

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
29 October 2013

Agenda Item	5.3
Report No	PLS/052/13

13/02680/FUL : Mrs J Jack
Land 5m south of Craigowrie View, Boat of Garten

Report by Area Planning Manager - South

SUMMARY

Description : Erection of house for holiday letting

Recommendation - GRANT

Ward : 21 – Badenoch and Strathspey

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee : Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a single storey traditionally designed house to be used for holiday letting. The house will be finished with render and feature a slate roof. The proposal also includes a timber clad sun room extension on the south elevation of the house.
- 1.2 The applicant submitted an informal pre-application advice consultation in January 2013 and was advised that a planning application would be supported subject to submission of an adequate business case and acceptable design proposals.
- 1.3 The site is accessed off a private surfaced single track road leading from the B970. Drainage will be treated via a surface water soakaway. The applicant proposes connecting to the public water supply.
- 1.4 The applicant has submitted documentation in support of the business case for the holiday let house.
- 1.5 **Variations:** One: Position of house amended to minimise engineering works required to the rear of house to integrate the unit into the surrounding landform.

2. SITE DESCRIPTION

- 2.1 The site is greenfield farmland located between an adjacent existing holiday let house which was approved in principle in 2010, and an established housing group to the south east of the site.

3. PLANNING HISTORY

- 3.1 13/00234/PREAPP: Holiday house.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : N/A

Representation deadline : 14 August 2013.

Timeous representations : 3 representations from 2 households.

Late representations : N/A

- 4.2 Material considerations raised are summarised as follows:

- Increase in vehicular traffic contrary to interests of road safety;
- Noise and disturbance from occupiers of house impacting on residential amenity.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **TECS Roads:** No objection subject to access road improvements.

- 5.2 **Nethy Bridge & Vicinity Community Council:** Objection on the grounds of over-development of the site.

- 5.3 **Cairngorms National Park Authority:** No objection subject to adequate policy assessment and compliance.

- 5.4 **Crofting Commission:** No response.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **The Highland Structure Plan 2001**

G2 Design for Sustainability

T3 Self Catering Tourist Accommodation

- 6.2 **Cairngorms National Park Local Plan 2010**

6 Landscape

16	Design Standards for Development
25	Business Development
33	Tourism-Related Development

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable.

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable.

7.3 Scottish Government Planning Policy and Guidance

Not applicable.

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The principle of development of a house for holiday let purposes is supported by the development plan, subject to an adequate business case being made and other site specific design considerations.

The applicant operates a number of holiday homes in the area and documentation submitted with the application indicates that demand for such accommodation in the area remains high. The principle of an additional holiday house at this location is therefore considered acceptable.

The proposed house is of a traditional design, single storey with a pitched slate roof, harled elevations and windows with a vertical emphasis. The house has been positioned within the site to minimise the extent of engineering required to facilitate the development and the proposal is therefore considered to comply with the relevant design considerations specified in the development plan.

8.4 Material Considerations

TECS Roads advise that the existing access visibility at its junction with the B970 is sub-standard and therefore unsafe for both public road users and those using the access. This can be resolved by carrying out access improvements and this can be addressed by condition.

In relation to impact on amenity, it is not considered that the use of the property as a holiday house is likely to have a detrimental impact on the residential amenity of adjacent households.

8.5 **Other Considerations – not material**

Representations have been submitted stating that there is an overprovision of holiday let accommodation in area, however overprovision of holiday accommodation is not considered to be a material planning consideration and in any case the applicant has supplied information indicating a continuing demand for such accommodation in the area.

The failure of the applicant to provide landscaping on the adjacent plot is not material to the consideration of this application. However, the landscaping shown on the submitted plan will be referred to by condition to ensure it is implemented within a reasonable time period following completion of the holiday house. Spoil material from the construction of the adjacent house deposited on land near the application site is the subject of a separate investigation to establish whether a breach of planning control has occurred and will be acted upon accordingly if considered necessary.

8.6 **Matters to be secured by Section 75 Agreement**

N/A

9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

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

1. No works on the construction of the holiday house shall commence until the access with the B970 has been upgraded in accordance with technical standard SDB2 as referred to in The Highland Council's Access to Single Houses and Small Housing Developments guidelines and visibility splays of 2.4metres x 215 metres (the X dimension and Y dimension respectively) have been formed. At no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason : To ensure that an adequate level of access and visibility is timeously provided for the development; in the interests of road safety and amenity.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

Reason : In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development, in the interests of amenity.

