Agenda
Item6.6Report
NoPLN/070/19

HIGHLAND COUNCIL

Date:10 September 2019Report Title:19/01059/FUL: G and M Properties Ltd Waverly Inn, 1 Castle Street, Dingwall, IV15 9HUReport By:Acting Head of Development Management – Highland1.Purpose/Executive Summary	1.1 Description:	Alterations and erection of first floor extension to form additi
19/01059/FUL: G and M Properties Ltd Report Title: Waverly Inn, 1 Castle Street, Dingwall, IV15 9HU	1.	Purpose/Executive Summary
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	Report Title:	Waverly Inn, 1 Castle Street, Dingwall, IV15 9HU
Date:10 September 2019		19/01059/FUL: G and M Properties Ltd
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Committee: North Planning Applications Committee	Committee:	North Planning Applications Committee

- 1.1 **Description:** Alterations and erection of first floor extension to form additional bedrooms and formation of vehicular entrance
 - Ward: 08 Dingwall And Seaforth
- 1.2 **Development category:** Local Development

2.

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.

Recommendations

2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 Detailed consent is sought for a first floor extension above the existing single storey section which is located towards the rear of the building. The extension will contain 8 en-suite bedrooms and is a continuation of the design and form of the existing first floor.
- 3.2 Variations: Site Layout Plan amended to take account of Transport Planning comments regarding access and parking. The window design on the north elevation has been amended to overcome concerns regarding overlooking towards neighbours to the north.

4. SITE DESCRIPTION

4.1 The site is a 1960s former office building now used as a hotel called The Waverly Inn. The building is flat roofed and comprises a two storey section at the eastern end fronting Castle Street, which reduces down to a single storey at the western part of the building. A blank brick façade faces towards Castle Street. The site is accessed from Castle Street and car parking is located at the rear of the building and along the southern site boundary. The entrance to the building is located on the south elevation facing towards the property's car park and neighbouring Castle Street Church and Church Hall. Residential properties lie to the north, including the grade B listed St Ninians. A residential property sits at the western end of the car park.

5. PLANNING HISTORY

- 5.1 12/03939/FUL Alterations and change of use of building form office (Class 4) to guest house (Class 7) Application refused by committee 12 February 2013
- PPA-270-2086 Alterations and change of use of building from office (Class 4) to
 guest house (Class 7) Appeal allowed by Reporter appointed by Scottish Ministers 10 May 2013

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 05.04.2019

Representation deadline: 19.04.2019

Timeous representations: 7

Late representations: 0

- 6.2 Material considerations raised are summarised as follows:
 - a) Unacceptable impact upon the privacy of neighbouring properties. The building was intentionally designed with only a partial first floor in order to protect the privacy of adjoining neighbours.
 - b) Unacceptable impact upon the conservation area.
 - c) Increase in on-street parking.
 - d) Increase in noise and disturbance.
 - e) Reduction in light to the neighbouring property.

- f) Impact upon the neighbouring boundary wall and hedge.
- g) Parking and access arrangements inadequate.
- 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>.

7. CONSULTATIONS

7.1 **Transport Planning - No objection** - subject to deletion of proposed new access and the 2 additional vehicular parking spaces that necessitated the new access. A total of 22 spaces can be accepted for the development.

Originally the application proposed to change the existing pedestrian access at the north east corner of the site to a vehicular access. This was to access two new parking spaces located at the front (east) of the building, between the building and Castle Street. The creation of the access would have resulted in the loss of two on-street parking spaces. The plans were amended by the applicant to delete the new access and providing a total of 22 parking spaces, including two disabled bays close to the entrance.

7.2 **Dingwall Community Council – Object** on the following grounds:

- a) While the extension will match the existing building, it is not considered appropriate adjacent to Dingwall Conservation Area.
- b) The proposed extension will overlook the adjacent gardens leading to loss of privacy for occupants.
- c) It will be necessary to formalise the parking in order to provide the required number of parking spaces. The parking proposal shown on the plans is not clear. The three proposed spaces at the Castle Street end of the building are restricted and impractical
- d) Is the existing kitchen and living space sufficient to serve the additional 8 bedrooms.

