

Agenda item	6.3
Report no	PLN/017/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 March 2019

Report Title: 18/02420/FUL - Ben Loyal Hotel, Tongue, Lairg, IV27 4XE

Report By: Acting Head of Development Management

1. Purpose/Executive Summary

1.1 Applicant: The Ben Loyal Hotel per David Stamp Design

Description of development: Erection of 6 glamping pods and associated works

Ward: 1 – North, West and Central Sutherland

Category: Local

Reasons Referred to Committee: Member request

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

2. Recommendation

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

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks consent for the installation of 6 'glamping' pods and ancillary development. The pods themselves have the appearance of an upturned boat; with horizontal western red cedar cladding and galvanised steel roof tiles. The pods also include an external timber decking on their front elevations, with two timber enclosures also proposed to contain refuse and recycling bins. The pods would be accessed from the public road using an existing access leading into the rear courtyard area of the Ben Loyal Hotel and thereafter accessed by foot by timber walkway ramps and natural stone walkways. It is envisaged that the development would connect to the public sewer.
- 3.2 There is no infrastructure on site at present however there is an existing access from the public road and it is proposed to connect into existing land drains.
- 3.3 **Pre Application Consultation:** No pre-application advice was sought prior to the submission of the application.
- 3.4 **Supporting Information:** The application is supported by a Design Statement due to the site's location with a National Scenic Area.
- 3.5 **Variations:** During processing of the application, the drainage layout was amended to take account of a third party comment and an additional car parking space was added. No further variations were made however additional information was provided regarding the existing hotel operations and proposed road safety measures.

4. SITE DESCRIPTION

- 4.1 The site lies to the rear (west) of the existing Ben Loyal Hotel which occupies a central position within the village of Tongue, directly accessed from the public road. The Ben Loyal accommodation complex includes the hotel itself as well as a small block of self contained apartments. The site extends to around 0.34 hectares and slopes significantly away from the hotel buildings and has attractive views to Ben Loyal and Castle Varich. It is currently grassed and contained by post and wire fencing. As noted above there is an existing access from the public road serving the hotel complex which leads into a rear courtyard area with parking.

5. PLANNING HISTORY

No planning history.

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 Development
Date Advertised: 29th June 2018
Representation deadline: 13th July
Timeous representations: 1 objection

Late representations: None

6.2 The objector requests that the drainage proposals are amended to avoid surface water filtering onto the adjacent croft located to the west and south of the site (there are existing drainage problems here). The objector also notes that he has no intention of allowing a sewer connection through the croft, and the lack of consultation from the applicant/agent.

6.3 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

7. CONSULTATIONS

7.1 **Transport Planning:** Object. Comments below:

Consultation Summary – 15th October 2018

Transport Planning objects to the application as we have road safety concerns. In the interests of road safety, guidance suggests that visibility splays of X=2.4m by y=25m are required at this locality. Field measurement has shown that south visibility splay offers a visibility splay of X=2.4m by Y= 9m, while the north offers X=2.4 by Y=11m. This is a large departure from guidance and is significant because the development will intensify use of the junction by a large proportion of its present use.

Though this development is representative of an increase in parking of six vehicles, its impact will be partially mitigated by marking out parking at the hotel's rear. Transport Planning does not believe that three parking spaces below our maximum guideline level of twenty will be significant in this location.

Visibility

The development of 6 pods effectively increases the number of bedrooms at the hotel from 11 to 17. This would be associated with a significant relative increase in the existing traffic using this junction which lies between the hotel's rear courtyard and Main Street. The junction is shown to have substandard visibility and substandard access, with little realistic opportunity for improvement.

During a site visit, Transport Planning undertook a measurement of the available visibility splays at the entrance/ exit from the hotel's rear parking area.

- South visibility splay measured at X=2.4m by Y= 9m
- The north visibility splay was X=2.4 by Y=11m

While the south visibility splay was obscured by the hotel building, the north one was partly obscured by stone dykes and vehicles parked on the road (an object of 0.6m height should be visible at a driver's eye height 1.05m). The lack of footway at this location was observed to pull the road in towards walls and other boundaries. This has a direct impact on the associated visibility splay. The opposite side of the main road (southbound) had greater visibility and about 25m could be seen - however this is not within the visibility splay.

Though the standard visibility requirement in a 30mph street is X=2.4m by Y=90, the narrow openings, occasional lack of footways and the number of buildings fronting directly to the road or to a narrow footpath create a sense of 'place'. With this in mind, it is appropriate to use the Designing Streets 2010 guidance, applying to a reasonable road speed for most road users. From field observations, Transport Planning believes a road speed of 20mph is appropriate. Using this guidance, the Stopping Site Distance is shown to be 25m, giving a visibility splay requirement of X=2.4m by y=25m, according to guidance.