3. The house hereby approved shall be used for holiday purposes only and shall not be occupied at any time as the sole or main residence of any occupant.

Reason : In order to ensure that the development is occupied for holiday purposes only and not as permanent residential accommodation.

4. The landscaping shown on the approved drawing number 01E shall be implemented in full within the first planting season following completion of the development and thereafter maintained in perpetuity.

Reason : To ensure an adequate level of landscaping is provided within the site, in the interests of visual amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

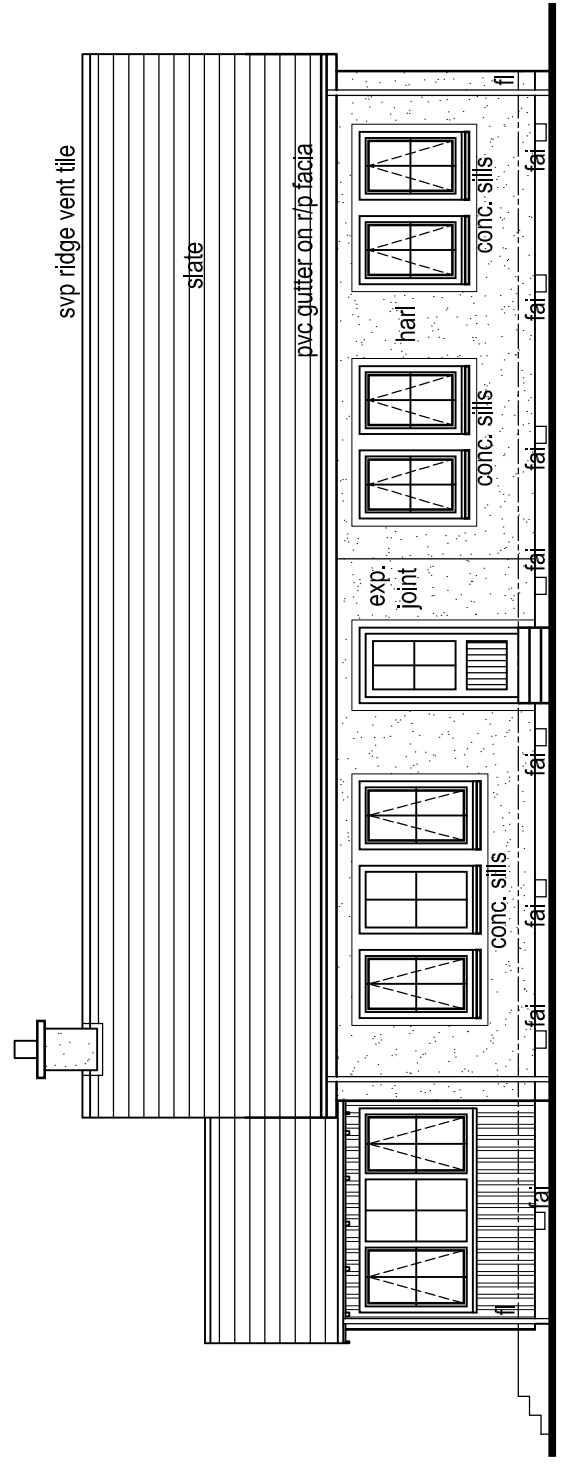
Mud & Debris on Road

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

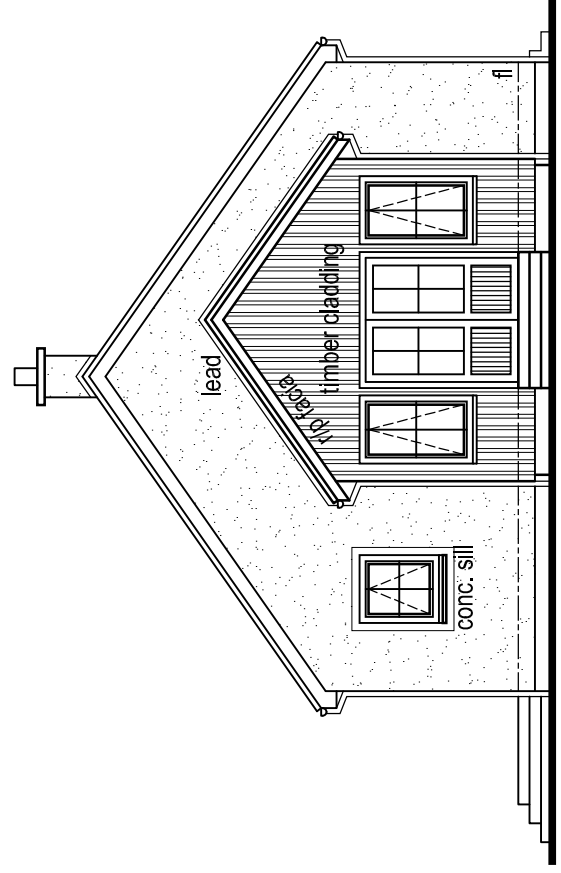
Signature:	Allan J Todd
Designation:	Area Planning Manager - South
Author:	John Kelly, Planner
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – 01E: Plans, sections and elevations.

Appendix – Letters of Representation

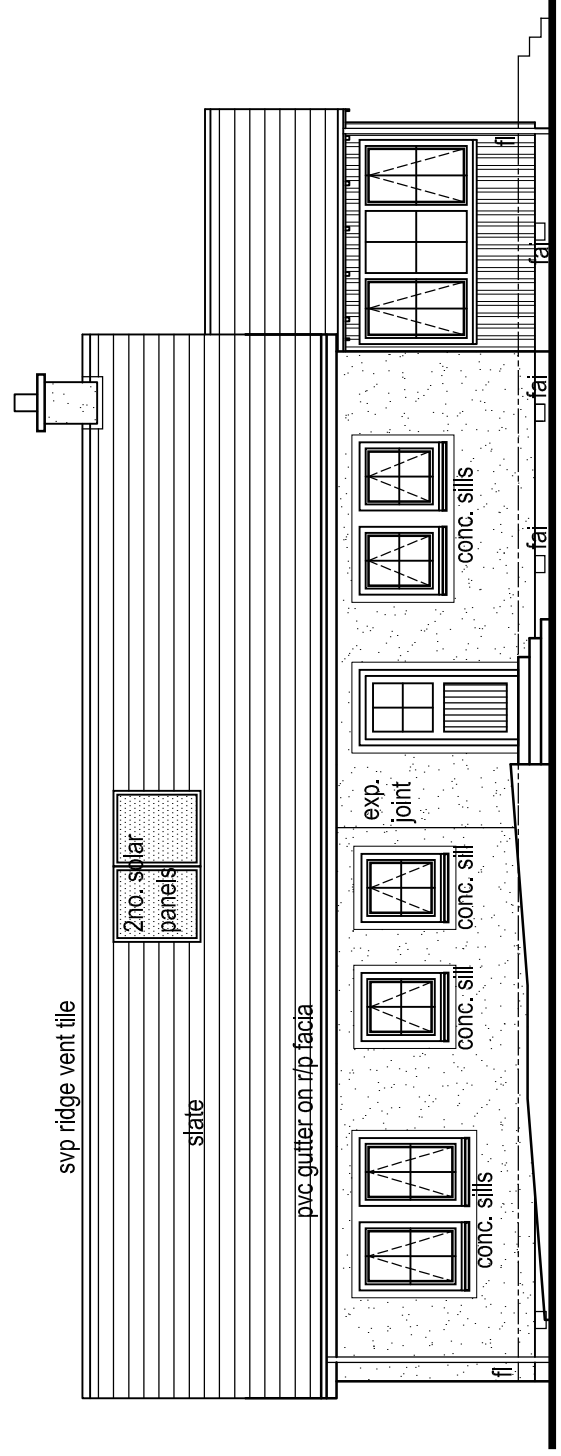
Name	Address	Date Received	For/Against
J Lightfoot	Crofttronan, Boat of Garten	08/08/13	Against
S Taylor	Stewart Crescent, Alford	12/08/13	Against
S Moore; B Lightfoot; J Lightfoot; and K Lightfoot	Crofttronan, Boat of Garten	12/08/13	Against



