

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
11 April 2017**

Agenda Item	6.6
Report No	PLS/027/17

**16/05720/FUL: Ms Fiona Stewart
Steading to west of The Old Manse, Duthil, Carrbridge**

Report by Area Planning Manager - South/Major Developments

SUMMARY

Description: Change of use from residential to holiday let

Recommendation: GRANT

Ward: 21 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: 5 or more representations and Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a change of use to holiday accommodation. The current application does not seek to increase the overall provision of accommodation although it should be acknowledged that the level of use of the accommodation could change depending on the group that has let the property.
- 1.2 Access is from the A938 to the north and continues as a track adjacent to the south western boundary. The property will utilise a recently upgraded sewage treatment plant and soakaway.

2. SITE DESCRIPTION

- 2.1 The site is located within a small cluster of houses in Duthill alongside the A938 Carrbridge to Dulnain Bridge public road. The 2 storey, 5 bedroom property granted permission previously is recently complete.

3. PLANNING HISTORY

- 3.1 02.06.2016 - Planning permission granted for two houses (16/00424/FUL).
- 3.2 18.12.2015 - Pre-application advice for proposed demolition of existing steading & erection of two houses (15/04421/PREAPP).

- 3.3 04.07.20014 - Permission granted by CNPA to vary time limit on 06/508/CP condition 1 for a further 3 years (13/04412/S42).
- 3.4 11.02.2009 - Permission granted by CNPA for demolition of steading and erection of 4 houses (06/00342/FULBS).

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour: 09.02.2017

Representation deadline : 09.02.2017

Timeous representations : 17 representations against and 25 representations in support. A signed petition containing 71 signatures from 51 properties object to the proposal.

Late representations : 6 representations from 4 properties.

- 4.2 Material considerations raised are summarised as follows:

Representations against:

- Noise
- Light pollution
- Excess traffic and parking provision

Representations in support:

- 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 Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Carrbridge and Vicinity Community Council:** Objected as they considered the proposal would be detrimental to neighbour amenity and is contrary to Policy 2 of the Development Plan.
- 5.2 **Environmental Health Team:** No objections subject to the submission of an operational management plan.
- 5.3 **Cairngorms National Park Authority:** No objections.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorms National Park Local Development Plan (March 2015)

2 Supporting Economic Growth
3 Sustainable Design
10 Resources

6.2 Local Development Plan Policy Guidance

Supporting Economic Growth
Sustainable Design
Resources

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Council Supplementary Planning Policy Guidance – Access to Single Houses and Small Housing Developments (May 2011)

7.3 Scottish Government Planning Policy and Guidance

SPP Scottish Planning Policy (June 2014)

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) the effect on residential amenity;
- c) parking provision and increased traffic;
- d) the impact on water and drainage, and

d) any other material considerations.

Development plan/other planning policy

- 8.4 Policy 2 of the Cairngorms Local Development Plan, which promotes economic development which enhances tourism, applies and is the primary policy in this case although Policy 10 and, in particular, Policy 3, which requires proposals to demonstrate that the amenity enjoyed by neighbours is protected and that disturbance is minimised, also require to be given due consideration.
- 8.5 Subject to the proposal having no adverse impacts on neighbouring properties the change of use would be supported by the Development Plan. The application has attracted a number of representations against the proposals principally on amenity grounds and these require further detailed consideration.

Impact on residential amenity

- 8.6 A number of objections raise concerns regarding noise from occupants of the property, and in particular noise late at night. Environmental Health has not raised any objection to the proposal on the basis of noise. However, given the size of the property and the number of people capable of being accommodated within it the concerns are legitimate and require to be mitigated. It is suggested that the concerns would be best addressed via a condition imposed on any permission granted requiring the owner to submit a management plan, demonstrating steps to be taken to minimise any adverse impacts on the neighbours in the locality.
- 8.7 Inappropriately positioned lighting could also have the potential to impact on the amenity of neighbours. External lighting can however be controlled by condition.
- 8.8 It is also considered that appropriate vegetation planted along the southern boundary would also mitigate potential noise disturbance and lessen the effects of any external lighting. A Tree Planting Plan will be required.

