

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
18 August 2015**

Agenda Item	6.2
Report No	PLS/059/15

**14/04636/FUL: The Boat Hotel Ltd
Boat of Garten Hotel, Deshar Road, Boat of Garten**

Report by Area Planning Manager - South

SUMMARY

Description : Erection of single storey health and beauty spa facility ancillary to hotel

Recommendation - GRANT

Ward : 21 – Badenoch and Strathspey

Development category : Local

Reason referred to Committee : 5 or more third party objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a single storey detached building for use as a spa treatment facility in association with the hotel. The building will feature main reception, two treatment rooms, a quiet room and relaxation area. Externally, and adjoining the building, is a proposed spa terrace with hot tub and barrel sauna.
The building will feature a mono-pitched turfed roof, timber cladding to the walls with elements of reconstituted stone work to match the existing hotel. The site will require earthworks to be undertaken to enable the building to be set into the site with appropriate landscaping works to complement its setting.
- 1.2 No informal pre-application consultation was carried out in this case.
- 1.3 A brief design statement has been submitted in connection with the application.
- 1.4 **Variations:** Following discussions with the agent the proposed external 'relaxing terrace' has been deleted from the proposal and a sound insulated wall/screen proposed around the hot tub and sauna.

2. SITE DESCRIPTION

- 2.1 The site is an area of landscaped open space ground within the curtilage of the existing hotel, adjoining and facing directly on to the Strathspey Railway Station car park which forms the eastern boundary of the site. The site is not level and varies between approximately 1 and 2 metres in height from the adjacent car park. A graded embankment with tree and shrub planting slopes down from the site to meet the car park.

To the north is the existing hotel and to the west a single storey hotel bedroom annexe. The southern boundary is defined by a fence beyond which lie residential properties/holiday let homes.

3. PLANNING HISTORY

- 3.1 There is no recent planning history associated with the site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Affecting setting of Listed Building. Expired 05/02/15.

Representation (neighbour notification) deadline: 07/01/15. Neighbours and other contributors subsequently re-notified following design changes in April 2015 with representation deadline of 12/05/15.

Timeous representations : 9 objections from 6 separate parties.

Late representations : None.

- 4.2 Material considerations raised are summarised as follows:

- Proposal is contrary to development plan;
- Impact on Station Square works;
- Clarification sought on drainage arrangements;
- Adverse impact on amenity (noise, overlooking, loss of light);
- Adverse impact on setting of Listed Building;
- Design & construction concerns;
- Car parking requirements.

- 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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **CNPA:** No objection. Requests that sense of arrival at station is maintained or enhanced; impact of key interpretive features is maintained or enhanced; and overall setting of the square continues to offer a welcome to visitors.

Contaminated Land: No objection. Recommend a condition is imposed relating to potential site contamination.

Transport Planning: No objection subject to suitable conditions relating to parking and traffic management.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 Cairngorms National Park Local Development Plan Adopted 2015

2:2 Supporting Economic Growth (Tourism and leisure development)

3:1 Sustainable Design (Design statements)

9:1 Cultural Heritage (National designations)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable.

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable.

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (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.

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.

8.3 Development Plan Policy Assessment

The proposal is supported by the relevant provisions of Policy 2:2 of the Cairngorms National Park Local Development Plan (LDP) provided it can be demonstrated that it has no adverse environmental impacts on the site or neighbouring areas and where it makes a positive contribution to the experience of visitors.

Policy 3:1 requires the proposal to be sympathetic to the traditional pattern and character of the surrounding area and local architectural style whilst encouraging innovation in design and use of materials. In addition, it must be demonstrated that the development is designed to protect the amenity enjoyed by neighbours.

The site is immediately adjacent to Boat of Garten Railway Station, a category 'B' listed building. The proposal must also be able to demonstrate that it does not have an adverse effect on the setting of this building in order to secure compliance with Policy 9:1 of the LDP.

The determining issues in terms of compliance with the development plan are

therefore whether the design is appropriate for the site, taking into account the effect on adjoining land uses including the setting of the adjacent listed railway station building, and whether the proposal helps protect the amenity of the occupiers of the residential properties to the south of the site.

