

Agenda Item	7.5
Report No	PLN/052/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 4 June 2019
Report Title: 19/00306/FUL: Mr George Skinner per Debbie Oliver
Guest Accommodation, Commercial Inn, 11 Main Street, Balintore
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erect 6 no holiday flats
Ward: 7 – Tain and Easter Ross

Development category: Local

Reason referred to Committee: Application referred to NPAC by Ward Members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks consent for the erection of an extension of the existing Commercial Inn to form 6 flats (including demolition of a small section of the existing Inn). The building would be erected on the south-western elevation of the existing pub with accommodation laid out over 2.75 storeys including protruding balconies on the first and second floors. No dedicated parking is proposed for the development; the site layout indicates that the owner/occupiers would use Council owned land at the harbour area for parking of vehicles. The proposed development would utilise a wet dash render external wall finish with slate roofing.
- 1.2 There is no infrastructure on site however it is noted that the proposal would be capable of connecting to the public sewer and as noted above, the use of existing parking areas is proposed.
- 1.3 **Pre Application Consultation:** No pre-application advice was sought prior to the submission of the application.
- 1.4 **Supporting Information:** None
- 1.5 **Variations:** Amended site layout and elevational plans received on 27th February 2019 to correct discrepancies with proposed elevational plan and to remove areas shown as 'possible future development' as no details had been provided.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of hardstanding adjacent to the existing Commercial Inn which has been used for ad-hoc storage of a caravan and large boat. The main street through Balintore runs along its northern boundary (Main Street leading to Ross Crescent) and the harbour lies to the south. The area is generally residential in nature with cottages located directly opposite the site however there is also a small chemist in close proximity, to the other side of Main Street. There are attractive views from the site across to the Harbour and beyond.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|-----------------------|
| 3.1 | 15.07.2013 | 13/01535/FUL - Construction of new 2.5 storey building comprising 6no. flats | Application Withdrawn |
| 3.2 | 04.12.2007 | 07/00218/FULRC - Demolition of building and erection of two holiday units and six flats (Detail) | Application Withdrawn |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 08.02.2019

Representation deadline: 22.02.2019

Timeous representations: 4 objections from 4 households

Late representations: 0

4.2 Material considerations raised are summarised as follows:

Amenity

- a) Adverse impact on privacy of adjacent housing
- b) Loss of daylight to adjacent housing;

Parking

- c) Lack of parking – this is very restricted during March to October as the harbour is very busy with boat users and visitors
- d) Application has not addressed the issues which arose with the previous application in terms of parking
- e) Traffic concerns – no provision for refuse vehicles to pull over off the Main Street for collections

Siting and Design

- f) Scale of development is too large – the current building is already large and tall and dominates the centre/harbour area of Balintore. The proposed building mass and scale will appear overwhelming in relation to all other buildings;
- g) The development would considerably detract from the current picturesque coastal village and the scenic area around the harbour
- h) Design does not reflect that of the village – primarily fishing cottages
- i) No consideration to the whole Commercial Inn site – the current building is in a very poor state of repair

Purpose of Application

- j) Purpose of development queried – current flats about the Inn are used for commercial letting

Non-material considerations:

- a) Loss of private view (from an individual house)
- b) The area could be restored to a garden area

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 **Transport Planning:** Object for the following reasons:

- Parking shortfall.
- Footway details not provided.

Parking and Turning

The Council Guidelines state a minimum of 1.2 spaces should be provided for each flat with 0.3 spaces for visitor parking for each. This gives a minimum of 9 spaces.

Having spoken to the Harbours Manager, he states that there is **not** “plenty of Council owned parking space adjacent to the site”. He also commented on drawing number: 000003 - Location Plan, that “The majority of these are not parking spaces; they are access ways, boat storage and turning areas.”

The Council’s Guidelines state:

Normal Parking Bay sizes - The minimum design dimensions for a parking bay for a car shall be 2.5m x 5.0m, unless agreed otherwise with the Council. Where appropriate, the Council may seek the provision of larger spaces. Parking spaces suitable for **Disabled persons** should be sited on level areas, with little or no cross fall, being as close as practical to any amenities and certainly no more than **45 metres** from the main entrance of a building. Desirable layouts for both on-street and off-street accessible parking bays are shown in Figure 6.4 and are based on the requirements of the Building Regulations. For economy of space, it is best to provide pairs of spaces, rather than isolated single ones. Where room is available, the 3.6m wide parallel bays should be provided, but in some locations, particularly quiet streets, a narrower width (but no less than 1.8m on-street) may be acceptable to the Council. Full details are can be found in Appendix 12.

Cycle parking, a minimum of 2 spaces per flat provided within secure enclosed storage facility. May be reduced to 1 space per flat where communal storage is provided. As these are holiday flats a secure communal storage area suitable to store 6 bicycles would be acceptable.

Footways

The footway to be created to the South West of the Proposal must be a minimum of 2.0m wide, and should continue as such and join with the existing footway to the North West.

Waste and Recycling Storage and Collection

Drawing number H02/02 rev. 1 shows the proposed bin storage / amenity area. This new arrangement is now acceptable.

5.2 **Development Plans:** No objections. Consultation comments summarised below:

Overall Development Plan Conformity

The proposals are for the erection of 6 flats for holiday letting purposes. The Applicant clearly states in their covering letter that the flats are not for general housing provision, but will meet a growing demand for holiday letting accommodation in the area and the harbour-side location will attract even more tourists. While the site is not allocated within the IMFLDP, Para 4.167 identifies the potential to build on the growing reputation of the Seaboard Villages as a place for tourists. It is likely that the attractive harbour-side location will be advantageous in attracting tourists and in providing a suitable and central location for tourist accommodation.

The proposals lie within the settlement boundary of Seaboard Villages as outlined in the IMFLDP inset map. Therefore in line with Policy 44 Tourist Accommodation of the IMFLDP: *Proposals for tourist accommodation within settlement boundaries*

will be supported if the Council is satisfied that the proposal can be accommodated without adverse impacts upon neighbouring uses, complies with Policy 28: Sustainable Design and will not prejudice the residential housing land supply.

The principle of tourist accommodation at this location is generally supported within the provisions of the Development Plan. However this support is qualified and dependent on: whether the proposals can be accommodated without any adverse impacts upon neighbouring uses; that Policy 28 Sustainable Design is complied with; and residential housing land supply is not prejudiced. It is not considered likely that the proposals would prejudice housing land supply. Therefore the key considerations will be whether the proposals would adversely impact upon neighbouring uses and whether the proposals comply with Policy 28 Sustainable Design.

Developer Contributions

Developer contributions at a rate of £1,022 per unit are required towards Community Facilities. The total rate required is therefore £6,132.

- 5.3 **Scottish Water:** No objections. Note that there is sufficient capacity in the Assynt Water Treatment Works and the Balintore Waste Water Treatment Works however further investigations may be required to be carried out.

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
30 - Physical Constraints
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
44 - Tourist Accommodation
56 - Travel
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2018

Settlement Development Area – Seaboard Villages

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (November 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013))
Managing Waste in New Developments (March 2013)
Sustainable Design Guide (Jan 2013)

Additional Non-Planning Guidance: Roads and Transport Guidelines for New Developments.

7. OTHER MATERIAL CONSIDERATIONS

7.1 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.

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) any other material considerations.

Development plan/other planning policy

8.4 As noted by the Development Plans Team, the key policies relevant in the assessment of the application are Policies 34 and 44 of the Highland-wide Local Development Plan which are concerned with Settlement Development Areas and Tourist Accommodation respectively. The Placemaking Priorities identified for the Seaboard Villages in the Inner Moray Firth Local Development Plan also require consideration. The principle of tourist accommodation at this location is generally supported by the provisions of these policies acknowledging that the IMFLDP makes specific reference to the need to build on the growing reputation of the villages as a place for tourists [with potential for a new caravan site at Shandwick]. However there is a need to further examine the proposed development with respect to material considerations including siting and design; the impact on the amenity of the area; access and parking; and drainage. These considerations are reflected in the criteria detailed in Policy 28 of the Highland-wide Local Development, against which all proposals require to be assessed.

