

Agenda Item	6.3
Report No	PLS-029-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 27 April 2021

Report Title: 20/04779/FUL: Mr & Mrs Schulz
Cawdor Guest House, 7 Cawdor Street, Nairn, IV12 4QD

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Part Change of Use of Existing Guest House to form Cafe (Class3)
(retrospective)

Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: 5 or more 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.

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 part change of use of an existing detached building on Cawdor Street, Nairn, from guest house to café. The building has operated as a 6 bedroom guest house (with internal private owner's accommodation) for at least a decade, before which it was a hotel. This application seeks retrospective planning permission for the change of use of part of the Guest House from Class 7 (Guest House) to Class 3 (food and drink) for café use.
- 1.2 The café began trading in July 2020 without planning permission and remained open until Covid19 lockdown restrictions came into force on 26 December 2020. This application is therefore retrospective. The café came to the Council's attention on 07 August 2020 when a planning enforcement investigation commenced. The applicants were informed that planning permission was required and a planning application for café and takeaway use was submitted in September 2020. This application was subsequently withdrawn when it became clear that it was of a scale that could not be supported by Officers. This current planning application, for a reduced proposal, was submitted in December 2020.
- 1.3 The proposed internal café area is spread across 2 rooms to the front of the building, with access from the front door. The space equates to around 57sqm which would seat a maximum of around 25 people. The proposal is for the café to operate between the hours of 11am-6pm. Outwith these hours the rooms would be used for Guest House purposes, including the serving of breakfasts. The outdoor seating area is limited to the land directly in front of the building, which measures around 90sqm of useable space (excluding driveway). The food and drink offering will consist of homemade cakes, breads and pastries, with hot food limited to soup, grilled foods and a range of German produce which requires only heating. There is no dedicated off-street car parking. There is no takeaway proposal.
- 1.4 Pre-Application Consultation: No formal pre-application advice has been given.
- 1.5 Supporting Information: None
- 1.6 Variations: None

2. SITE DESCRIPTION

- 2.1 Cawdor Guest House is a large, detached 2½ storey sandstone villa, centrally positioned within its plot, with a driveway to the north. It is oriented onto Cawdor Street and is separated from the pavement by a low stone wall. High stone walls separate the site from the neighbouring gardens to north and south.
- 2.2 The garden area associated with the building extends to the front (east), side (south) and rear (west). Only the garden ground directly to the front of the house is included in this application and provides space for some limited outdoor café seating. It will be fenced off from the side garden, which will remain for private residential and occasional Guest House resident use only.

3. PLANNING HISTORY

3.1	10.12.2009	08/00099/FULNA – Extension	Planning Permission Refused
3.2	06.07.2010	10/01699/FUL - Alteration and extension	Planning Permission Granted
3.3	14.06.2011	11/01679/FUL - Alteration and extension	Planning Permission Granted
3.4	10.11.2017	17/04715/FUL - Rearrange stair and layout	Planning Permission Granted
3.5	23.11.2020	20/03552/FUL – Part change of use of existing guest house to cafe (Class 3) and takeaway (retrospective)	Withdrawn
3.7		20/00280/ENF – Formation of cafe	Pending consideration
3.8	14.09.2020	20/00327/ENF - Formation of cafe	Closed
3.9	19.03.2021	21/00076/ENF- Formation of café, concrete base	Closed

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 34 – Schedule 3 Development

Date Advertised: 15.12.20

Representation deadline: 01.01.21 (extended to 11.01.21)

Timeous representations: 30 representations from 24 households

Late representations: 1 physical petition with 105 signatories and one online petition with 647 signatories (as of 08.01.21)

4.2 Material considerations raised are summarised as follows:

- Existing parking already inadequate for Guest House requirements; impact on existing residents; very busy especially at school pick up and drop off times (regular blocking of driveways) – will exacerbate an already difficult situation; will push parking into other streets such as Westbury Road
- Parking survey conducted on a Saturday in December and doesn't account for school traffic or tourist season; Transport Planning reversed their position on the application
- Types of cooking cannot easily be enforced; concern that the hot food menu will expand over time if consent is granted
- The area is defined as a residential area in Nairnshire Local Plan (*now superseded*)