Given the size of proposed development relative to the number of bedrooms in the hotel, it would appear to be representative of a significant increase, by proportion in the junction's use. Due to the size of the departure from our guidance, we cannot support this application and therefore must object.

Access

Transport Planning notes that at 4.5m wide the access to the courtyard is substandard. While on site visit, it was noted that a van blocked the entrance during a delivery.

Parking

The applicant has provided a new General Arrangement Plan, 1127/03 Rev. C which shows 16 parking bays and one accessible parking bay which are proposed to be marked out in the hotel's presently 'un-marked' rear courtyard. This will formalise parking in the rear courtyard. Transport Planning believes that this will provide benefit to the overall capacity, in practice. It will therefore alleviate the impact of new parking associated with the new development, to an extent.

The applicant has provided information showing the hotel presently has 11 bedrooms and the six proposed pods will effectively add six more, making 17 bedrooms. Our parking guidance, suggests the following, for bedrooms and resident's facilities only.

Table 1: Parking required by guidance vs available (based on bedroom capacity only)

Development Type	Minimum Parking Level	Details	Maximum amount (Guidance)	Provided
Hotel	Guests: 1 space per room	17 rooms/ pods	17	N/A
	Staff: 1 space per 3 staff	8 staff assumed	3	N/A
	Total		20	17

The above table shows that there is a shortfall in parking, relative to our guidance, 'Roads and Transport Guidelines for New Developments'.

Though this development is representative of an increase in parking of six vehicles, its impact will be partially mitigated by marking out parking at the hotel's rear. Transport Planning does not believe that an overall three parking spaces below our maximum guideline level of twenty will be significant in this location.

Bicycle Parking

Transport Planning notes and welcomes the inclusion of covered bicycle parking.

Footpath

Though a private matter for the applicant, we note that the footpath leading to the pods appears to be shown rather narrow and that this may pose a challenge to disabled access and wheelie bins etc.

Further Response – 17th December 2018

Consultation Summary

The new proposals which seek to optimise the visibility at the private access between the Ben Loyal Hotel's rear courtyard and the public road are not acceptable under our guidance and would appear to offer little advantage in terms of an increase in road safety. It remains the case that this application would intensify the use of a junction with substandard visibility. As a result, Transport Planning is unable to remove its objection, made on the grounds of road safety, due to a lack of visibility.

Visibility

In Consultation Response 2, visibility at the access to the rear courtyard from the public road was noted to be sub-standard, relative to the guidance, 'Designing Streets 2010'. This guidance allows a relaxation in visibility requirements stated in our standard Roads and Transport guidelines due to a 'sense of place', which is noted to be appropriate at this location.

The applicant has supplied drawing no. 1123.06 showing a number of proposals with the intent of optimising the substandard visibility, which include the use of a mirror and of a STOP sign arrangement.

- The Highland Council does not normally accept mirrors in lieu of appropriate visibility. Paragraph 5.7.3.5, in the guidance, Roads and Transport Guidelines for New Developments, states, "The use of mirrors to aid visibility at a junction is **not** acceptable."

In this case, Transport Planning believes a mirror would be of limited assistance. It is shown an excessive distance from the junction and is likely to be obscured by parked vehicles.

- Our guidance does not make reference to the use of STOP signs in lieu of appropriate visibility at private accesses. Transport Planning therefore cannot accept this as suitable alternative to appropriate visibility.

The above proposals which seek to optimise the available visibility at the private access, between the Ben Loyal Hotel's rear courtyard and the public road are not acceptable under our guidance and would appear to offer little advantage in terms of an increase in road safety.

Parking

Transport Planning welcomes the inclusion of a further parking bay, as shown in Drawing No 1123.03D.

7.2 **Environmental Health:** No comments or observations.

7.3 **Scottish Natural Heritage:** No objections. The proposal lies within the Kyle of Tongue National Scenic Area which is designated for its dramatic mountains, diverse coastline, varied woodlands and distinctive pattern of crofting settlements. The proposal, which is relatively small in scale, fits within the existing settlement pattern and will not affect the special qualities of this designation.

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 & Place-making
 30 - Physical Constraints
 34 - Settlement Development Areas
 36 - Development in the Wider Countryside
 44 - Tourist Accommodation
 56 - Travel
 57 - Natural, Built & Cultural Heritage
 65 - Waste Water Treatment
 66 - Surface Water Drainage

8.2 Caithness and Sutherland Local Development Plan (2018)

The site falls within the Tongue Settlement Development Area.

