

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
1 March 2016

Agenda Item	6.2
Report No	PLS 012/16

15/04635/FUL: Allied Irish Bank
The Windsor Hotel, 16 Albert Street, Nairn

Report by Area Planning Manager - South

SUMMARY

Description : Alter Hotel to form smaller Guest House, and convert remainder of Hotel, and change use, to 13 flats

Recommendation - GRANT

Ward : 19 - Nairn

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : 5 timeous objections

1. PROPOSED DEVELOPMENT

- 1.1 The proposed development involves the demolition of two rear wings (one single storey and the other 3 storey) at an existing hotel building and its internal subdivision and alteration to form 13 residential flats and a guest house, with associated access, parking and amenities laid out in the curtilage to the front and rear of the building.
- 1.2 Pre-application consultation is not mandatory but was undertaken following withdrawal of an earlier application for a similar development in which the number of flats would have been 16. Detailed advice was given on residential amenity issues affecting prospective residents of the flats and the area's visual amenity; the main focus of the advice was the need to provide adequate off street parking and to justify any departure from the Council's adopted parking standards. The need for an affordable housing contribution in some form (on or off site) was highlighted.
- 1.3 The building fronts on to Albert Street and has a public pedestrian access from the street about three-quarters of the way along its frontage (in the direction of the coast) with a vehicle access at the town centre end of the frontage leading to a rear courtyard accommodating 17 car and 2 coach parking spaces. The building is connected to the public sewer, water main and mains electricity.
- 1.4 The application is supported by a transport statement.

1.5 **Variations:** No variations have been made to the application since it was lodged

2. **SITE DESCRIPTION**

2.1 The site consists of a range of 3 storey buildings with 1 and 2 storey wings presenting a principal elevation to Albert Street with wings projecting at right angles to the line of the street at various points on the rear elevation. The Albert Street-facing buildings are of stone construction and appear to have originally been largely 2 storeys in height but have been extensively altered with mansard roof and box dormer structures to create 3 storeys of accommodation, which continues into rear wings of overtly 3 storey flat roofed appearance of more modern construction with harled walls. A single storey flat roofed extension wraps around one of the rear wings and flat roofed single storey bays and an entrance canopy occupy part of the principal elevation. The rear yard is tarmacked. Surrounding development in Albert Street is predominantly residential. The site backs onto the public park in which Viewfield House sits.

3. **PLANNING HISTORY**

3.1 Earliest available records (from 1975) show the hotel as an established business. Between 1977 (NA/77/90) and 1984 (NA/84/16) the Register records 14 applications for planning permission (13 granted, 1 withdrawn) for additional second storey bedrooms, fire escape stairs and various alterations and extensions though some are clearly alternative/amended schemes not pursued.

15/01324/FUL - alter Hotel to form smaller Guest House and convert remainder of Hotel, and change use to 16 flats: withdrawn before determination

4. **PUBLIC PARTICIPATION**

4.1 Advertised : No

Representation deadline : 20/1/16

Timeous representations : 5 (3 households, Bowling Club, Community Council)

Late representations : 1 (Community Council)

4.2 Material considerations raised are summarised as follows:

- Overdevelopment in relation to available offstreet parking
- Will increase onstreet parking to detriment of road safety and amenity of existing properties

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 **Transport Planning Team** : No objection.

5.2 **Planning Gain Officer:** Affordable housing and secondary school contributions required.

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 and Place-Making
32	Affordable Housing
34	Settlement Development Areas
56	Travel
75	Open Space

6.2 Inner Moray Firth Local Development Plan 2015

Not applicable

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Developer Contributions

Managing Waste in New Developments

Open Space

7.3 Scottish Government Planning Policy and Guidance

Not applicable

7.4 Other

THC Roads Guidelines for New Developments

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 principle of conversion of part of the hotel to residential use is consistent with HwLDP Policies 28, 29 and 34. The retention of part of the hotel as a guest house has no negative Policy implications since it simply continues, on a reduced scale, the last known use of the whole site. The determining Policy issues involve the number and layout of flats proposed and relate to standards of residential amenity within the development, provision of parking facilities, and access to open space.

8.4 Material Considerations

The proposed flats are provided with adequate outdoor drying facilities, cycle parking and waste storage facilities. Only the three proposed ground floor flats would have dedicated garden ground but the link to Viewfield will offer direct access to open space for all residents.