- Smells and noise impact upon adjacent neighbours; will have (and already has had) a serious impact upon neighbours' standard of living; noise from talking clearly audible from adjacent property's bedroom and bathroom; cooking smells and cigarette smoke drift over adjacent wall
- Privacy affected with tables and chairs located adjacent to the mutual boundary wall enabling views towards the upper floor windows of the adjacent property.
- Visually the gazebos and tables and chairs were out of character and harmful to the amenity enjoyed by local residents; not compatible with existing patterns of development and do not conform with neighbouring land uses
- Nairn High Street is struggling and there are many vacant units. This facility pulls more people away from the town centre and existing businesses; should be directed to a vacant unit elsewhere
- Alcohol license granted in November 2019 for Guest House guests only – concern it would be difficult to enforce alcohol being served to café guests
- Café has been a boon to the community of Nairn during Covid, allowing socially distanced outdoor space, of which there is little in the area
- Covid has required businesses to be flexible and should be supported
- Privacy not an issue – there is no direct visibility onto windows and the same upper floor windows can be seen from the pavement
- There is constant traffic on Cawdor Road which results in low level noise which is at least as loud as people sitting in the garden chatting
- Other businesses in the area (including British Legion) offer outside catering
- No evidence of unpleasant cooking smells, parking issues or noise upon visiting
- Welcome the provision of premises which attract and welcome disabled guests – Access Panel

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Nairn River Community Council:** Note that the amendments to this application should significantly address concerns raised in relation to the previous (withdrawn) application by immediate neighbours. Parking pressure is a longstanding issue which predates Café Lavender. With close proximity to two primary schools and staff and customers from other local shops and businesses all competing for limited car parking space, parking in the Cawdor Street area is at a premium. One hour parking restrictions between Cawdor House and the Classroom restaurant has added to this pressure. There is very little dedicated parking within Nairn therefore all businesses are competing for the same parking spaces. While some nearby businesses (British Legion and Vets) do have dedicated parking spaces others do not (e.g. The Classroom and Post Office). It would not be fair to penalise any individual business with car parking conditions which are not also applied to other public facing businesses in the vicinity.

5.2 **Environmental Health:** A site visit has clarified that the position of the kitchen extractor outlet is acceptable but needs to be raised above the height of the adjacent wall. A planning condition is also recommended to limit the types of cooking that are

permitted, to cooking range, grill, oven, bread oven, microwave. Deep fat fryers are not permitted. Subject to these conditions there are no objections to the application.

- 5.3 **Transport Planning Team:** There are no parking spaces dedicated for café use. This does not comply with current Council guidelines which are 1 car parking space for 5 sqm of public floor space. Based on the indoor floor space of 50 sqm up to 10 spaces for visitors would be expected. This does not include additional spaces for staff or the outdoor seating area. Car parking on the B9090 is limited to designated spaces where parking is restricted to 1 hour. The applicant submitted details of existing car parking sites in Nairn with distances from the café. In order to assess the number and capacity of parking within proximity to the café a parking survey was requested. This was required to be carried out on a Saturday between 9am and 5pm within reasonable walking distance of the café (200m-500m). Transport Planning recognise that the timing of the survey does not reflect a busy tourist season, nor implications of Covid, however parking was available on Westbury Road, Millbank Street and Cawdor Street. The majority of businesses in Nairn Town Centre do not have dedicated parking due to the town's historic layout. Although the proposed café will generate more traffic in the area it will not be of sufficient volume for it to cause any significant road safety or operational issues under the current waiting restrictions on Cawdor Road. Cycle parking is recommended to encourage sustainable travel.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 – Sustainable Design
- 29 – Design Quality & Place-making
- 34 – Settlement Development Areas
- 43 – Tourism
- 56 – Travel

6.2 Inner Moray Firth Local Plan 2015

Site within the Nairn Settlement Development Area. No site specific policies.