9. OTHER MATERIAL CONSIDERATIONS

9.1 Highland Council Supplementary Planning Policy Guidance

Managing Waste in New Developments (March 2013)
 Sustainable Design Guide (Jan 2013)

9.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June, 2014)

Other

Highland Council Roads and Transport Guidelines for New Developments

Scottish Government Designing Streets 2010

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.

Determining Issues

- 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.

Planning Considerations

- 10.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) any other material considerations.

Development plan/other planning policy

- 10.4 The application seeks consent for the installation of six glamping pods within the grounds of an existing hotel, to provide additional tourist accommodation. As such the proposal requires to be assessed primarily in terms of Policy 44 of the Highland-wide Local Development Plan. The site lies within the defined Settlement Development Area therefore Policy 34 requires due consideration, alongside the other general policies of the plan which relate to applicable material considerations.
- 10.5 In terms of Policy 44, this outlines 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. These considerations are set out in the proceeding sections.

Siting and Design

- 10.6 It is proposed to site the glamping pods on open ground to the rear of the existing hotel; this area is contained within the defined Settlement Development Area and accordingly there is a presumption in favour of development. The general area surrounding the hotel is typical of the mixed uses found within a village centre including residential and business. Moreover the hotel and its related apartment

block have established tourist uses at this location, with the proposed development comprising a further addition to such uses. In addition, the site maintains the building of line of Varrich Place to the north. Therefore the principle of pods in this location, in siting terms is considered acceptable. There is a significant slope across the site, with the land falling away considerably from the hotel building. The agent has however taken cognisance of this and has provided site sections demonstrating that the pods would be laid out on the lower sections of the slope, and therefore are capable of being discretely positioned. The design of the pods has been established across the Highland area and does not raise any concerns in terms of visual impact. SNH have confirmed that the development will not impact on any of the special characteristics of the Kyle of Tongue National Scenic Area. Overall, in siting and design terms, it is considered that the proposal has been well thought through, taking into account the characteristics of the site.

Access and Parking

- 10.7 The access and parking arrangements have been subject to lengthy consultation with Transport Planning which has hampered timeous determination of the application. The application proposes to utilise an existing access from the public road which leads into the existing car park to the rear of the hotel. This is an existing arrangement however the proposed development would represent intensification and an increase in usage therefore its suitability requires to be assessed against the provisions of the Council's Roads and Transport Guidelines for New Developments in terms of both access and parking.

Access

- 10.8 The development of 6 pods effectively increases the number of bedrooms at the hotel from 11 to 17. This would be associated with a significant relative increase in the existing traffic using this junction which lies between the hotel's rear courtyard and Main Street. During a site visit, Transport Planning undertook a measurement of the available visibility splays at the entrance/ exit from the hotel's rear parking area. The splays were calculated as being 9m in a southerly direction and 11m in a northerly direction. In particular the south visibility splay was obscured by the hotel building (which sits very close to the road boundary) and the north splay was partly obscured by stone dykes and vehicles parked on the road. There is no footway along the public road which exacerbates the lack of visibility.
- 10.9 The standard visibility splay requirement in a 30mph street is 90m, however in this instance, the narrow openings, occasional lack of footways and the number of buildings fronting directly to the road or to a narrow footpath create a sense of 'place'. With this in mind, it is appropriate to use the Designing Streets 2010 guidance, applying to a reasonable road speed for most road users. From field observations, Transport Planning believes a road speed of 20mph is appropriate. Using this guidance, the visibility splay requirement is 25m (i.e. this is the stopping distance of vehicles travelling along the public road).

- 10.10 Given the size of proposed development relative to the number of bedrooms in the hotel, it would appear be representative of a significant increase, by proportion in the junction's use. Due to the size of the departure from our guidance, Transport Planning cannot support this application and therefore must object.
- 10.11 The concerns of Transport Planning were raised with the agent and applicant in order to explore any alternative options and to examine whether the visibility splays could be improved on. Unfortunately, as noted by Transport Planning, the position of existing buildings close to the roadside, significantly hampers visibility and therefore negates the ability for this situation to be improved upon. Instead the agent provided a revised plan which indicated that it was considered that use of a mirror and a STOP sign could optimise the visibility. Transport Planning have advised that neither can be accepted as suitable alternatives. In particular, the Roads and Transport Guidelines advise that the use of mirrors to aid visibility at a junction is not acceptable. Further discussion has taken place with Transport Planning to ascertain what would be required to allow the development to be acceptable in road safety terms; it is understood that in order to allow safe access and egress road speeds would need to be lowered to a level commensurate with the achievable visibility splays – that is, a maximum of 10mph. Transport Planning advise that it would not be reasonable to slow traffic speeds to such a level in this location. It is disappointing that a solution cannot be found that would allow the road safety concerns to be resolved; as noted above the development offers significant benefits in terms of providing tourist accommodation through a well designed development however in this instance, the application risk the road safety of those accessing/egressing the development and those travelling along the Main Street.