Siting and Design including Impact on Amenity

8.5 The proposed building has been designed to blend a number of traditional features such as its use of wet dash render external walls and slate roofing with a number of more contemporary additions such as both Juliette and protruding balconies on the west and south elevations. The proposed building is however tall, at 2.75 storeys with a ridge height of 10.3m, with a roofline that would extend higher than that of the adjacent Inn building by 1.5m; with the building occupying the entire street frontage on the west elevation. The area is one of a traditional fishing village characterised by single storey cottages or 1.5 storey houses; the existing Inn is in

itself being somewhat of an anomaly in terms of its height which exceeds that of the surrounding buildings. It is also sits relatively close to the road, due to the narrowness of the pavement. The addition of a further building which protrudes higher than that of the Inn would be considerably out of character within the context of this area and would appear as an incongruous addition to the streetscape. In addition, the building appears as one large 'block' of flats with a substantial massing which would be evident when viewed from all directions and particularly from the Main Street. The large scale mass and bulk of the proposed building, including its height, is further exacerbated due it occupying the entire street frontage on the western elevation and its positioning with only a small set back from the public road which would further increase the perception of over prominence. The overall appearance of the building is one which would be more akin to an urban or higher density setting rather than any attempt to provide a bespoke solution to this relatively tight site within a traditional fishing village.

- 8.6 Furthermore, the proposal gives rise to significant concerns on the impact of the established amenity of the houses which lie directly opposite the site (to the other side of Main Street/ Ross Crescent) which are single storey. The addition of a 2.75 storey building in this location would appear almost overwhelming when viewed from these properties as a result of its scale and massing. In addition the flats which are proposed for first and second floors (including the proposed protruding balconies) would result in the direct overlooking of these adjacent houses which would represent in a significant loss of privacy. In addition, no daylighting calculations have been provided with the application therefore there is also some uncertainty as to whether there would be any detrimental loss of sunlight as a result of the proposed development. Based on the elevational plans, it is likely that there would be at least *some* impact in this regard.
- 8.7 These concerns are quite rightly expressed in the four objection comments which have been received in relation to the application with objectors highlighting a loss of privacy, sunlight and loss of views. Concerns are also expressed with regard the impact on the appearance of the wider area, and publicly available views, as noted in paragraph 8.5 above.

Access and Parking

- 8.8 The proposed development does not include provision for dedicated parking as required by the Council's Roads and Transport Guidelines for New Developments which specify that 1.2 spaces per unit should be provided, giving a minimum of 9 spaces in this instance. Instead the application outlines that guests using the proposed development would park at Council owned land at the harbour area. A site layout plan has been provided with the areas the applicant seeks to use as guest parking has been provided however through consultation with Transport Planning and the Harbour Master it has been established that the majority of these 'parking areas' are actually access ways and boat storage/turning areas therefore could not be utilised for parking.
- 8.9 Whilst there may be scope for some limited parking on Council owned land to accommodate those staying at the proposed flats, this could not be secured through the planning process as 1) the applicant does not have control of these areas and 2) any member of the public who wishes to use these areas can do so

i.e. their use could not be restricted to users of the proposed accommodation. As such the applicant is unable to guarantee that the required amount of parking spaces can be provided as part of this application. Furthermore there is potential for conflict between guests at the proposed accommodation, travelling tourists and local members of the public including those who utilise the harbour who may all seek to park in these areas. As such, the proposal fails to comply with the requirements of the Roads and Transport Guidelines for New Developments by virtue of being unable to provide dedicated parking.

Drainage

- 8.10 As required by Policy 66 of the Highland-wide Local Development Plan it is noted that the proposed development would connect to the public sewer. This position is confirmed by Scottish Water.

Developer Contributions

- 8.11 Although the proposed development is for holiday accommodation, the proposed units are capable of permanent occupation and as such the Developer Contributions Supplementary Guidance applies. In this instance, the proposal is required to make a contribution towards community facilities (Tain Royal Academy Community Complex). In terms of affordable housing, the Council's Housing Team have advised that, should the development be secured as holiday accommodation in perpetuity then there would be no requirement for affordable housing either on site or through a commuted sum.

Non-material considerations

- 8.12 The issue of the loss of private views is not a material planning consideration.

9. CONCLUSION

- 9.1 The *principle* of developing holiday accommodation in association with the existing Inn is considered to be acceptable when assessed against the development plan however there are significant concerns regarding the scale and massing of the proposed building, which would appear out of character and almost overwhelming in the context of this traditional fishing village, characterised by single storey cottages and 1.5 storey houses. Furthermore the scale and height of the proposed building (2.75 storeys) means it would result in a significant loss of amenity to the adjacent housing primarily through a substantial loss of privacy however there is also insufficient information to assess daylight impact therefore additional uncertainty exists in this regard. These concerns are echoed in the four objection comments which have been received in relation to the application. Finally, the proposed development is unable to comply with the provisions of the Roads and Transport Guidelines for New Developments with respect to parking provision and would lead to additional pressure on an area of public parking.

- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The proposed development is contrary to the provisions of Policy 28 (Sustainable Design) and Policy 34 (Settlement Development Areas) of the Highland-wide Local Development Plan as the overall scale and massing of the proposed building is significantly out of character with the surrounding area which is characterised by traditional single storey houses and 1.5 storey houses. The proposed building, at 2.75 storeys and with a roofline taller than that of the adjacent Inn, would represent an incongruous and almost overwhelming addition to the streetscape in this part of Balintore.
2.	The proposed development is contrary to the provisions of Policy 28 (Sustainable Design) and Policy 34 (Settlement Development Areas) of the Highland-wide Local Development Plan as the proposed building, at 2.75 storeys including protruding balconies, would result in a significantly detrimental impact on the established amenity of adjacent housing on Main Street and Ross Crescent through a substantial loss of privacy. In addition, insufficient information has been provided to demonstrate that the proposed development would not result in a significantly detrimental on the daylight to the aforementioned properties.

- | | |
|----|---|
| 3. | The proposed development is contrary to the provisions of Policy 28 (Sustainable Design) of the Highland-wide Local Development Plan and the Council's Roads and Transport Guidelines for New Developments as the proposal fails to provide dedicated parking. In this instance a total of 9 spaces require to be provided and the application proposes to rely on existing parking at the Harbour area, on Highland Council owned land contrary to the provisions of the aforementioned Guidelines which require dedicated parking to be provided. |
|----|---|