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
- 34 Settlement Development Areas
- 44 Tourist Accommodation
- 57 Natural, Built and Cultural Heritage

8.2 Inner Moray Firth Local Development Plan

Within Dingwall Town Centre

Policy 1 – Promoting and Protecting City and Town Centres

8.3 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

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) The principal determining Development Plan Policies
 - b) Design and materials
 - c) Impact upon residential amenity
 - d) Access, parking and servicing

The principal determining Development Plan Policies

- 10.4 The site is within Dingwall Town Centre as defined in the Inner Moray Firth Local Development Plan. Policy 1 (Promoting and Protecting City and Town Centres) is relevant. This policy is supportive of proposals that generate footfall within Town Centres, and states that The Council will not support any proposal for development that is likely to have an adverse effect on the vitality and viability of a centre.
- 10.5 The proposal is for an extension to a site already in class 7 (hotel) use. The application will intensify the use of the existing site with the addition of a further 8 bedrooms. The principal of the use of this site as a hotel has already been established by the previous consent. Furthermore, a hotel is considered to be a land use compatible and appropriate for a town centre location which is easily accessed by public transport and is close to a variety of other services of use to those visiting the area. The proposal to intensify the existing use of the site by way adding 8 bedrooms is not considered to have a negative impact upon the vitality or viability of Dingwall Town Centre. The development is therefore considered to accord with Policy 1 (Promoting and Protecting City and Town Centres).
- 10.5 Policy 34 (Settlement Development Areas) of The Highland-wide Local Development Plan (HwLDP) supports proposals within defined settlements if they meet the requirements of policy 28 (Sustainable Design).
- 10.7 Policy 28 (Sustainable Design) of the HwLDP aims to ensure that all developments are sustainable and lists criteria against which developments shall be assessed. Relevant to this application the policy states that developments must be accessible by public transport, raise no significant impact upon individual and community residential amenity and demonstrate sensitive sting and design.

- 10.8 Policy 44 (Tourist Accommodation) of the HwLDP states that tourist accommodation within settlement boundaries will be supported if the Council is satisfied that there will be no adverse impact upon neighbouring uses, the proposal complies with policy 28: Sustainable Design and will not prejudice the residential housing land supply.
- 10.9 Policy 57 (Natural, Built and Cultural Heritage) is relevant to the assessment of the application as the site is located adjacent to a grade B listed property called St Ninians. This policy ensures that development does not have an unacceptable impact upon heritage features.
- 10.10 The material planning considerations relevant to compliance with policies 28, 34 and 44 are discussed in the following paragraphs

Design and materials

- 10.11 The existing building is very much an example of late 1960's architecture and design. The proposal seeks to simply extend the existing flat roof form westwards infilling the existing gap above the single storey element of the building. The existing window pattern and timber boarding is replicated on the south elevation and a single corridor window is located on the west end elevation. The north elevation has been amended to overcome concerns regarding overlooking and contains windows with only a small glazing panel orientated away from the neighbouring gardens to the north.
- 10.12 The site is located within the town centre where larger building footprints are generally accepted and the extension over the ground floor is not considered to be a significant departure from the existing character of both the area and the site itself. The basic continuation of the existing relatively compact form is considered to be a straightforward and acceptable design solution for the site.
- 10.13 The site lies outwith Dingwall Conservation Area, albeit on the very edge. The adjacent St Ninian's House to the north is category B listed. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires Planning Authorities, when determining applications to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
- 10.14 There is not considered to be any significant impact upon the character and appearance of the conservation area or the setting of this listed building. Both the Waverly Inn and the listed residential neighbour are very different buildings contained within their own sites. There is a clear boundary between each site and the Waverly Inn is not considered to be a positive contributing component of the setting of this listed building. The eight bedroom extension is located at the edge of the conservation area and at discreet location set back from the street frontage.

Impact upon individual and community residential amenity

10.15 The original proposal was considered to have an unacceptable impact upon the amenity of the neighbours to the north due to the potential for overlooking from the proposed first floor north elevation windows. In particular, there was considered to be potential for overlooking into the neighbouring gardens, with the properties themselves located further to the east towards Castle Street. The design of these windows has been amended so that there is no glazing facing directly across the rear gardens. Instead a projecting window with single obscurely glazed panel is

angled westwards away from the adjacent gardens. The configuration of this window space is such that standing within the window space is not possible. This amendment is considered to resolve the issue of overlooking towards neighbours to the north.