Parking provision and increased traffic

- 8.9 While there is potential for an increase in vehicle movements, conditions were attached to the previous application to control the new footpath, parking and turning provision. 3 off street parking spaces are provided within the site and a further 2 spaces in the double garage which is considered to comply with the Development Plan and relevant Supplementary Guidance.
- 8.10 Representations question the capacity of the road to accept additional traffic. The proposed access will increase the passing opportunity afforded by the service lay-by. Transport Planning has not objected previously and it does not seem possible to demonstrate conclusively that the road is incapable of accepting further traffic generated by guests.

Water/drainage issues

- 8.11 Concerns have been expressed in relation to waste water and foul drainage issues, and in particular whether the existing infrastructure is sufficient. The applicant has advised that the recently installed septic tank has sufficient capacity to deal with a significant increase of use. Any impact on ground water quality resulting from inadequate arrangements is a matter for SEPA and therefore the responsibility to ensure adequate arrangements are in place to absorb any increase in capacity required as a result of the change of use is a matter for the owner to appropriately address.

Other material considerations

- 8.12 In addition to representations submitted against the proposal, a number of representations supporting the change of use were submitted. The comments generally considered the proposal would benefit the local economy and complied with the Development Plan.

Non-material considerations

- 8.13 The behaviour of guests using the facility is not something that the Planning Authority can control but is a management issue for the owner.
- 8.14 A number of representations made reference to the applicant submitting an application for two residential properties and then submitting a change of use application. The application is considered on its own merits and judged against the Development Plan.

Matters to be secured by Section 75 Agreement

- 8.15 None

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. The Development Plan promotes economic development that enhances tourism. This has to be balanced alongside amenity enjoyed by neighbours. Concerns raised by neighbours regarding the impact on amenity can however be mitigated by conditions. By imposing conditions, it is considered that the proposal accords with the Development Plan.
- 9.2 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 there are no material considerations that indicate otherwise.

10. RECOMMENDATION

Action required before decision issued **N**

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

1. Prior to commencement of the use hereby granted, 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. Prior to commencement of the use hereby granted, 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. Prior to commencement of the use hereby granted, 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. The approved operational management plan shall thereafter be implemented prior to the use being 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.

4. Prior to commencement of the use hereby granted, a detailed Tree Planting Plan and maintenance programme is to be submitted to and approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise may be agreed in writing by the Planning Authority.

Reason: 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.