Designation: Area Planning Manager – North

Author: Gillian Pearson

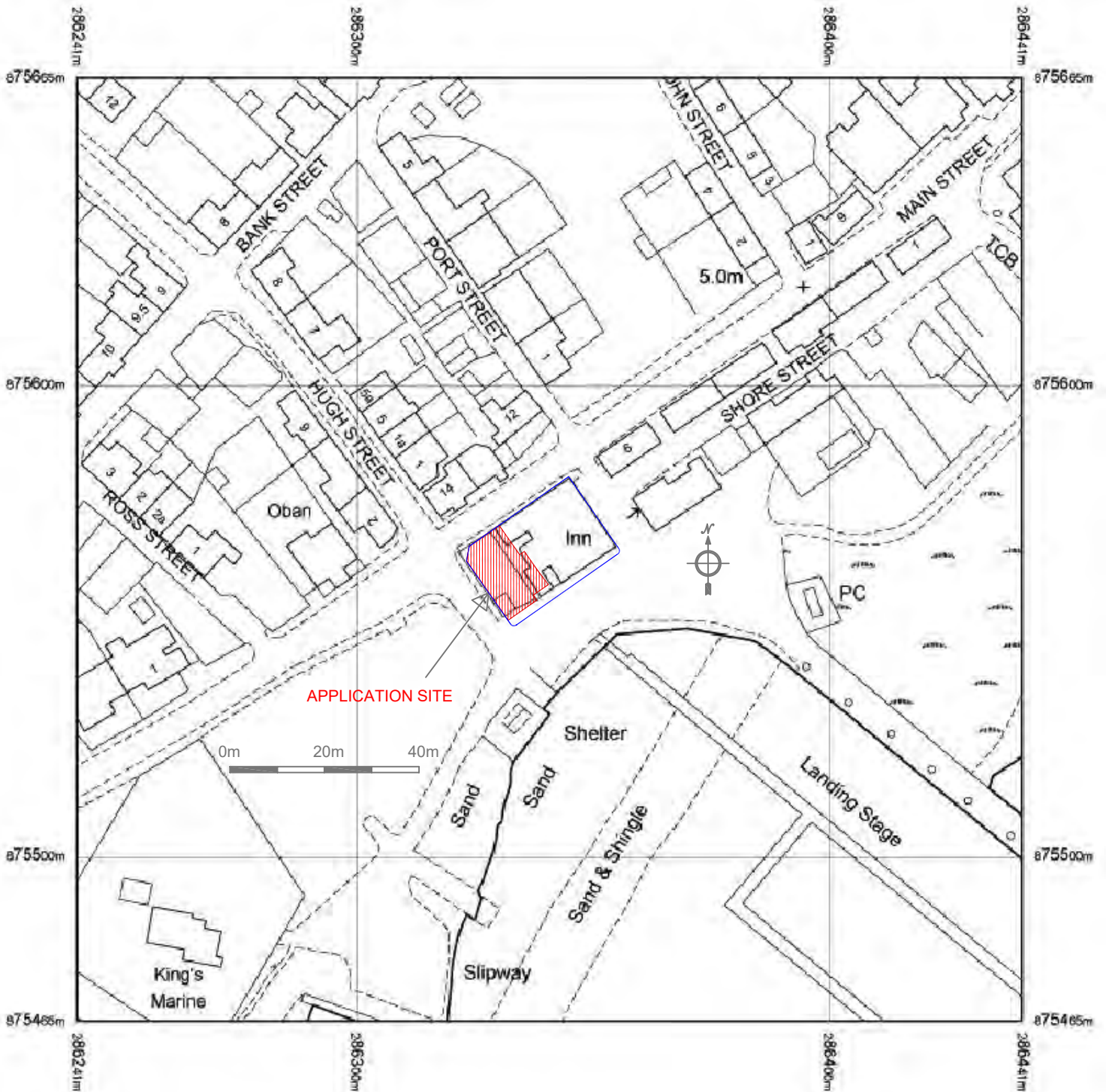
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 - Location Plan 000002
- Plan 2 - Proposed Elevation Plan H02-01 Rev 1
- Plan 3 - Existing Elevation Plan H02-00
- Plan 4 - Proposed Ground Floor Plan H02-02 Rev 1
- Plan 5 - Proposed First/Second Floor Plan H02-03
- Plan 6 - General Plan 05-04-11
- Plan 7 - Car Parking Plan 000003

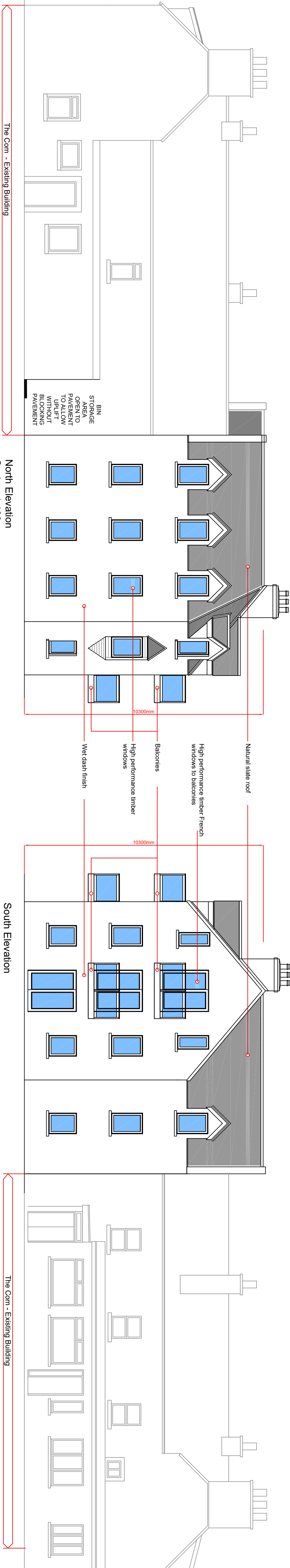
Proposed New Flats Adjacent to The Com, Balintore, IV20 1UE

LOCATION PLAN



Scale : Refer to Scale Bar

+12.300 - ridge height of 2008 scheme



+12.300 - ridge height of 2008 scheme

These drawings outline proposals for a new 21/2 storey building containing six flats adjoining 'The Corn' in Baltimore.

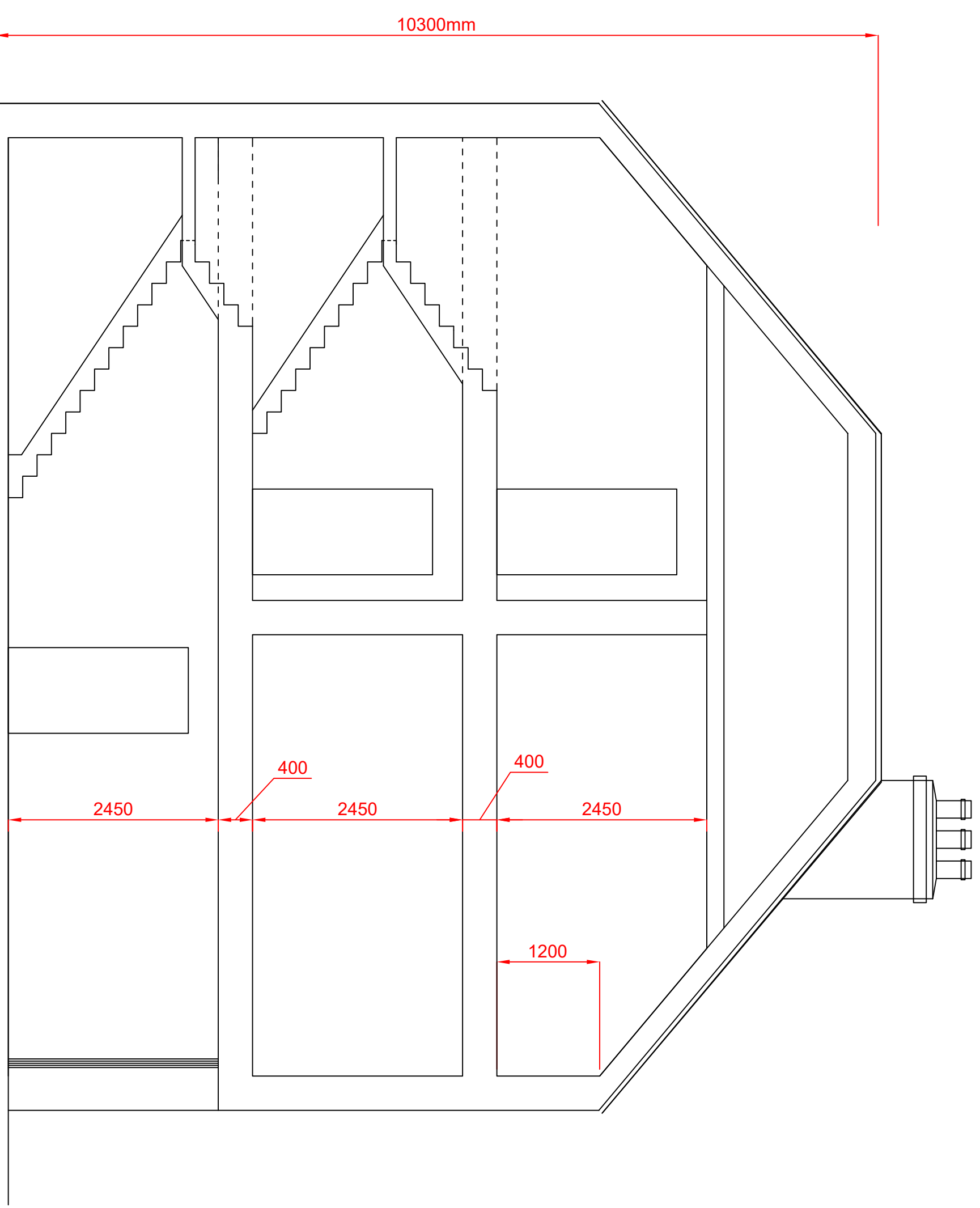
It is essentially a 'downsized' version of a previous scheme in which 'The Corn' was to be replaced completely with a new-build bar, restaurant and flats development. This was informally discussed with the planning department in 2008, and for information the ridge height of that scheme has been shown on these elevations. Ridge height for the present proposal is some 2m lower than the earlier plan.