6.3 Highland Council Supplementary Planning Policy Guidance

None

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

SPP

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) planning history;
 - c) impact on neighbourhood amenity;
 - d) parking and access; and
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 The site sits within Nairn Settlement Development Area (SDA) identified in the Inner Moray Firth LDP therefore Policy 34 of the HwLDP applies. This supports development within the SDA if it meets the requirements of Policy 28 – Sustainable Design and all other relevant policies of the plan. Applications are also assessed as to how compatible they are with the existing pattern of development and how they confirm with existing and approved land uses. Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted.
- 8.5 Policy 28 assesses proposed developments on the extent to which they comply with a range of factors. Of particular relevance to this application is the extent to which it impacts upon individual and community residential amenity; accessibility by all forms of transport; demonstrates sensitive siting and high quality design; accommodates the needs of all sectors of society, including people with disabilities; and contributes to the economic and social development of the community.
- 8.6 In the interests of clarity, it should be stated that the Inner Moray Firth Local Development Plan (2015) has superseded the Nairn Local Plan which has been referred to in a number of representations to the application. The Nairn Local Plan no longer forms part of the adopted Local Plan and is therefore not relevant to the determination of this application.
- 8.7 The principle of a café development is acceptable in this location. However, this must be weighed against the other key policy considerations against which the application must be assessed, including the impact on neighbouring amenity and parking provision.

Planning history

- 8.8 Officers became aware of the café following a complaint to the Council's Planning Enforcement Team in August 2020. An investigation was carried out which found that the business was operating without the required planning permission and the

applicants were advised to submit a planning application. The café was not stopped from operating during this period in line with Scottish Government guidance on the relaxation of planning regulations in response to the Covid-19 pandemic. The café has, however, been closed since 26 December 2020 as required by Covid lockdown regulations in relation to hospitality premises.

- 8.9 A planning application was submitted in September 2020 for a 65 cover café, hot food takeaway and bakery (20/03552/FUL). The application boundary included a large outdoor area, (measuring 304sq m) which extended to the southern boundary of the site, taking up the front and side gardens of the property and also utilising the driveway to the north of the house for takeaway collection. This application received a large number of objections from neighbouring properties who were concerned about the scale of the development and impact on their amenity.
- 8.10 Having reviewed the consultation responses and objections from the neighbouring properties, it was agreed that the scale of the proposed development was inappropriate within its location and the applicants were advised that their application in its original form could not be supported. It was subsequently withdrawn.

Impact on neighbourhood amenity

- 8.11 Cawdor Guest House sits just outside the area identified as Nairn Town Centre in the IMFLDP. It is located on Cawdor Street, around 75m south from the southern end of the High Street – Nairn’s main shopping and commercial street. This part of Cawdor Street consists of a mix of residential and commercial uses – effectively an area of transition between the busy town centre and the predominantly residential zones further to the south. While the buildings on either side and directly opposite the application site are residential, within close proximity (between 25m and 70m) of the application site include The Classroom restaurant, the British Legion and the Post Office. Cawdor Street (leading to Cawdor Road) is one of the main roads into Nairn and provides access to the train station, Nairn County Hospital and Millbank Primary School. It is, therefore, relatively busy with high levels of both pedestrian and vehicular traffic.
- 8.12 Cawdor House is, itself, a commercial building and has operated as a Guest House and previously as a hotel for many years. Its existing Class 7 use allows consumption of food and drink within the premises by residents. The property is situated to the northwest of its plot with a driveway along the northern boundary and gardens to the front (east), side (south) and rear (west). The adjacent land to the north forms the rear garden ground of 6 Lodgehill Road and the southern boundary is adjacent to 3 Cawdor Place. The property also shares boundaries with Clerks Acre and Summerlea to the rear. All boundaries consist of high stone walls.
- 8.13 As the application is retrospective (the café opened on 10 July 2020) the development has, to some extent been trialled, and it should be noted that it did provoke a high level of concern; notably from those immediately adjacent to the site and therefore most susceptible to impacts upon their amenity. This has been demonstrated by a high number of objections to both the current and the withdrawn applications; and also a formal noise complaint to Environmental Health.

