

Agenda item	<b>7.9</b>
Report no	<b>PLN/078/18</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 27 November 2018

**Report Title:** 18/03257/FUL Sgeir Bhuidhe, Plockton, IV52 8TL

**Report By:** Area Planning Manager – North

### 1. Purpose/Executive Summary

#### 1.1 Applicant - Baoighill Aoigheachd Ltd

**Description of development** - Change of use from residential (use class 9) to guest house (use class 7)

**Ward** - 05 - Wester Ross, Strathpeffer And Lochalsh

**Category** - N04B - Business and Industry - Local

**Reasons Referred to Committee** – More than 5 Objections

(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.)

### 2. Recommendation

#### 2.2 Members are asked to agree the recommendation to grant as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The application seeks full planning permission for the change of use of an existing 4 bedroom dwelling house and outbuilding from Class 9 Residential to a Class 7 guest house with 5 letting bedrooms.
- 3.2 No formal pre-application but the proposal has been discussed with the applicant and the agent on site as part of other work.
- 3.3 The site is currently accessed via an existing access from the public road with parking already created on site for 5 vehicles. The house is connected to an existing septic tank.
- 3.4 **Variations:** Amended Site Layout plan submitted with parking space dimensions shown.

### **4. SITE DESCRIPTION**

- 4.1 The site consists of a previously extended 1½ storey detached dwelling house located within the Conservation Area of Plockton. The site is located on the seaward side of the southern fork of Cooper Street and is slightly set back from the road frontage towards the sea. The adjacent plot of land to the south west is used for open boat storage. The plot to the north east is an area of grassland that has a picnic table and appears to be used as open space accessible to the public. The land to the north west on the opposite side of the road is a recently constructed community play park. Access is via an existing partially formed and surfaced entrance bell mouth.

### **5. PLANNING HISTORY**

- 5.1 13/02523/FUL Erection of extension and outbuilding 21.11.2013 Granted and built.  
10/03181/FUL Alterations and extensions to house 16.09.2010 Withdrawn

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised : West Highland Free Press – Unknown neighbour  
Representation deadline : 17<sup>th</sup> August 2018  
Timeous representations : 1 from 1 household  
Late representations : 9 from 7 households
- 6.2 Material considerations raised are summarised as follows:
- Intensification of vehicle movements around the new playpark.
  - Location of the site is unsuitable for the use as a guest house due to being on a single track road.
  - Lack of required parking spaces.
  - Land utilised outwith the applicant's ownership.
- 6.3 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **7. CONSULTATIONS**

### **7.1 Transport Planning : No Objection**

Further details were requested from the transport planning team with regards to the layout of the parking arrangements. There was concern that there was inadequate turning and parking areas on site for the required 5 vehicles. After discussion between the agent and the transport planning team, a further site layout plan was submitted with dimensioned parking bays annotated on the plan. This plan was considered to provide the required information to prove that turning and parking on site for 5 vehicles could be achieved.

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 Highland Wide Local Development Plan 2012**

Policy 28                      Sustainable Development

Policy 44                      Tourist Accommodation

Policy 57                      Natural, Built and Cultural Heritage

### **8.2 West Highland and Islands Local Plan (WHILP) ( 2012) as remains in force**

No specific policies apply refer to polices of the Highland wide Local Development Plan regarding Settlement Development and Conservation Areas.

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Draft Development Plan**

West Highland and Island Local Development Plan ( proposed plan May 2017)

No specific policies apply refer to polices of the Highland wide Local Development Plan regrading Settlement Development and Conservation Areas.

### **9.2 Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

### **9.3 Scottish Government Planning Policy and Guidance**

A Successful, Sustainable Place - Supporting Business and Employment - Valuing the Historic Environment

## **10. PLANNING APPRAISAL**

10.1 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.

10.2 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.

### 10.3 **Development Plan Policy Assessment**

The property falls within the Settlement Development Area for Plockton and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

Policy 44 states that proposals for tourist accommodation within settlement boundaries will be supported if the Council is satisfied that the proposal can be accommodated without adverse impacts upon neighbouring uses, complies with Policy 28: Sustainable Design and will not prejudice the residential housing land supply.