Parking

- 10.12 The applicant has provided a revised site layout plan which shows 18 parking bays including one accessible parking bay which are proposed to be marked out in the hotel's presently 'un-marked' rear courtyard. This is a slight shortfall of the required 20 spaces (taking into account 17 hotel bedrooms/pods) and staff parking requirements. This will formalise parking in the rear courtyard and will provide benefit to the overall capacity, in practice. It will therefore alleviate the impact of new parking associated with the new development. Although there is a small shortfall, it is not considered that this is significant and the parking arrangements are therefore considered acceptable.

Drainage

- 10.13 It is anticipated that the development will connect into the public sewer. The concerns of the objector are noted and it is pleasing to note that the agent has ave amended the plans to show surface water from the proposed development connecting into existing land drains within the curtilage of the hotel rather than through land to the west (owned by the third party). This therefore addresses the objection comment which has been received.

Other material considerations

10.15 There are no other material considerations.

11. CONCLUSION

11.1 The proposed development, in terms of providing additional tourist accommodation, is acceptable in principle and it is considered that the agent has provided a well considered scheme in siting and design terms. The proposal would however represent intensification of an existing access arrangement with significantly substandard visibility, raising road safety concerns and contrary to the provisions of the development plan and the Council's Roads and Transport Guidelines for New Developments. As such, whilst the Planning Authority acknowledges the merits of the proposed development, it is not considered that these outweigh the road safety concerns. Regrettably it is therefore considered that the application does not conform with the development plan.

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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The proposed development is contrary to the provisions of the Highland-wide Local Development Plan Policy 28 (Sustainable Design), Policy 34 (Settlement Development Areas), Policy 44 (Tourist Accommodation), Policy 56 (Travel) as the proposed access arrangements do not comply with the requirements of the Council's Roads Guidelines for New Developments with regards provision of appropriate visibility splays. The proposals are concerned with intensification of an existing access to accommodate the proposed units however this existing arrangement has visibility splays which fall short of the required 25m, with no scope for improvement works. As such it is considered that the proposed development would have a significantly adverse impact on the safety of road users along the Main Street, and users accessing and egressing the application site.
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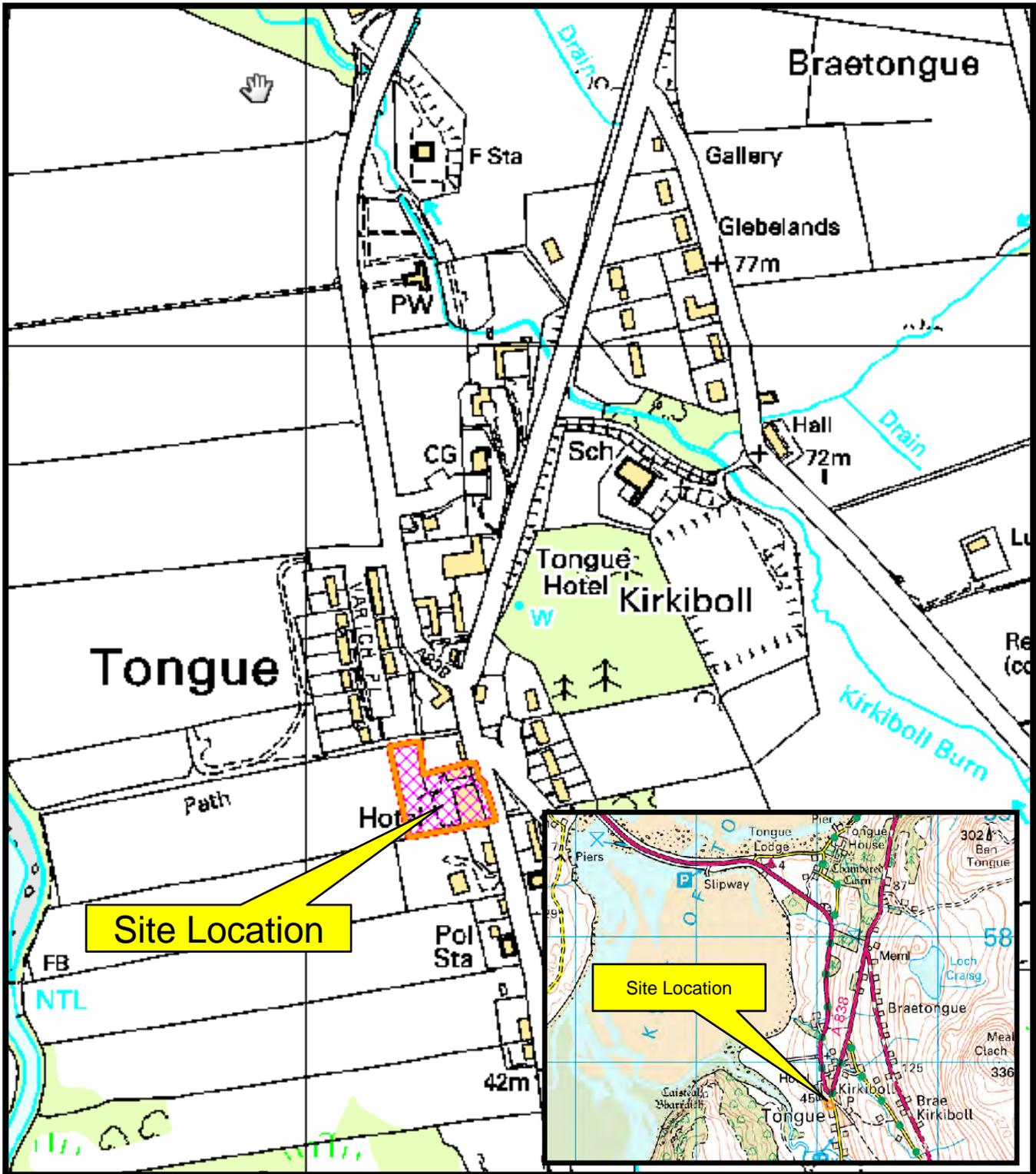
Designation: Acting Head of Development Management - Highland

