

REPORT OF HANDLING

Ref No:	13/00482/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erection of hotel at Easter Coltfeld Farm Alves Moray		
Date:	13.05.2013	Typist Initials:	JC

RECOMMENDATION			
Approve, without or with condition(s) listed below		Y	
Refuse, subject to reason(s) listed below		N	
Legal Agreement required e.g. S,75		N	
Notification to Scottish Ministers/Historic Scotland		N	
Hearing requirements	Departure	N	
	Pre-determination	N	

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Regional Archaeologist	25/03/13	Approval with conditions
MOD Safeguarding - Statutory	10/04/13	Unconditional approval
National Roads Directorate	16/04/13	Unconditional approval
Environmental Health Manager	28/03/13	Approval with informative
Contaminated Land	03/04/13	Approval with informative
Transportation Manager	22/04/13	Recommends application be refused on road safety grounds
Scottish Environment Protection Agency	03/04/13	No objection
Environmental Protection Manager	26/03/13	No objection
Scottish Water	28/03/13	No objection
Planning Gain Unit	25/03/13	See report

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
IMP3: Developer Contributions		
EP9: Contaminated Land		
IMP1: Development Requirements	Y	
EP10: Foul Drainage		
T5: Parking Standards		
T2: Provision of Road Access		
BE1: Scheduled Ancient Monuments		
EP7: Control of Dev in Flood Risk Areas		

Policy 2(j)		
ED8: Rural Business Proposals	Y	
ED9: Tourism Facilities and Accommodation	Y	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Name	Address	
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO): No objections/representations received.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Note: The application is a repeat of the recently refused application reference 10/02055/APP and therefore the issues and recommendation remain the same.

Proposal

This application is for the erection of a 22 bedroom hotel with bar, restaurant, fitness suite, separate plant/store room building and car parking for up to 55 cars.

Site

The existing site has permission for the erection of an agricultural building of similar proportions to that of the proposed hotel. Access is proposed via the existing access to the site, drainage is proposed via a private system within the site and water supply is proposed via public mains.

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Local Plan 2008 unless material considerations indicate otherwise. In this case the main planning issues are considered below.

Principle of the development (policy ED8, ED9)

Policy ED8: Rural Business Proposals outlines that rural business proposals will be permitted if they, amongst other things, have an acceptable visual/amenity impact, the capacity of the local infrastructure can support the development and the development does not result in an unacceptable impact on the natural or built environment. In addition to the above policy ED9 stipulates that proposals should demonstrate a locational need for a specific site.

Access (policy ED8, ED9, T2, IMP1)

There have been detailed discussions regarding the developments impact on the access roads leading to the site. All 17 objections submitted in relation to the site highlight the substandard nature of the existing road network and raise concern regarding the potential adverse impact of the development on this poor existing position. Following an initial assessment the Transportation Manager outlined that the proposal is located 2.4 kilometres from the A96 or 1kilometre from the nearest B class road and the development would result in a significant intensification of the single track roads leading to the site and given the substandard nature of the existing road infrastructure

this represents a road safety concern. In order to bring this existing road network up to a standard that could support the development, an additional 10 new passing places, the upgrade of 3 existing passing places and road widening along the frontage of the site to a minimum of 5.5m would be required. Page 7 of 10

This assessment was based on the hotel having the potential to generate 200 vehicle movements per day as derived from the TRICS database. The applicant initially challenged this figure and employed the services of a Transportation consultant submit a Transportation Assessment (TA), with the view of demonstrating that the development would not generate such a high level of traffic. The TA submitted failed to address the scope of the assessment as set by the Transportation Manager, these failings were fed back to the applicant, after which no further information or response has been received from the Transportation Consultant in relation to the TA. One outcome of the discussions regarding the TA was recognition that the upgrading of existing passing places could not be a requirement of this consent and therefore the Transportation Manager confirmed this requirement would no longer be sought, however, the provision of 10 new passing places and road widening along the frontage of the site would still be required.

In line with established practice for other development in the countryside and in accordance with "The Moray Council Transportation Service Requirements for Small Developments in the Countryside", where applicants do not have control of the land where the passing places are required, the potential to accept a financial contribution secured via a S75 legal agreement, towards the provision of the passing places prior to the development commencing, is normally pursued. However, given the high number of passing places required and the short timescale for delivery of the places to make the single track roads safe prior to commencement of the development, means that accepting a contribution and entering into a section 75 agreement for the Council to provide the passing places would place an unreasonable burden on the Council with a high chance that some passing places may not be provided prior to the expiry of the planning permission. It is for this reason that this option is not considered to be competent or viable.