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

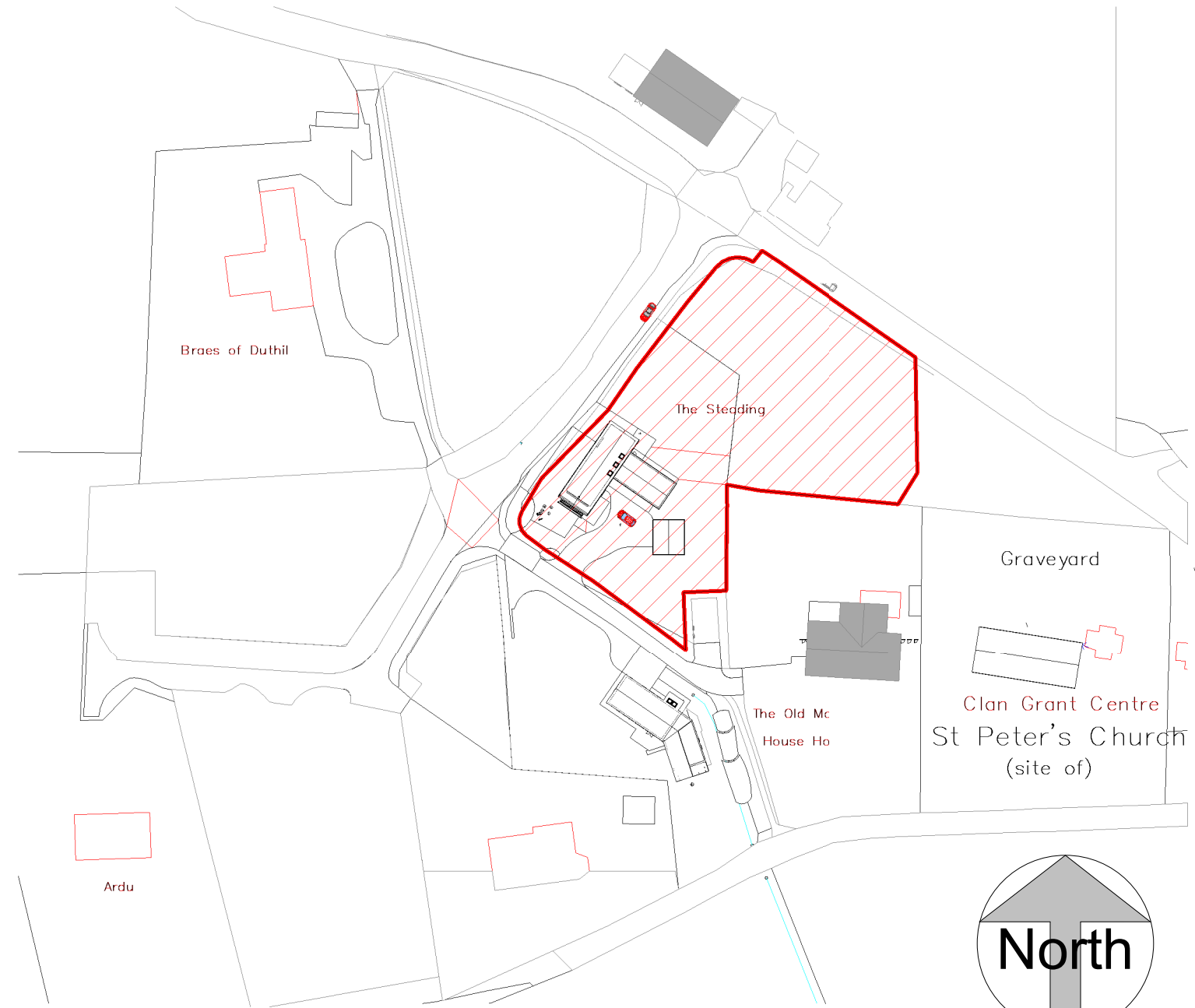
Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan 01-004

Plan 2 – Site Layout Plan 001-03

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 - All levels and dimensions are to be checked on site by the contractor and any discrepancies must be reported immediately to the architect
 - All dimensions are to be read of this drawing and NOT scaled.
 - All work to be executed in strict accordance with the by-laws and regulations of the local authorities and in accordance with the British, EN and ISO Standards.
 - Where indicated/required, all drawings are to be read in conjunction with all other documents issued by Gilbert Associates Limited and/or other Consultants.

DOCQUET We certify that this (is a true and fair copy of) the plan referred to in the application
 DATED :
 for Building Warrant
 SIGNED :

Revision Schedule		
Revision Number	Revision Description	Revision Date



1 **Location Plan**
 1 : 1250

drawing status
Construction

client
Bespoke Highland Homes

project info.
 Residential Development of Two detached houses, The Steading, Duthil, by Carrbridge

