

Agenda Item	7.8
Report No	PLS-24-24

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 30 April 2024

**Report Title:** 23/05982/FUL: IHO Private Ltd  
Galbraith, Reay House, 17 Old Edinburgh Road, Inverness, IV2 3HF

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

### Purpose/Executive Summary

**Description:** Change of use from office (Class 4) to guest house (Class 7)

**Ward:** 14 – Inverness Central

**Development category:** Local

**Reason referred to Committee:** 5 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** the application as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 This application is for the change of use of Reay House, 17 Old Edinburgh Road, Inverness, from office use (Class 4) to a guest house (Class 7 – Hotels and Hostels). The fabric of the building will remain unaltered and internally, will comprise nine guest bedrooms, reception, lobby, sitting room, library, laundry room and staff accommodation on the top level of the property (attic level). There is a (non-traditional) dining room providing space for guests to return with food/takeaways. There is no intention to create any catering facilities i.e. bar/restaurant at the application site. Furthermore, there will be a minimum of one member of staff on site at all times, operating within the building on a 24-hour basis, seven days a week.
- 1.2 The development will make use of existing access and parking arrangements. The site layout plan indicates that there are 29 car parking spaces serving the building. The property is connected to public water and drainage infrastructure.
- 1.3 Pre-Application Consultation: Not required.
- 1.4 Supporting Information: Supporting Statement
- 1.5 Variations: Minor alterations to plans/drawings to adjust descriptions.

## **2. SITE DESCRIPTION**

- 2.1 The application site is Reay House, 17 Old Edinburgh Road, Inverness, formerly the Galbraith chartered surveyors office. The detached traditional two storey townhouse is constructed of stone and has a pitched roof covered in slate. The property has been extended to the east with a two-storey flat roofed and single storey lean-to projection. A single storey projection has also been erected to the north of the property.
- 2.2 The site lies within the Inverness Crown Conservation Area, which is an established residential area fronting onto the Old Edinburgh Road, at its junction with Porterfield Bank, lying on the southern side of Inverness city centre. The property sits adjacent to the site of Porterfield prison.

## **3. PLANNING HISTORY**

- |     |            |   |                                   |
|-----|------------|---|-----------------------------------|
| 3.1 | 21.04.2013 | 13/01088/FUL: Change of Use from<br>Grage/Storage to Office Use | Planning<br>Permission<br>Granted |
|-----|------------|---|-----------------------------------|

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Section 65 – Affect Conservation Area  
Date Advertised: 09.02.2024.  
Representation deadline: 01.03.2024.

Timeous representations: 5

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- Visual amenity and poor-quality design of existing extensions
- Loss of privacy and overlooking
- Noise disturbance and increased traffic noise
- Increased pressure on drainage

4.3 All letters of representation are available for inspection via the Council's ePlanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Historic Environment Team (Conservation):** "As there are no external alterations planned to the building, there should be no direct impact upon the character or appearance of the Conservation Area; accordingly, we have no objections to this proposal."

5.2 **Transport Planning Team:** "Table 6.4 from our published 'Roads and Transport Guidelines for New Developments' specifies that hotels, including guest houses, should provide up to one car parking space per bedroom plus one space per three members of staff working within the building at any one time. We recommend this proposal is reviewed against that requirement.

Once the required number of car parking spaces has been clarified, at least 6% of those spaces should be designed and designated for disabled use. Section 6.3.5 from the above referenced Guidelines sets out the requirements for locating and designing such spaces.

We recommend that the proposal is required to provide sufficient secure cycle parking spaces within the site, which should be covered to protect bikes from the elements and secure to prevent bike theft. The number of cycle parking facilities should be either three or 6% of the overall car parking provision, whichever is the greater."

5.3 **Scottish Water:** No objection. "The applicant should be aware that this does not confirm that the proposed development can currently be serviced. A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which area designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system."

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **National Planning Framework 4 (NPF4) (2023)**

Policy 1 – Tackling the climate and nature crises

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 7 – Historic assets and places

Policy 13 – Sustainable transport

Policy 14 – Design quality and place

Policy 15 – Local living and 20-minute neighbourhoods

Policy 27 – City, town, local and commercial centres  
Policy 30 – Tourism

**6.2 Highland Wide Local Development Plan (HwLDP) (2012)**

28 – Sustainable Design  
29 – Design Quality and Place-making  
34 – Settlement Development Areas  
43 – Tourism  
44 – Tourist Accommodation  
57 – Natural, Built and Cultural Heritage  
65 – Waste Water Treatment

**6.3 Inner Moray Firth Local Development Plan (IMFLDP) (2015)**

No specific policies apply.

