

Agenda Item	5.4
Report No	PLS-031-20

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 28 April 2020

**Report Title:** 20/00312/FUL: Mr Ryan Ireland  
Invernairne Guest House, Thurlow Road, Nairn, IV12 4EZ

**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Erection of self-contained accommodation annex

**Ward:** 18 – Nairn And Cawdor

**Development category:** Local

**Reason referred to Committee:** 8 or more representations

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 **Grant** planning permission as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the siting of an annex for owners' accommodation approximately 20m to the northwest of the main hotel building. The annex would be around 11.5m to the northeast of 'Solas' 4 Thurlow Gate. It is single storey and orientated on a WNW-ESE plane, with the principal windows facing to the NNE. It would be located adjacent to the eastern boundary and surrounded by several mature trees.
- 1.2 The applicant has now taken previous concerns on board (from the previous application (19/02478/FUL)) with the reorientation of the annex on the site, moving NE away from the western boundary. The design has been changed from the original monopitch to a flat roof, with a resultant reduction in building height.
- 1.3 The existing hotel has public mains water and sewerage and has access to the public road.
- 1.4 Pre-Application Consultation: Discussions with the applicant during the course of the assessment of the previous application (19/02478/FUL). This was withdrawn due to a lack of clarity regarding the use of the unit, its potential impact on surrounding trees and neighbour amenity. This proposal was located 7.7m from 'Solas' 4 Thurlow Gate and was positioned on an east-west axis.
- 1.5 Supporting Information: Planning Statement
- 1.6 Variations: Amended plans were submitted siting the annex further from the western boundary and neighbouring properties.

## 2. SITE DESCRIPTION

- 2.1 The site is located in the northern part of Nairn around 100m to the south of the beach in an area with a mix of housing and accommodation providers. It is positioned to the rear (north) garden area of Inverarnie House Hotel towards its western boundary and comprises flat garden ground which slopes up towards the south/south western boundary and down to the north.

## 3. PLANNING HISTORY

- |     |            |                |  |                             |
|-----|------------|----------------|--|-----------------------------|
| 3.1 | 04.06.2001 | 01/00051/FULNA | Erection of new bungalow   | Planning Permission Granted |
| 3.2 | 04.05.1998 | 98/00035/OUTNA | Erection of dwelling in grounds of hotel                                   | Planning Permission Refused |
| 3.3 | 04.10.1999 | 99/00035/OUTNA | Outline application for erection of dwelling house in the grounds of hotel | Planning Permission Granted |

3.4	12.03.2014	13/03708/PIP Formation of new house plot	Planning Permission Granted
3.5	27.11.2019	19/02478/FUL Erection of house	Withdrawn

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Nairnshire Telegraph - Unknown Neighbour 14 Days

Date Advertised: 18.02.2020

Representation deadline: 03.03.2020

Timeous representations: 8

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Adverse impact on neighbour amenity
- b) Removal of trees
- c) Overdevelopment of site
- d) Waste/water drainage
- e) Design and materials
- f) Noise
- g) Lighting

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](http://www.wam.highland.gov.uk/wam).

#### 5. CONSULTATIONS

5.1 **Forestry Officer:** No objections subject to conditions. Accept loss of the Scots pine (T1), standing dead pine, multi-stem holly and sycamore given that screw pile construction will minimise further impact to surrounding trees.

5.2 **Scottish Water:** No concerns. Advises there is currently sufficient capacity at Inverness Water Treatment Works, and Nairn Waste Water Treatment Works.

#### 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
- 30 - Physical Constraints
- 43 - Tourism
- 44 - Tourist Accommodation
- 51 - Trees and Development
- 57 - Natural, Built & Cultural Heritage

- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

## 6.2 **Inner Moray Firth Local Development Plan 2015**

Nairn

## 6.3 **Highland Council Supplementary Planning Policy Guidance**

- Highland Historic Environment Strategy (Jan 2013)
- Physical Constraints (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

## 7. **OTHER MATERIAL POLICY CONSIDERATIONS**

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

Scottish Planning Policy (The Scottish Government, June 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) design and materials
- c) impact on amenity
- d) impact on trees
- e) impact on existing infrastructure
- f) any other material considerations.