Policy 57 of the HwLDP emphasises the importance of development demonstrating compatibility with the need to preserve and enhance the conservation. Subject to the proposals having no significant detrimental impact on the character of the conservation area and architectural and historic importance of the listed building the proposals would comply with the development plan.

**Legislation** – s.64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that, “.....*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in [the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.....*”

### 10.4 **Material Considerations**

#### **Impact on the Conservation Area**

10.5 The physical appearance of the building is to remain unchanged from the previously approved scheme 13/02523/FUL. The only change requested as part of this application is for the use of the building and so it is considered there will be no adverse impact on the visual integrity of the Conservation Area.

#### **Change of Use and Housing Land Supply**

10.6 The previous planning permission on the site was for the increase in size of a residential dwelling. Contrary to comments received, the existing building is not being used as a guest house and this application is not retrospective. The building remains within class 9 as a residential dwelling until any approved new use is implemented. Internal works do not require planning permission.

The proposed change of use from a class 9 residential dwelling to a class 7 guest house is not considered to have an adverse impact upon the mix of uses within the village, and is therefore in conformity with the Local Development Plan. Policy 44 of the HwLDP states that the proposal for tourist accommodation will be supported if the development does not prejudice the residential housing land supply – that is, it does not adversely affect the availability of (undeveloped) land for permanent

housing. As this proposal is for the change of use of an existing building then the proposal is in conformity with policy 44 and is not utilising any potential future housing sites within Plockton.

### **Parking and road safety**

10.7 The application is proposing 5 parking spaces on the site. This is in line with the Council's standards as set out in the adopted guidance. There is adequate turning space on site to ensure that vehicles are able to enter and exit the site in a forward gear and, consequently, transport planning have no objections with the proposal.

10.8 Concerns have been raised with regards to the proximity of the site to the newly constructed children's play park on the opposite side of the road. However, the access to the play park is not directly onto the road and the park is enclosed with a 1.2m high metal rail fence. Any vehicle travelling down the road to visit the site is likely to be travelling at a slow speed and will have reached the access to the site prior to reaching the playpark entrance. Also any vehicle exiting the site will be doing so in a forward gear and will have good visibility of any pedestrians on the public road prior to emerging on to that road. The parking and turning area will be conditioned to be completed prior to first use of the building as a guest house.

It is noted that the existing property could theoretically be used as a 6 bed roomed dwelling house with 2 of the 6 bedrooms providing Bed and Breakfast accommodation with no further planning permission being required. This 'worst case scenario' from a parking and vehicle movement perspective would require the provision of 4 spaces. As this current proposal requires 5 spaces, the possible increase in potential vehicle movements over and above the existing situation is considered to be minor and will have not have a significant impact on road safety.

### **10.9 Other Considerations – not material**

- The loss of a residential dwelling within the village.
- The appearance of the previously approved building.
- The installation of a septic tank on adjoining croft land.
- Conditions placed on previous applications restrict the use to incidental to the enjoyment of the dwelling house.
- The applicant's alleged abuse of the planning system.

10.10 Many of the matters raised by the contributors are outwith the control of the Planning Authority in relation to the assessment and determination of a planning application.

- Several comments were raised with regards to the loss of residential dwellings to tourist accommodation. There are no policies within the development plan that control the loss of existing housing to tourist accommodation.
- The physical appearance of the building is not changing within this application and was previously approved under permission 13/02523/FUL.
- It is understood the septic tank in question replaced an older installation. As such the works almost certainly required planning permission at the time. More than four years have passed since these works took place and so they are immune from enforcement action. The installation of the septic tank is not part of this application. However, the critical issues in respect of its

environmental performance and operational limits will be assessed and controlled through the building warrant application. Public amenity will be protected in this way.

- The conditions based on the use of the ancillary building granted under the previous application will be replaced by this permission if granted and once the use of the building as a guest house commences. The condition was imposed to ensure that this matter came back through the planning system if a future applicant wished to alter the use of the building.

#### 10.11 **Matters to be secured by Section 75 Agreement**

None

### 11. **CONCLUSION**

11.1 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.