**6.5 Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)  
Sustainable Design Guide (Jan 2013)

**7. OTHER MATERIAL POLICY CONSIDERATIONS**

**7.1 Inner Moray Firth Proposed Local Development Plan (IMFpLDP) (2024)**

Policy 6 – Town centre first  
Policy 8 – Placemaking

**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 Furthermore, with respect to any buildings or other land in a conservation area, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

**Determining Issues**

8.3 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**

8.4 The key considerations in this case are:

- a) Compliance with the development plan and other planning policy;
- b) Impact on residential amenity;
- c) Impact on conservation area;

- d) Parking and access arrangements; and
- e) Any other material considerations.

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

- 8.5 The proposal requires to be considered against National Planning Framework 4 (NPF4), which was adopted in February 2023, Highland-wide Local Development Plan (HwLDP) (2012) and Inner Moray Firth Local Development Plan (IMFLDP) (2015).
- 8.6 In terms of NPF4, Policies 7 (Historic assets); 14 (Design, quality and place); 27 (City, town, local and commercial centres); and 30 (Tourism), are most relevant in relation to the proposed development. Other policy considerations from NPF4 include Policies 13 (Sustainable transport); and 15 (Local living and 20-minute neighbourhoods).
- 8.7 Policy 7 (Historic assets and places) of NPF4 requires that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; the existing density, built form and layout; and the context and siting, quality of design and suitable materials. The policy further requires that all development proposals will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railing, trees, and hedges, are retained.
- 8.8 Policy 14 (Design, Quality and Place) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale and proposal will be supported where they meet the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 8.9 Policy 27 (City, town, local and commercial centres) of NPF4 sets out that development proposal that enhance and improve the vitality and viability of the city, town, and local centres, including proposals that increase the mix of uses, will be supported.
- 8.10 Policy 30 (Tourism) of NPF4 supports development proposals for new or extended tourist facilities or accommodation. Proposals for tourism related development will take into account the contribution made to the local economy; compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; impacts on communities, for example by hindering the provision of homes and services for local people; opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; accessibility for disabled people; measures taken to minimise carbon emissions and opportunities to provide access to the natural environment.
- 8.11 In terms of HwLDP the proposal requires to be assessed against Policy 28 (Sustainable Design) and 29 (Design Quality & Place-Making) in relation to siting

and design. Furthermore, Policies 43 (Tourism); 44 (Tourist Accommodation); and 57 (Natural, Built and Cultural Heritage) are particularly relevant to the proposal.

- 8.12 The proposed development is located within the Settlement Development Area of Inverness City as identified in the IMFLDP. Consequently, the principle of development is supported through Policy 34 (Settlement Development Areas) of the HwLDP (2012). However, this is subject to the proposal meeting the requirements of Policy 28 (Sustainable Design) of the HwLDP, as well as other main policies in the Development Plan.
- 8.13 Subject to the proposal having no demonstrable adverse impact on residential amenity; no adverse impact on the character and appearance of the Crown Conservation Area; and the access and car parking arrangements being acceptable, the proposal would comply with the Development Plan.