8.4 Material Considerations

Design

The proposed spa building is of contemporary design, featuring horizontal cladding and a mono-pitch turfed roof. Concerns have been expressed that the design of the building is not in keeping with the area and, in particular, has an adverse effect on the setting of the adjacent railway station, a 'B' listed building.

The existing hotel is a traditionally styled 2½ storey building of stone construction and featuring a slate roof. Additional extensions have been added over time including a single storey annexe located to the rear of the building with profiled sheeting to the roof and white rendered walls. The annexe contains a number of additional hotel bedrooms and has raised timber decking linking it to the garden area of the application site. The proposed spa facility has been designed to be integrated into this garden area so that views from the bedroom annexe are retained.

The adjoining railway station, a popular tourist facility in the village, has been the subject of considerable improvement works in recent years including the installation of a creative information point consisting of a mock railway carriage, interpretive installations, a sculptured horse and cart, and insert metal postcards charting the history of the village. The railway station building is well maintained and features horizontal timber cladding painted dark brown and cream.

The proposed spa building takes design cues from this important building in the form of the horizontal cladding. The design of the building, coupled with the fact that it will be integrated into the existing garden area, will ensure that along with appropriate landscaping works the building will demonstrate sensitive siting and a design which does not detract from the existing station building.

Should members be minded to grant planning permission for the development it is recommended that conditions are imposed requiring further information and approval in relation to external materials and also a comprehensive landscaping scheme to ensure that the development is implemented to a high standard.

Amenity

The proposal features an external spa terrace on which is located a hot tub and barrel sauna. When the application was initially submitted, the plans also included a further terrace area, adjacent to the southern boundary of the site, beyond which lie a number of residential properties.

Objections have been raised regarding the potential impact on amenity in terms of noise, overlooking, and loss of light. In response to the objections and following concerns raised directly by the Council, the proposed 'relaxing terrace' shown immediately adjacent to the residential properties on the south of the site has been

deleted from the proposals. In addition, the applicant has proposed erecting a 1.2m high stone wall and additional timber cladding to both help screen and also attenuate noise from the external hot tub and sauna. The applicant has stated that there will be no external music. The Council is satisfied that reasonable measures have been taken to address any potential impacts on the amenity of neighbouring residents and that in addition an appropriate condition to cover noise will enable effective control over this matter.

Car Parking

The proposed facility will be open to hotel guests and visitors alike. The applicant has indicated that the proposal will not have a material impact on car parking provision for the hotel. Nevertheless, concerns over car parking provision have been raised in representations received and the Council's Transport Planning team through the consultation process has sought additional information from the applicant to address a number of matters.

In response to the above the applicant has indicated that the hotel has 34 bedrooms (30 double & 4 single) and that there are 28 car parking spaces available on site exclusively for guests' use. The proposed spa will have two treatment rooms for use by two customers at a time whilst the hot tub can accommodate up to six people. In the evenings the spa would be reserved for guest use only.

There is insufficient room within the curtilage of the site to provide any additional car parking spaces. However the applicant has advised that an additional four spaces could be made available off-site at the existing property 'Melville', located opposite the hotel and which is used as staff accommodation. This is considered acceptable to Transport Planning and it is therefore recommended in the event of planning permission being granted that a condition is imposed requiring these spaces to be made available prior to works commencing on the development.

The Transport Planning team has also recommended a condition requiring approval of a Traffic Management Plan; a condition restricting the times during which the spa is available to the public; and also whether it might be appropriate to impose a condition requiring the applicant to establish an access agreement with the owners of Station Square in advance of works progressing. Such an agreement could also make provision for the protection of the Station Square artwork.

In response, the requirements for a Traffic Management Plan can be incorporated into a condition. Restricting the times during which the spa would be open to the public as opposed to guest use only is not considered appropriate as it would be difficult if not impossible to enforce. Requiring provision of an access agreement is not a matter that can be controlled by condition as it is entirely a civil/legal matter to be resolved by the relevant parties.

The protection of the artwork is however a matter that could be conditioned and this is discussed further in the paragraph below.