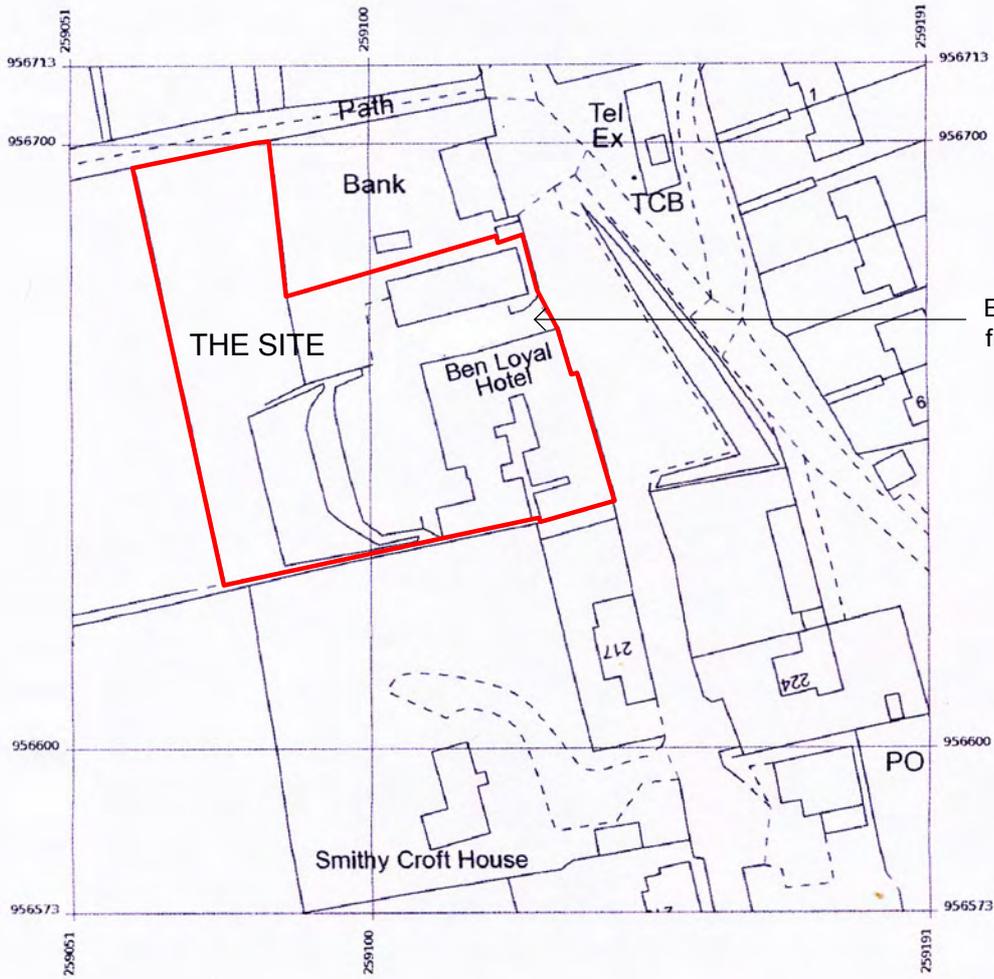
Author: Gillian Pearson Date: 14.01.2019