It is intended that further development to the upper storeys of 'The Corn' will take place in the future to provide additional flats.

East Elevation
Scale 1:100

West Elevation
Scale 1:100

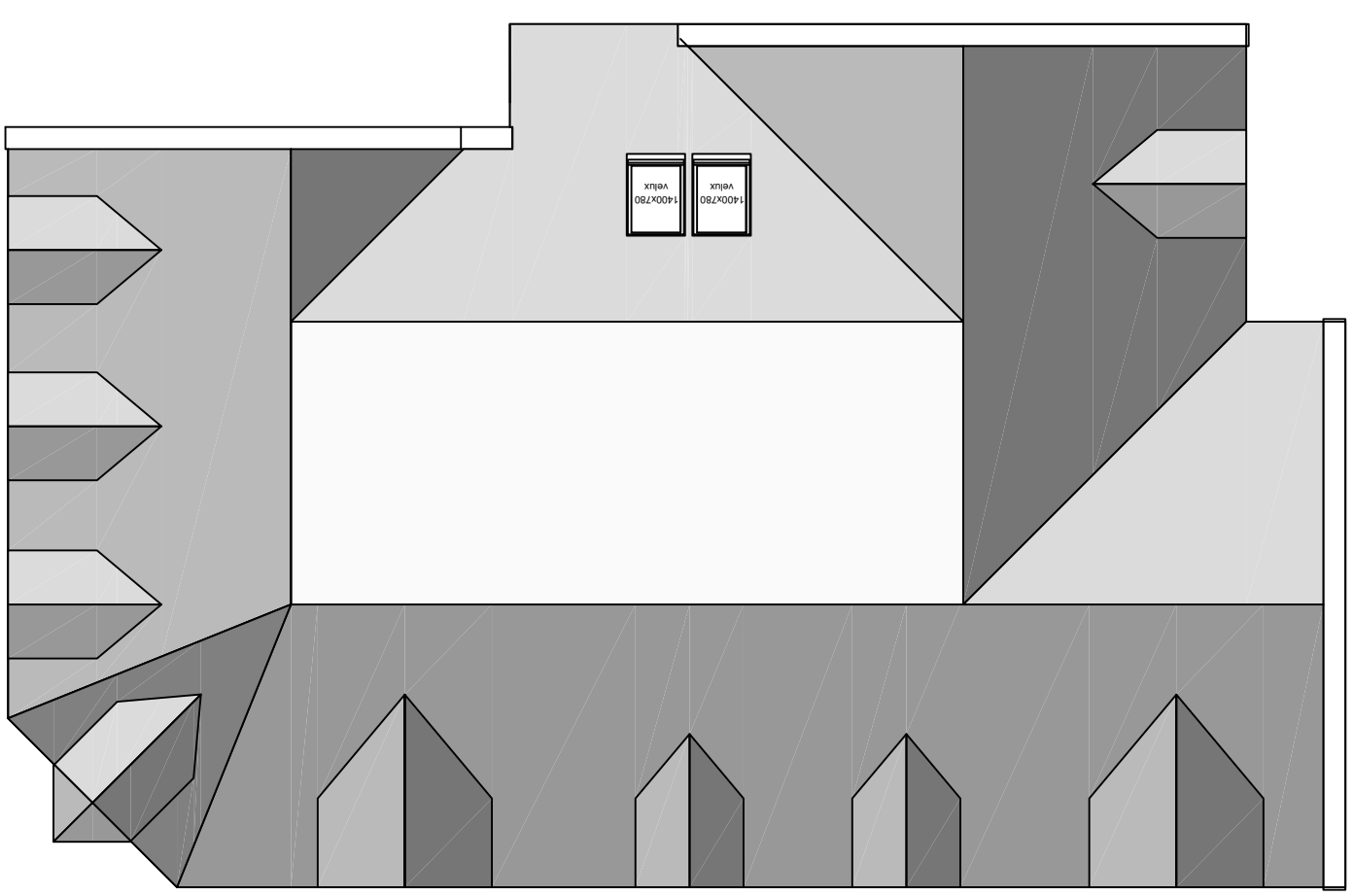
Roof Plan
Scale 1:100



Section through Stairs
Scale 1:50



Location Plan
Scale 1:1250



All critical dimensions to be checked on site. No tolerances to be applied to any dimensions on site to be notified for clarification.

Up to date drawings and information must be submitted with the application for Building Warrant and Planning Applications and are not necessarily exhaustive. You are to ensure full compliance with the building regulations and all relevant Codes for Practice, British Standards etc as appropriate.

Proposed Elevations

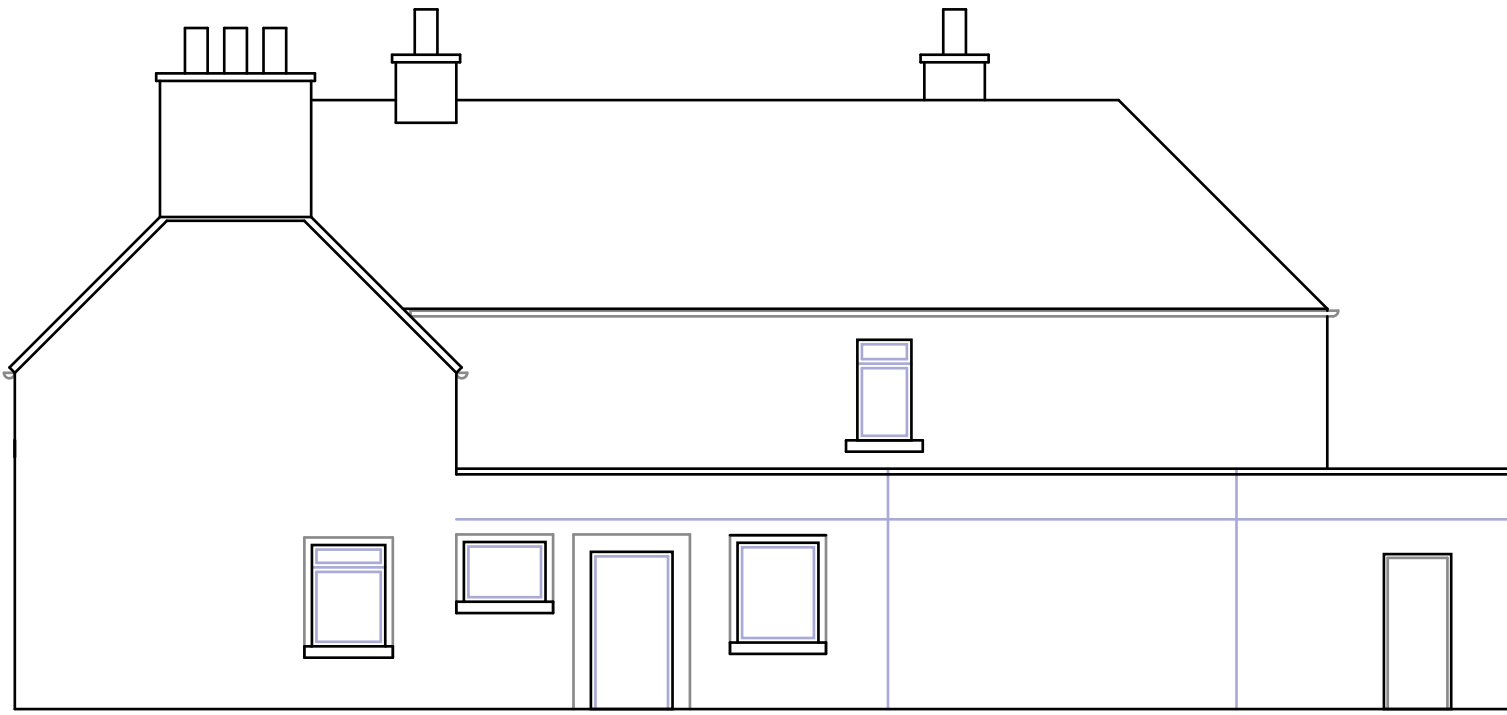
Section through Stairs
Roof Plan, Location Plan
Scales 1:50 1:100 1:1250