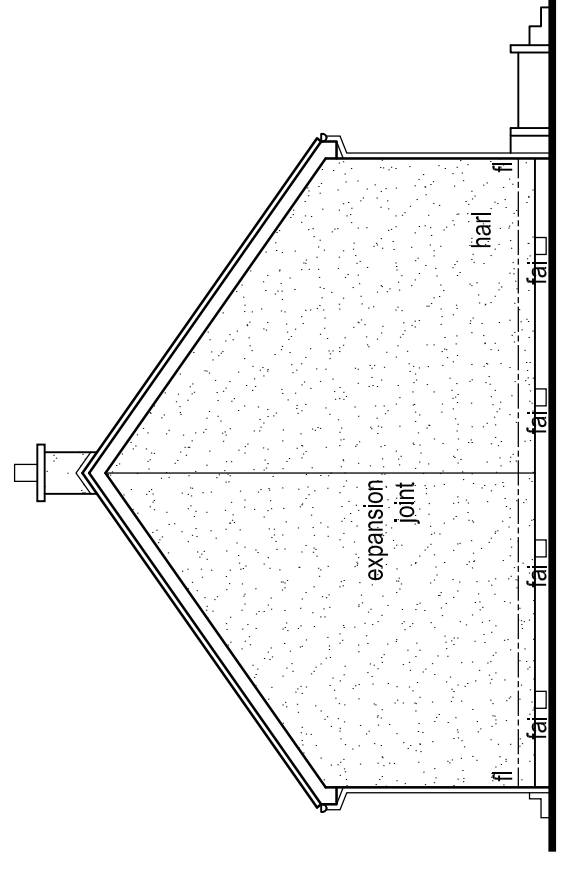
front elevation.



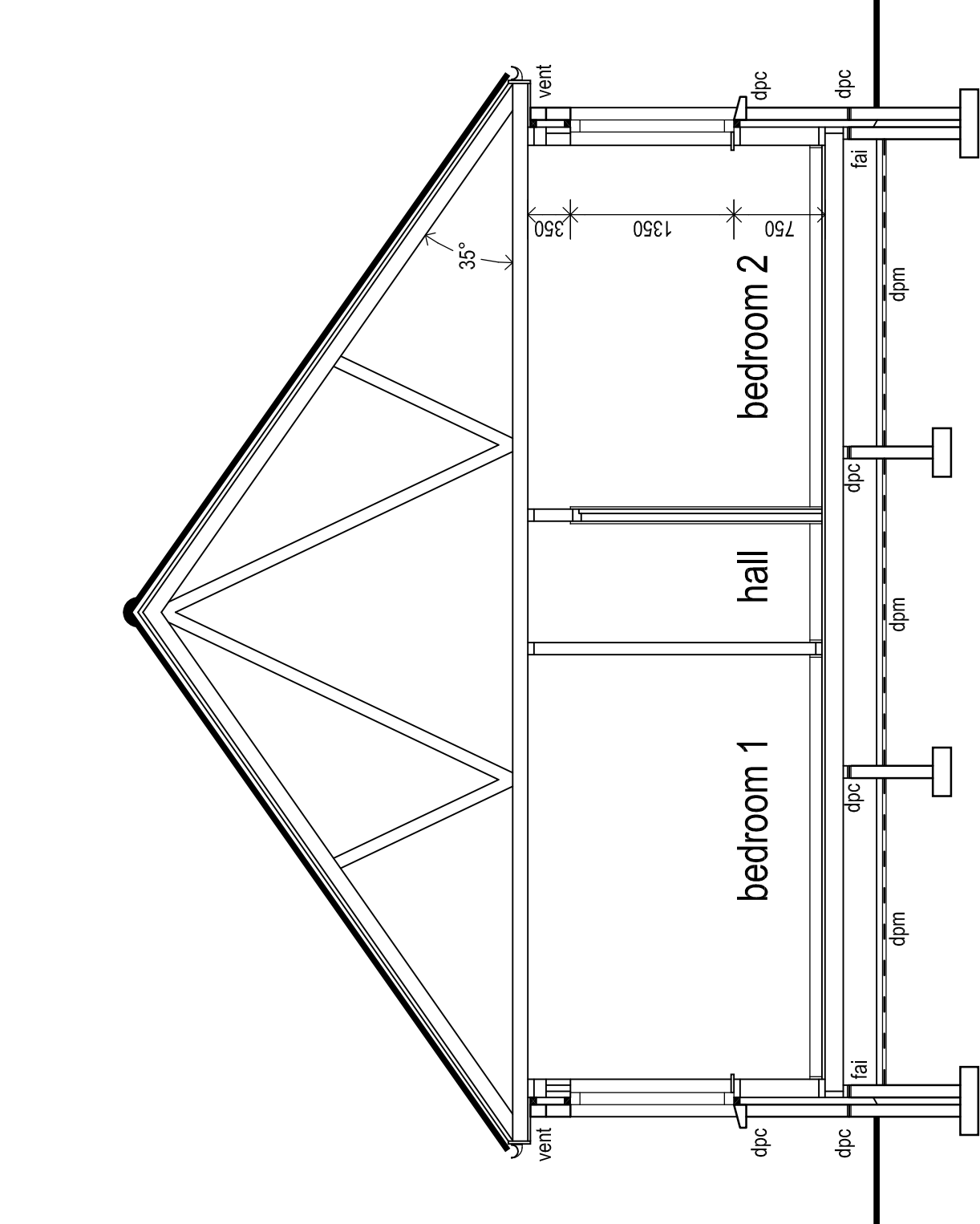
side elevation.