### **Development plan/other planning policy**

- 8.4 The development proposal lies within the Settlement Development Area of Nairn. It is for a new house identified to support the continued operation of the hotel business.
- 8.5 Policies 43 and 44 of the Highland wide Local Development Plan support new tourist facilities where the scale is proportionate to the locations/settlement; is within a settlement and will complement existing tourist facilities; will increase the length of

peoples stay, increase visitor spending or promote a wider spread of visitors; and the Council is satisfied that the proposal can be accommodated without adverse impacts on neighbouring uses and complies with Policy 28. While the proposal is for a house for the owner, it does provide additional visitor capacity and therefore Policies 43 and 44 are relevant.

- 8.6 Given it is within the Settlement Development Area, the proposal is acceptable in principle. Subject to it being of appropriate scale and design, with no significant detrimental impact on individual and community residential amenity and/or on the natural or built heritage of the site, including trees, the proposal would accord with the development plan.

### **Design and Materials**

- 8.7 The single storey, flat roofed structure will be manufactured off-site by *Carbon Dynamic* with the prefabricated sections delivered and installed on site.
- 8.8 The building will take up approximately 10% of the whole site within the applicant's ownership. This is not seen as having an overbearing impact given the large curtilage space associated with the guesthouse. While there is potentially space to the east side of the hotel, within the current car parking area, for this unit, the use of this space would reduce the available car parking/servicing/turning space. This would then have to be relocated elsewhere within the grounds, in a less accessible and practical location. It is not considered that the proposal will result in overdevelopment of the hotel grounds.
- 8.9 While the building is modern, and very contrasting to the hotel, its construction and installation result in an easily demountable structure, without significant physical intervention works on the site. Accordingly, it could be removed without significant difficulty in the future and without resultant detriment to the individual or wider community residential amenity. The Sustainable Design Guide Supplementary Guidance (January 2013) states that innovative approaches to design, use of sustainable materials and effective use of resources will be welcomed. The use of modern materials and form contrasts with the traditional Italian influenced Victorian period guesthouse. A pastiche of the existing style would not be appropriate. The exact finish and specification of materials can be controlled by condition.

### **Amenity**

- 8.10 The proposal has been amended to make a number of improvements since the previous application was withdrawn (19/02478/FUL). The orientation has been amended with an outlook to the coast in a NNE direction, away from the closest neighbours to the SSW. Whilst there is a door and kitchen window on the south eastern elevation a combination of the sloping topography and vegetation limits the potential for overlooking neighbouring properties to the SSW. The separation distances of approximately 20m from 17 Thurlow Road and 11.5m from 4 Thurlow Gate are considered sufficient to maintain an appropriate degree of amenity.
- 8.11 Representations raise the matter of noise. While these are legitimate concerns it is not considered that conditions attached to a grant of planning permission is the appropriate tool to control what amounts to anti-social behaviour. Such powers lie with

Police Scotland and/or Environmental Health where disturbance becomes a statutory nuisance.

### **Impact on Trees**

- 8.12 The default position with regards to trees, particularly mature trees, is to avoid impact and for these to be protected. The proposal involves the removal of a Scots pine but the impact on additional trees will be limited through the use of a screw pile foundation construction method. In this case the Forestry Officer has raised no concerns with this approach subject to conditions to protect the remaining trees and secure additional planting.

### **Infrastructure**

- 8.13 The proposal will connect to the existing water and sewerage infrastructure. Following further discussion with the applicant, it has been confirmed that the drainage infrastructure will be buried. Access and parking arrangements will remain unaltered.

### **Developer Contributions**

- 8.14 Developer contributions are not required as the new unit will be used for tourist accommodation only and will be controlled by condition.

### **Other material considerations**

- 8.15 There are no other material considerations.

### **Non-material considerations**

- 8.16 The issue of potential future development is not a material planning consideration.

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

- 8.17 None

## **9. CONCLUSION**

- 9.1 The proposal is intended to support the future of an existing tourist related business through the provision of owner accommodation to support expansion; the principle of which is supported by Policies 43 and 44 of the Highland wide Local Development Plan. However, as with all development this has to be balanced against any adverse impacts on amenity, infrastructure and/or the natural/cultural heritage of the area. Overall, it is considered that the siting and design of the building will not have a significantly detrimental impact on individual and community residential amenity. The development can be accommodated without adverse impact on existing infrastructure and while it will result in a loss of a mature Scots pine tree, it has been designed to mitigate the effect on others within the site.
- 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 all other 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

<b>Action required before decision issued</b>	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** for the following reasons:

### Conditions and Reasons

1. The self-contained annex accommodation hereby approved shall be used as owners' accommodation for Invernairne Guest House only, and shall not be used for holiday letting purposes, and at no time shall it be occupied as a separate dwelling.