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

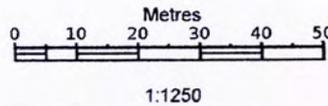
- Plan 1 - Location Plan 1127.01 Rev A
- Plan 2 - Site Layout 1127.03 Rev D
- Plan 3 - Proposed Access 1127.06
- Plan 4 - Elevations 1127.04
- Plan 5 - Site Section Plan 1127-05 Rev A





Produced 09 May 2018 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

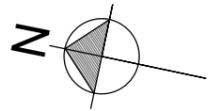
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



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Order Licence Reference: OI1227423
Centre coordinates: 259121 956643

Location Plan
Ben Loyal Hotel Main Street
Tongue
Sutherland
IV27 4XE

Drg no. 1127.01A



Royal Bank of Scotland

The Ben Loyal Hotel
Apartments - See photo 4.
Design Statement

Existing Access
from Main Street

The Ben Loyal Hotel (rear)

Existing Car Park
(No Marking Out)



Scale: 1:200

Cut grass

16000

25350

14800

Cut grass

Sloping grass

22350

Existing Open Area
(currently not used)

20300

20150

70150

REVISIONS

A 07.06.18 - Dimensions and further notes added

'GLAMPING PODS' BEN LOYAL HOTEL
MAIN STREET TONGUE SUTHERLAND IV27 4XE

Drawn-DWStamp
Tel-01847 601363

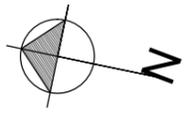
GENERAL ARRANGEMENT PLAN
(As Existing)

Scale:
1:200 @ A3

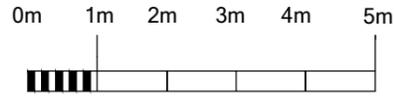
Date
08.05.18

Drg. No.
1127/02

Rev.
A



Royal Bank of Scotland



Scale: 1:200

The Ben Loyal Hotel
Apartments - See photo 4.
Design Statement

Accessible
Parking

Existing
Access

A

Undercover
cycle racks

Proposed Car Park Layout
Minimum 17 spaces (2400 x 4800 each)

Steps Down

Ramp Down

Non-slip slab walkways

Cut grass

New timber 'Grip-deck'
walkway ramps for access
to the 'glamping pods'

Existing land drain

6 no 'glamping pods' linked to
natural stone walkways

Cut grass

Sloping bank cut grass

Perforated 150mm dia
pipework within pea gravel
either side of each 'pod'

IC

Existing foul
drainage system
new IC

New 100mm PVCu foul drainage from the 6 no pods to discharge into the existing foul drainage which connects to the existing sewer system along walkway north of the site.

The additional foul drainage system for all the 'pods' to be constructed and installed in accordance with the recommendations of BS EN 12056-1:2000, BS EN 752:2008, BS EN 1610:2015 and 3.7.3 and 3.7.4 of the Technical Handbook.

100mm PVCu pipes/fittings for foul and surface water to be laid to falls not less than 1:60.
PVCu inspection chambers with light cast iron covers to be provided for the foul drainage.