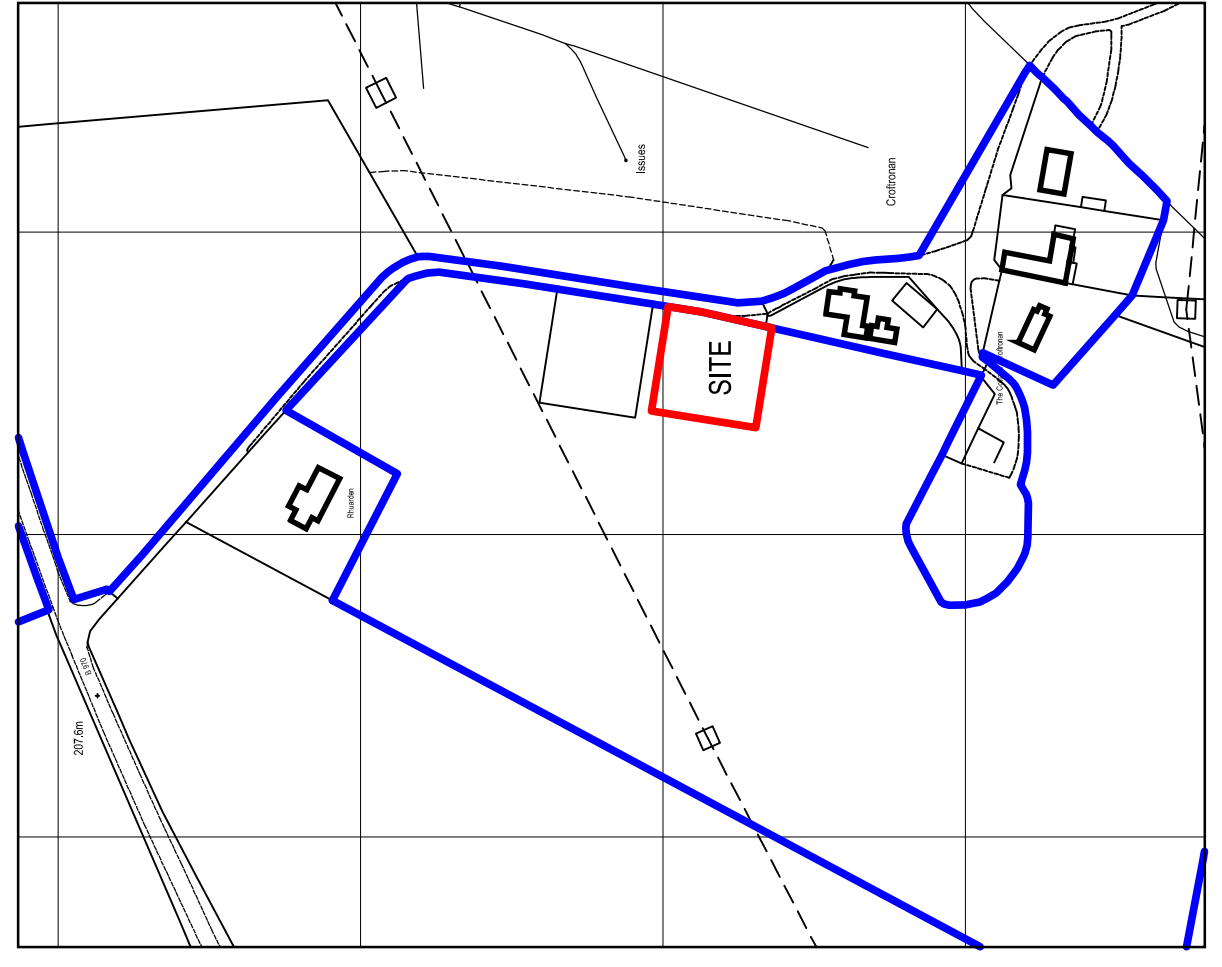
rear elevation.



side elevation.