The car parking shown is adequate for all residents and for the number of guest house bedrooms, and there is an element of visitor parking included. The total number of off street spaces falls 3 short of Roads Guidelines standards but the Transport Planning Team considers this shortfall acceptable in light of the site's proximity to community facilities and services in the town centre and to public transport facilities as set out in the supporting transport statement. The development is provided with an adequate level of resident and visitor parking for the 1st and 2nd floor flats and direct access from those flats' common entrances to the car park, and adequate space for guest house guests and staff.

The rear entrance to the guest house has to open outwards for fire escape purposes but this does not prevent its use for deliveries. In any event deliveries through the front entrance would be during daytime hours and in the nature of such deliveries would occupy only the minimum time necessary.

It would be true to say that the layout of the 3 ground floor flats could encourage visitors to them to park on street, and that use of off street parking by guest house guests, while probably a customer preference from a security point of view, cannot be enforced. Nevertheless the Transport Planning Team's view is that this risk is not significant. Existing on street parking, and any problems which it might be causing, arises from a combination of other developments (the Bowling Club, for example, has no off street parking facilities) and the area's proximity to the town centre (which makes it handy for parking in the event that a space cannot be found in the town centre's car parks or its streets). The development is judged unlikely to cause any significant new access or traffic flow problems in the roads surrounding the site.

8.5 Other Considerations – not material

The possible effect of inclusion of an element of affordable housing on property values is not a material planning consideration.

8.6 Matters to be secured by Section 75 Agreement

Affordable housing within development or an appropriate financial contribution towards off site provision, and a financial contribution of £845 (£65 per flat) towards

secondary school capacity enhancement.

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 Yes

Notification to Scottish Ministers No

Notification to Historic Scotland No

Conclusion of Section 75 Agreement Yes

Revocation of previous permission No

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

1. No flat shall be occupied until the wall fronting the site has been lowered to a height not exceeding 0.85 metres above the level of the Albert Street road carriageway; car parking areas serving the flats have been completed and made available for use; all outdoor clothes drying, bin storage and cycle parking facilities installed; and access between the site and Viewfield formed and made available for use; all as shown on the approved site layout plan.

Reason : To ensure that these facilities are timeously provided in the interests of residential amenity.

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

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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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 for more information.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: Andrew McCracken
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – 861/01 Location plan
Plan 2 – 861/02/F Proposed site layout plan
Plan 3 – 861/03 Existing floor plan (ground floor)
Plan 4 – 861/06/A Proposed floor plan (ground floor)
Plan 5 – 861/11/A Proposed elevations plan