Following this decision to not accept a financial contribution, the applicant requested that a suspensive condition be applied to the consent to stipulate that the passing places will be provided prior to any work commencing on the construction of the hotel. In considering this option, the Transportation Service surveyed the locations where the passing places are required and identified that 1 passing place can be achieved within the limits of the road boundary; 1 passing place is likely to be achieved within the apparent limits of the road boundary; 8 passing places require land beyond the limits of the road boundary (3rd party land) and in some cases involve removal/relocation of walls, utilities, and trees. On this basis the applicant was requested to provide a scheme of mitigation showing evidence of how these passing places can be provided prior to commencement of construction of the hotel and in the timeframe of any grant of consent. No information has been received from the applicant on this issue at the time of writing this report and given the long length of time the application has been pending consideration it is considered to be appropriate to determine the application on the information submitted to date.

Without an adequate scheme of mitigation this application is recommended for refusal on the basis that it is contrary to the Moray Local Plan policy T2 and IMP1, on the basis that the intensification of the existing road network serving the site, as a result of the development, would lead to an unacceptable detrimental impact on road safety.

Visual impact and design (policy ED8, ED9 IMP1)

With regard to the visual impact of the hotel, as mentioned previously in this report, live consent exists on the site at present for the erection of an agricultural building with largely the same proportions as the main central rectangular element of the proposed hotel. Although the proposed hotel has a number of additions to form the bar, restaurant, lounge, fitness suite and bedrooms these additions will only have a minimal additional impact in comparison to the visual influence of the existing consented structure and on this basis does not exacerbate the visual impact of the

development to such an extent where refusal of the application could be justified on these grounds. Although the proposed car park will represent a large area of hardcore within a countryside, the applicant has carried out tree planting between the car park and the public road, further planting is proposed to the south of the car park, any views from the north are screened by the rising land and

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the hotel will block any views from the east. A condition will also be applied to the consent to ensure the submission of a detailed design for the car parking area, which should include bunding, lowering of the car park, screen planting and material finish, all of which should help minimise the overall visual impact of the area.

In terms of design and material finish of the hotel, the designs are based on the proportions and appearance of a traditional country house design, with skew tabling, large chimneys, traditional proportions and traditional finish of natural stone on the walls and natural slate/slate effect on the roof. Given the large expanse of roof and the overall impact that it has on the appearance of the design, a condition will be applied to the consent to ensure natural slate is used on the roof and not slate effect tile to ensure the most sympathetic material finish possible for this countryside location. Taking all of the above into account, the overall design and material finish of the development is considered to be acceptable.

Impact on natural and built environment (ED8, ED9, IMP1, E2, BE1)

With regard to the impact on the natural environment, the development will result in little further impact in comparison to that already approved on the site. There are no signs of any protected species such as badgers setts within the proximity of the site and although objectors have raised concerns regarding the potential impact on geese using the adjacent fields as feeding grounds, the proposed hotel is not considered to restrict this. Overall there is considered to be a minimal impact on the natural environment as a result of the development.

In terms of the impact on the built environment, the Regional Archaeologist has identified that the site lies adjacent to the archaeological site of NJ16SW0092 and has therefore recommended that a condition be attached to the consent to ensure a programme of archaeological works is completed in relation to any proposed ground works.

Locational need for the specific site

The very nature of the proposal as a "country house hotel" means that a countryside location is required and on the basis that the proposed site is within a relatively quiet area with pleasant countryside views the development meets the requirements of the policy in very general terms. In addition to this however, the site is located close to a number of attractive tourist destinations in the form of beaches, forestry walks, golf courses, the coastal route, historic attractions, the whiskey trail etc which means there is ample locational justification for a hotel in this area.

Conclusion

Overall although the development meets the majority of Local Plan requirements in relation to the erection of a hotel and such proposals are encouraged by the Council from an economic development viewpoint, in this case the road infrastructure serving the site is substandard and incapable of accommodating such an increase in traffic and as there are no viable, competent planning options available to resolve the road safety issues, the proposal is recommended for refusal on the basis that it is contrary to policies T2 and IMP1 on road safety grounds.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

There are no other material considerations which would alter this assessment.

HISTORY				
Reference No.	Description			
10/02055/APP	Erection of hotel at Easter Coltfeld Farm Alves Moray			
	Decision	Refuse	Date Of Decision	05/04/12
07/01557/FUL	Build proposed stables and associated works at Easter Coltfeld Farm Alves Moray			
	Decision	Permitted	Date Of Decision	24/01/08
07/00833/FUL	Convert and extend existing cottage and attached steading into a four bedroom dwellinghouse at Easter Coltfeld Farm Alves Moray			
	Decision	Permitted	Date Of Decision	19/09/07

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development planNo Premises	25/04/13
PINS	Departure from development planNo Premises	25/04/13

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Transport Assessment	
Main Issues:	Assesses the impact of the development on the surrounding road infrastructure and any mitigation required as a result of the development	

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			