### **Impact on residential amenity**

- 8.14 The use of the property as a guest house will see an increase in visitors and guests on site. The previous office space will be turned into habitable rooms, potentially occupied 24 hours a day. Residents at 16 Old Edinburgh Road highlight concerns regarding loss of privacy of their family home. However, there is a separation distance between windows of habitable rooms facing each other of approximately 27 metres, exceeding the Council's general requirement of 18 metres. Furthermore, the applicant confirms that they intend to install blackout curtains/blinds on all guest rooms to assist with privacy.
- 8.15 Residents at 15 Old Edinburgh Road have also raise concerns regarding loss of privacy, specifically outside normal working office hours. The eastern elevation facing the application boundary has no windows or opening and therefore, it is not considered that there will be any demonstrable impact on privacy. The wall to the rear of the application site on the western boundary has been previously treated with a fence on top of an existing stone wall to take it to a total height of approximately 2.4m blocking views in either direction. No further potential overlooking exists within the application site.
- 8.16 Representations received raise concerns over increased noise disturbance and potential anti-social activity that could occur. In terms of noise, the applicant has confirmed that the guest house proposes to have a 'quiet zone' after 10pm in all rooms and public areas to help alleviate any potential noise concerns. Anti-social behaviour would be an issue for Police Scotland. Any future potential noise impact of the development in terms of a statutory noise nuisance would be for the Council's Environmental Health Team to assess. Nevertheless, it is considered appropriate that, in the event that members agree to grant planning permission, a condition is imposed requiring the applicant to submit an Operational Management Plan that will set out all reasonable measures to be taken by the owner/operator to mitigate the potential for noise disturbance to neighbouring properties. This is to ensure that the mitigation already proposed by the applicant, along with other appropriate measures, are implemented timeously and maintained in perpetuity.
- 8.17 Concerns have been raised over increased traffic noise as a result of scheduled waste pickups and traffic congestion caused by guests and short-term visitors. The

owner anticipates only a third of the current parking spaces are to be used at any time as not all guests will have a vehicle. There should be no confusion with guests parking on the main road as raised, as these are clearly marked with yellow road markings outside the application site and there are sufficient car parking spaces on site.

### **Impact on conservation area**

- 8.18 As the proposals do not involve any changes to the external appearance of the building or the overall site layout, the proposal will preserve the character and appearance of the Conservation Area.
- 8.19 A representation received refers to the existing extensions to the side and rear of the property as “not keeping in character with the high standard of surrounding properties in Crown”. However, the proposed development does not include any external alterations and therefore there would be no impact on the character of the Conservation Area. This is supported by the Conservation Officer who notes that there are no external alterations planned to the building, therefore, there should be no direct impact upon the character or appearance of the Crown Conservation Area.

### **Parking and access arrangements**

- 8.20 Policy 13 (Sustainable Transport) aims to encourage, promote, and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. A secure bike storage facility will be located within the existing garage (11 bike spaces) on site meeting minimum standards.
- 8.21 The existing car parking on site is accessible via Porterfield Bank on the east side of the application site. All 29 car parking spaces (including 1 disabled space) as indicated on ‘Site Layout Plan – L (--) 001’ will be retained. The owner anticipates only a third of the current parking spaces to be used at any time as not all guests will have a vehicle. The car parking provision and cycle storage facilities complies with the guidance outlined by the transportation team.

### **Other material considerations**

- 8.22 There are no other material considerations.

### **Non-material considerations**

- 8.23 Representations received raised concerns over the increased pressure on the existing Victorian drainage system in the area, as there would be an increase in the number of bathrooms as part of the proposed development. However, as the drainage system is vested with Scottish Water, it is a matter for Scottish Water to determine whether the existing drainage infrastructure will be adequate to serve the development and it is therefore not a material consideration in the determination of this application. It should be noted that Scottish Water has not objected to the application.

## 9. CONCLUSION

- 9.1 The application relates to the change of use of Reay House, 17 Old Edinburgh Road, Inverness, from office use (Class 4) to a guest house (Class 7 – Hotels and Hostels). As there are no external alterations proposed to the building, there would be no direct impact upon the character and appearance of the Crown Conservation Area. The proposed guest house will contribute positively to the local economy and is considered compatible with the surrounding area in terms of the nature and scale of the activity. Adequate car parking facilities are provided on site alongside a secure bike storage facility encouraging and promoting sustainable transport.
- 9.2 The on site presence of at least one member of staff at all times, coupled with the recommended condition requiring submission and approval of an Operational Management Plan, will ensure that all reasonable measures are taken to safeguard the residential amenity of nearby neighbours.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

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

**Subject to the above actions**, it is recommended to **GRANT** the application subject to the following conditions and reasons.

1. No development or work shall commence until an Operational Management Plan has been submitted to, and approved in writing by, the Planning Authority. The submitted plan shall detail all reasonable measures to be



taken by the owner/operator to mitigate the potential for noise disturbance to neighbouring properties. Thereafter the approved Operational Management Plan shall be implemented in full and maintained in perpetuity.

**Reason:** In order to ensure that the use of the building is compatible with the surrounding residential uses, in the interests of amenity.