Management of construction activities and safeguarding the Station Square Sculptures and related works

Concerns have been raised regarding the potential construction impacts on the railway station and the horse and cart sculpture and related works. In particular,

clarification has been sought on what measures the applicant will take to ensure the protection of the horse and cart sculpture and related tourist information features; maintenance of access to the station; and damage by construction vehicles.

Imposing a condition requiring approval of construction management activities, including the protection of the artwork, is reasonable and a matter which could be enforced. For example, the applicant has suggested mesh panels could be constructed around the artworks to protect them during construction operations. Similarly, the 'postcard' inserts could be protected by deploying road plates.

What the Council cannot do is impose a condition requiring the applicant to remove items, store them elsewhere for safekeeping, and ensure that they are properly insured against damage, as this would fail to meet the six tests for planning conditions set out under Circular 4/1998 and would therefore be *ultra vires*. These are important issues, but they are matters that need to be addressed by other legal means between the relevant interested parties.

Drainage Arrangements

In response to concerns regarding the proposed drainage arrangements, in particular the capacity/suitability of existing arrangements, it is recommended that should members be minded to grant planning permission, conditions are imposed requiring further information in relation to drainage prior to works commencing.

Site Contamination

The Council's Contaminated Land team has highlighted the potential for contamination of the site due to previous historic use. Should planning permission be granted it is recommended that a condition is proposed requiring further investigations to establish the extent, if any, of contamination along with appropriate remedial works as required.

8.5 Other Considerations – not material

Disabled access

Compliance with disabled access legislation is a matter which will be considered in detail under the relevant building regulations.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

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

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

1. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
 - i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
 - ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - iii. measures to deal with contamination during construction works;
 - iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
 - v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes 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: To ensure that the development is sensitive to, and compatible with, its

context.

3. No development or work shall commence until a detailed specification for the construction of the sound insulated wall/screen proposed around the hot tub and sauna has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details. For the avoidance of doubt, the facility shall not be used until the sound insulation wall/screen has been fully constructed.

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

4. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

5. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of the development.

Reason: To ensure that surface water drainage is provided timeously and complies

with the principles of SUDS; in order to protect the water environment.

6. No development shall commence until full details of all foul drainage infrastructure have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

7. 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 ensure that any lighting installed within the application site does not spill beyond the intended target area and does not impact adversely upon the amenity of adjacent properties.

8. No development or works shall commence until four additional off-site parking spaces have been formed and made available for use by employees at Melville, Spey Avenue, Boat of Garten and retained in perpetuity.

Reason: In order to ensure that additional off-street parking is provided which cannot be otherwise accommodated within the site.

9. No development or works shall commence until a Construction Method Statement & Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. detailed measures for the protection of the public artwork and tourist information features in Station Square for the duration of construction operations.

The approved Construction Method Statement & Traffic Management Plan shall be adhered to throughout the construction period.

Reason: To ensure that the construction of the facility is carried out appropriately and does not have an adverse effect on the amenity of the area.

10. Any noise originating from the operation of the facility shall be inaudible within any noise sensitive premises. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use

Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

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

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & 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

Public Artwork & Tourist Information Features

It is recommended that the applicant comes to a legal agreement with the owners of Station Square to facilitate access to the site and to ensure appropriate measures are in place to protect the public artwork and tourism information features, especially in relation to any potential damage during construction works. Whilst a planning condition is included requiring their physical protection during construction it is beyond the scope of planning control to have appropriate safeguards and measures in place in the event of any damage actually occurring.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