### 12. **IMPLICATIONS**

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

### 13. **RECOMMENDATION**

<b>Action required before decision issued</b>	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:

1. No occupation of the guest house development hereby approved shall take place until the car parking and access arrangements detailed on approved plan ref. 0522.PL.100 REV D have been completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason** : In order to ensure that the level of off-street parking is adequate.

## **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 and 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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **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 and 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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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:

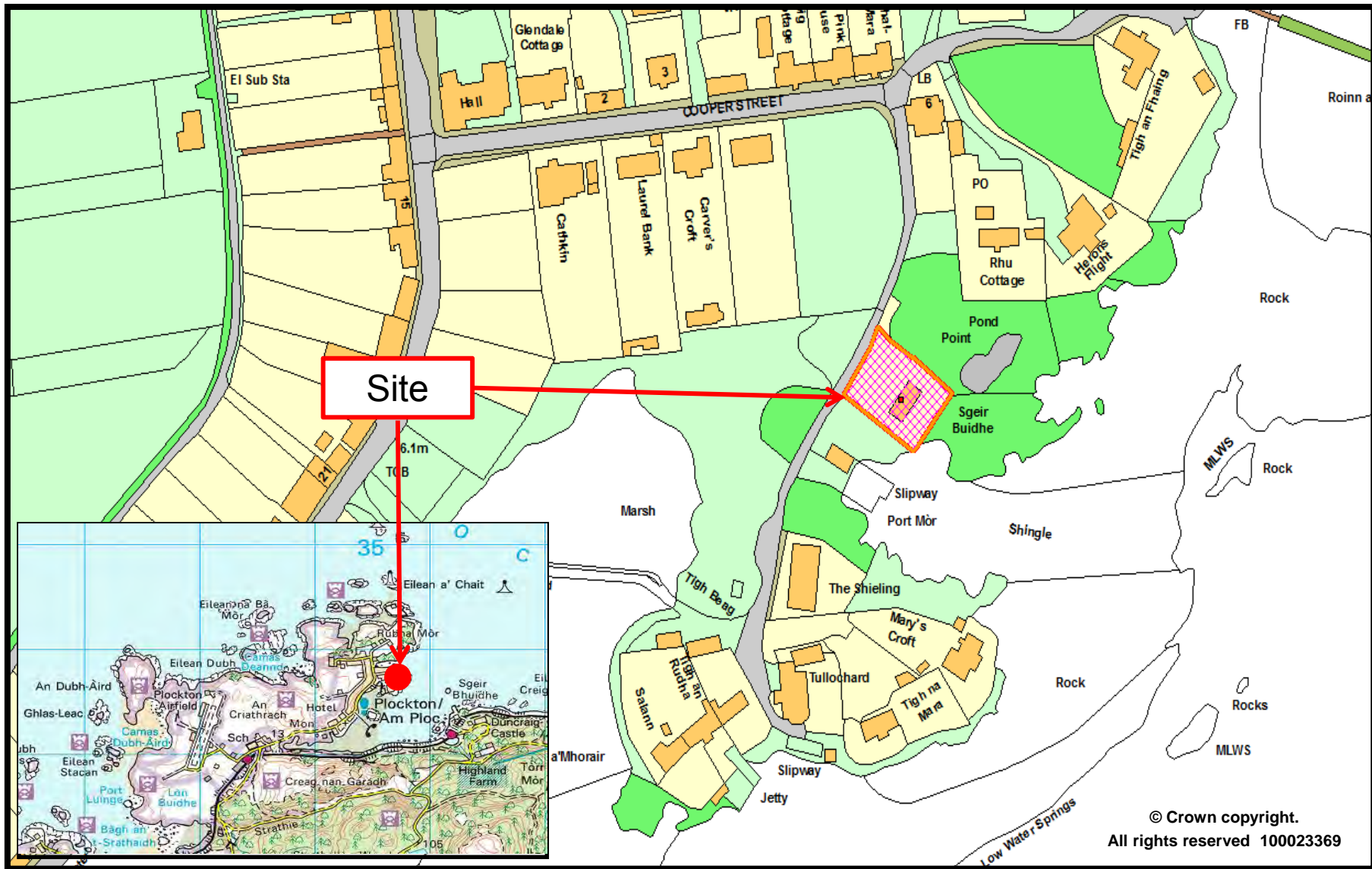
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### **Mud and Debris on Road**

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.