- 8.14 However, the area utilised for outdoor café seating during summer/autumn 2020 was much larger than that proposed in this current application. Furthermore, because indoor seating was at various times either banned or very restricted due to Covid-19 social distancing measures, the outdoor space proved to be particularly popular during the summer months. This, combined with the fact that nearby residents were much more likely to be at home during the day than they may have been pre-Covid, all resulted in a very high awareness of the unauthorised change of use.
- 8.15 Environmental Health assessed the previous (withdrawn) proposal in terms of noise and noted that such applications are difficult to assess but that the noise levels of people chatting and eating are unlikely to be high enough to be considered as a Statutory Noise Nuisance under the Environmental Protection Act (1990), particularly as the café will only be open during the daytime. They did, however, acknowledge that regular gatherings of up to 35 patrons in the garden could result in a loss of amenity for neighbouring residents. This is borne out by the previous complaint and objections to this planning application.
- 8.16 Crucial to the assessment of the proposal on the amenity of local residents is the reduction in scale of the café, in particular the reduction in outdoor seating space from the 255sqm of useable seating (excluding driveway) that was originally proposed and which was utilised while the café was operating; to only around 90sqm of useable seating area (excluding the driveway) which is restricted to the area immediately in front of the building. This will leave a buffer of around 12m between the café guests and the boundary with the front/side garden of 3 Cawdor Place to the south. The driveway provides a buffer between the café seating area and the garden ground of 6 Lodgehill Road, and a high wall and mature planting provides additional screening. There is not considered to be any impact to the properties to the rear of Cawdor House.
- 8.17 It is clear from the objections received that the adjacent neighbours have experienced genuine and significant impacts to their amenity through the unregulated café use, the proximity of café clientele to their boundary and associated noise/cigarette smoke etc. While the noise of chatting and socialising may not be loud in terms of a statutory noise nuisance, it clearly represented a marked change from the previous situation.
- 8.18 However, the 12m buffer between the café guests and the boundary is considered to be sufficient to reduce the impact of the café to an acceptable level in terms of noise nuisance. Cawdor Street is a busy road with constant vehicular and pedestrian movements, and associated noise. With this in mind, café users (who will be restricted in numbers due to the reduced seating area) are not likely to create a level of additional noise that would be unacceptable from this distance. The café operating hours are between 11 am and 6pm and this will be ensured by planning condition. It is noted that the proposal at present is for the side garden to be delineated only by planting and signage. This may be difficult to manage in reality, therefore a further planning condition will be applied to ensure that a more permanent boundary (either timber fence or hedging with fencing until it is established) and a gate be erected along the boundary of the application site before the café opens for business. This will ensure that there is clear delineation between the café seating area and the rest of the garden. As has always been the case, Guest House residents will continue to

be permitted to use the side garden. This will be low numbers commensurate with what would be expected in any residential setting and is therefore acceptable.

- 8.19 Environmental Health objected to the previous (withdrawn) application due to concerns regarding the lack of adequate ventilation of kitchen odours. Further information from the applicant and a site visit has confirmed that the kitchen extraction hood is ventilated to the outside at the rear of the property. This is considered acceptable subject to the discharge height being raised above the height of the adjacent boundary wall in order to assist the dispersion of any cooking odours. This is covered by a pre-commencement condition. It is noted that the number of covers has been reduced and the proposal for takeaway has been removed which will reduce the level of cooking required. Subject to the ventilation condition and a further condition to restrict the types of cooking equipment to cooking range, grill, oven, bread oven and microwave only, Environmental Health has no objections to the application.
- 8.20 Some objections to the application stated that there had been a loss of privacy due to café clientele looking up to the upper floor windows of the adjacent property. While the height of these windows would prevent any direct sightline into the property, the 12m buffer will help to create some distance between the uses, to the benefit of the adjacent residents.
- 8.21 Given the proximity to the Town Centre; the mix of uses within the area; the proposed separation from neighbours; and appropriate ventilation, it is considered that a café business of the scale and type now proposed could be operated in this location without any significant loss of amenity to neighbouring properties. Reasonable and appropriate controls can be applied through planning conditions to delineate the outdoor seating area; restrict café opening times; limit the types of cooking that can take place; and ensure that an appropriate ventilation system is in place. As with any such business, it will be the responsibility of the management of the café to ensure that its clientele behave in an appropriate manner and take any necessary action when required. In the event, however, that there are ongoing noise or odour complaints in the future, Environmental Health have the powers to deal with such matters through its legislation and procedures.