Client
George Skinner

Project
Proposed New Flats Adjacent
To The Corn Baltimore



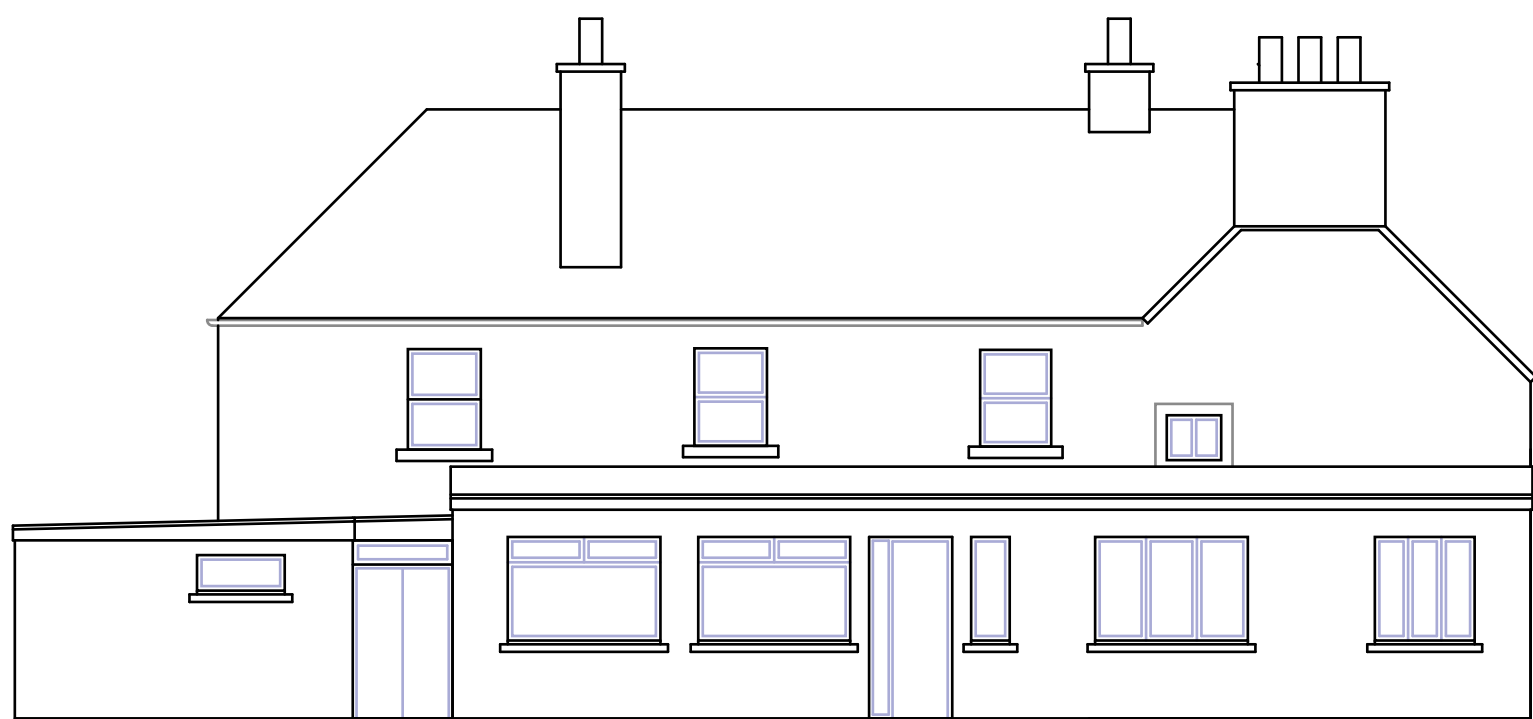
Elevation to Hugh Street (West)
Scale 1:100



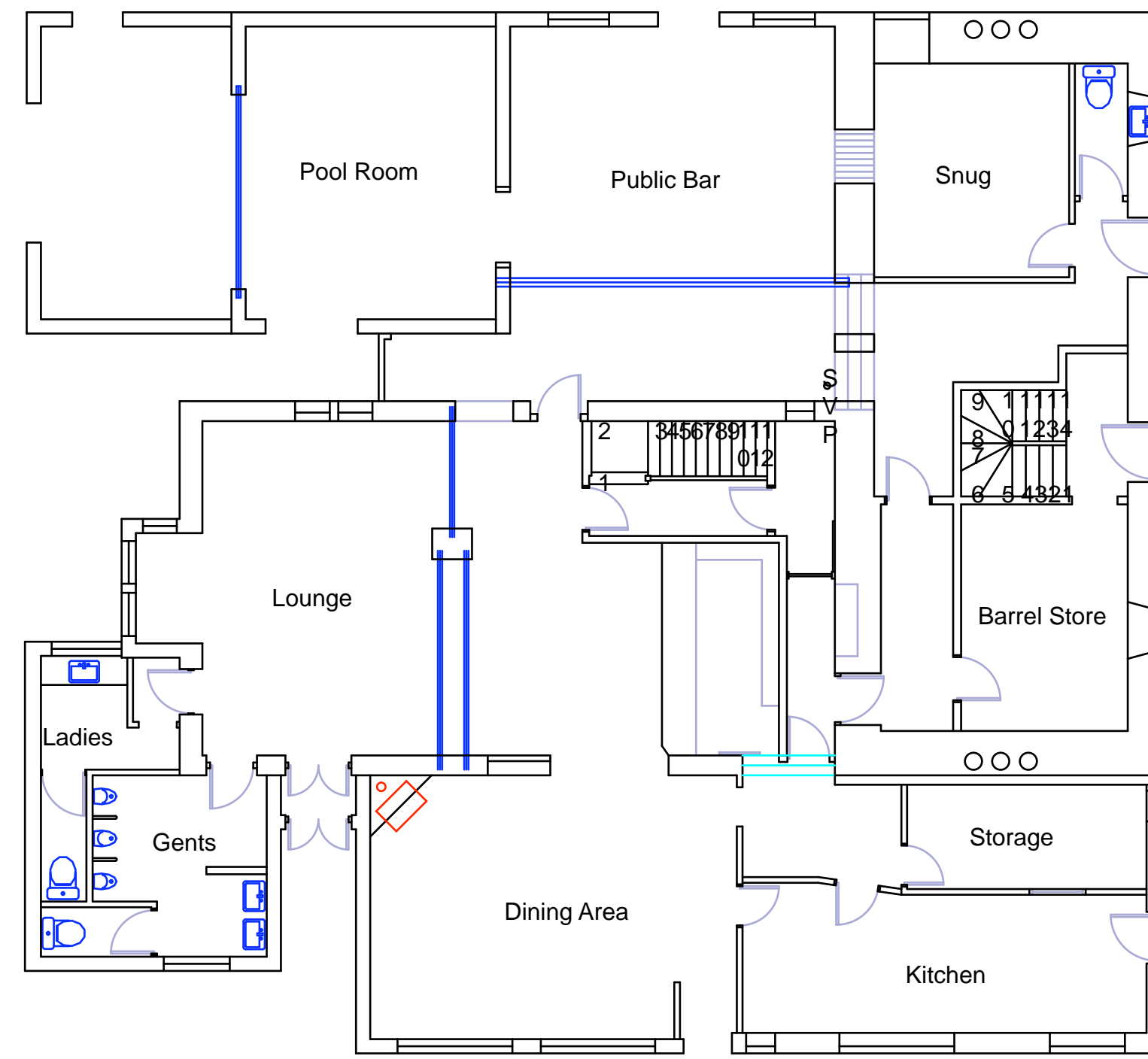
Elevation to Main Street (North)
Scale 1:100