Designation:	Area Planning Manager - North
Author:	Chris Hallas
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – 0522.PL.100 REV D Proposed Floor Plans Plan 2 – 0522.EXG.101 Existing Elevations





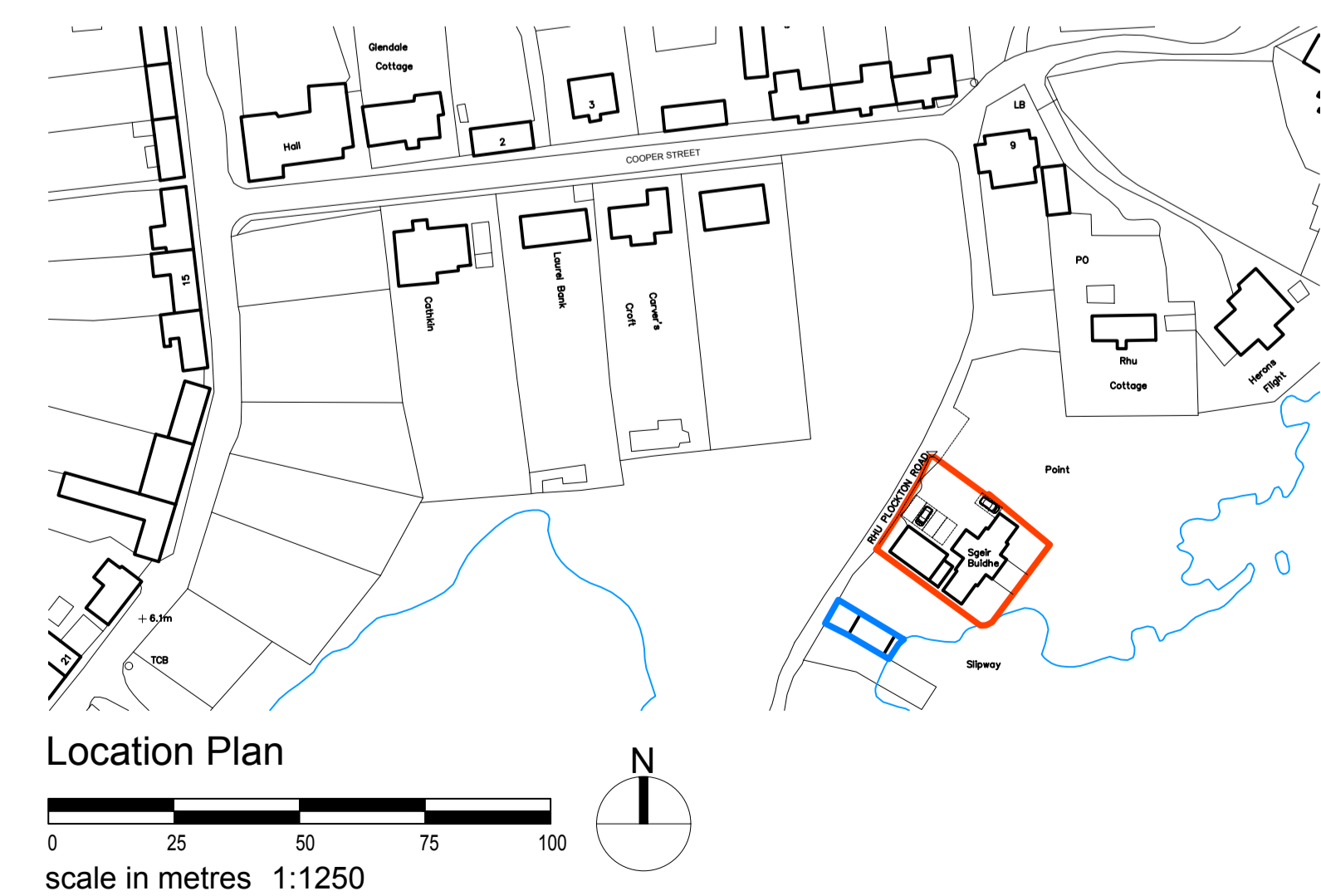