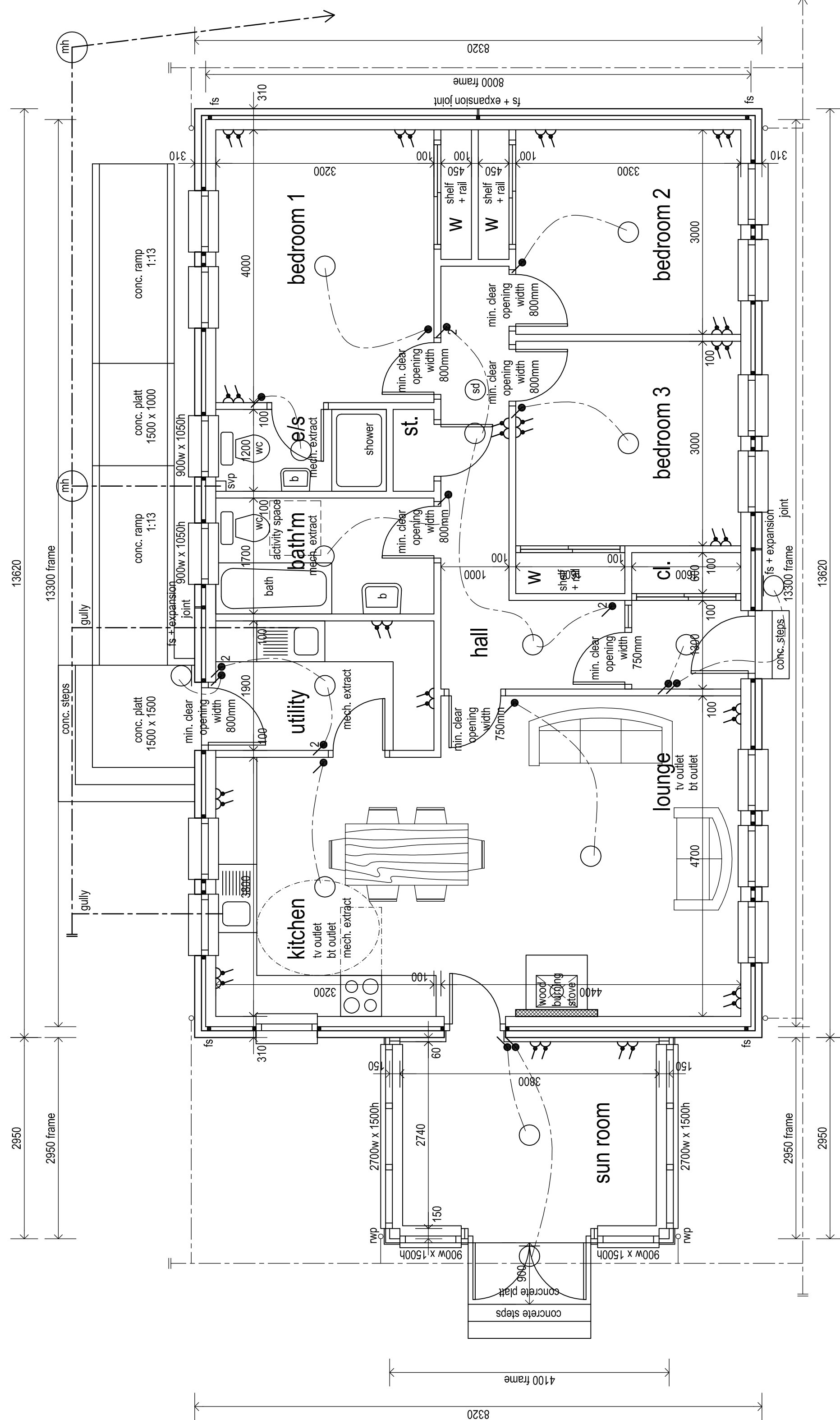


section.

