

REPORT OF HANDLING

Ref No:	10/02055/APP	Officer:	
Proposal Description/ Address	Erection of hotel at Easter Coltfeld Farm Alves Moray		
Date:	5 th April 2012	Typist Initials:	SM

RECOMMENDATION

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
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
Environmental Health Manager	14/12/11	Approval with informative
Contaminated Land	01/02/11	Approval with informative
Transportation Manager	14/07/11	Recommends application be refused on road safety grounds
Environmental Protection Manager		No response received
Scottish Water	31/01/11	Unconditional approval
Ministry Of Defence Safeguarding & Byelaws Sect	02/03/11	Unconditional approval
Planning Gain Unit	28/01/11	Contribution received
Regional Archaeologist	13/01/11	Approval with conditions
SEPA	13/03/12	Approval with conditions
Transport Scotland	24/02/12	Unconditional approval

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
ED8: Rural Business Proposals	Y	
ED9: Tourism Facilities and Accommodation	Y	
T2: Provision of Road Access	Y	
T5: Parking Standards	N	
EP5: SUDS	N	
EP9: Contaminated Land	N	

EP10: Foul Drainage	N	
IMP1: Development Requirements	Y	
IMP3: Developer Contributions	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received	17	
Names/Addresses of parties submitting representations		
Name	Address	
Mrs Eleanor Carpenter	Fernwood Cottage Coltfield Elgin IV30 8XB	
Heldon Community Council	Per Mrs Angela Hyland (Secretary) Aquila Miltonduff Elgin Moray IV30 8TL	
Mrs Cathy Donegan	Well Cottage Coltfield Alves IV30 8XB	
Mrs Nichola Taylor	1 Coltfield Mains Alves Elgin IV30 8XA	
Mrs David Caldicott	Per Mr Crispin Caldicott 2152 Kaipara Coast Highway RD4 Warkworth New Zealand	
Mr Andrew Michael Donegan	Well Cottage Coltfield Alves Elgin IV30 8XB	
Mr Robert Cameron Birnie Reid	Upper Coltfield Alves Elgin IV30 8XA	
Mrs Hope Coldicotte	Ashlawn Mid Coltfield Alves Elgin IV30 8XN	
Mrs Shirley McGrath	Glenesk Coltfield Alves IV36 2UB	

Mrs Helen Holmes	Moss Side Croft Cornhill Banff AB45 3BQ
Mr Andrew Ross	Coltfield Lodge Alves Elgin IV30 8XA
Mrs David Caldicott	Mr Stephen Caldicott Brook House Priors Leaze Lane Hambrook Chichester PO18 8RQ
Mr And Mrs Iain Smith	Kishmul Coltfield Alves IV30 8XB
Mr Gary Taylor	1 Coltfield Mains Alves Elgin IV30 8XA
Ms Rosanna Birnie Reid	Coltfield Lodge Alves Elgin IV30 8XA
Mrs Pauline Birnie Reid	Upper Coltfield Alves Elgin IV30 8XA
Mr George Milliken	Per Donald McLaren & Co Royal Bank Buildings 55 Main Street Callender Perthshire FK17 8DZ

Summary and Assessment of main issues raised by representations

Issue: Activity at unsociable hours/behaviour, Noise

Comments (PO): Environmental Health has been consulted in relation to the development and have not raised any concerns regarding noise nuisance from the proposal. If a nuisance were to occur Environmental health have the power to take action and resolve the problem.

Issue: Affecting natural environment

Comments (PO): The proposed hotel will have very little additional impact in comparison to the current approval on site for an agricultural building and as such there is no objection to the development on the grounds of impact on the natural environment.

Issue: substandard drainage systems could affect the wider countryside.

Comments (PO): SEPA has been consulted in relation to the proposed drainage arrangements and have no objection to the approval of the application. The details of the proposed drainage system is assessed when the applicant submits a building warrant application, at which point it will be ensured that the system has sufficient capacity to operate without adversely affecting the surrounding environment. Thereafter SEPA would licence the system and if any adverse impact were to occur then action could be taken by either SEPA or Environmental Health to rectify the problem.

Issue: Adverse visual impact, height of proposed development and lack of landscaping, 3 storey structure will overpower the surrounding landscape and will be visible from a far and there are no visual barriers/landscaping to screen the development.

Comments (PO): The proposed hotel will be largely screened from wider view from the north due to the rising land in this direction. In terms of views from the south, east and west the hotel will be a prominent feature in the landscape, however, it will be set against the rising land forming a backdrop to the building. The hotel must also be considered in the context of the existing approval on site for the agricultural building and being no higher than the agricultural building the hotel will have a similar visual impact as the approved. There applicant has already carried out planting to the west of the hotel with further landscaping to the south of the car park proposed which will help integrate the development into the countryside. On this basis the visual impact of the building is considered to be acceptable.

Issue: Litter

Comments (PO): It is not considered that the hotel would result in such a litter issue that merit the refusal of the application.