2. No development or work shall commence until full details of the design and layout of the cycle storage building have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the cycle storage facility shall be designed in accordance with the guidelines set out in national document 'Cycling by Design' (2021). Following approval, the cycle storage facility shall be provided and available for use prior to the use of the building as a guest house commencing.

**Reason:** To ensure that the cycle storage facility is provided to an adequate standard, in accordance with national guidelines.

3. Prior to the first occupation of the development hereby approved, the car parking shown on the approved site layout plan (drawing no. L(--))001 Rev A) shall be provided and made available for use. Thereafter, all car parking spaces shall be retained and kept available for use at all times.

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards.

## **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.

## **INFORMATIVES**

### **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.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

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

### **Mud and Debris on Road**

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

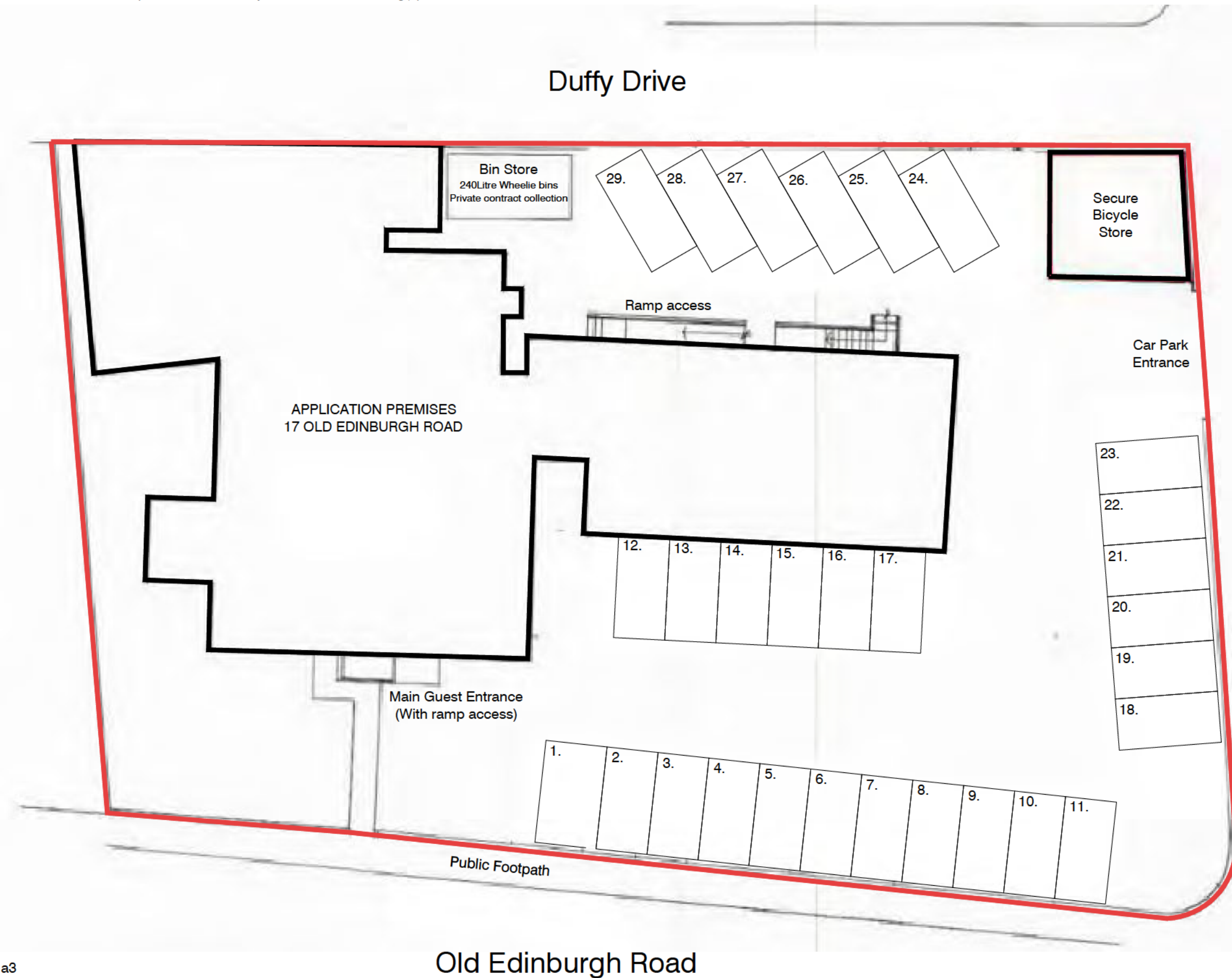
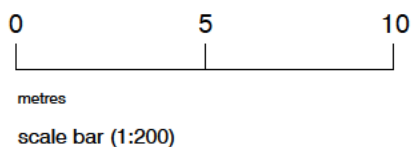
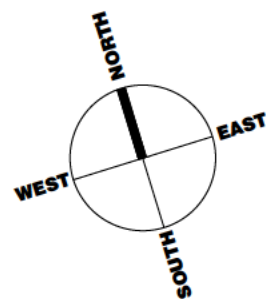
### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

