

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
1 April 2015

Agenda Item	6.3
Report No	PLS/019/15

14/04059/FUL: Mr Stuart Dickson
Balnastraid, Duthil, Carrbridge

Report by Area Planning Manager - South

SUMMARY

Description: Change of use from farmhouse to holiday let

Recommendation: GRANT

Ward: 21 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: 5 or more third party objections

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks to regularise the change of use of a former farmhouse to provide holiday let accommodation.
- 1.2 No informal pre-application consultation was carried out in this case.
- 1.3 The site is accessed via a single track road leading from the A938 Carrbridge to Dulnain Bridge road, just east of the settlement of Duthil, and is shared with a number of other residential properties.
- 1.4 No supporting documents have been submitted in connection with the application.
- 1.5 **Variations:** No variations have been made to the application since submission.

2. SITE DESCRIPTION

- 2.1 The site comprises a former farmhouse with associated curtilage and is set within an estate of approximately 26 acres. There is an adjacent yard area containing a number of outbuildings. There are a number of other residential properties in close proximity to the site.

3. PLANNING HISTORY

- 3.1 14/04247/FUL: Erection of biomass boiler room. Granted February 2015.

4. PUBLIC PARTICIPATION

4.1 Advertised: Not applicable.

Representation deadline: 27/11/14.

Timeous representations: 9 representations from 8 households

Late representations: 2 representations from 2 parties

4.2 Material considerations raised are summarised as follows:

Objectors –

- Noise;
- Light pollution;
- Excess traffic.

Supporters –

- Supports local economic development and the tourism industry.

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 Development and Infrastructure Service offices.

5. CONSULTATIONS

5.1 **Cairngorms National Park Authority:** No call-in.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G1	Conformity with Strategy
G2	Design for Sustainability
T3	Self Catering Tourist Accommodation

6.2 Cairngorms National Park Local Plan 2012

16	Design Standards for Development
33	Tourism-Related Development

6.3 Cairngorms National Park Supplementary Guidance

Not applicable.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Cairngorms National Park Draft Development Plan

Policy 2.2 Supporting Economic Growth (tourism and leisure development)

Policy 3.1 Sustainable Design (design statements)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy June 2014

National Planning Framework 3

Planning Advice Note 73 – Rural Diversification

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 proposal is supported by Policy 16 of the Cairngorms National Park Local Plan (CNPLP) provided that it can be demonstrated that the use protects the amenity enjoyed by neighbouring properties.

The proposal is also supported by Policy 33 of the CNPLP provided it has a beneficial impact on the local economy by enhancing the range and quality of tourism accommodation in the area and does not have an adverse impact on the landscape.

Also of relevance are the policies contained within the draft National Park Local Development Plan (LDP). Work on the LDP is now at an advanced stage. The CNPA Board will be asked to adopt the Plan on 27 March 2015. The new plan will replace in its entirety the existing Local Plan. Significant weight must therefore be given to the emerging LDP which is likely to be in force as the replacement development plan by the time the report is presented to the South Planning Applications Committee.

Policy 2 of the LDP supports development which enhances tourism and leisure related infrastructure, including accommodation, providing it has no adverse impacts on the site or neighbouring areas and makes a positive contribution to visitors' experience.

Policy 3 of the LDP requires proposals to demonstrate that the amenity enjoyed by neighbours is protected and that disturbance is minimised.

The determining issues in terms of compliance with the development plan and the emerging plan are therefore whether the use can continue at the site without having an adverse impact on the amenity of neighbours.

8.4 **Material Considerations**

The application is retrospective, with the house having been purchased by the applicants in October 2013 before being converted to holiday accommodation and made available to let during the 2014 season. In the summer of 2014 the Council began receiving complaints regarding the use.

A house falls under Class 9 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 as a use comprising a single person or persons living together as a family, or no more than 5 residents living together as a single household. Following investigations it was established the house had been converted to holiday let accommodation which in this case is capable of accommodating up to 21 adults and 2 children. This is a level of use more suited to Class 7 (hotels and hostels etc) and as a consequence officers were satisfied a breach of planning control had taken place. The owner was invited to apply retrospectively for planning permission to regularise the situation.

As a result of the application a number of objections were submitted from neighbouring properties. The applicant was given the opportunity to respond to the objections and consideration of the matters raised are detailed below.