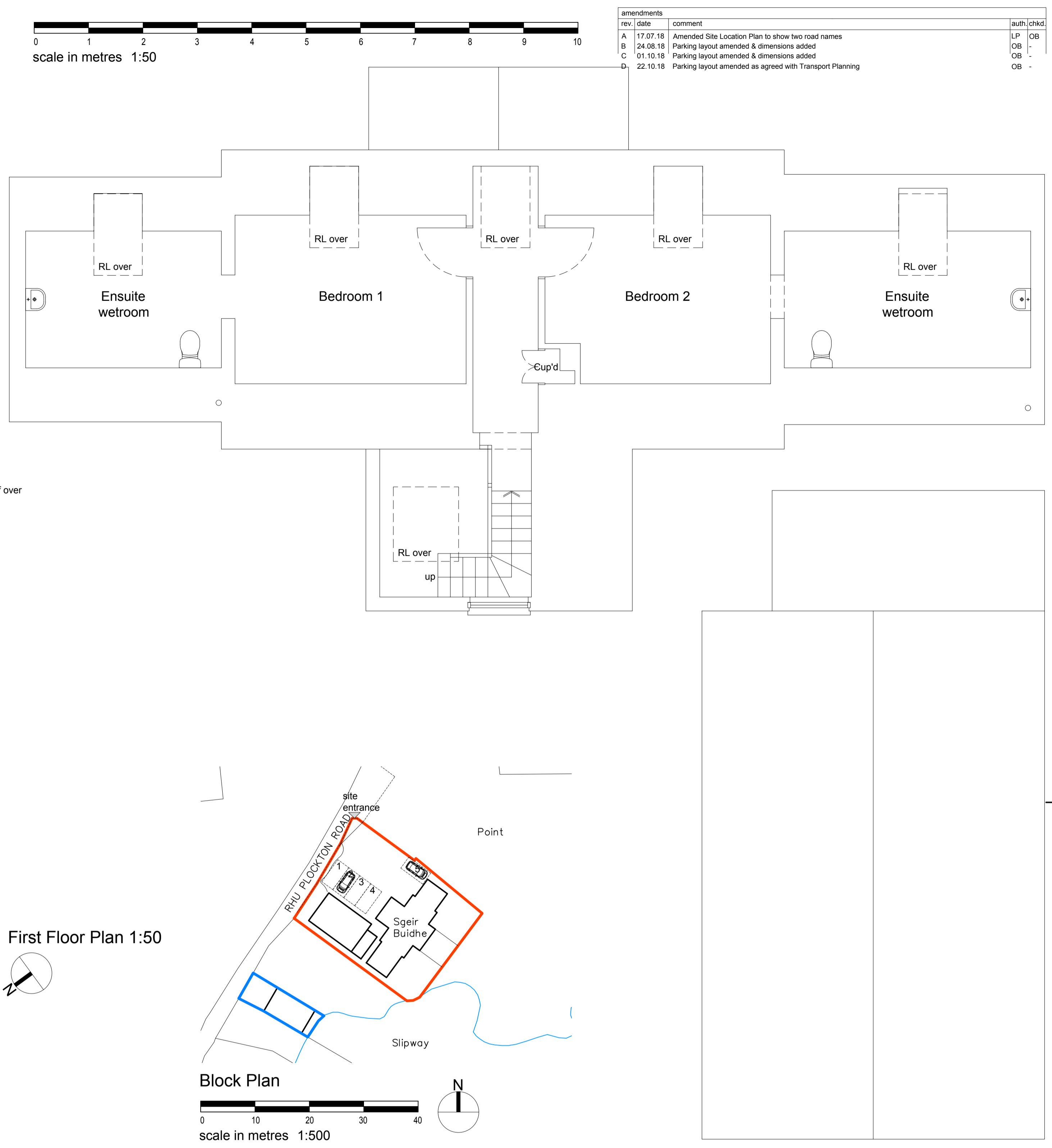
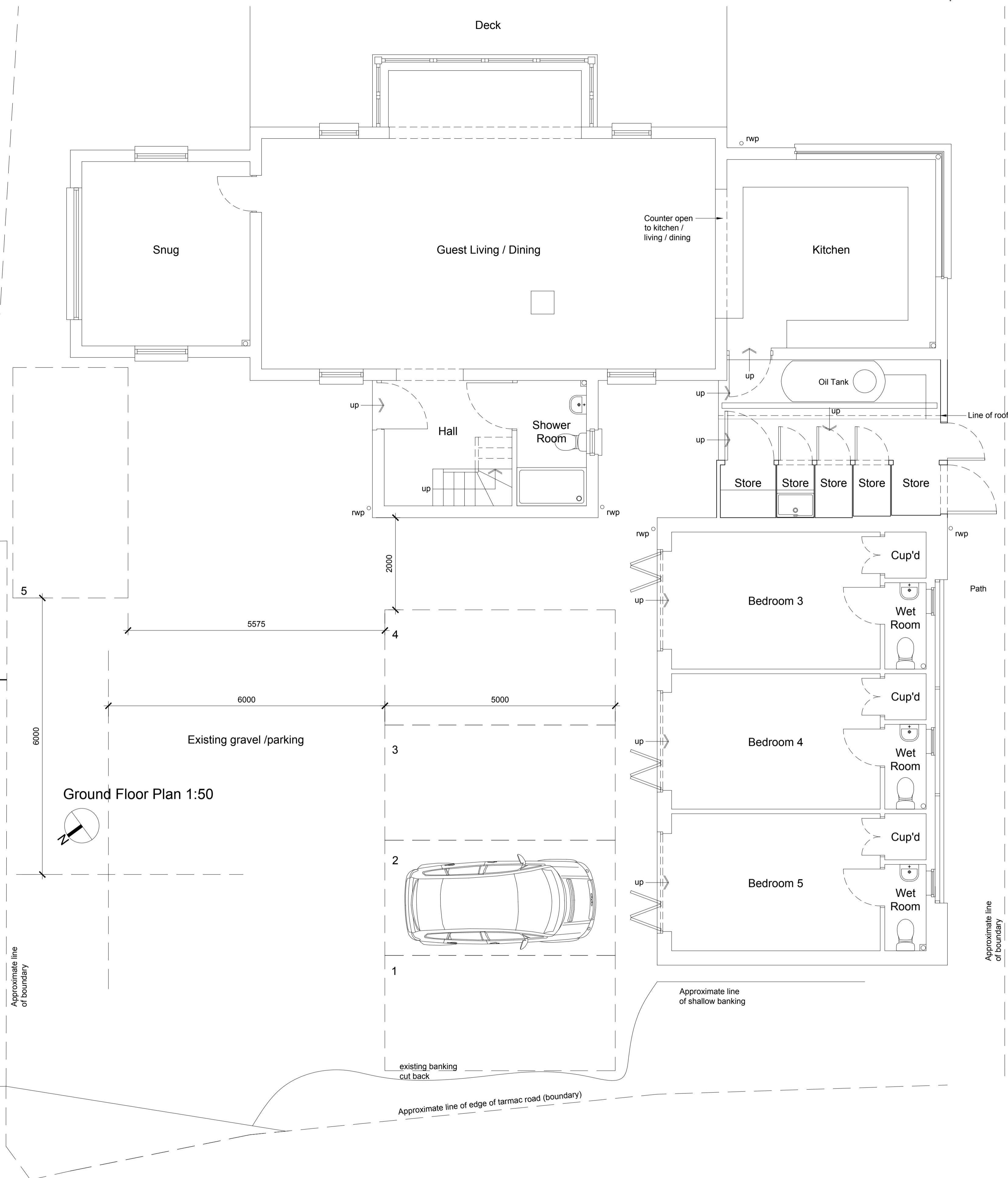
Planning and  
Development Service