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

2. 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 retain and/or protect important elements of the existing character and amenity of the site.

3. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan and Arboricultural Method Statement and in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction. Barriers are to remain in place throughout the construction

period and must not be moved or removed without the prior written approval of the Planning Authority.

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

4. A suitably qualified arboricultural consultant must be employed by the applicant to ensure that the Approved Tree Protection Plans are implemented to the agreed standard. Stages requiring arboricultural supervision are identified in the AMS and certificates of compliance for each stage are to be submitted for approval.

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

5. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

**Reason:** In the interests of amenity.

6. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

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

## **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](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](mailto: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:  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

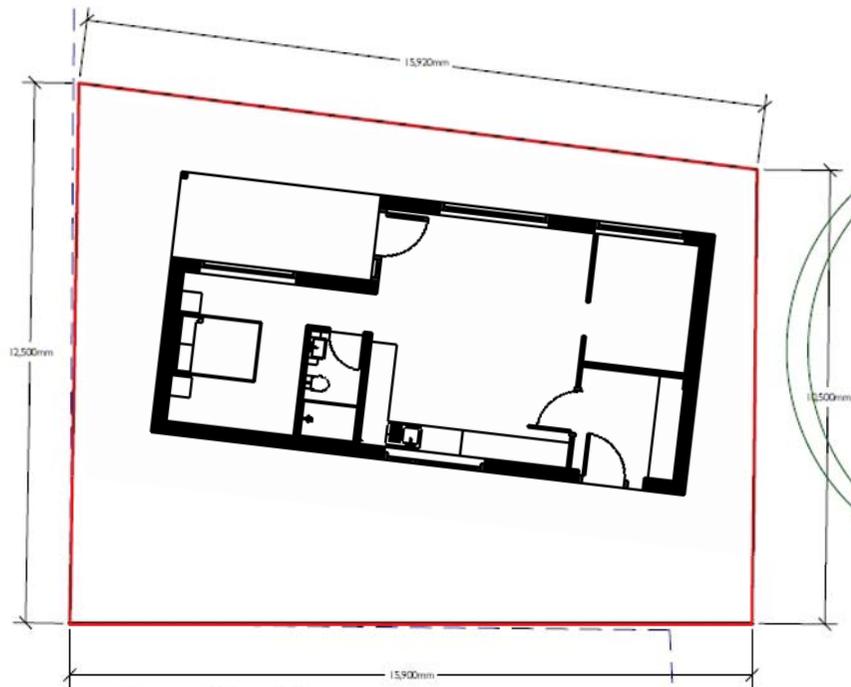
Designation: Area Planning Manager – South

Author: Roddy Dowell

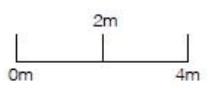
Background Papers: Documents referred to in report and in case file.

Relevant Plans: 000001 REV 1 LOCATION PLAN  
000002 REV 1 PROPOSED SITE LAYOUT PLAN  
000003 SITE LAYOUT PLAN - SERVICE ROUTING PLAN  
000004 REV 1 SITE SECTION PLAN  
000005 REV 1 ELEVATION PLAN - VIEW FROM NORTH WEST  
000006 REV 1 ELEVATION PLAN - VIEW FROM WEST  
000007 REV 1 ELEVATION PLAN - VIEW FROM SOUTH WEST  
000008 REV 1 ELEVATION PLAN - VIEW FROM SOUTH EAST  
000009 REV 1 ELEVATION PLAN - VIEW FROM NORTH EAST  
000010 REV 1 ELEVATION PLAN - VIEW FROM NORTH  
000011 REV 1 FLOOR PLAN  
000012 REV 1 FOUNDATION PLAN  
000013 SITE LAYOUT PLAN  
ANNEX ELEVATIONS