Noise

A number of objectors have raised concerns regarding noise from occupiers of the property, and in particular noise late at night. The response from the applicant suggests that the 4 recorded instances of complaints were isolated incidents and were adequately addressed at that time.

It is acknowledged that unless effective management arrangements are in place, there is the potential for the use to have an adverse impact on the residential amenity of nearby properties and occupiers. Therefore, in the event that Members are minded to grant planning permission, it is recommended that a condition is imposed requiring the owner to submit a management plan for the development, demonstrating steps to be taken to minimise any adverse impacts on the neighbours in the locality.

Light pollution

Concerns have been raised regarding the level of lighting provided not only in relation to the house itself, but also the adjacent yard area which is likewise under the control of the applicant. The applicant's response explains in some detail the extent of the various external lighting at the site and on the adjoining yard. He also states that steps were taken to address potential light pollution nuisance by, for example, altering the wiring for one of the security lights in the yard area so that it could not be operated by guests staying at the property.

Inappropriately positioned lighting does have the potential to impact on the amenity of neighbours. It is therefore recommended that if Members are minded to grant planning permission, a condition is imposed requiring full details of all external lighting to be submitted and approved in writing and thereafter so implemented.

Traffic

The majority of comments made in relation to traffic appear to relate more to alleged unauthorised activities associated with the yard use than with occupiers of the house itself. Notwithstanding this, it is acknowledged that the existing track is in a poor state of repair and it is recommended that a condition is imposed requiring the applicant to maintain the track, in so far as he has legal entitlement to do so, in a reasonable condition free of pot holes.

Support Comments

In addition to the objections, two letters of support were submitted. One letter was on behalf of the letting agent who advised that the small letting property portfolio operated by the applicant was of significant benefit to the local economy. A letter from a business supplier further emphasised the benefits to local business provided by the use.

8.5 Other Considerations – not material

Water/drainage issues

Concerns have been expressed in relation to waste water and foul drainage issues, and in particular whether the existing infrastructure is sufficient. This is essentially a matter for the owner to ensure adequate arrangements are in place to absorb any increase in capacity required as a result of the change of use. The planning application is concerned principally with the change of use of an existing building where it is reasonably expected that existing drainage arrangements are unlikely to be affected by the development.

Anti-social behaviour

The behaviour of guests using the facility is clearly a management issue for the owner. The applicant has stated in a recent response that certain measures have been implemented to minimise disturbance for other neighbouring properties including appropriate signage.

Unauthorised works/change of use

The Council is aware that breaches of planning control have occurred at the site and on adjoining land, namely the change of use of the house resulting in the submission of this application, and also the erection of a biomass store. Any works carried out without the appropriate planning permission is done at the owner's risk. In the case of the biomass development a retrospective application was submitted and required substantial amendments to the design before being considered and thereby enabling planning permission to be granted.

Fire safety regulations

Any alleged breach of fire safety regulations is not a material planning consideration and the responsibility for compliance with all safety related regulations rests solely with the site owner/operators.

Benefits to local economy diminished by use of foreign workforce

This is not a material planning consideration.

8.6 Matters to be secured by Section 75 Agreement

Not applicable.

9. CONCLUSION

9.1 Subject to appropriate conditions to address potential conflicts with nearby residential properties, it is considered that the use is acceptable at this location.

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 No.

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

1. Within 3 months of the date of this planning permission, the existing access road serving the site shall, so far as it is under the entitlement of the applicant to do so, be repaired and thereafter the access road shall be maintained in a reasonable condition free of pot holes.

Reason: To ensure that the access track is kept in a good state of repair in the interests of users and the amenity of adjoining properties.

2. Within 3 months of the date of this planning permission, full details of all external lighting to be used within the site and/or along its boundaries and/or access shall be submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved lighting scheme shall be operated.

Reason: To ensure that the external lighting scheme as approved does not have the potential to adversely affect the amenity of surrounding neighbouring properties and occupants.

3. Within 3 months of the date of this planning permission an operational management plan shall be 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 so maintained.