Parking and Access

- 8.22 Many objections have raised concerns about the existing car parking issues in the area, particularly around school pick up and drop off time. While it is acknowledged that these issues are historic and were not directly caused by the café opening in the summer, there is concern that additional demand for parking by café users will only exacerbate the situation to the detriment of local residents.
- 8.23 Transport Planning note that the only dedicated car parking appears to be a narrow driveway to the side of the property. The owners live on site and the Guest House has a total of six bedrooms. Parking is therefore already very limited. There are a small number of bays directly to the front of Cawdor Guest House on the B9090 where parking is limited to one hour between 8am-6pm Mon-Sat. The proposal is offering no dedicated car parking and is therefore well short of the Council's recommended parking level of 1 car parking space per 5sqm of public floor space and 1 space per 3 staff (equating to 10 spaces for visitors). It is, however, noted that

the building is within close proximity of the town centre and a number of public car parking facilities, therefore a formal car parking survey was requested in order to demonstrate the distance and capacity of existing public car parks within reasonable walking distance of the café. This was carried out on Saturday 19th December and while it is acknowledged that the results will not be representative of a busy tourist season, it does reflect car parking patterns for residents and shoppers within walking distance of the site. The survey found that the parking bay directly outside the proposed café is almost at full capacity during the afternoon and the parking on Cawdor Street by the railway station is also very busy at this time. There does, however, appear to be car parking available on Westbury Road, Millbank Street and on Cawdor Street by the Classroom Bistro.

- 8.24 Transport Planning has assessed the parking survey results and state that while the application site is outwith the Town Centre area it is within walking distance of it and its facilities. It also notes that the majority of businesses in the Nairn Town Centre do not have dedicated car parking due to its historic layout and confirm that no operational issues have been reported on Cawdor Street since the café began operating last summer. The Transport Planning Team conclude that although the café will generate more traffic in the area it will not be of sufficient volume for it to cause any significant road safety or operational issues under the current waiting restrictions on Cawdor Street. The Classroom Bistro is approximately 70m from the site and operates with no dedicated parking and no issues. A planning condition is recommended to ensure the provision of cycle parking and to encourage sustainable travel.

Other material considerations

- 8.25 A number of contributors have strongly argued that as the café was unauthorised it should not have been permitted to open until such time as planning permission was granted. In guidance circulated to Scottish planning authorities by Scottish Government on 29 May 2020 in response to the Coronavirus pandemic, it was stated that a supportive, pragmatic and flexible approach to temporary developments and changes of use was encouraged, in order to enable businesses to diversify and adjust to the current situation. It further stated that the most “appropriate, straightforward and efficient way planning can allow for reasonable temporary changes of use during this period is through informally relaxing planning controls; particularly by agreeing not to take enforcement action against acceptable planning breaches.” It is therefore considered that the Council has acted appropriately and pragmatically, by not taking enforcement action to close the café during this difficult time, however this is not an application for temporary permission but would be a permanent change of use, and must therefore be considered against all relevant policies, taking all material considerations into account including views of contributors, through a planning application.
- 8.26 In addition to the concerns raised by near neighbours in relation to amenity and parking which have been discussed above, it should also be acknowledged that a number of letters were also received in support of the application from members of the Nairn community. Two petitions were also submitted in support of the application – a physical petition with 105 signatories and an online ‘change.org’ petition with 647 signatories (as of 08.01.21). This shows that there is a clear demand for the venture

and the contribution that it will make to the hospitality provision and economy of the town.

Non-material considerations

- 8.27 A number of representations refer to requirements for adequate toilet facilities, including those that are suitable for disabled use. While this is an important matter, it is considered under Building Standards Regulations and is not a material planning consideration. It is the applicant's responsibility to ensure that they are in possession of all necessary permissions and it is understood that they have already applied for a Building Warrant for the proposal.
- 8.28 Concerns were raised that an alcohol license may be applied for in the future for the café. The applicant has stated that they have no plans to apply for an alcohol license, however it should be noted that any such license application would be considered by the Council's Licensing Board and would allow for neighbour consultation as part of the process. This is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.29 None

9. CONCLUSION

- 9.1 The principle of a café use is considered to be acceptable within this mixed use residential/commercial area which lies within the Settlement Development Area of Nairn and in very close proximity to Nairn Town Centre as defined in the Inner Moray Firth Local Development Plan. This is subject to compliance with all other relevant policies, including Policy 28 – Sustainable Development. It is noted that the previously withdrawn application was not considered to comply with Policy 28 due to the large outdoor seating area which extended right up to the boundary with the adjacent residential property and was considered to impact negatively upon residential and community amenity.
- 9.2 The reduction in scale of the proposal, in particularly the reduction of outdoor seating space, has been critical in allowing officer support for this application. This will reduce maximum visitor numbers; provide a 12m buffer between the café clientele and the adjacent property to the south; and keep the café use and its associated noise to the front of the building where it will form part of the busy streetscene of Cawdor Street. This, alongside planning conditions ensuring the installation of appropriate ventilation measures, operating hours and types of cooking, will together protect the amenity of the neighbouring properties.
- 9.3 Parking in the area is clearly a longstanding issue and there is no doubt that the café will add to this demand. However, Transport Planning have concluded that this will not result in any road safety or operational issues.
- 9.4 This proposal represents an intensification of use of an existing commercial building close to the Town Centre of Nairn. The petitions supplied by the applicant, alongside its popularity during Summer/Autumn 2020, demonstrates that there is a demand for the development which will benefit the economy of Nairn. The mitigation measures