Solas

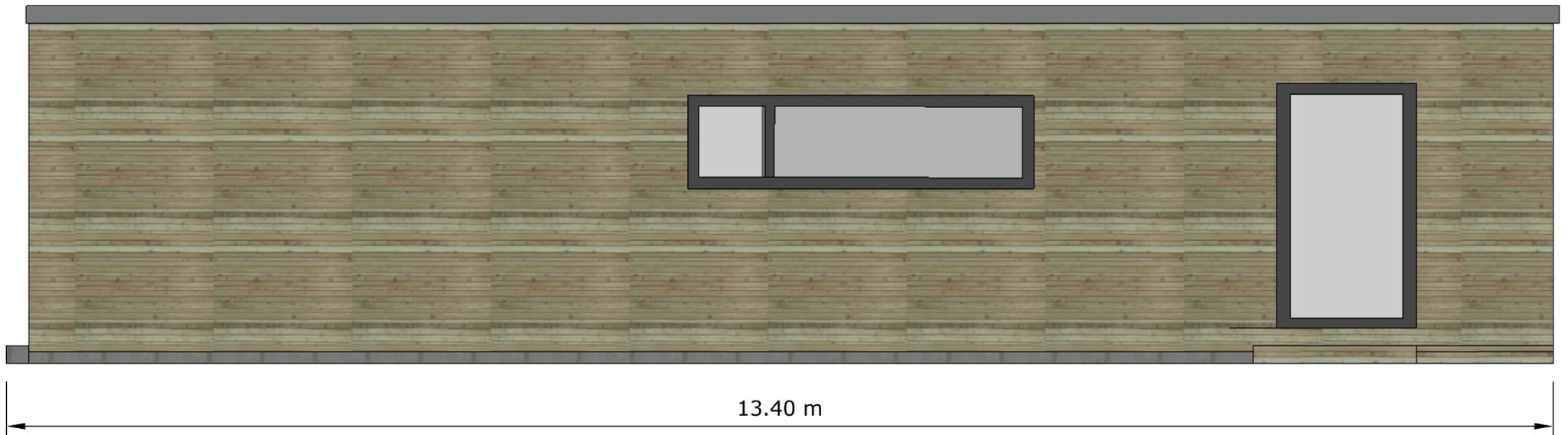


Proposed Ground Floor



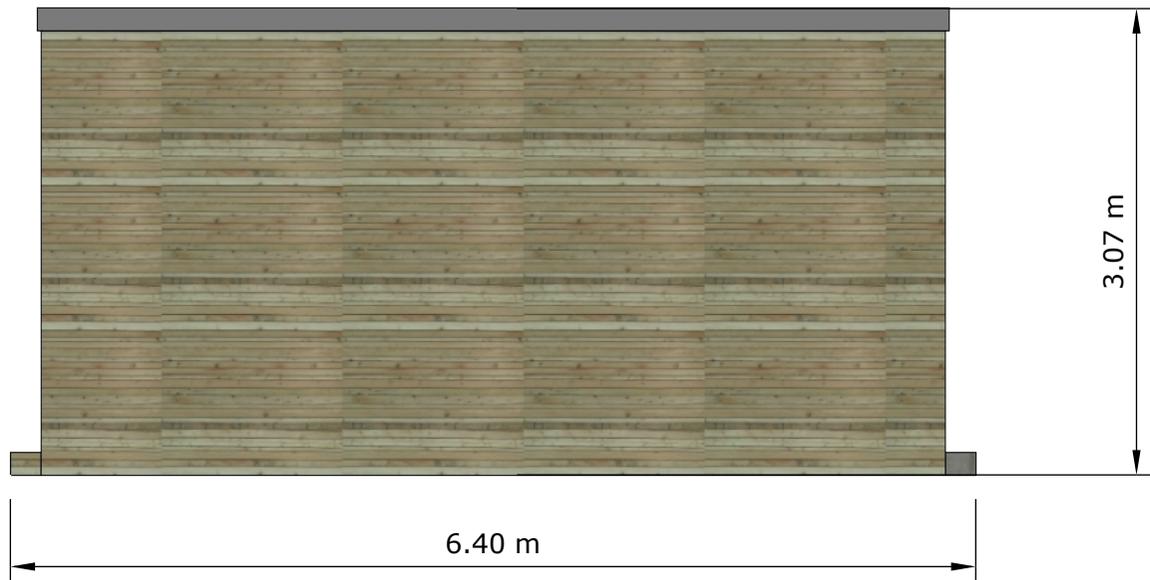
Invernairne  
Site Plan - Scale 1:175  
Position 1