- 10.16 There is only one corridor window on the west end elevation of the proposed extension facing towards the car park and the neighbouring flats. This single window is not considered to threaten the amenity of this property which is located approx. 17 metres away. The proposed south elevation windows overlook the stained glass windows of Castle Street Church and the roof of the Church Hall rather than any residential property.
- 10.17 The height of the proposed extension (2.5m), the fact it is flat roofed and is separated by 4m from the boundary means that any shadowing of the neighbouring property will be limited. There is a 2.2m high wall/fence, vegetation and hipped roof garage at the boundary with the property to the north. Furthermore, the extension is set back approx. 17m from the rear elevation of St Ninians. There is not considered to be a significant loss of light or overshadowing issue associated with the development.
- 10.18 The current use of the building as a hotel will generate a level of activity that is acceptable for a town centre location where a mix of uses is accepted. Small hotels and guest houses are not associated with a significant level of intrusive noise or disturbance at anti-social hours. The intensification of the building by way of adding another 8 bedrooms is not considered to significantly increase the amenity impact upon adjacent neighbours.
- 10.19 Overall the impact upon amenity is not considered to be an issue which warrants refusal of planning permission. The site is in existing use as a hotel, located close to similar uses and within the defined town centre. It is recognised that residential neighbours are within close proximity to the site, however, the application has been amended to take account of concerns regarding overlooking and the additional 8 bedrooms is not considered a significant intensification of the site which would result in an unacceptable level of nuisance.

Access, parking and servicing

- 10.20 The site layout plan allows for 22 parking spaces, including two disabled bays opposite the entrance. The parking standard for hotels is 1 space per bedroom plus 1 space per 3 staff, as set out in table 6.4 of the Council's Road and Transport Guidelines for New Developments. Twenty six guest bedrooms are proposed, with a maximum of two additional bedrooms used for staff at any given time. This therefore indicates a requirement for 27 parking spaces. This gives a shortfall of 5 parking spaces. Transport Planning are content with this shortfall and the parking arrangement proposed.
- 10.21 The existing planning permission for the change of use of the building to a guest house, was granted on appeal and accepted a shortfall in parking of 4 spaces. The shortfall in parking was justified on the basis that the parking standards are a maximum and the location being within the town centre close to public transport links, including the train station and bus stops. The applicant has stated that guests staying at The Waverly Inn travel by a variety of methods, including, public

transport, car sharing and groups of cyclists. In addition many guests are part of larger parties arriving by coach. The applicant has stated that coaches are directed to park at the main coach park in Dingwall.

- 10.22 The shortfall in parking of 5 spaces is not considered significant, however, a condition is to be attached to the consent requiring the applicant to formally mark out the parking spaces on the ground.
- 10.23 The concerns expressed in representations regarding the formation of a new vehicular access point leading to a loss of on street parking are considered to be resolved through the submission of amended plans which delete this aspect of the proposal.
- 10.24 The existing servicing arrangements will be unaffected with an existing bin store located adjacent to the north boundary. The parking of buses and lorries on the street cannot be regulated by the Planning Authority. Parking for larger vehicles is available within the public car park to the south of the High Street. A hotel of this scale is not required to provide coach parking within the site.
- 10.25 The proposal does not meet any thresholds for developer contributions as defined in the Developer Contributions Supplementary Guidance August 2018.

11. CONCLUSION

- 11.1 There is not considered to be any significant amenity or technical issues that would justify refusal of planning permission as discussed in the sections above. The development is therefore considered to accord with Highland-wide Development Plan polices 28 (Sustainable Design), 34 (Settlement Development Areas), 44 (Tourist Accommodation) and 57 (Natural, Built and Cultural Heritage).
- 11.2 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 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 issued N

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

Conditions and Reasons

1. The horizontal timber boarding on the external walls of the extension shall be painted to match the existing boarding.

Reason: In order to retain and/or protect important elements of the existing character and amenity of the site.

2. The glazing on the north-west side elevation and north-east rear elevation shall be obscured. No development shall commence until the type of obscure glazing is agreed in writing with the Planning Authority. The development shall thereafter proceed in accordance with the agreed details and be maintained as obscure glass in perpetuity.

Reason: To protect neighbouring residential uses from overlooking; in the interests of maintaining privacy and amenity.