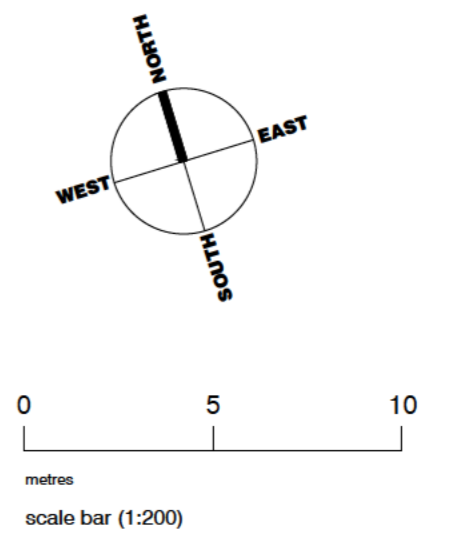
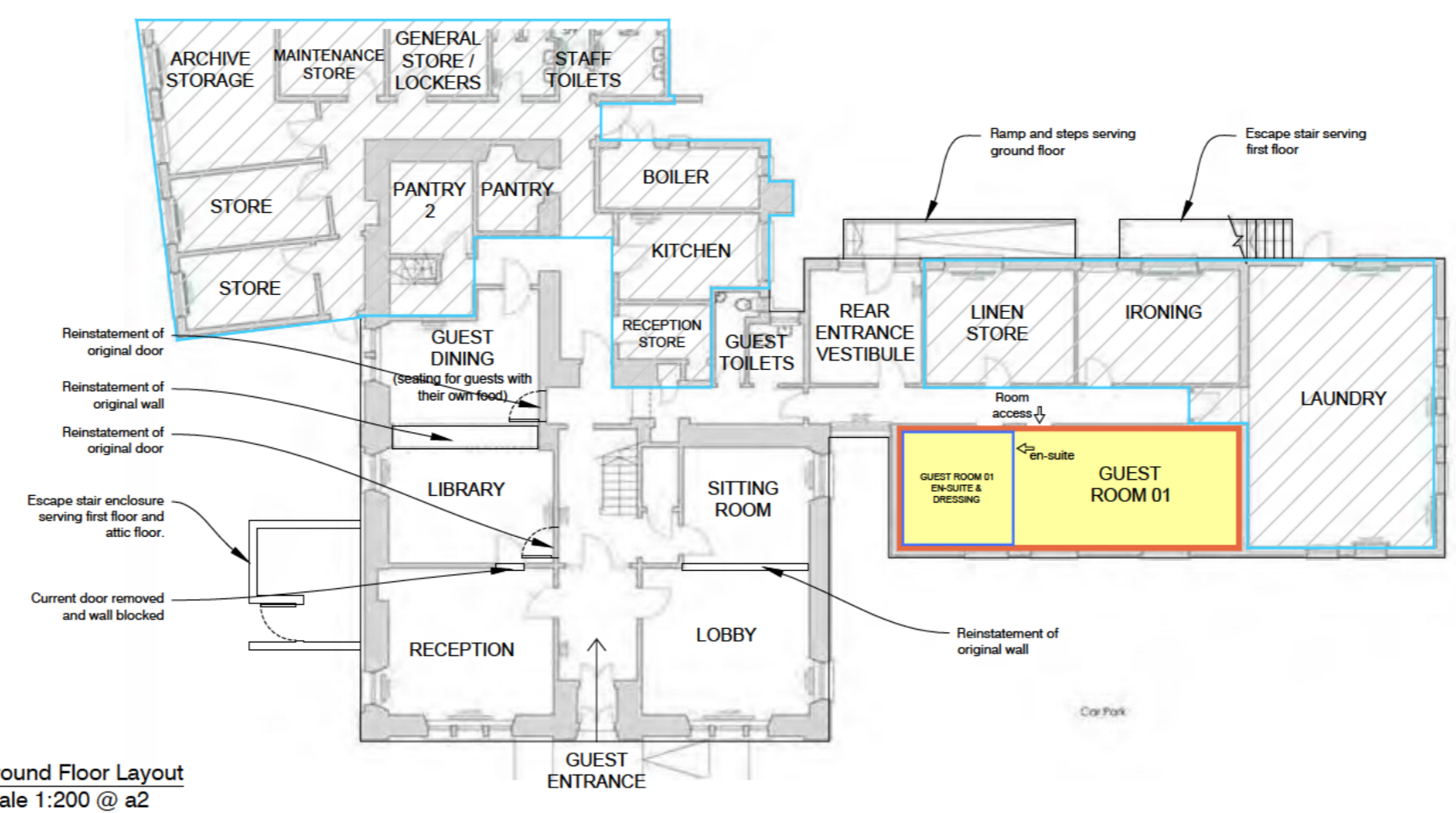
Signature: David Mudie  
Designation: Area Planning Manager - South  
Author: Megan Smith  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – SITE LAYOUT PLAN – L (--)001 REV A  
Plan 2 – FLOOR PLAN – L (--)002 REV A  
Plan 3 – LOCATION/SITE LAYOUT PLAN – 000001