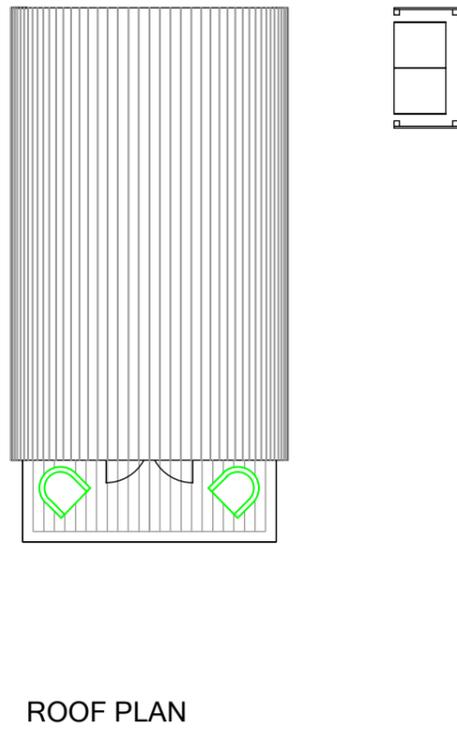
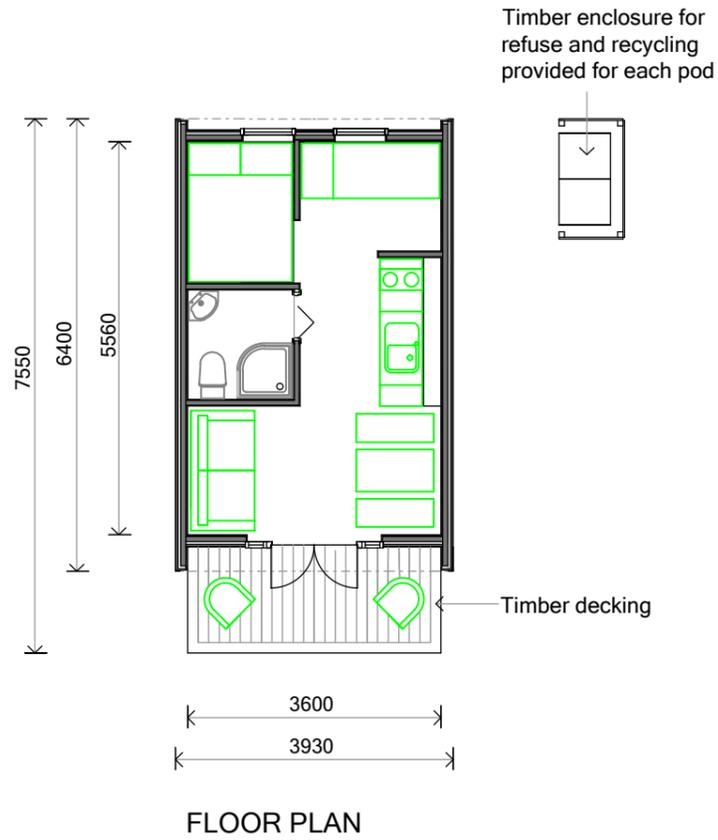
Disposal of surface water from each pod to be directed to the existing land drain to north of site which eventually drains to the existing watercourse (Rhian Burn) and then into the Kyle

A

REVISIONS

- A 30.05.18 Drainage layout completed and car park layout indicated.
- B 01.07.18 Drainage system layout amended
- C 16.08.18 Car parking capacity increased to 17
Cycle racking undercover space indicated
- D 19.11.18 Car parking capacity increased to 18

'GLAMPING PODS' BEN LOYAL HOTEL MAIN STREET TONGUE SUTHERLAND IV27 4XE			Drawn-DWStamp Tel-01847 601363	
GENERAL ARRANGEMENT PLAN (Proposed)	Scale: 1:200 @ A3	Date 08.05.18	Drg. No. 1127/03	Rev. D



EXTERNAL FINISHES

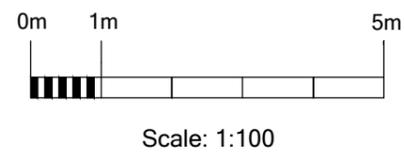
Roof - Coated galvanised steel plain roofing tiles - Ref Decra Oberon - Colour Bark