Invernairne Annex  
Front and rear elevations  
1:50 @ A4





Invernairne Annex  
Gable Elevations  
1:50 @ A4



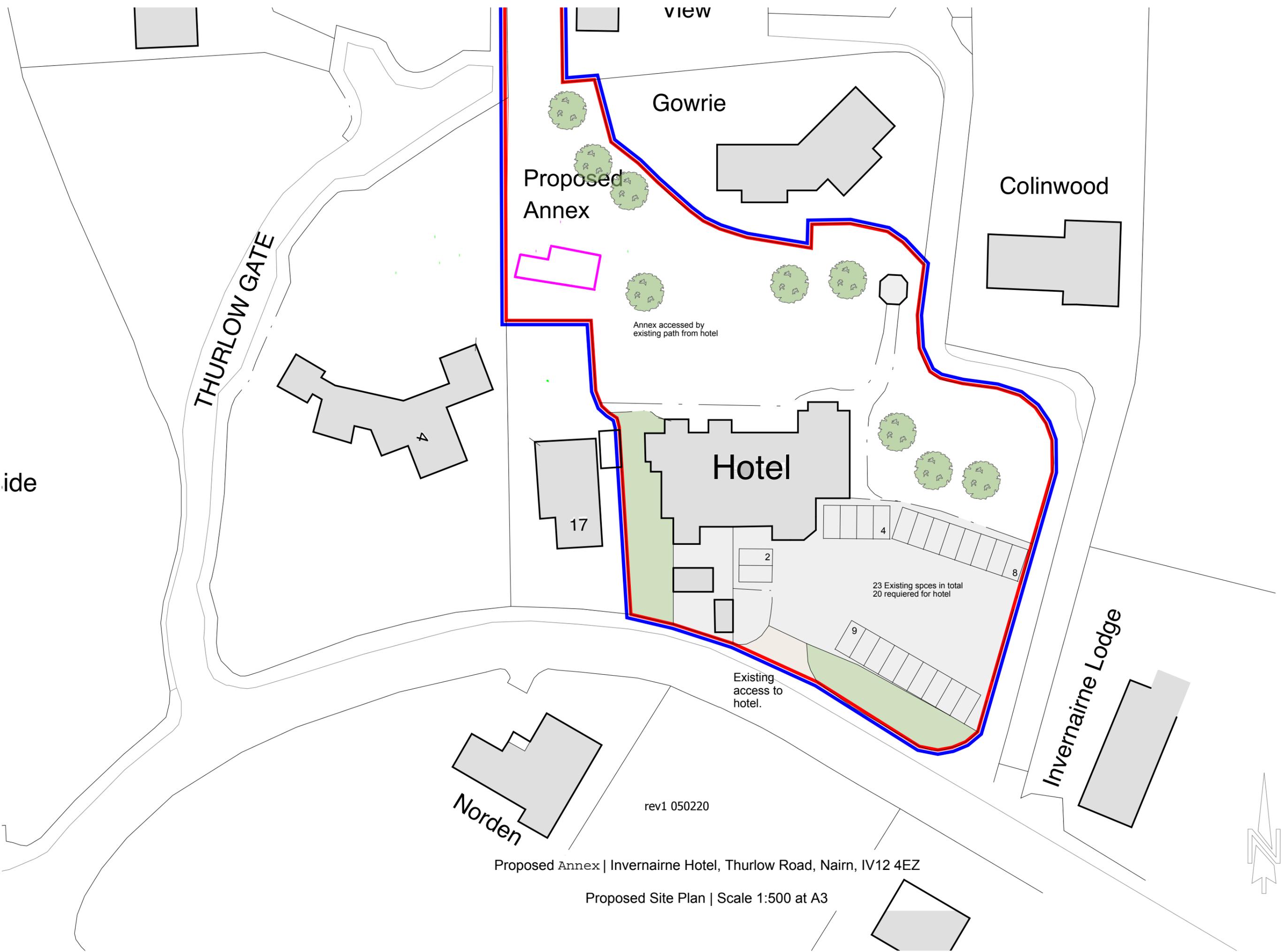


Proposed Annex | Invernairne Hotel, Thurlow Road, Nairn, IV12 4EZ

Location Plan | Scale 1:1250 at A3 Rev1 05/02/20

Annexe site = 91m<sup>2</sup> Overall site area = 4900 m<sup>2</sup>





view

Gowrie

Proposed Annex

Colinwood

THURLOW GATE

4

17

Hotel

2

4

8

23 Existing spaces in total  
20 required for hotel

9

Existing access to hotel.