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

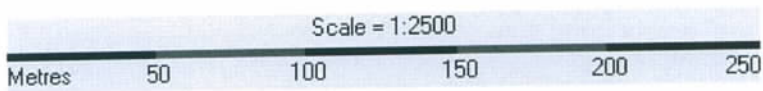
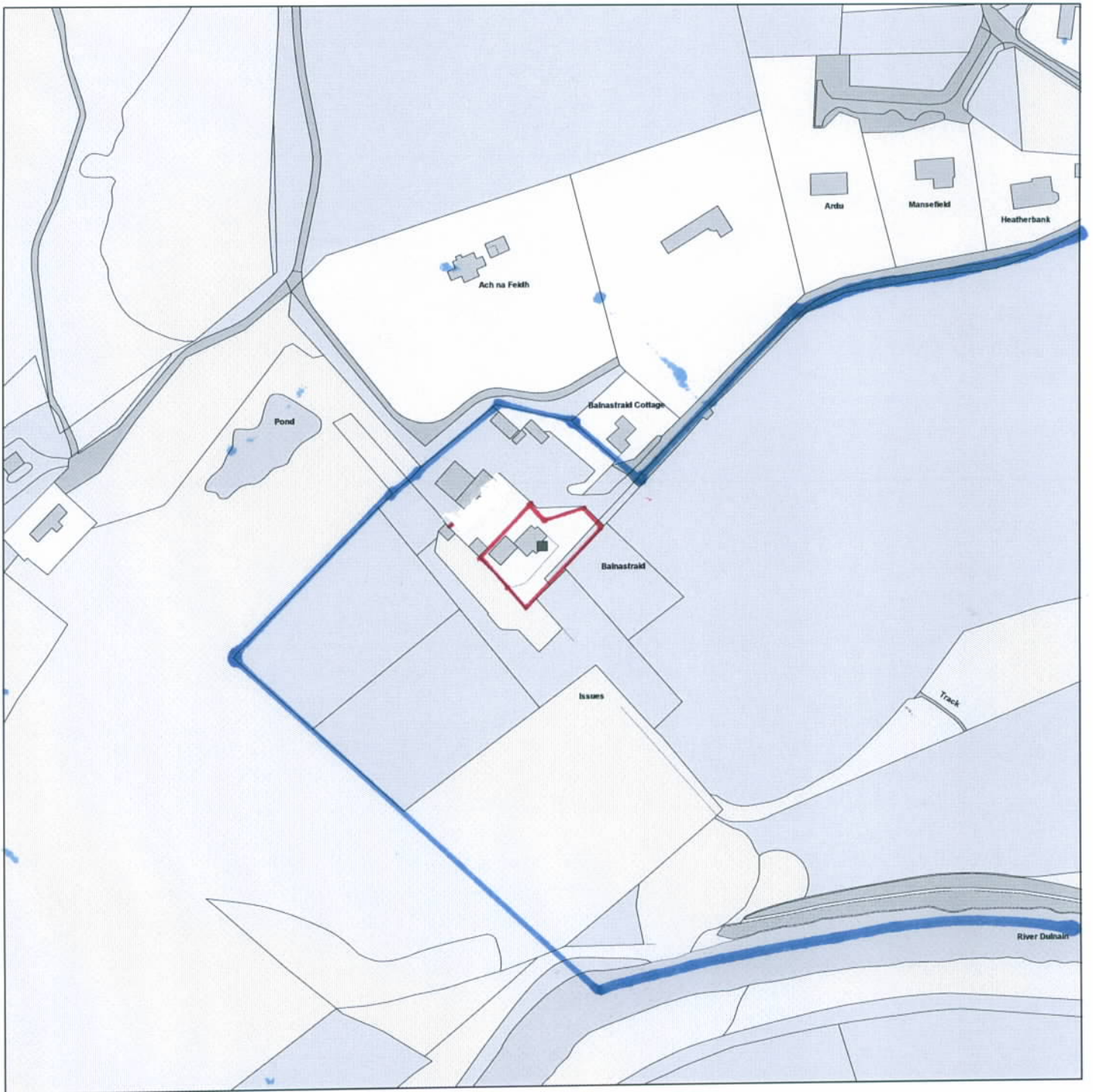
FOOTNOTE TO APPLICANT