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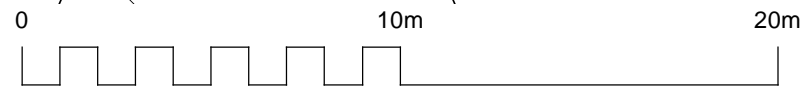
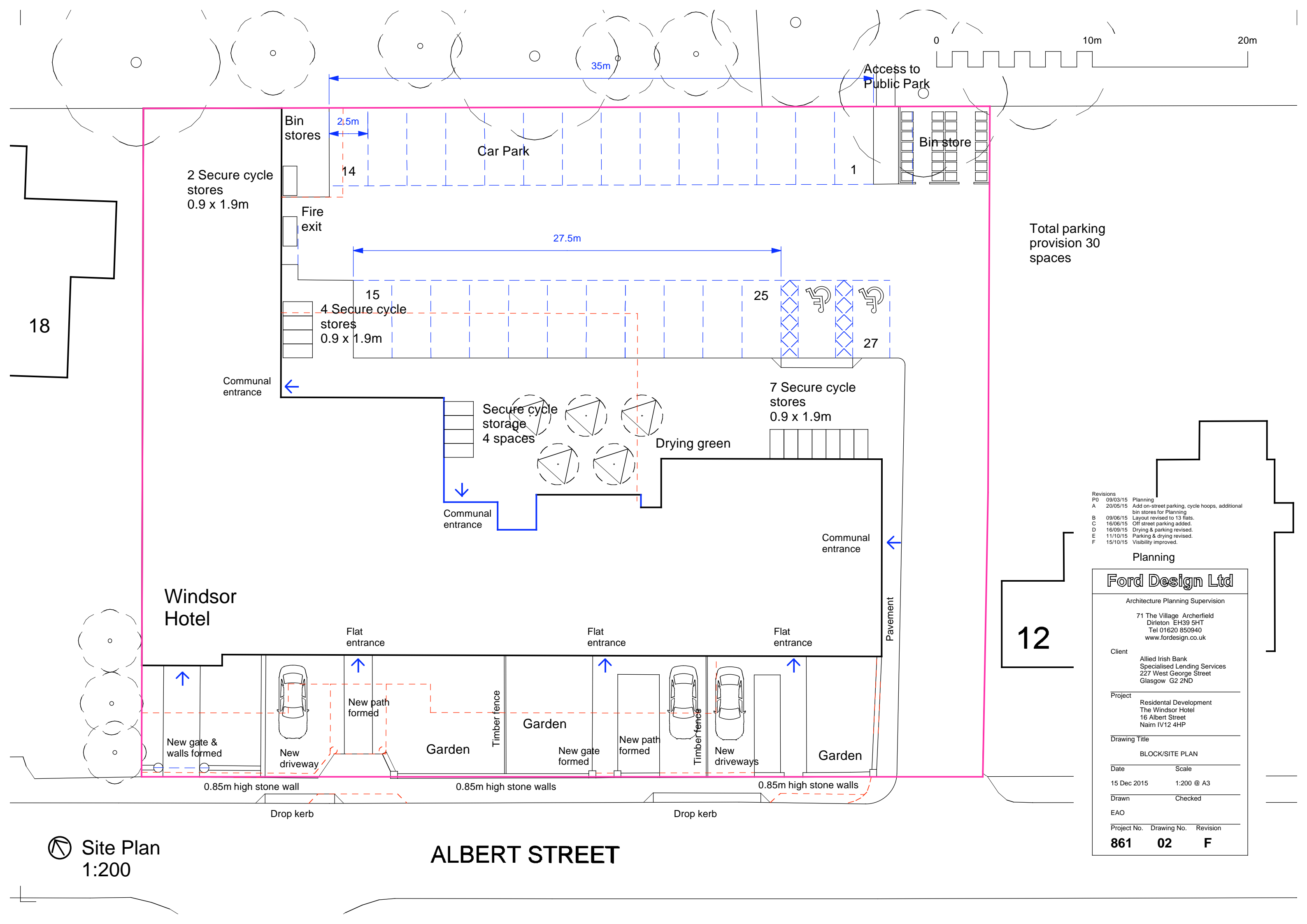


Location Plan
1:1250



Windsor Hotel, 16 Albert Street, Nairn IV12 4HP

861-01



Total parking provision 30 spaces

Revisions

PO	09/03/15	Planning
A	20/05/15	Add on-street parking, cycle hoops, additional bin stores for Planning
B	09/06/15	Layout revised to 13 flats.
C	16/06/15	Off street parking added.
D	16/09/15	Drying & parking revised.
E	11/10/15	Parking & drying revised.
F	15/10/15	Visibility improved.

Planning

Ford Design Ltd

Architecture Planning Supervision

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Dirleton EH39 5HT
Tel 01620 850940
www.fordesign.co.uk

Client
Allied Irish Bank
Specialised Lending Services
227 West George Street
Glasgow G2 2ND

Project
Residential Development
The Windsor Hotel
16 Albert Street
Nairn IV12 4HP