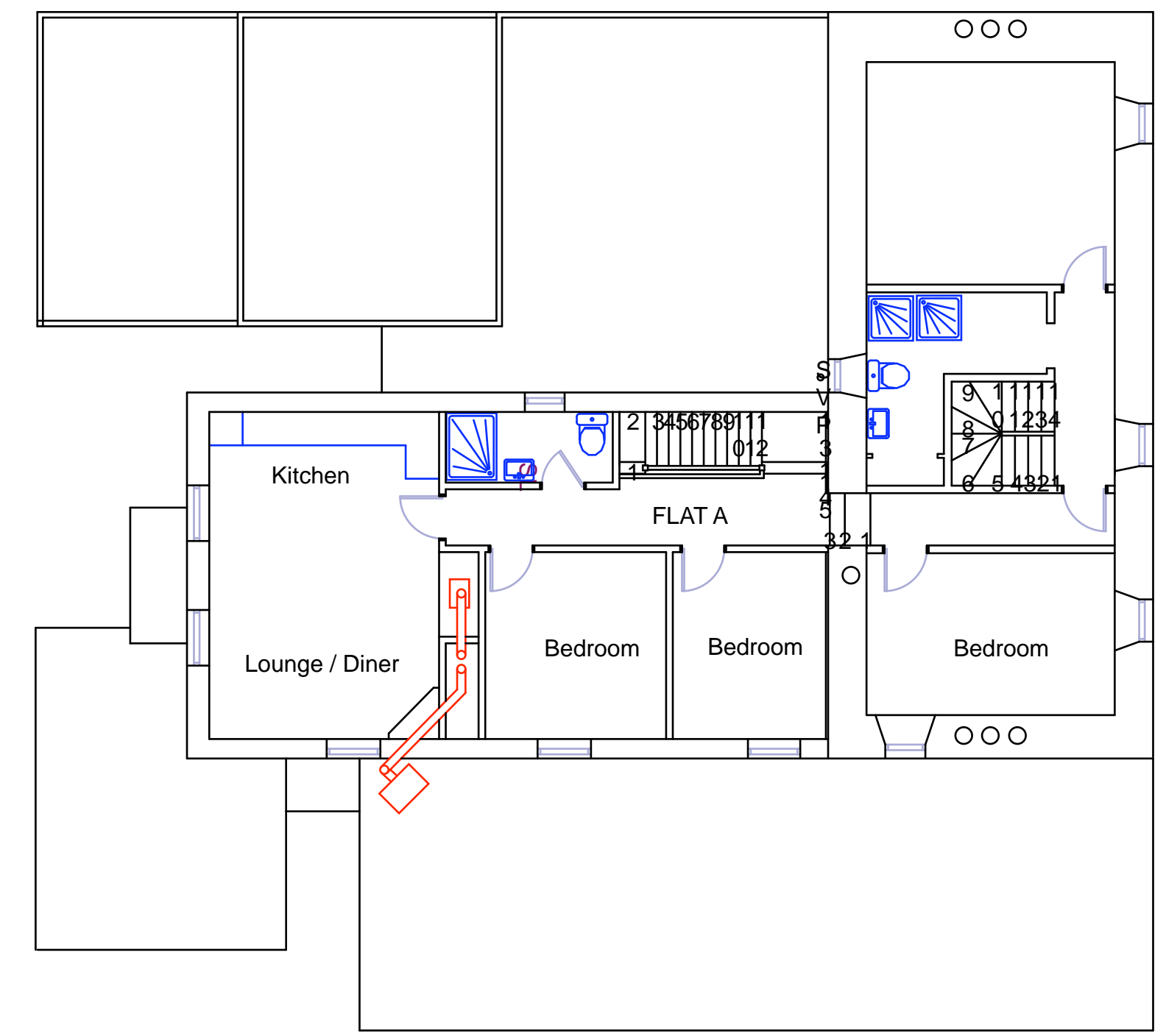
Elevation to Port Street (East)
Scale 1:100



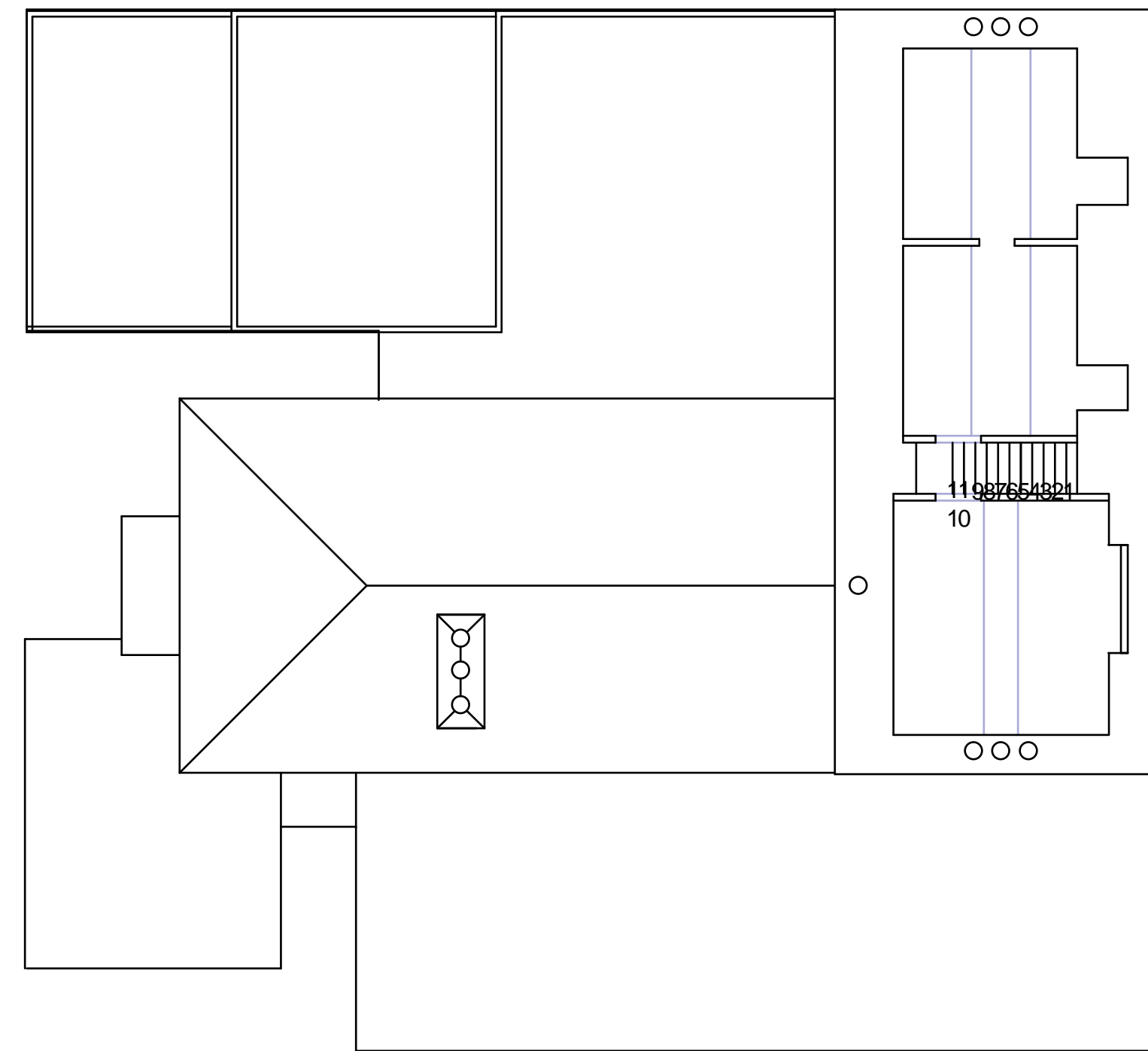
Elevation to Harbour (South)
Scale 1:100