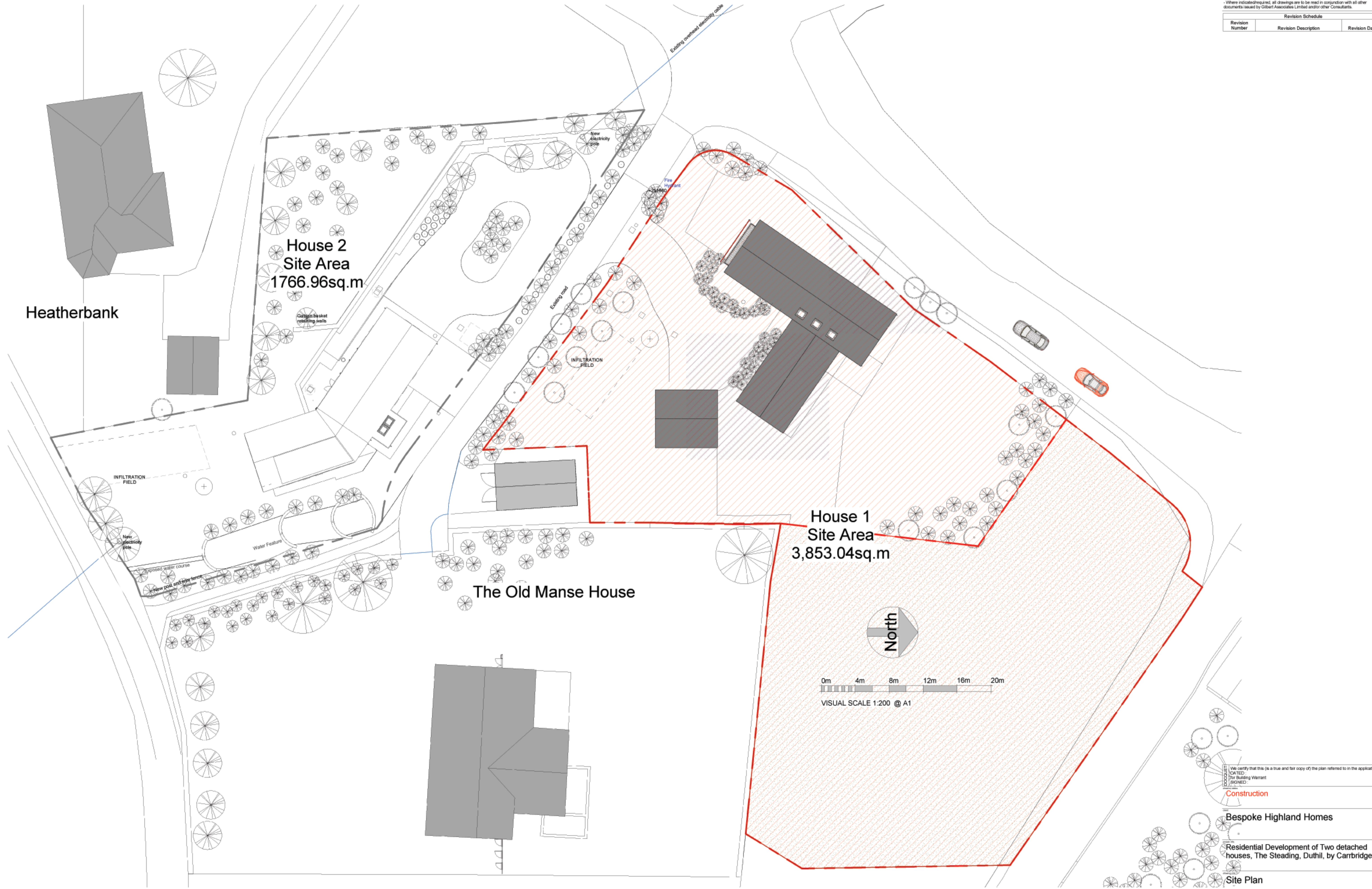
drawing info.
Location Plan, House 1

project number 1903	drawing number 01-004	date drawn 12/21/16
	drawn by KWD	scale 1 : 1250



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Revision Schedule		
Revision Number	Revision Description	Revision Date



1 Site Plan
1 : 200

We certify that this is a true and fair copy of the plan referred to in the application.
 DATED: For Building Warrant
 SIGNED:
 Construction

Bespoke Highland Homes
 Residential Development of Two detached houses, The Steading, Duthil, by Carbridge
 Site Plan