Site Plan  
scale 1:200 @ a3

Old Edinburgh Road

<b>NOTES &amp; REVISIONS</b> A. Project title corrected(11.03.24)	<b>CLIENT</b> IHO Private Limited 17 Old Edinburgh Road Inverness IV2 3HF	<b>ISSUE DATE</b> March 2024	<b>PROJECT</b> Change of Use from Office (Class 4) to Guesthouse (Class 7)	<b>LAYOUT DRAWING REV</b> A3 L(--)-001 A
		<b>DRAWING STATUS</b> Planning Permission	<b>DRAWING TITLE</b> Site Layout	



**Guest Room Accommodation**

**En-Suite Guest Rooms**

- Room 01
  - Room 02
  - Room 05
  - Room 06
  - Room 07
  - Room 08
- These rooms will incorporate an en-suite bathroom and where space allows a dressing area.

**Family Guest Room**

- Room 03
  - Room 04
- These rooms will typically be reserved for guests with children where a bathroom will be shared between two rooms

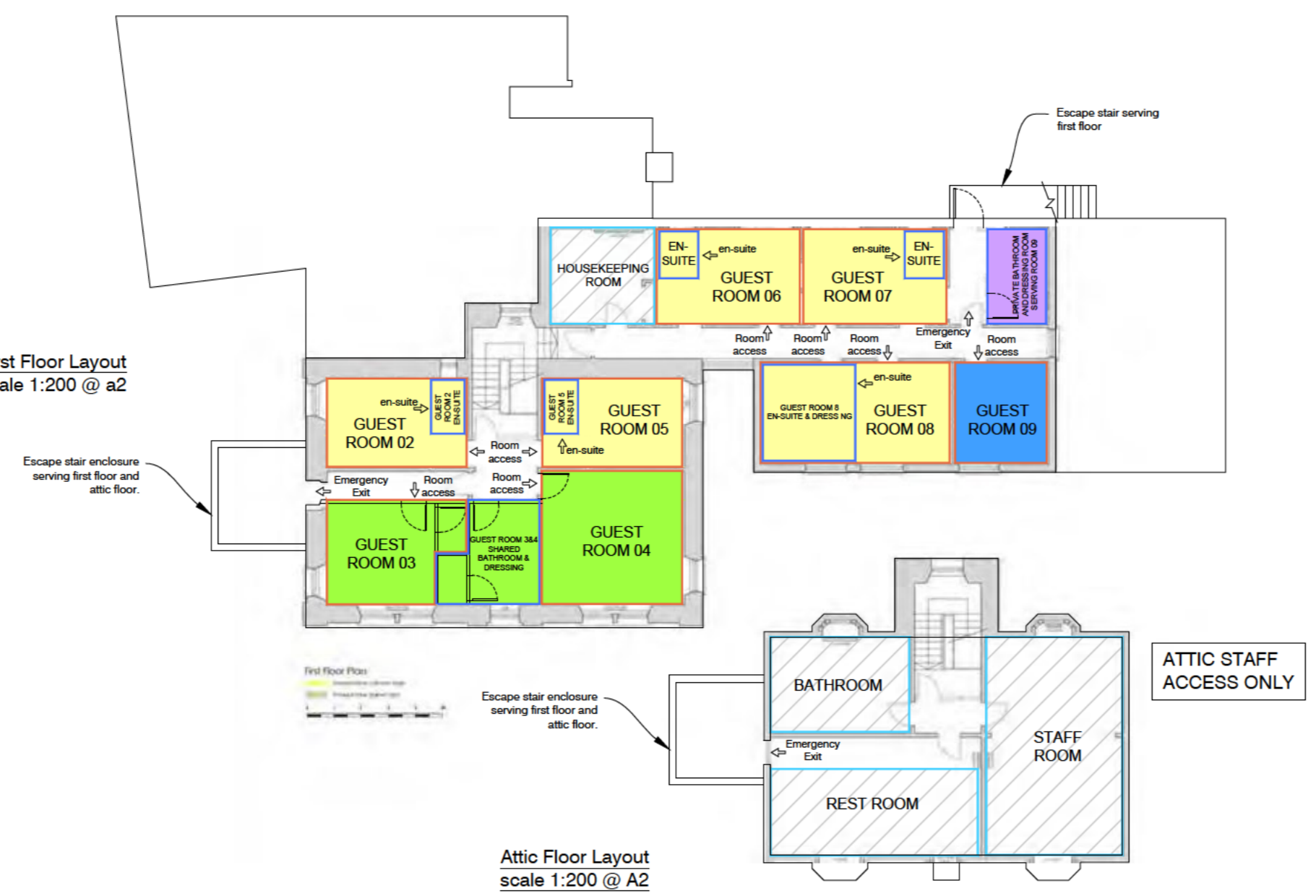
**Room room with private bathroom**

- Room 09
- This room will have sole access to the bathroom which incorporates a dressing area

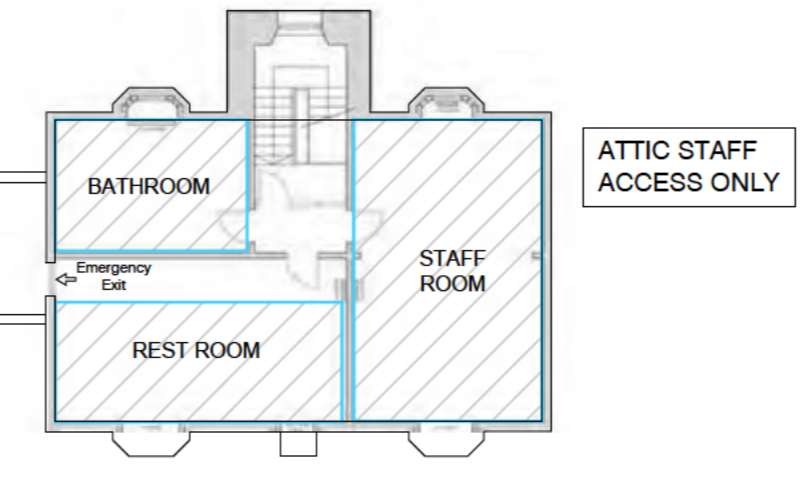
Staff / b.o.h access only

Ground Floor Layout  
scale 1:200 @ a2

First Floor Layout  
scale 1:200 @ a2



Attic Floor Layout  
scale 1:200 @ A2



NOTES & REVISIONS	CLIENT	ISSUE DATE	PROJECT	LAYOUT DRAWING REV
A. Revision to layout & project title corrected(11.03.24)	IHO Private Limited 17 Old Edinburgh Road Inverness IV2 3HF	March 2024	Change of Use from Office (Class 4) to Guesthouse (Class 7)	REV
		DRAWING STATUS	DRAWING TITLE	A2 L(--)-002 A
		Planning Permission	Proposed Layout	



## Reay House, Old Edinburgh Road, Inverness, IV2 3HF