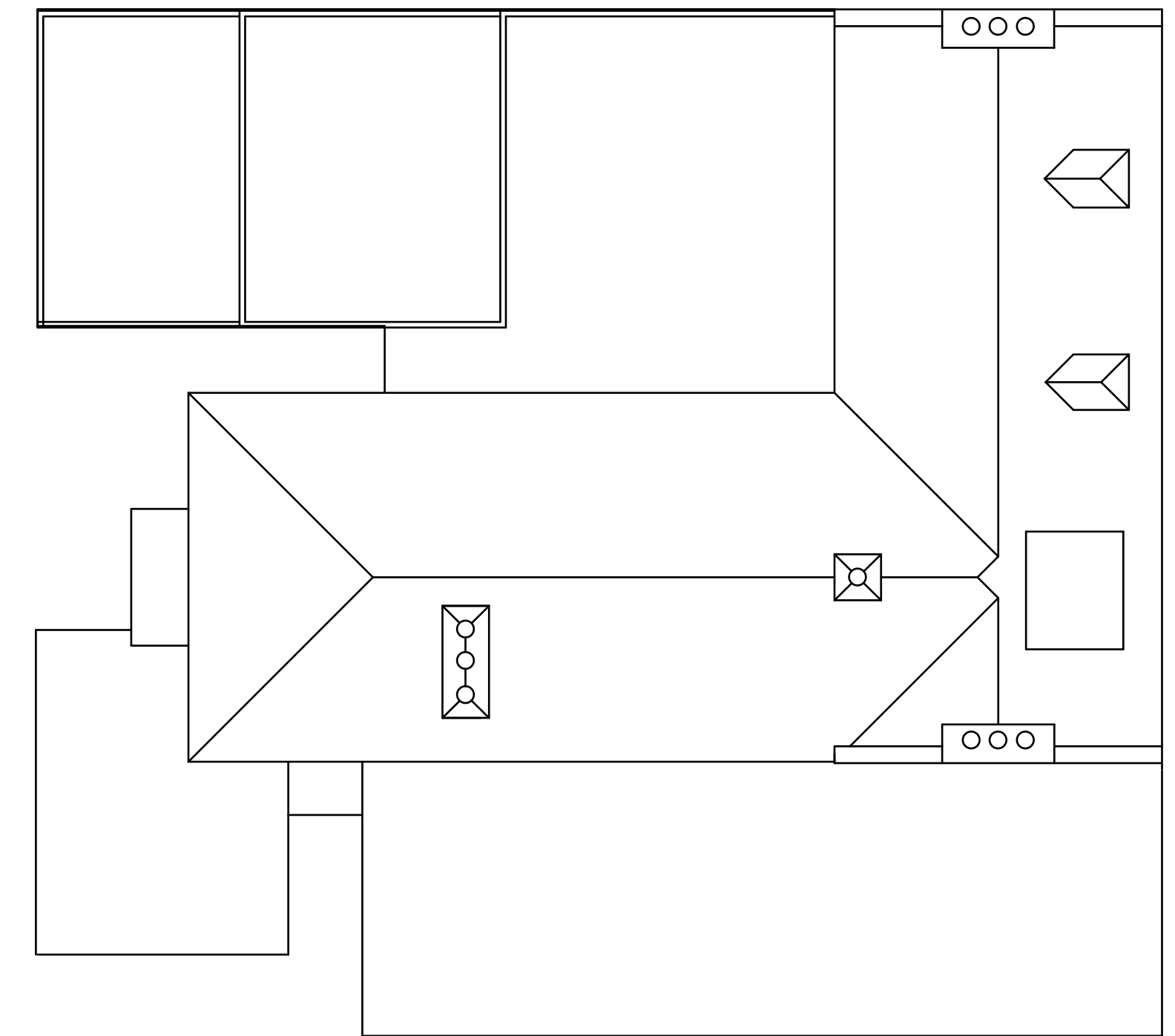
Ground Floor Plan
Scale 1:100



First Floor Plan
Scale 1:50



Second Floor Plan
Scale 1:100



Roof Ridge Plan
Scale 1:100

All critical dimensions to be checked on site. No critical dimensions to be scaled from this drawing.
Any discrepancies on site to be notified for clarification.
Up to date drawings and information must be obtained before commencement of work.
These drawings are intended for Building Warrant and Planning Applications and are not necessarily exhaustive.
Contractors are to ensure full compliance with the building regulations and all relevant Codes/ British Standards etc as appropriate

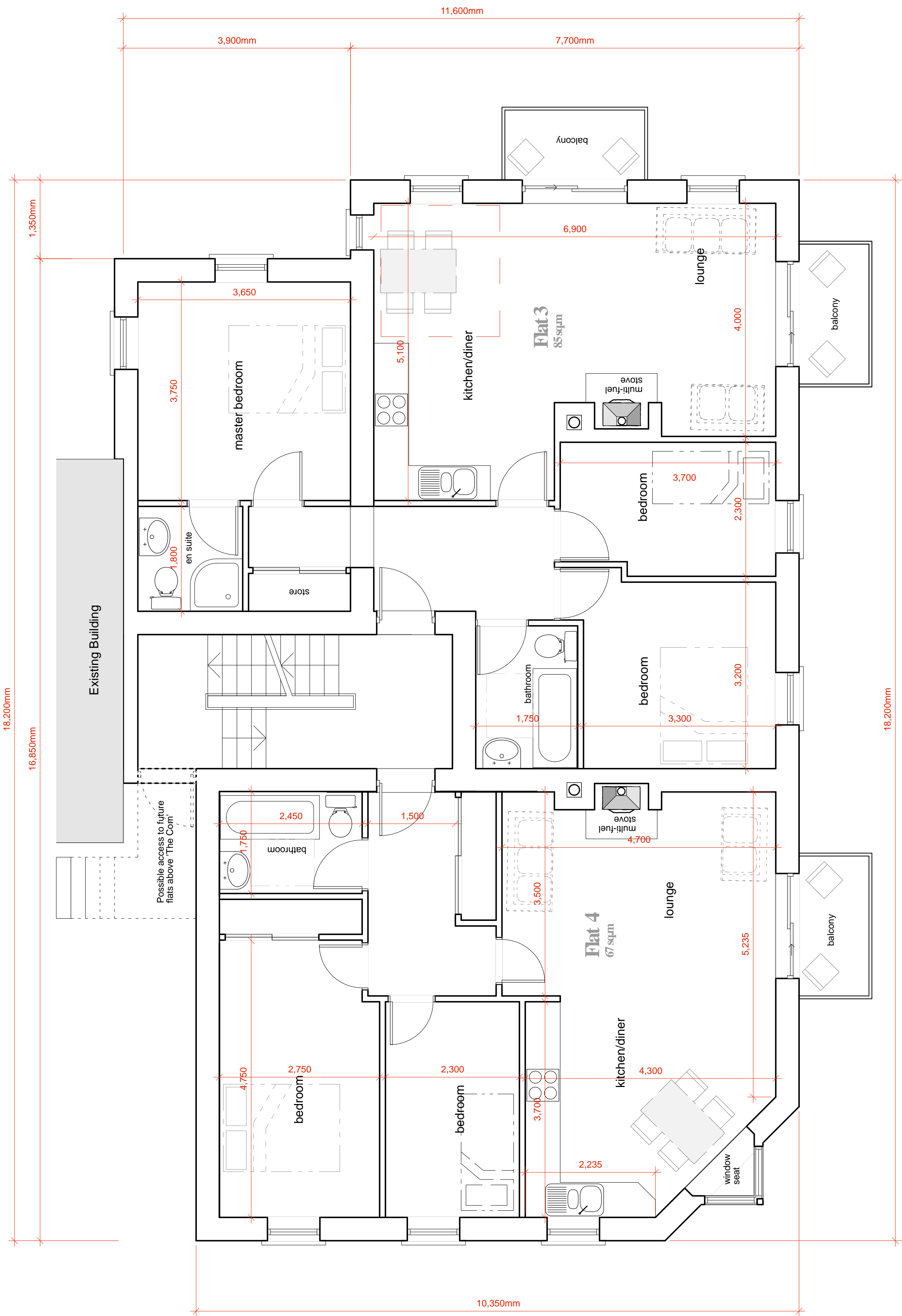
Existing Plans & Elevations of 'The Com'
(Adjacent to proposed development)
Scales 1:100