Invernairne Lodge

Norden

rev1 050220

Proposed Annex | Invernairne Hotel, Thurlow Road, Nairn, IV12 4EZ

Proposed Site Plan | Scale 1:500 at A3





Invernairne  
View from North  
West rev1 050220





Invernairne  
View from West  
rev1 050220





Invernairne  
View from South West  
rev1 050220





Invernairne  
View from South East  
rev1 050220





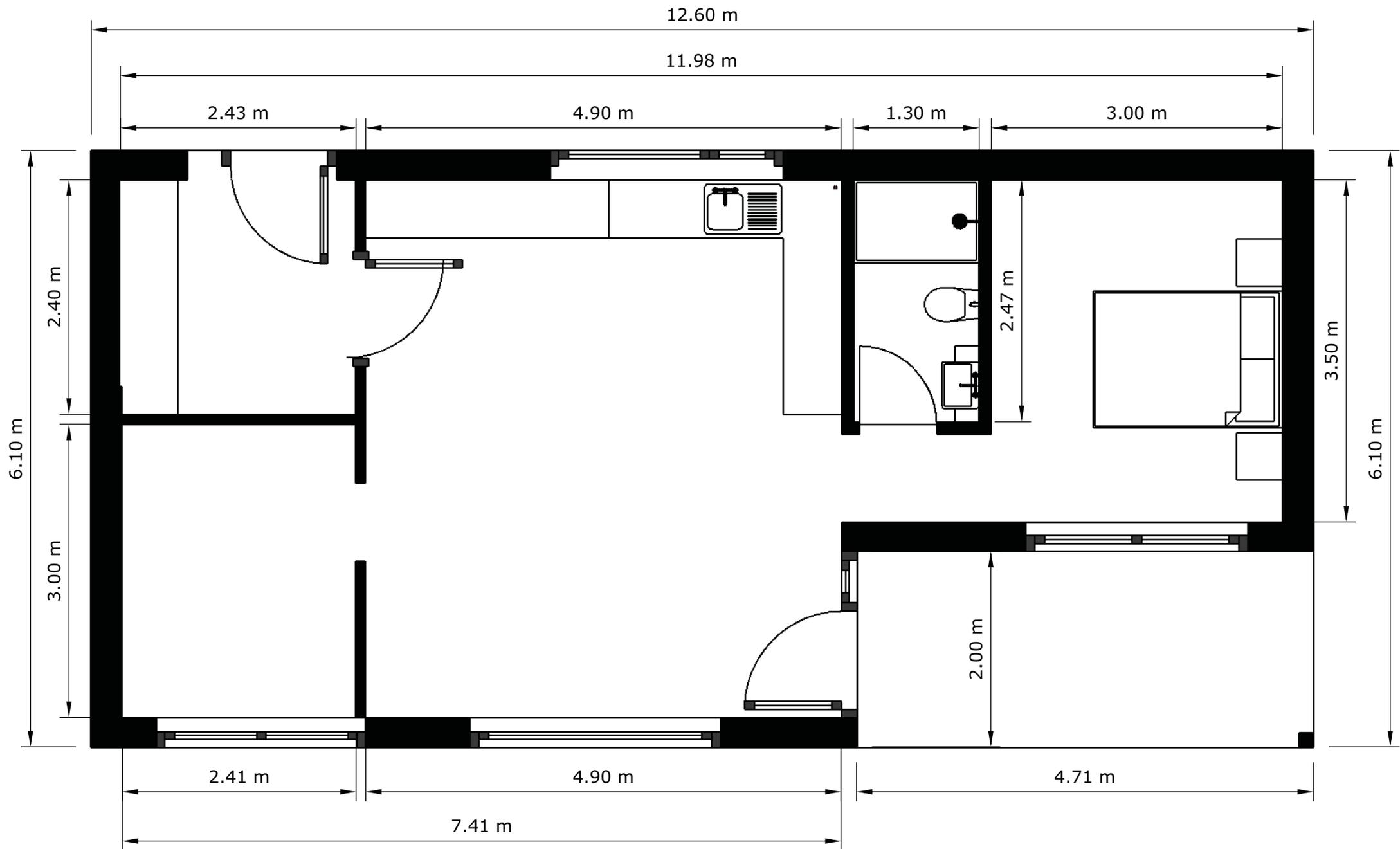
Invernairne  
View from North East  
rev1 050220





Invernairne  
View from North  
rev1 050220





Invernairn ECOlodge rev1 050220  
 Floor Plan - Scale 1:50  
 Internal Floor Area - 56m<sup>2</sup>