Location Plan  
18/03257/FUL

Change of use from residential (use class 9) to guest house (use class 7)

October 2018

Scale:



rev	date	comment	auth	chkd
A	17.07.18	Amended Site Location Plan to show two road names	LP	OB
B	24.08.18	Parking layout amended & dimensions added	OB	-
C	01.10.18	Parking layout amended & dimensions added	OB	-
D	22.10.18	Parking layout amended as agreed with Transport Planning	OB	-

**NB. All information based on record drawings by others and must not be relied upon for dimensional / other accuracy**

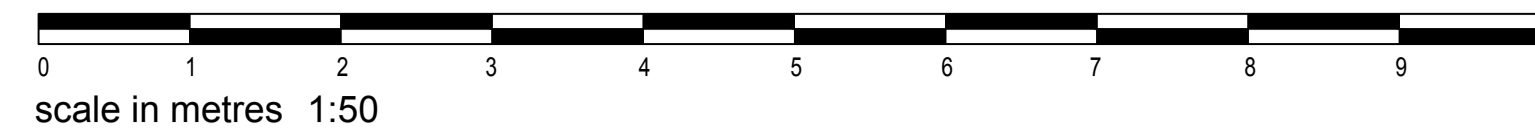
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project	Sgeir Buidhe Plockton IV52 8TL	drawing title	Proposed Floor Plans		
drawn by	Others / LP MR	checked by	riba work stage	3	date
					July '18
			scale/original sheet size		1:50 @ A1

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amendments			auth	chkd.
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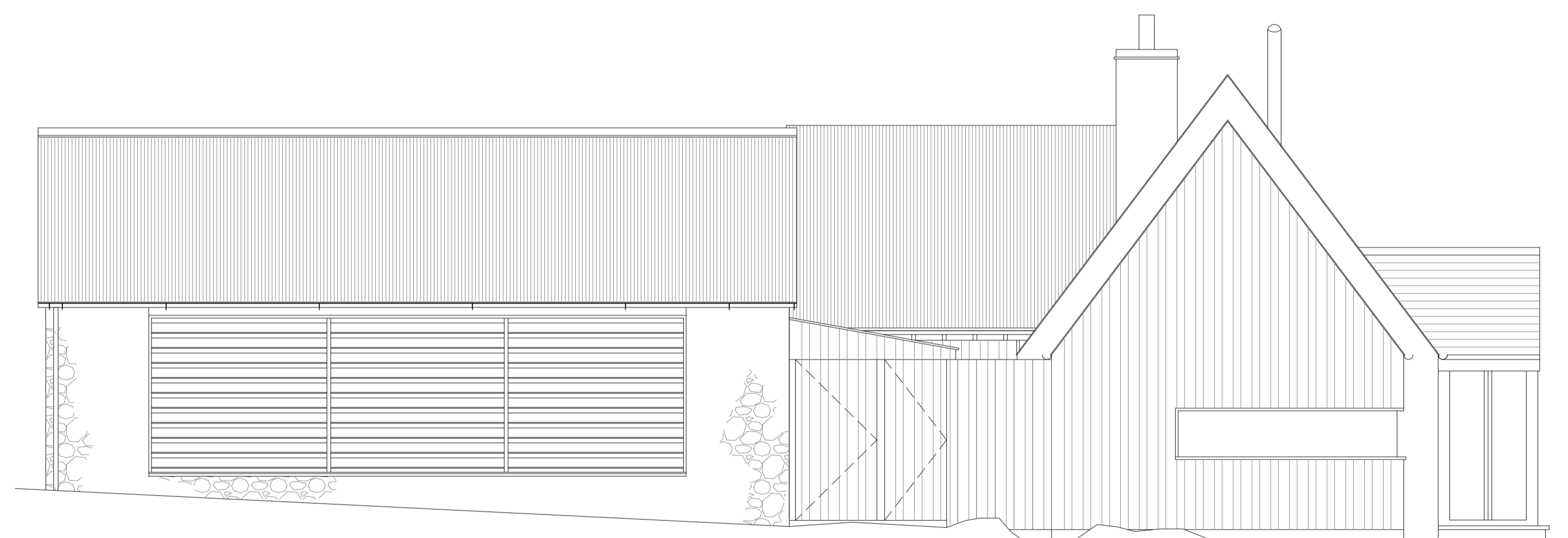
North - West Elevation 1:50



North - East Elevation 1:50



South - East Elevation 1:50



South - West 1:50

NB. All information based on record drawings by others and must not be relied upon for dimensional / other accuracy

client	Baoighill Aoiagheachd Ltd	drawing number	0522.EXG.101	revision	-
project	Sgeir Buidhe Plockton IV52 8TL	drawing title	Existing and Proposed Elevations		
drawn by	Others / LP MR	riba work stage	3	date	July '18
checked by		scale/original sheet size	1:50 @ A1		

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