put in place are considered to be sufficient to protect the amenity of local residents and it is recommended that the application be granted.

- 9.5 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

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

Conditions and Reasons

1. The outdoor seating area shall not be utilised by café guests until a low fence with gate access has been erected along the southern boundary of the application site, from the southeast corner of the building running east to the edge of the site at Cawdor Street. Full details of the fence shall be submitted to, and approved in writing by, the Planning Authority prior to the café hereby approved opening for business. The fence shall then be erected in accordance with the approved details prior to the outdoor seating area coming into operation. For the avoidance of doubt, the fence shall be 1m in height and can be open-boarded (picket style) or close boarded. Signage should be erected on the gate to make it clear that café clientele are not permitted past this point.

Reason: In order to delineate the area for which Planning Permission has been granted for café use and to ensure that the remaining garden ground remains for the use of Guest House residents and the occupiers only.

2. Full written and plan details of the proposed filtration/ventilation system for the removal and dispersal of cooking odours shall be submitted for the approval in writing of the Planning Authority in consultation with the Environmental Health Authority. For the avoidance of doubt the details shall include ducting (including its external finishes), hood or cowl, and manufacturers specification of the extraction system. Thereafter, the ventilation system shall be installed in accordance with these approved details prior to the first use of the café hereby approved.

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

3. Cooking equipment within the café shall be restricted to the use of the cooking range, grill, oven, bread oven and microwave oven only. The use of deep fat fryers is not permitted.

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

4. The development hereby approved shall not be open to café customers, and no café customer shall be allowed on the premises, outwith the hours of 11am – 6pm Monday to Sunday.

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

5. No development shall take place until full details of a communal bicycle storage system has been submitted to and approved in writing by the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details within 3 months of the date of this permission

Reason: In order to reduce dependency on the private car and to encourage sustainable travel.

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.

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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Designation: Area Planning Manager – South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 001 – Location Plan
Plan 2 - RTD-00-103 REV D – General Plan



Figured dimensions only to be taken from this drawing. All dimensions are to be checked on site before any works put in hand. If in doubt ask.

CDM: Hazard Identification & Risk Reduction has been undertaken and recorded where appropriate in accordance with the requirements of The Construction (Design and Management) Regulations 2017 and the associated 'Industry Guidance for Design'.



Rev	Description	Date



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Client:
Mr and Mrs A Shultz

Project:
Alterations to Guest House at,
Cawdor house, Cawdor Street,
Nairn, IV21 4QD