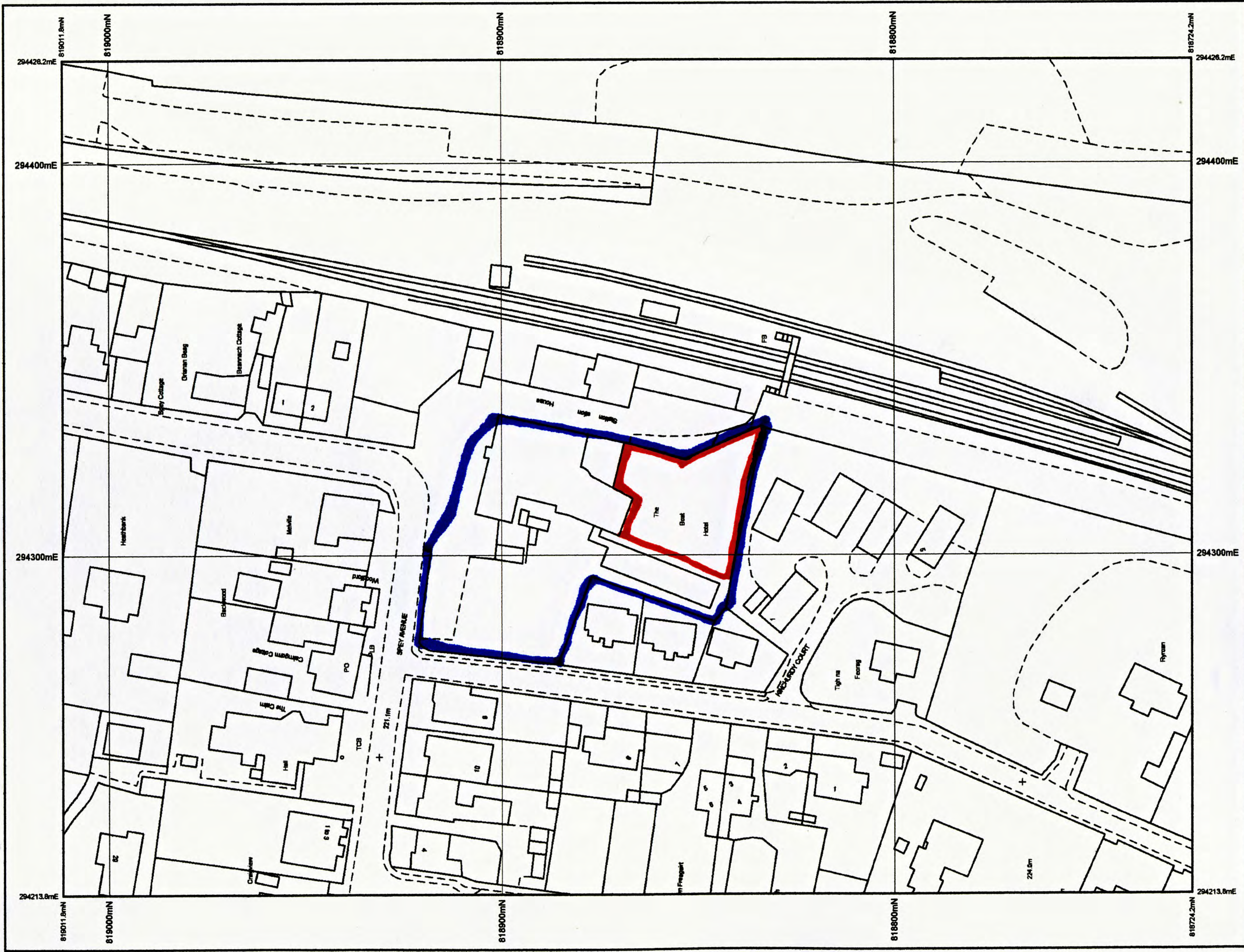
Mud & Debris on Road

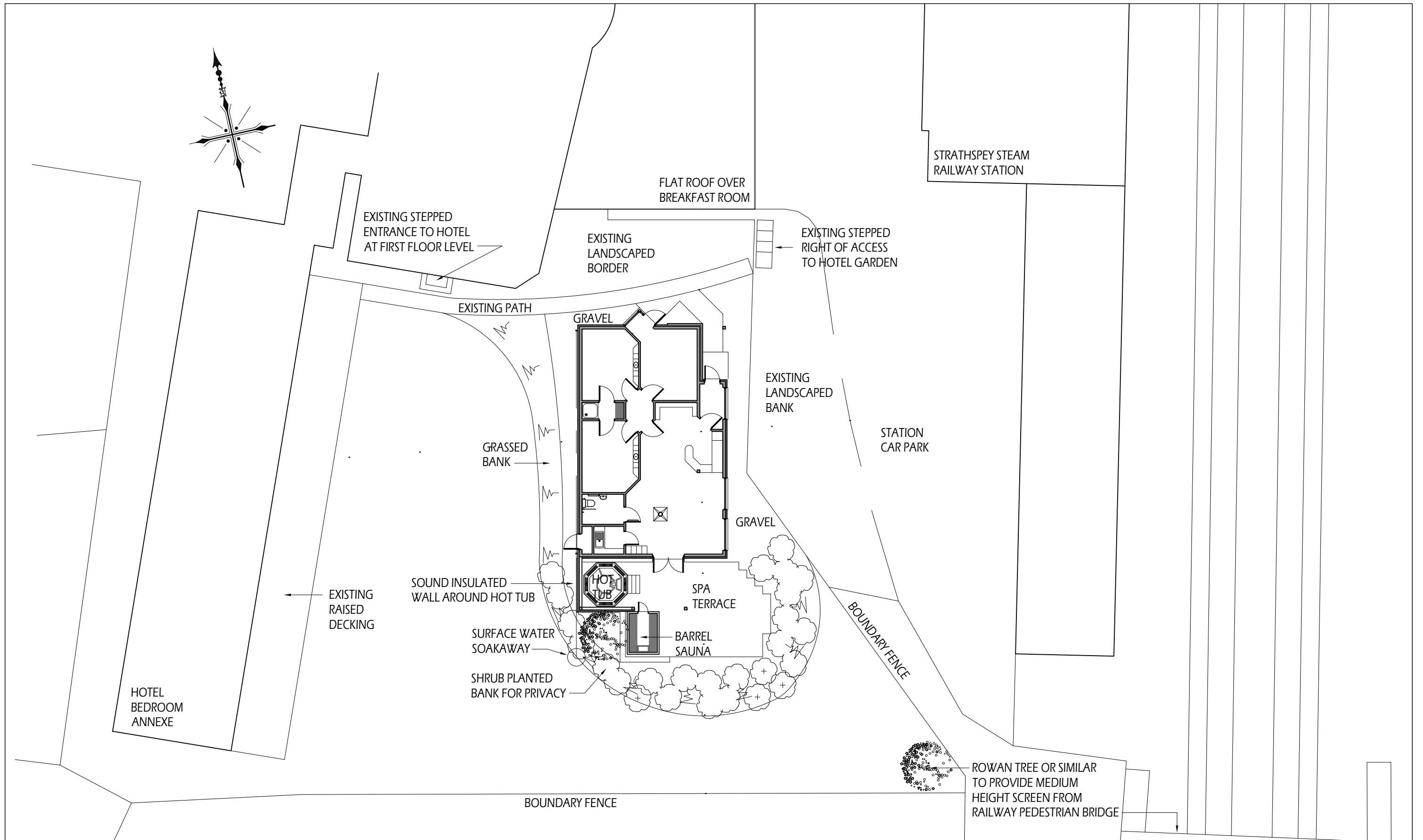
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: John Kelly

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

Relevant Plans: Plan 1 - 000001: Location Plan
Plan 2 - 1429-01 Rev A: Site Plan
Plan 3 - 1429-03 Rev A: Elevations
Plan 4 - 1429-02 Rev A: Floor Plan
Plan 5 - 1429-04 Rev A: Site Sections