Windows/Doors - PVCu pre-glazed

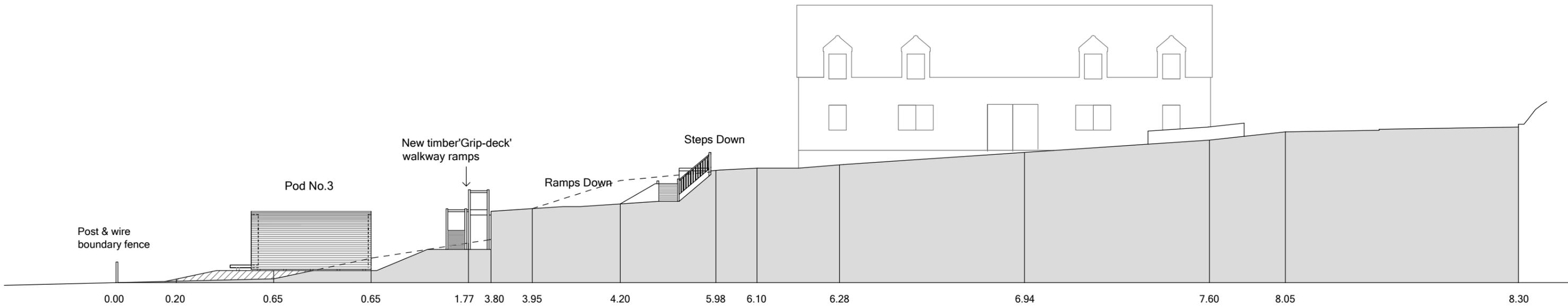
End Walls - Western Red Cedar horizontal boarding

Walkways/Decking/Handrails - Timber and 'Gripdeck' boards (non-slip)

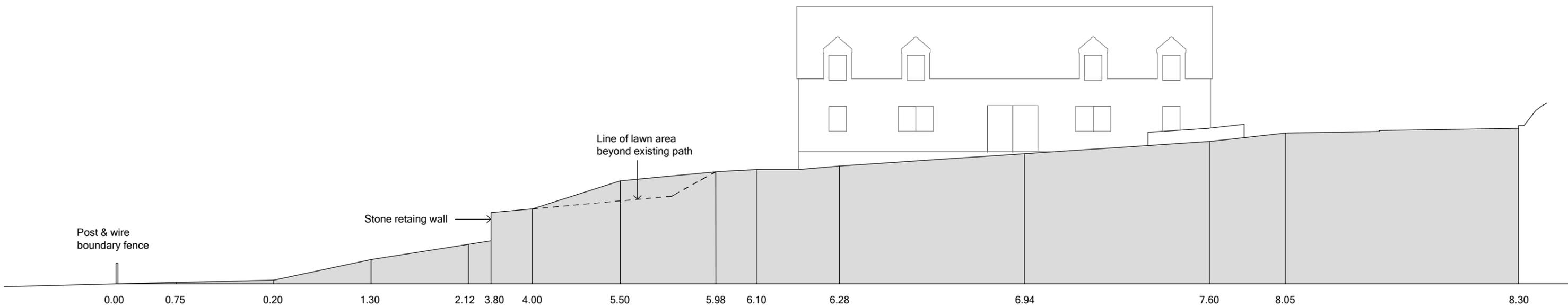
Fascias - Western Red Cedar



'GLAMPING PODS' AT THE BEN LOYAL HOTEL MAIN STREET TONGUE SUTHERLAND IV27 4XE		Drawn-DWStamp Tel-01847 601363		
PLANS & ELEVATIONS (Proposed)	Scale: 1:100 @ A3	Date 10.05.18	Drg. No. 1127/04	Rev. -



SITE SECTION A-A (Proposed)



SITE SECTION A-A (As Existing)

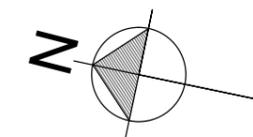
REVISIONS

A - 13.06.18 Sub-heading to the proposed section corrected

'GLAMPING PODS' BEN LOYAL HOTEL MAIN STREET TONGUE SUTHERLAND IV27 4XE			Drawn-DWStamp Tel-01847 601363	
SITE SECTION A-A (As Existing & Proposed)	Scale: 1:200 @ A3	Date 08.06.18	Drg. No. 1127/05	Rev. A



Scale: 1:100



New rectangular convex traffic mirror

Line of existing car park

MAIN STREET

Line of existing pavement and curb

Exit visibility from existing rear car park to be improved with the provision of white lines, hatched markings and 'STOP' sign on the tarmac.

To be in accordance with the TSRGD traffic signs manual Chapter 5, to BS EN 1436: 2018, BS EN 1871: 2000 and any special Local Authority requirements.

7550

7400

6700

Line on existing drop curb white line

675mm high existing stone wall

STOP

Existing 5mph sin on corner of building

THE BEN LOYAL HOTEL

4100 min

New 'STOP' sign on pole

7110

Existing Ben Loyal Hotel car park

7150

'GLAMPING PODS' BEN LOYAL HOTEL MAIN STREET TONGUE SUTHERLAND IV27 4XE			Drawn-DWStamp Tel-01847 601363	
REAR CAR PARK ACCESS (Proposed))	Scale: 1:100 @ A3	Date 15.11.18	Drg. No. 1127/06	Rev. -