotel and the A87. The revised site plan reinstates this footpath, but moves it closer to the A87. Transport Planning have no objection to this arrangement.
- 10.4.12 The Core Path spur referred to in the Access Officer's consultation response begins at the rear of the existing Hotel. A condition can be applied to ensure that access to this path is not prevented by construction works.

#### Foul Drainage

10.4.12 As noted above, while Scottish Water have no objection to the application the applicant will need to confirm, via a formal application to this body, that there is sufficient capacity in the Reraig Waste Water treatment plant. Should sufficient capacity not exist then the developer will need to contribute towards an upgrade of this facility if the scheme is to proceed.

#### Wildlife

10.4.13 There are no ecological designations on the site and the development is taking place on previously developed land.

## Tourism

10.4.14 Given that the design of the proposal and its impact on amenity are considered acceptable, and given that it does not use any land allocated for housing development, the application meets the requirements of the HwLDP Tourism policy.

#### 10.5 **Other Considerations – not material**

None

#### 10.6 Matters to be secured by Section 75 Agreement

Not applicable

#### 11. CONCLUSION

11.1 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.

#### 12. IMPLICATIONS

- 12.1 Resource Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk Not applicable
- 12.6 Gaelic Not applicable

#### 13. **RECOMMENDATION**

Action required before decision N issued

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

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has 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 the proposed external materials and finishes in detail prior to the commencement of development; in the interests of amenity.

2. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

**Reason** : In order to safeguard public access during the construction phase of the development.

### **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.

#### TIME LIMITS

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 and 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 (p.198), 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: <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/info/20005/roads\_and\_pavements/101/permits\_or\_wo rking\_on\_public\_roads/2

### Mud and 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.

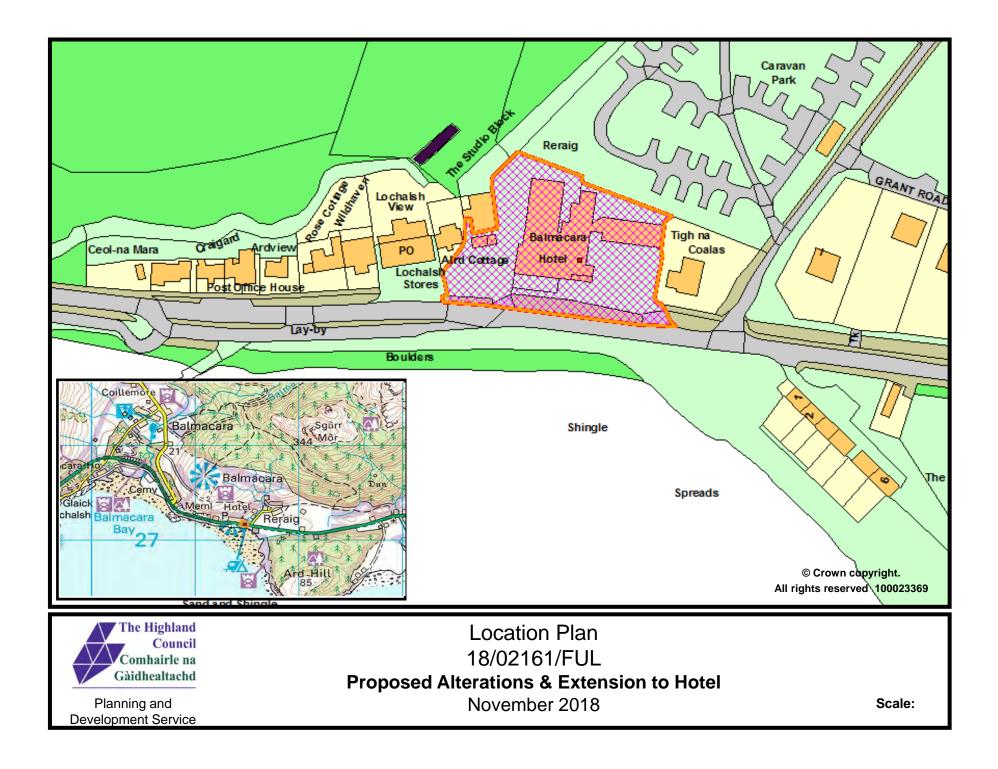
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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.