Drawing Title
BLOCK/SITE PLAN

Date
15 Dec 2015

Scale
1:200 @ A3

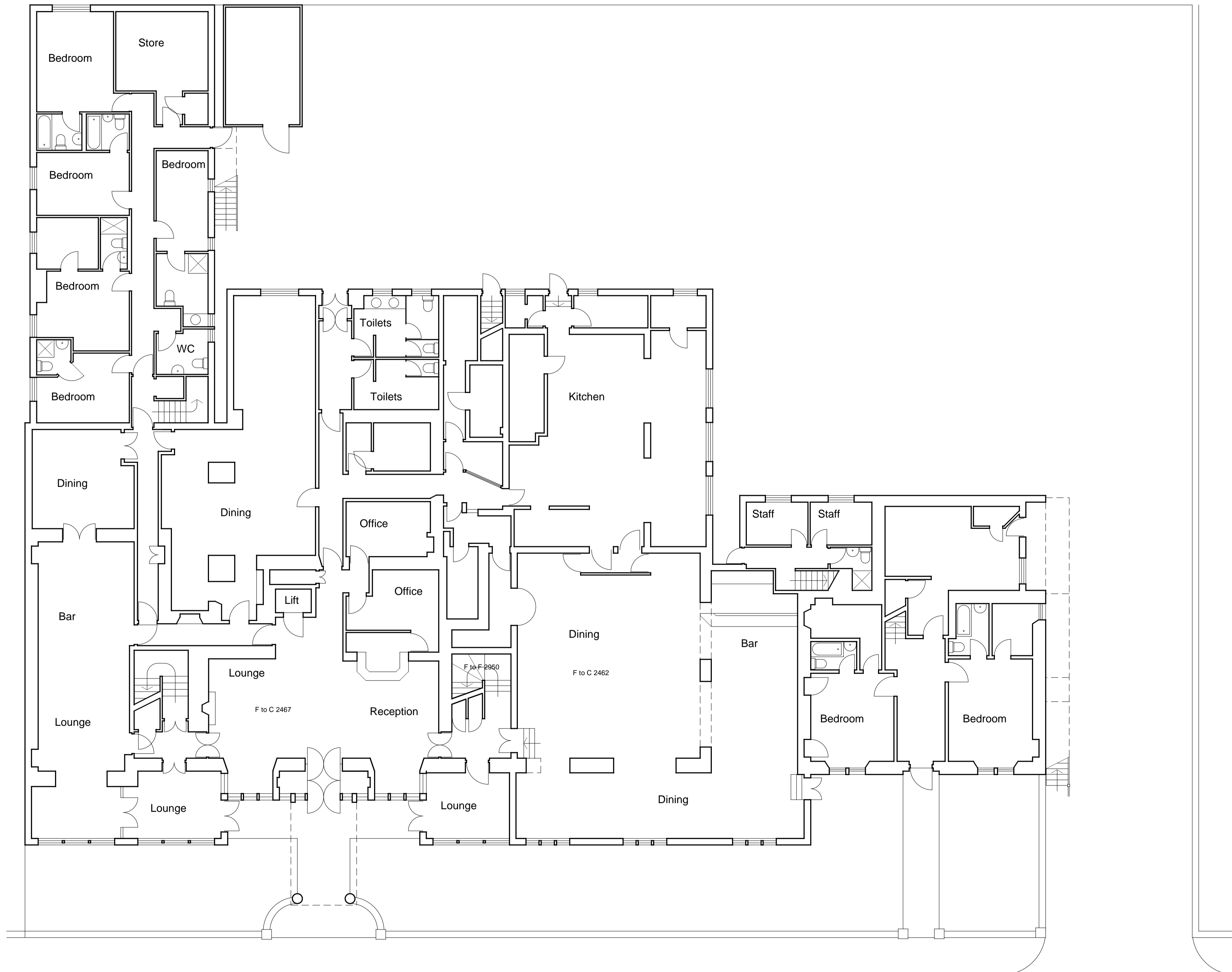
Drawn
EAO

Checked

Project No. Drawing No. Revision
861 02 F

Site Plan
1:200

ALBERT STREET



Revisions

P1	30/09/14	Preliminary
P2	22/01/15	Preliminary
P3	09/03/15	Planning

Planning

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Project

Residential Development
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Drawing Title

GROUND FLOOR PLAN
 AS EXISTING

Date

9 Mar 2015

Scale

1:100 @ A1

Drawn

EAO

Checked

EAO

Project No. Drawing No. Revision

861 03

Ⓞ Ground Floor Plan
 as Existing



Accommodation	Residential
Flat 1	3 Bed 149.8m ²
Flat 2	3 Bed 111.0m ²
Flat 3	3 Bed 109.5m ²

Accommodation	Guest House
4 Rooms	232.7m ²

Revisions
 P1 01/10/14 Preliminary
 Planning
 A 16/06/15 Layout revised. Planning