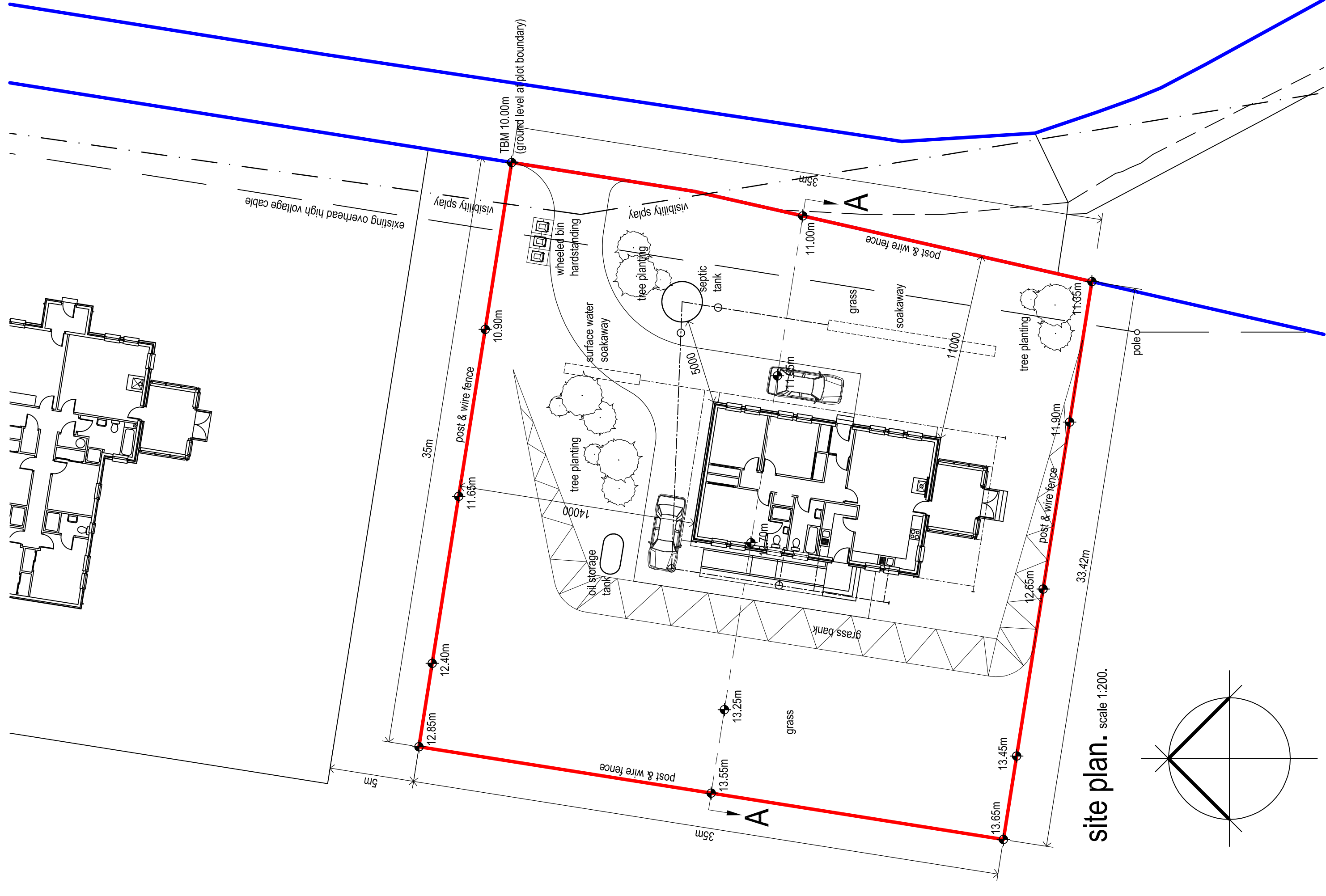


location plan. scale 1:2500.