Issue: Loss of privacy (being overlooked)

Comments (PO): There is considered to be adequate separation between the hotel and neighbouring properties to ensure existing privacy levels are maintained.

Issue: Loss of value of property

Comments (PO): This is not a material planning consideration and cannot be taken into account in the consideration of planning applications.

Issue: Over-development of site

Comments (PO): There is ample space within the site to fit all services and parking/turning associated with the hotel and therefore the development is not considered to represent overdevelopment of the site.

Issue: Parking

Comments (PO): There is adequate parking provision within the site.

Issue: Road access, road safety, traffic - the existing access roads leading to the site are substandard and incapable of accommodating the level of traffic associated with the development. The applicant has not shown how he can gain control of land to secure road widening and passing places. No public transport links so car use will be essential exacerbating the substandard road problem.

Comments (PO): This issue is discussed on the observations section of this report, where it is concluded that the roads which serve the site are substandard and the adverse road safety impact as a result of the development cannot be adequately mitigated and as such the application is recommended for refusal on the basis of this issue.

Issue: View affected

Comments (PO): There is considered to be adequate separation between neighbouring properties and the hotel to ensure views from the neighbouring properties would not be adversely affected to such an extent that it would merit the refusal of the application.

Issue: Precedent

Comments (PO): In principle the development is not considered to set a negative precedent, however, such proposals must be adequately serviced in terms of access, which is not the case with this application.

Issue: The development is not in keeping with the rural character of the area and would be more suited to one of the nearby towns or villages.

Comments (PO): By definition a "country house hotel" requires a countryside location and such proposals are not precluded by Moray Development Plan policies. As discussed in other comments and within the observations section of this report the visual impact of the development is considered to be acceptable.

Issue: Dust

Comments (PO): There may be an element of dust during the construction period of the development however, this would be over a relatively short period of time and is an accepted consequence of any form of development. The operation of the hotel would not result in any dust pollution and as such this issue does not merit the refusal of the application.

Issue: Neighbour notification has not been carried out correctly

Comments (PO): Neighbour notification has been carried out correctly, in accordance with national planning regulations.

Issue: Land ownership and control of land disputes.

Comments (PO): Such disputes are legal matters between the applicant and objector. It is the responsibility of the applicants/developer to ensure that they have the legal right to carry out the development.

Issue: Procedures not followed correctly

Comments (PO): It has not been specified what procedures have not been followed correctly, however, the application has been assessed in accordance with national and local regulations which relate to the assessment of planning applications.

Issue: There is no existing market garden and never has been on those premises. Please clarify.

Comments (PO): A market garden is considered to be the same use as agricultural and as the land where the market garden is located is agricultural use then no planning permission is required to refer to the area of ground as a market garden.

Issue: Community Council/Association Consult

Comments (PO): It is not sure what is meant by this reference, however, the Community Council have objected to the application and the concerns raised have been taken into account in the consideration of the proposal.

Issue: Inappropriate materials/finishes

Comments (PO): the proposed walls of the hotel are to be finished in natural stone which is considered acceptable. The applicant has specified a natural slate or slate effect tile on the roof and as discussed in the observations section of this report only natural slate would be considered appropriate in this case due to the large expanse of roof, the countryside location of the proposal and to ensure the material finishes tie in well with the overall style and design of the building.

The applicant has also raised a number of points in favour of the development which are outlined below;

Issue: The application will boost the tourism potential of Moray and provide much needed jobs in line with the Council's economic development strategy.

Comment (PO): As discussed in the observations section of this report, Local Plan policies are supportive of tourist related developments where amongst other things the development can be adequately served. In this case the existing road infrastructure is inadequate to serve the development and there has been no scheme of mitigation submitted to address this issue.

Issue: The Transportation Services assessment that the development will generate 200 vehicle movements per day is unrealistically high for a country house hotel. The requested upgrades to the road network are excessive, especially when, the business plan is for the hotel to be self sufficient in terms of organic produce on a twelve acre holding.

Comment (PO): The road infrastructure upgrades required to serve this development has been based on the anticipated level of traffic generated by the development. The applicant submitted a transportation assessment to challenge the traffic generation figures, however, a number of questions were raised by the Transportation Service regarding the content of this document and no further information was provided by the applicant on this issue. The production of food on the land surrounding the hotel for use in the hotel is encouraged in terms of sustainability; however, it is not considered that this would have such an impact as to reduce the overall requirement for the road infrastructure upgrades as identified by the Transportation Service.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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.

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

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		
10/00435/APP	Construct amended dwellinghouse with associated stabled and cattery block extend site boundary and form wildlife pond and erect domestic 11kw wind turbine at Easter Coltfeld Farm Alves Moray		
	Decision	Permitted	Date Of Decision 16/11/10
06/01565/AGR	Proposed agricultural shed and associated works at Easter Coltfeld Farm Alves Moray		
	Decision	Permitted	Date Of Decision 29/09/06

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	17/02/11

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT RETURNED

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)			