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

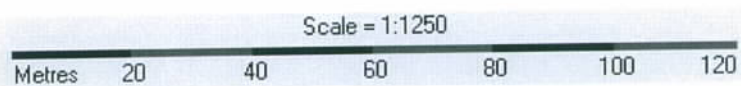
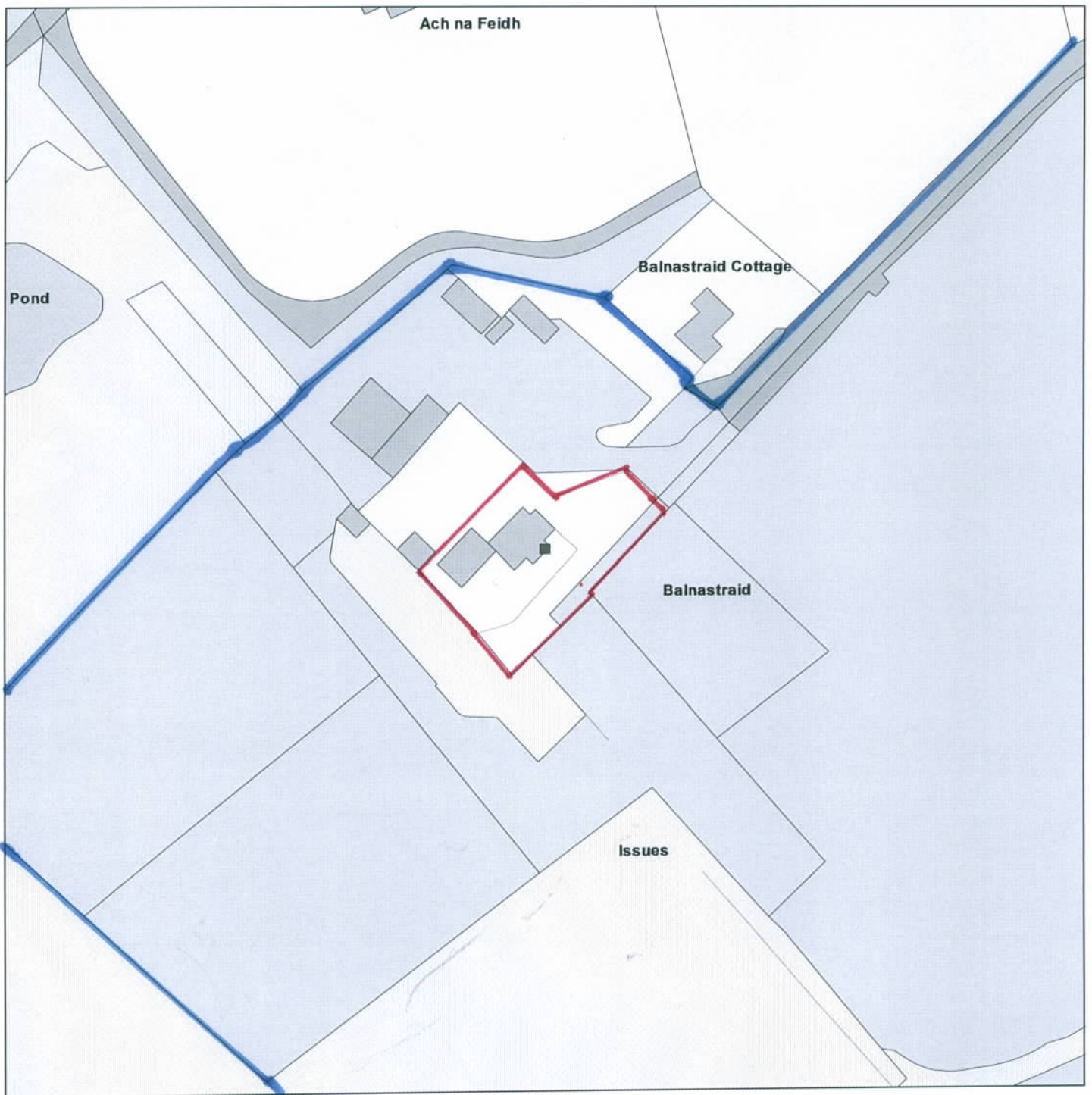
Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

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



Balnastraid
Duthill
Carrbridge

Plan no. 000001



Balnastraid
Duthill
Cairnbridge

Plan no. 000002