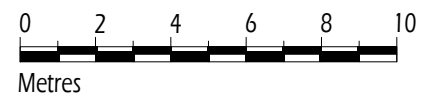




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REVISION NOTES

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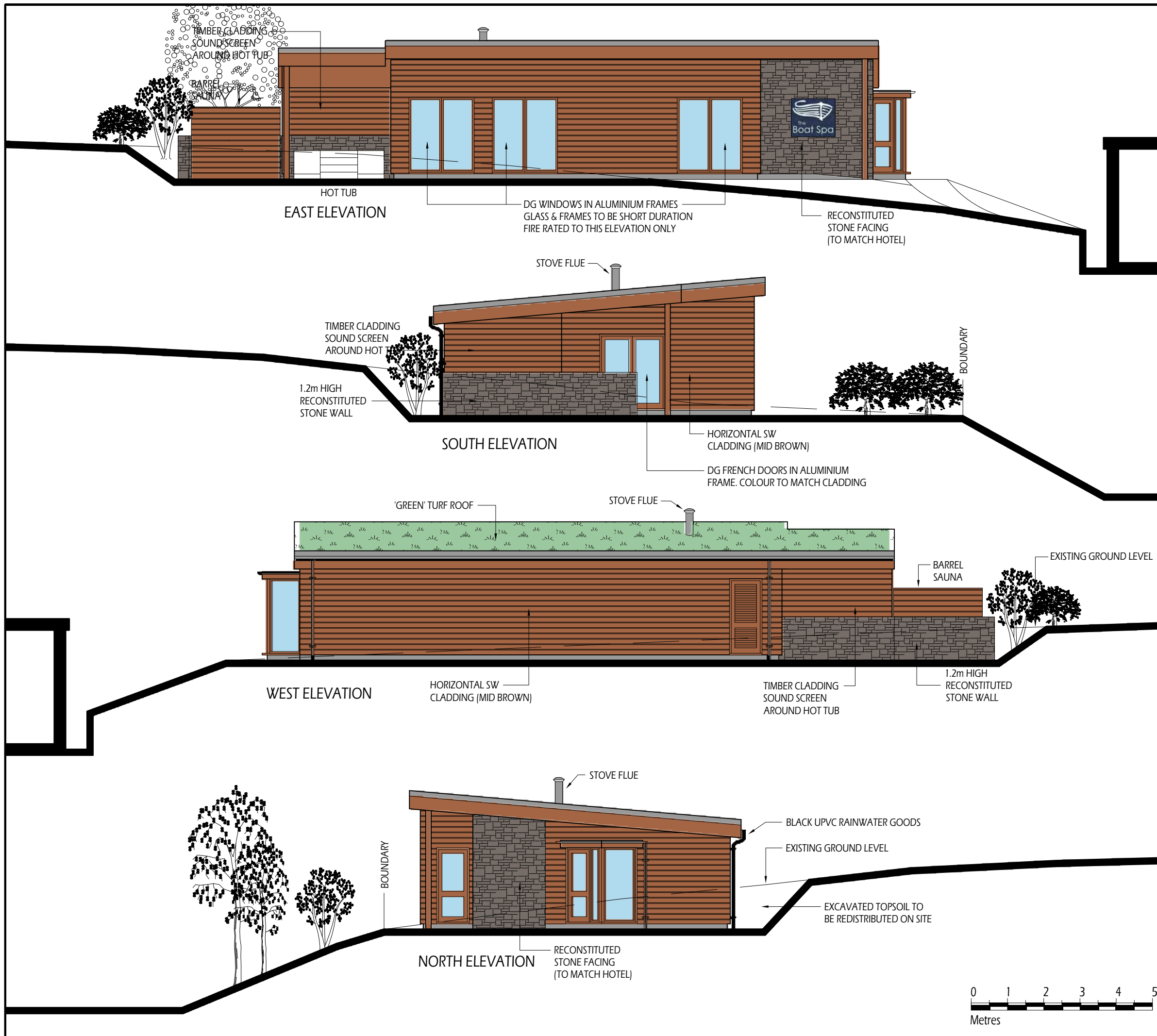
THE BOAT HOTEL
 DESHAR ROAD
 BOAT OF GARTEN PH24 3BH
HIGHLAND PLANS

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 T : 01796 482764 M : 07773 123555
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PROPOSED SPA TREATMENT FACILITY
 PROPOSED SITE PLAN