Client
George Skinner

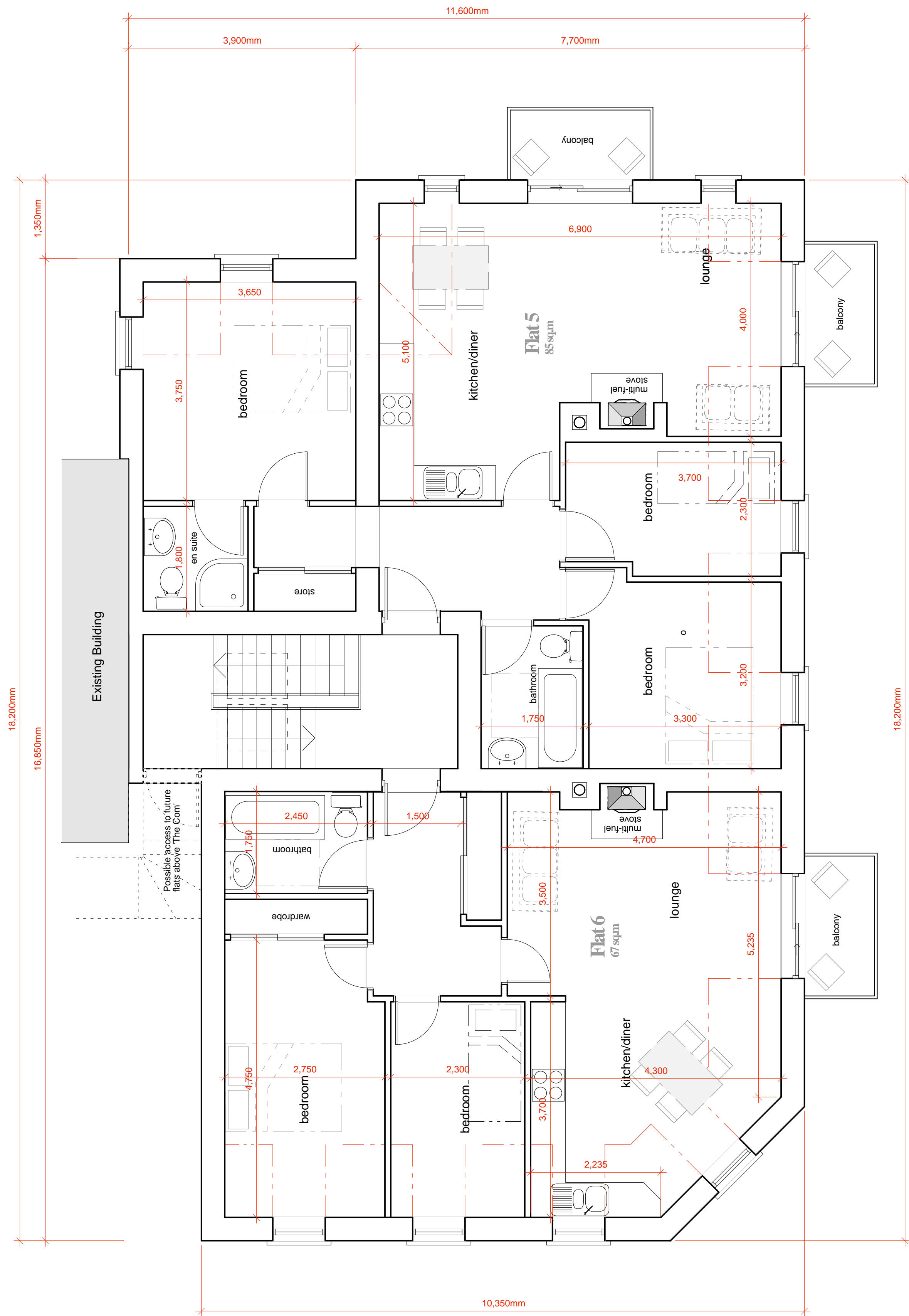
Project
**Proposed New Flats
Adjacent To The Com
Balintore**

Drawn by: A. C. Hooper
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Ross-shire, 1/20 1UE
email: 4372ony@gmail.com
mob: 07884 048751
tel: 01962 93041

April 2013
Drg. no.
H02/00



First Floor Plan
Scale 1:50



Second Floor Plan
Scale 1:50

General Notes
 1. All critical dimensions to be checked on site. No critical dimensions to be scaled from this drawing.
 2. Further copies of this drawing are available at the address shown. Drawings may be copied by contractors and clients etc but copyright of all designs remains with the designer c/o the address below. Up to date drawings and information must be obtained before commencement of work.
 3. Contractors are to ensure full compliance with the building regulations and all relevant British Standards and in particular any growers by letter to building control dept objections.
 5. Architect is to be consulted for clarification if any discrepancies occur on site.

- Preliminary feasibility
- Application drawings
- Working Drawings
- Draft Work in Progress

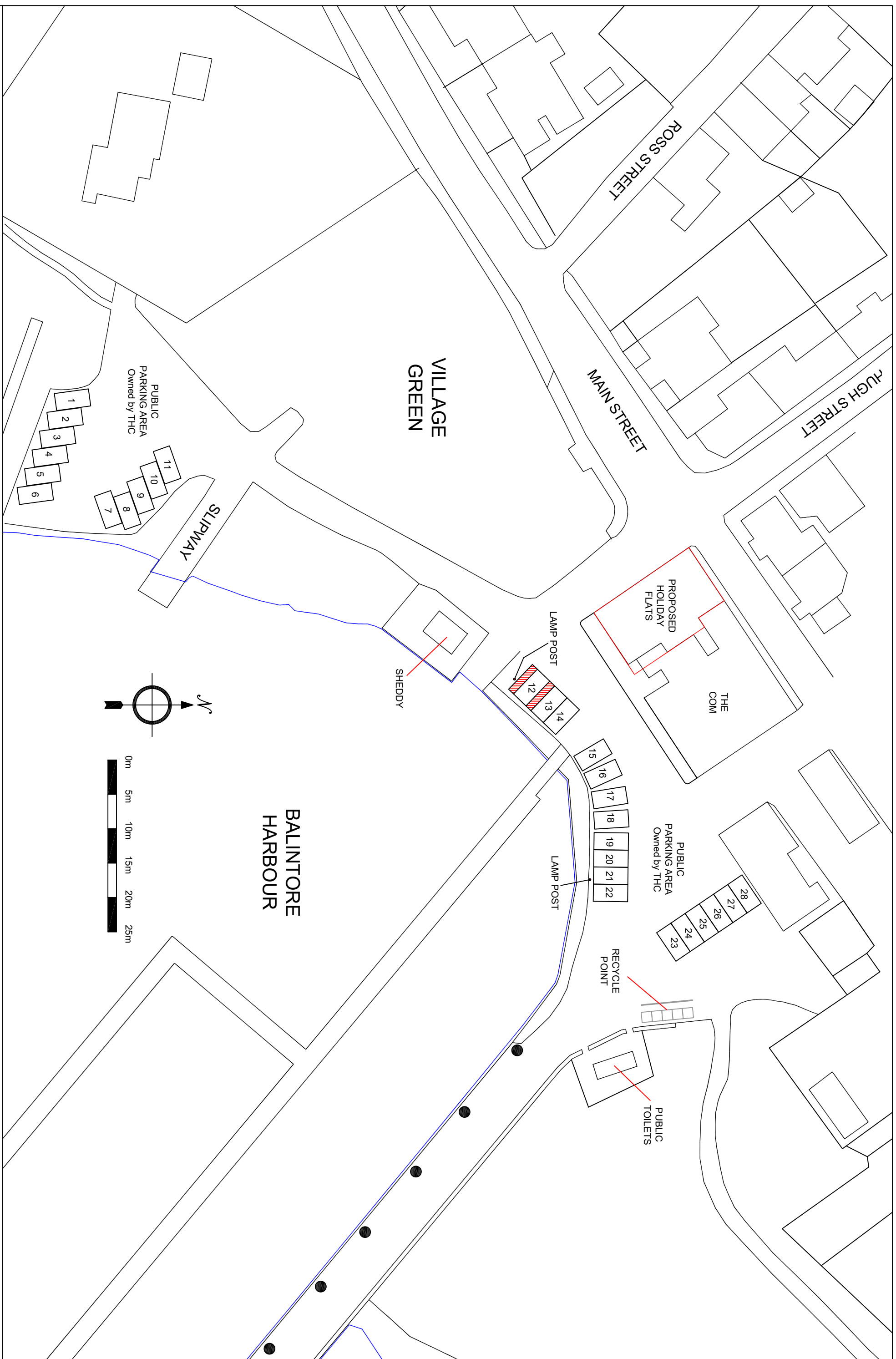
All critical dimensions to be checked on site. No critical dimensions to be scaled from this drawing. Any discrepancies on site to be notified for clarification. Up to date drawings and information must be obtained before commencement of work. These drawings are intended for Building Warrant and Planning Applications and are not necessarily exhaustive. Contractors are to ensure full compliance with the building regulations and all relevant Codes/ British Standards etc as appropriate.

Proposed First Floor Plan
Proposed Second Floor Plan
Scales 1:50

Client
George Skinner

Project
Proposed New Flats
Adjacent To The Com
Balintore

January 2017
Drg. no.
H02/03



BALINTORE HARBOUR - PARKING PROVISION