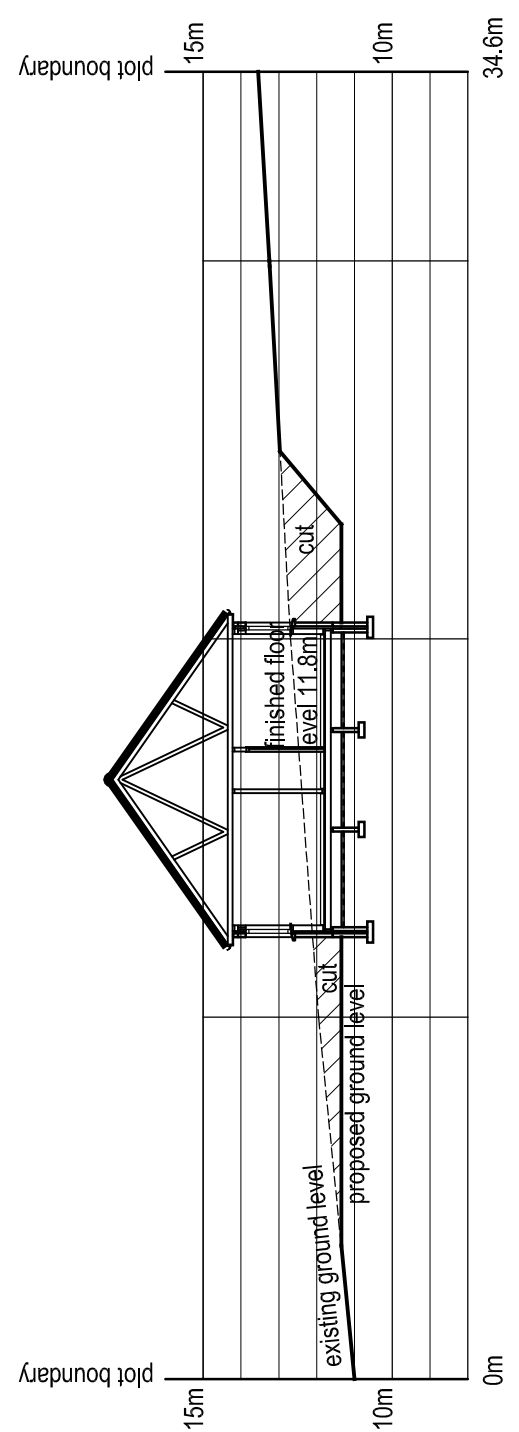
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floor plan.



site plan. scale 1:200.



section thro' site A - A. scale 1:200.

PROPOSED TREE PLANTING:

All planting to be carried out in accordance with BS4428.
450mm - 600mm high trees comprising Birch, Rowan and Scots Pine.

Trees to be planted intermixed with each other to provide a natural woodland. Scots Pine trees to be located in maximum light.

12no. trees to be planted. Consisting of: 4no. Scots Pine trees; 4no. Birch trees; 4no. Rowan trees.

New Birch and Rowan planting to be protected against deer, etc. with 1.5metre high 'Tubex', or equal, Tree Shelters. Scots Pine planting to be protected with 1metre high rabbit netting fixed to three timber posts.

MAINTENANCE PROGRAMME:

A 5 year maintenance programme will be implemented and will include:-

- 1m spot application of Glyphosate to the base of each tree to reduce weed competition (at least once per year - June/July).
- Treatment of any noxious/broadleaved weeds using a selective herbicide (at least once per year - June/July).
- Hand weeding and adjustment of tree shelters (at least once per year - June/July).
- Stimming of planted areas (at least once per year).
- Replacement of any failures on an ANNUAL basis with similar size and species.



AW Laing Ltd

Joiners & Building contractors
Tel. (01479) 872818
Fax (01479) 873052
110 High Street, Grantown-on-Spey, PH12 6 3EL

CLIENT Mrs Jack.
PROJECT New house.
ADDRESS Site at Croftonan, by Boat of Garten
DRAWING Plans, sections & elevations.
JOB NO. 0113. **DRG. NO.** 01E.
SCALE 1:50, 1:100. **DATE** June 2013.

REVISION NO.

- 'A' - Client's amendments.
- 'B' - Floor level lowered. Drainage layout added.
- 'C' - Landscaping added.
- 'D' - House re-positioned.
- 'E' - Overhead electricity cable indicated.

Written dimensions to be taken in all cases.
Any discrepancies to be reported to the Client/Architect as soon as possible.
Contractor to check all sizes on site.
This drawing is copyright of AW Laing Ltd