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1:200	25:11:14	DGP

DRAWING No.	1429-01
REVISION	A



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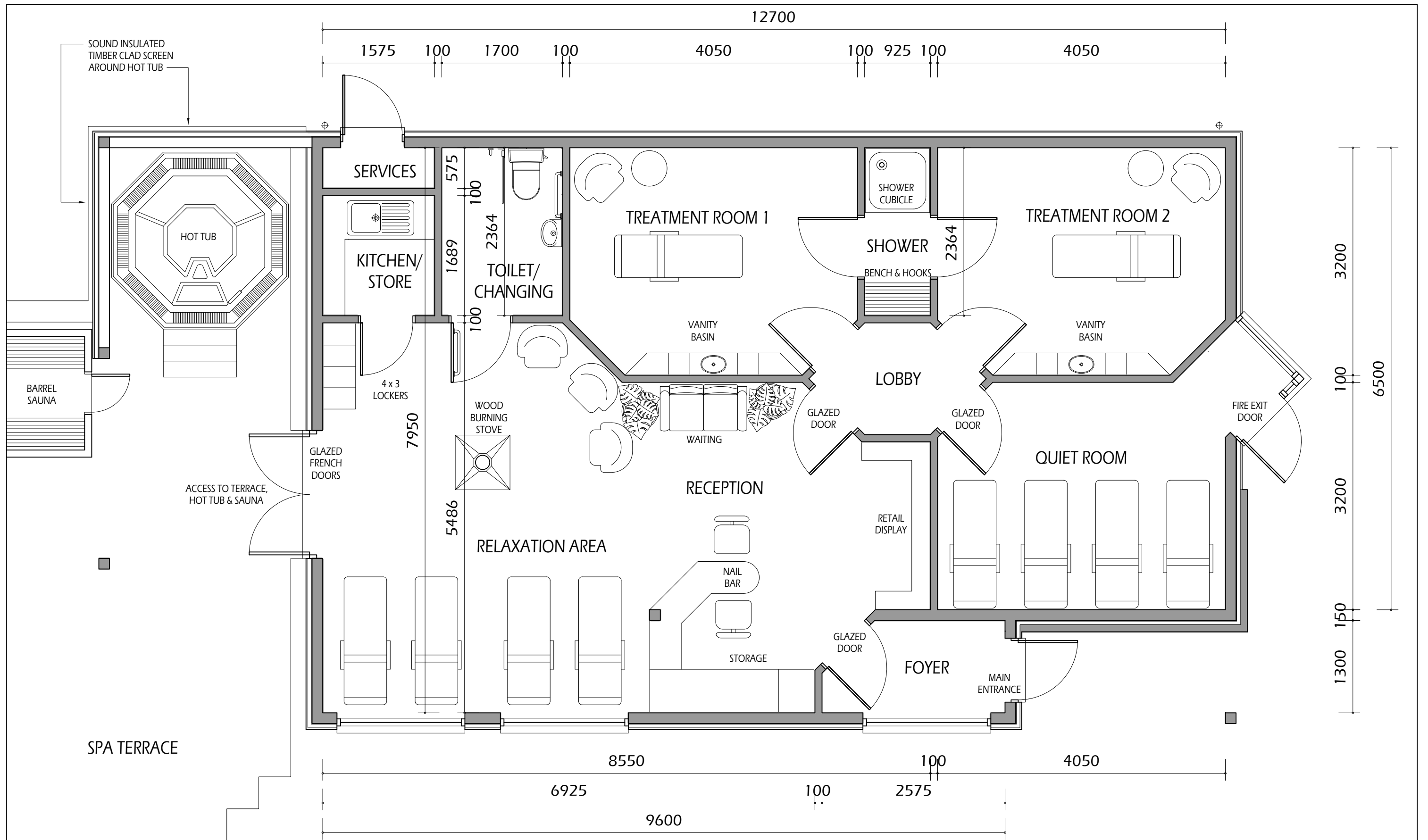
REVISION NOTES

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THE BOAT HOTEL
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PROPOSED SPA TREATMENT FACILITY
PROPOSED ELEVATIONS

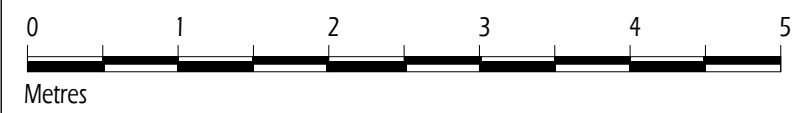
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THE BOAT HOTEL
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PROPOSED SPA TREATMENT FACILITY
 PROPOSED FLOOR PLAN