Planning

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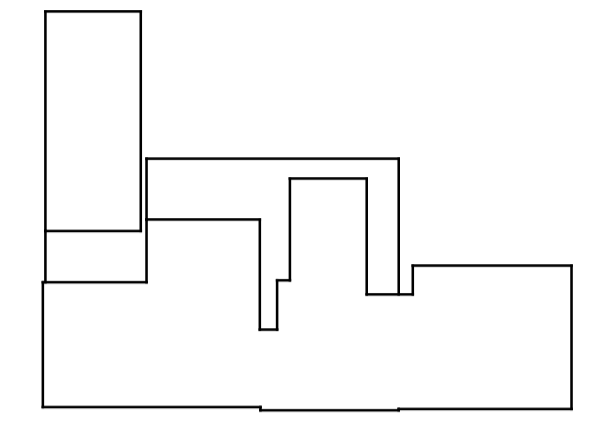
Drawing Title
 GROUND FLOOR PLAN
 AS PROPOSED

Date Scale
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Drawn Checked
 EAO

Project No. Drawing No. Revision
861 06 A

Ⓞ Ground Floor Plan
 as Proposed



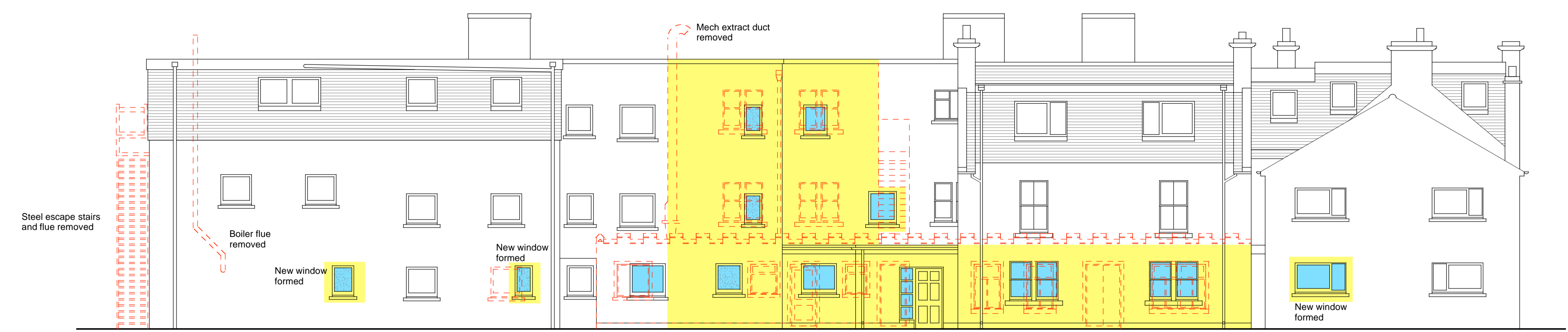
Key Plans

Finishes

Walls:
 Front elevation to be repaired with natural stone rubblework, with ashlar stone lintels, window rybats, cills, quoins etc. to match existing.
 Infill block and rear wall to be White painted render, to match existing.

Windows & Doors:
 Timber, with double glazed units. White paint finish

Rainwater goods:
 Black uPVC half-round gutters and circular downpipes.



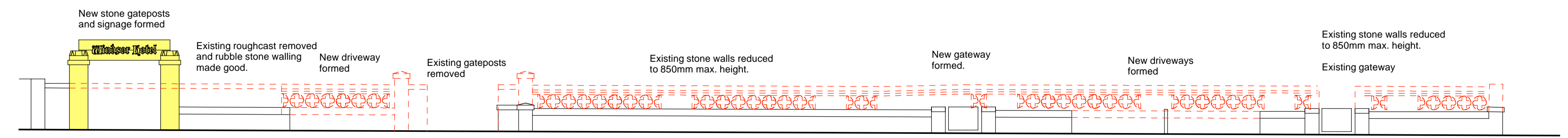
NE Elevation
As Proposed



NW Elevation
As Proposed



SW Elevation
As Proposed



SW Elevation of Wall on Boundary
As Proposed

Revisions
 P0 11/02/15 Preliminary
 P1 10/03/15 Planning
 A 15/12/15 Updated to follow Plans. Planning

Planning

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Project
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 16 Albert Street
 Nairn IV12 4HP

Drawing Title
 ELEVATIONS AS PROPOSED
 Sheet 1 of 2

Date 15 Dec 2015
 Scale 1:100 @ A1
 Drawn Checked

EAO
 Project No. Drawing No. Revision
861 11 A