Project No.	1733
Drawing No.	001
Revision	1

General Arrangement
Location Plan

Date Created	Aug '17	Drawn by	MM
Scale	1:1250 @ A4	Sheet	@ A3

Location Plan

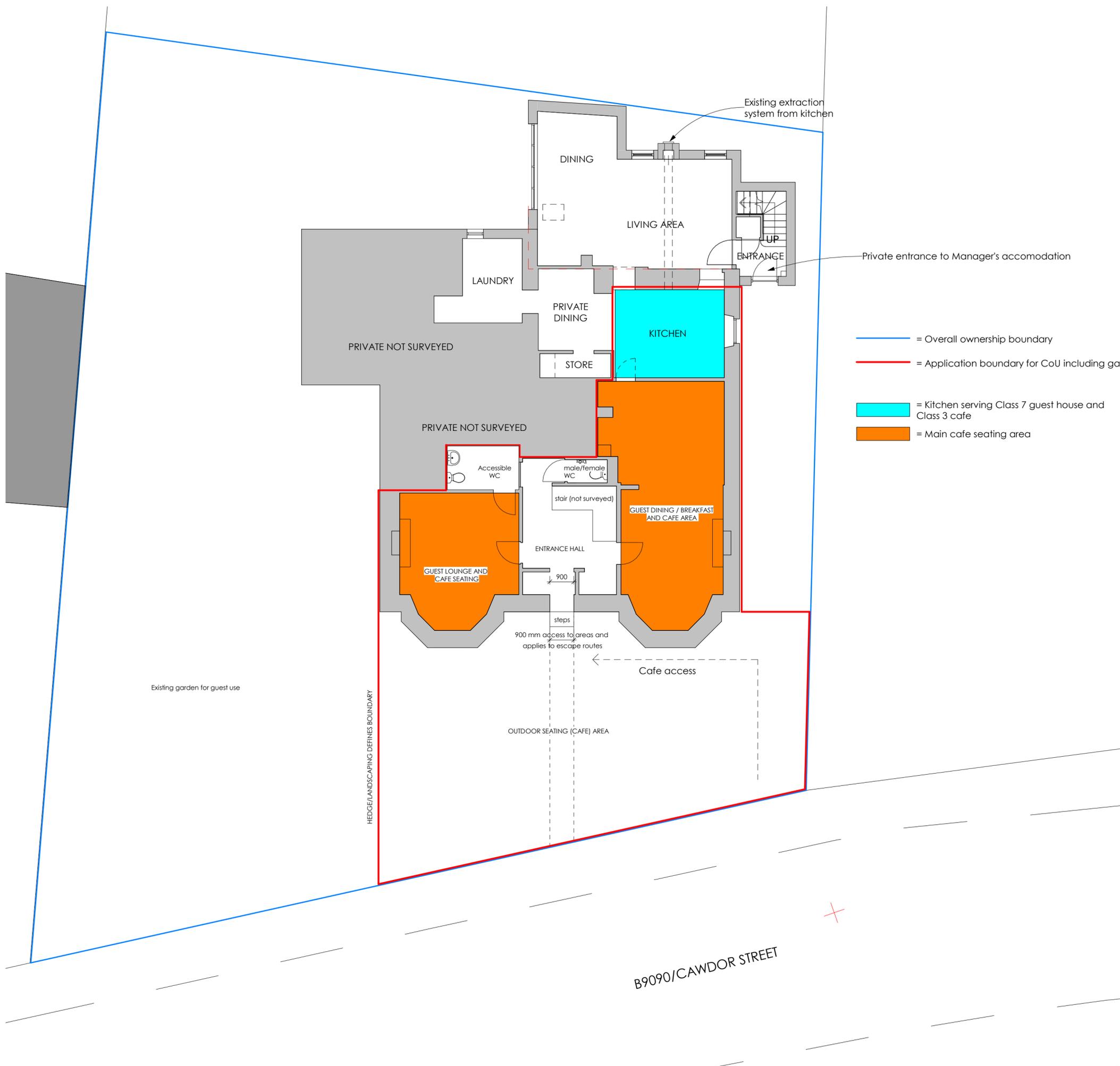
1:1250 SCALE



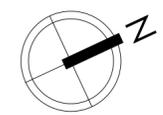
From file: X:\DOCUMENTS\1733 CAWDOR HOUSE\MAIN\02_WORK IN PROGRESS\127 ACAD\1733-001.DWG

Figured dimensions only are to be taken from this drawing.
All dimensions are to be checked on site before any work is put in hand.
IF IN DOUBT ASK.

CDM:
Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2015" and the associated "Industry Guidance for Designers"



- = Overall ownership boundary
- = Application boundary for CoU including garden space
- = Kitchen serving Class 7 guest house and Class 3 cafe
- = Main cafe seating area



Rev	Description	Date
D	Toilets added	30/11/20
C	Planning changes	26/11/20
B	Planning changes	21/09/20
A	Planning changes	18/09/20



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ARCHITECTS

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Client
Mr and Mrs A Shultz

Project
Alterations to Manager's Accommodation at, Cawdor House, Cawdor Road, Nairn

Project No. **1733**

Drawing No. **RT2-00-103**

Revision **D**

CoU plan

Status

Date Created **Sept '20** Drawn by **MM**

Scale **1 : 100** Sheet **@ A2**

From file : \\C:\aahq2\CAD\Documents\1733 Cawdor House Nairn\02_WORK IN PROGRESS\2.1 BIM Models\1733 RP2 as proposed.rvt
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