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1:50	9:10:14	DGP

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REVISION	A

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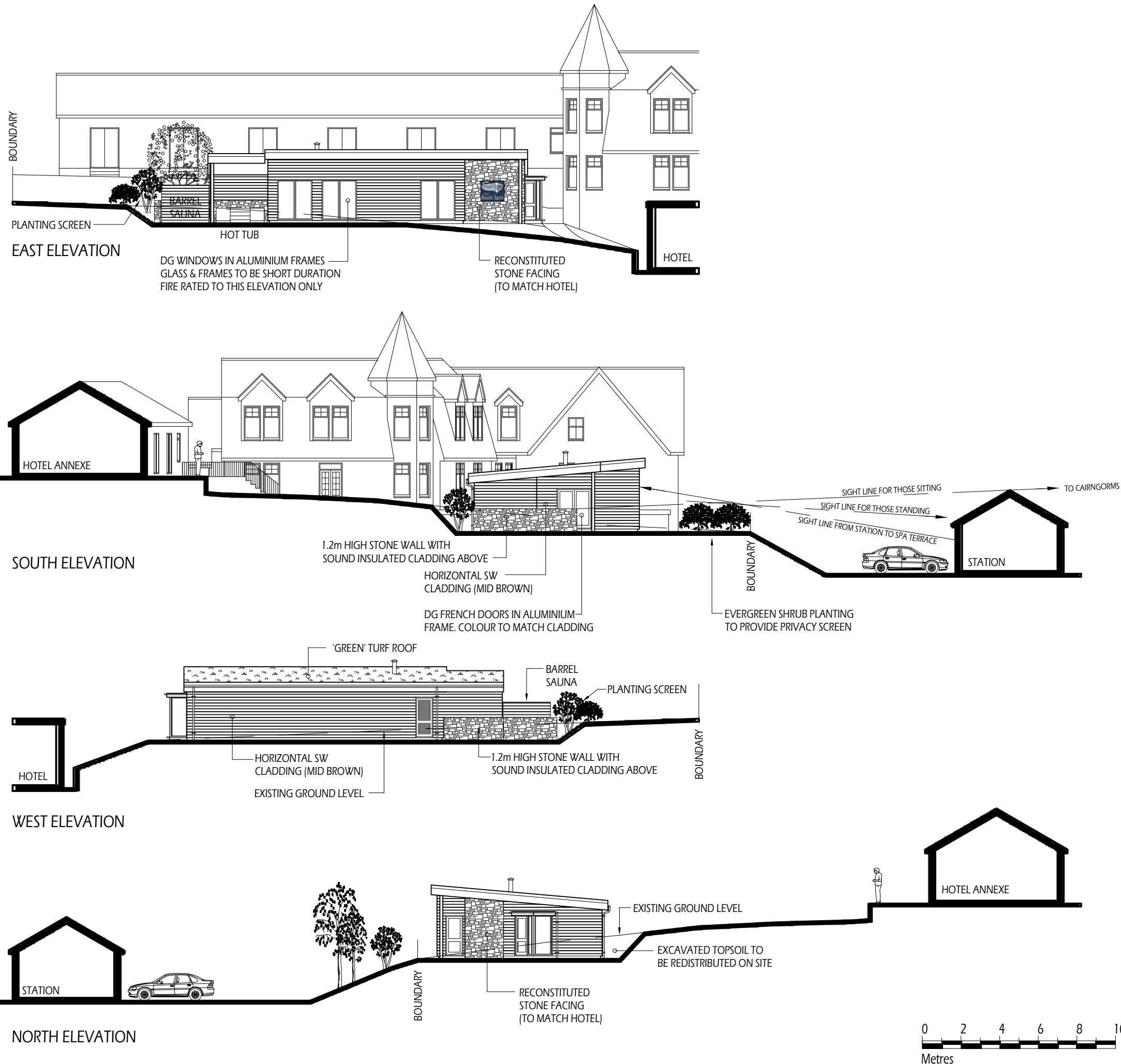
THE BOAT HOTEL
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BOAT OF GARTEN PH24 3BH
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PROPOSED SPA TREATMENT FACILITY
SITE SECTIONS

SCALE	DATE	DRAWN
1:200	24:11:14	DGP

DRAWING No.	1429-04
REVISION	A



BOUNDARY

EAST ELEVATION

SOUTH ELEVATION

WEST ELEVATION

NORTH ELEVATION

BOUNDARY

BOUNDARY