3. Prior to the commencement of development, the parking spaces shown on approved drawing reference 2019-WID-10 REV A shall be marked out and available for use. Thereafter these spaces shall be maintained for customer parking.

Reason: To ensure that sufficient space is provided within the site for the parking of cars, so they do not have to park within the public road.

REASON FOR DECISION

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 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 (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: <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 for wor king 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 <u>env.health@highland.gov.uk</u> 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: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation:	Acting Head of Development Management – Highland		
Author:	Rebecca Hindson		
Background Papers:	Documents referred to in report and in case file.		
Relevant Plans:	Plan 1	- HC Location Plan	
	Plan 2	- Location/site layout plan – 2019-WID-10-REV A	
	Plan 3	- Ground Floor Plan - 2019-WID-12 REV A	
	Plan 4	- First Floor Plan – 2019 –WID-13 REV A	
	Plan 5	- Elevation Plan North – 2019-WID-15 REV A	
	Plan 6	- Elevation Plan South and West – 2019-WID-14	



The Highland Council Comhairle na Gàidhealtachd Planning & Development Service

19/01059/FUL

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Alterations and erection of first floor extension to form additional bedrooms and formation of vehicular entrance at Waverly Inn, 1 Castle Street, Dingwall, IV15 9HU



· THIS MPRICATION FOR DETAULED PRANYING CONSENT IS TO Matter GIF BORDOM 4 to PROPOSED DISABLED BEDROOM MUD FORMATION FOR HOM ACLESS PUSS GRIMPSTONOF SHOWER R'M IN GIF STORE AND & BEDROOM FIRST FLOOR EXTENSION AT WAVERIOTINN. I ADSTRE STREET -/azn/b DINGWAR .NIS 9HU. POR GEM PROPARTIES (SLOTIMNO) ALL IN ACCORDANCE WITH THE FOUNDWING ORMUNIS-8 DRG.NO. TTAG. 10 . INDER, SITE MO COLATION PIANS 11 · ERISTING FLOOR PATTOS DNP EREVATIONS. · PROPOSED GROOND FUTOR PUT 12 B · PROPOSED FIRST MUCH PUNN. 14 · PROPOSED SOUTH MUD WEST DONSTONS · PROPOSED NORTH AND EAST 15 EPALATIONS. · TRANSPORT STATEMENT ----17 EXISTING PARKING WMA CHOW SHED AS PER PARINA UNG PP4-270-2086 For 21 BEOR'MS + 5 ADONTONOC PORCANS PAR. 8 PROPOSED F/F BEDROOMS.

DRG.Nº • 2019/WID/10•A• INDEX LOCATION & SITE PLANS PLUS PARKING/ENTRANCE PLAN



PROPOSED GROUND FLOOR PLAN

Scale 1:100 1:100 2m 0 2m 4m 6m 8m 10m Ground floor alteration and Client: A3 Sheet first floor extension to G & M Properties Scotland Revision • A - MARCHA • 19 - BEORIM Numbers Amended. Feb 2019 Waverley Inn. 1 Castle Scale 1:100 Street, Dingwall, IV15 9HU

2019/WID/12·A· **Proposed Ground Floor**

Plan



PROPOSED FIRST FLOOR PLAN

Scale 1:100

1:100 2m 6m 10m 2m 0 4m 8m

A3 Sheet Feb 2019 Scale 1:100 Client: G & M Properties Scotland Ground floor alteration and first floor extension to Waverley Inn. 1 Castle Street, Dingwall, IV15 9HU

2019/WID/13 REV. A **Proposed First Floor Plan**



NORTH ELEVATION





1:100 2m 2m 4m 6m 8m 10m

A3 Sheet Feb 2019 Scale 1:100



EAST ELEVATION

Ground floor alteration and first floor extension to Waverley Inn. 1 Castle Street, Dingwall, IV15 9HU

2019/WID/15 REV.A Proposed North and East Eleveations







1:100 2m 6m 2m 0 4m 8m

A3 Sheet Feb 2019 Scale 1:100 Client: G & M Properties Scotland WEST ELEVATION

Ground floor alteration and first floor extension to Waverley Inn. 1 Castle Street, Dingwall, IV15 9HU

2019/WID/14 Proposed South and West Evelation