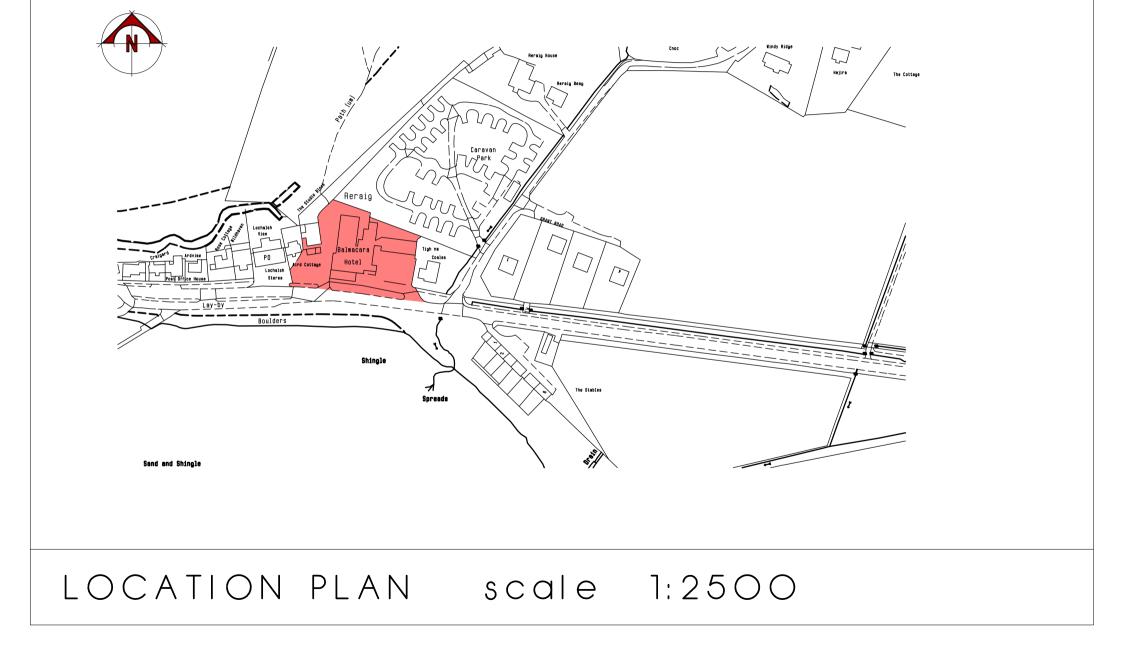
#### Protected Species - Halting of Work

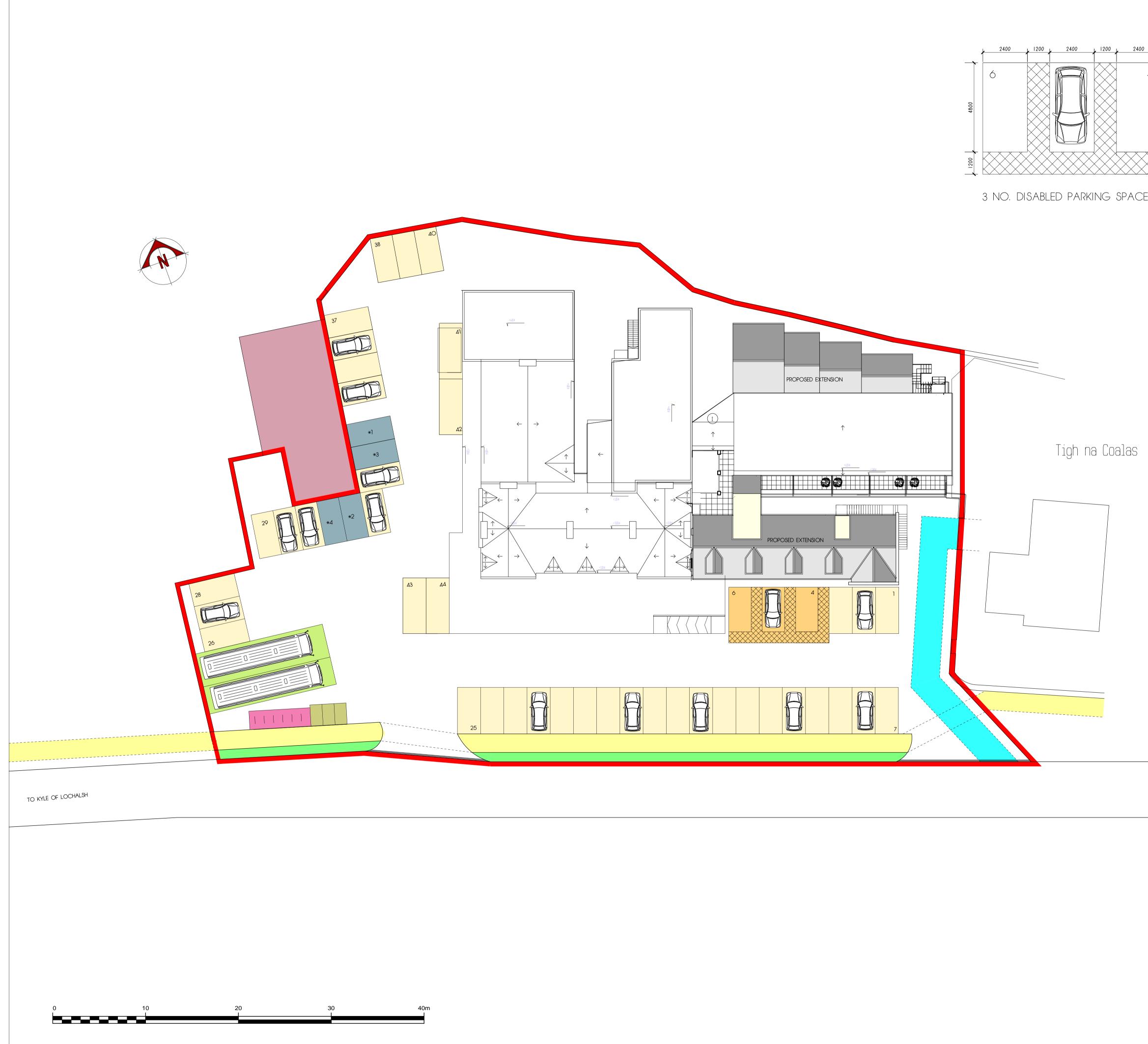
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected

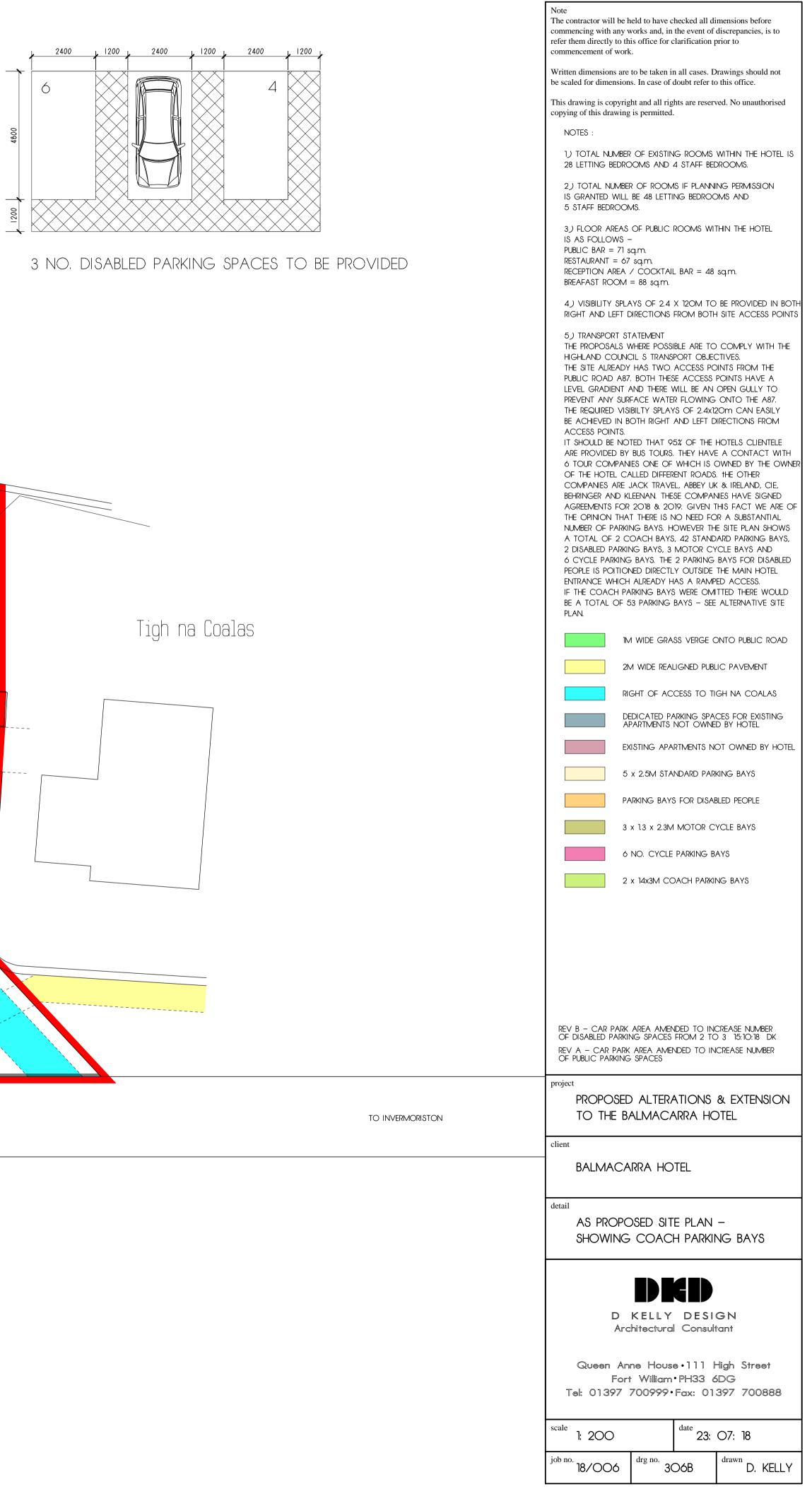
species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: <a href="http://www.snh.gov.uk/protecting-scotlands-nature/protected-species">www.snh.gov.uk/protecting-scotlands-nature/protected-species</a>

Designation:	Area Planning Manager - North
Author:	Graham Sharp
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Committee Location Plan Plan 2 – Location Plan 000001 Plan 3 – Site Layout Plan 306 Rev. B Plan 4 – Existing Elevations 103 Plan 5 – Proposed Elevation 205 Plan 6 – Existing Ground Floor 101 Plan 7 – Existing First Floor 102 Plan 8 – Proposed Ground Floor 201 Plan 9 – Proposed First Floor 202 Plan 10 - Proposed Second Floor 203 Plan 11 – Proposed Section 204











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.
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