

Agenda Item	6.3
Report No	PLS 056/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 7 August 2019

Report Title: 19/01264/FUL: Millers of Speyside Ltd
9 Castle Road East, Grantown-On-Spey, PH26 3HS

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use from residential to HMO (Class 7)

Ward: 20 – Badenoch & Strathspey

Development category: Local

Reason referred to Committee: 5 or more 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.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to change the use of this property from a flat to a House of Multiple Occupation (HMO) (Class 7). It is understood that the flat is owned by the applicant and accommodates workers for their local business. This application is in retrospect.
- 1.2 Pre Application Consultation: None.
- 1.3 Supporting Information: None
- 1.4 Variations: None

2. SITE DESCRIPTION

- 2.1 This is a three bedroom flat to the rear of a block of four flats in a residential part of Grantown-on-Spey. The property has garden ground to the front and a small area to the rear that houses a shed. Off-street car parking is provided around the building, but unallocated to individual properties.

3. PLANNING HISTORY

- 3.1 There is no planning history.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 development and Unknown Neighbour

Date Advertised: 18.04.2019

Representation deadline: 05.05.2019

Timeous representations: 10 from 9 households

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) Lack of bin storage and waste disposal;
- b) Lack of car parking for residents and visitors;
- c) Impact 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.

5. CONSULTATIONS

- 5.1 **Grantown on Spey Community Council:** *Although there were some concerns about the numbers of people who might be involved and the potential effect on neighbours, it was decided unanimously that the use of an HMO in these circumstances should provide necessary regulation of both properties in question in Castle Road East.*

- 5.2 **Transport Planning Team:** Object on the basis that car parking provision for the HMO should be of the order of 1 space per room for an HMO and as such 3 spaces are required. Only 1 space is provided. Local residents have raised concerns about lack of space and limited parking opportunities within the communal parking area as well as the availability of safe on street parking opportunities. The Transport Planning Team therefore consider that the under provision of 2 parking spaces will worsen the situation currently experienced by the local residents and based on this object to the proposed development.

Further, while the applicant has submitted an updated plan that identifies the location of a shed where residential and visitor cycle provision can be stored, this Plan is un-dimensioned and does not demonstrate that 1 space per bedroom and 1 visitor space can be accommodated within it, total 4 no. cycles. The Transport Planning Team recommend that suitable scaled plan of the cycle facility be submitted.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorms National Park Authority Local Development Plan 2015

2 - Supporting Economic Growth

6.2 Cairngorms National Park Guidance

2 - Supporting Economic Growth, Non-statutory Guidance

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

7.2 Cairngorms National Park Authority Local Development Plan 2020

2 - Supporting Economic Growth

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) residential amenity
- c) car parking and cycle storage
- d) waste and recycling
- e) any other material considerations.

Development plan/other planning policy

- 8.4 The property lies within an established residential area on one of the main roads through Grantown-on-Spey at the north eastern end of the town. The Cairngorms National Park Local Development Plan does not have any specific policies that relate to Houses of Multiple Occupation (HMO's). However, the Plan is predicated on the ability to maintain high quality places where communities can be sustainable. For housing generally this is acknowledged as being required to support and grow the economy. Policy 2 relates to supporting economic growth.
- 8.5 Not only does an HMO create an economic opportunity in its own right but in this case the applicant has advised that the HMO is required for workers of their local business. In order to continue to support the business, workers require accommodation nearby. Bringing workers into the Park supports the wider economy of the area as well as the individual business for which they are employed. Providing that there are no significant adverse impacts on the amenity and/or local infrastructure arising from the proposal it should be capable of being supported.

Residential Amenity

- 8.6 A number of concerns have been raised by neighbours in relation to the impact on their amenity. Granting planning permission for the proposal will also allow the Licensing Authority the opportunity to ensure current HMO Regulations are met, both in terms of the standard of the building and in how it is used. The issues raised with regard to amenity will largely be addressed through Building Standards and the HMO Licence. Any anti-social behaviour is a matter for Police Scotland.

Car-parking and cycle storage

- 8.7 There is no formal car parking requirements for homes in multiple occupancy, therefore each application is assessed on merit. For a 3 bedroom flat the Transport Planning Team expects 3 parking spaces to be provided, based on 1 space per bedroom. The plan submitted shows the proposed parking arrangements for this flat, which appears to be 1 allocated parking space within a communal parking area. Based on the assessment of the Transport Planning Team there is an under provision of 2 parking spaces. The Plan does not show the parking arrangements for the other 3 flats or other facilities such as where bins and cycles are stored. Visitor parking proposals have not been identified. This is one of the concerns raised by local residents.
- 8.8 There are no parking restrictions along Castle Road East and there is informal car parking arrangements around the flats. The applicant has indicated that their employees generally do not have cars and usually walk to work. A further opportunity for car parking would be in the front garden if new parking became a

requirement for future employees. While it is appreciated that the Transport Planning Team object to this application on this basis of an under-provision of spaces, it is considered that as a 3 bedroom property, it would be possible for 3 related persons to be living there with 3 cars, and as such it is not considered to be reasonable to recommend that this application be refused on the basis of a lack of car parking, particularly given the circumstances in this case.

- 8.9 The applicant has identified a shed on an updated plan where residential and visitor cycle parking can be located. The drawing is not dimensioned and does not demonstrate sufficient space for the required storage. However, a condition requiring this information can be included to address this concern.

Waste and Recycling

- 8.10 The applicant has supplied an updated plan that identifies an area to store general waste and recycling bins within the rear garden of the property. The applicant has further confirmed that the bins are stored in this area. This is considered acceptable.

Other material considerations

- 8.11 There are no other material considerations.

Non-material considerations

- 8.12 The issue of anti-social behaviour is not a material planning consideration and cannot therefore be a reason on which to determine an application.

Matters to be secured by Section 75 Agreement

- 8.13 None

9. CONCLUSION

- 9.1 This proposal, to accommodate its workforce, supports an existing business within the Park. While it is appreciated that a number of concerns have been raised by neighbours, granting planning permission for the proposal would also allow the Licensing Authority the opportunity to ensure current HMO Regulations are met, both in terms of the standard of the building and in how it is used. It is considered that this will bring about a better situation for the wider community as well as supporting the local economy.

- 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 is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable

- 10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 4 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In order to facilitate active travel.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

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 (paragraph 259), 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 & 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:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

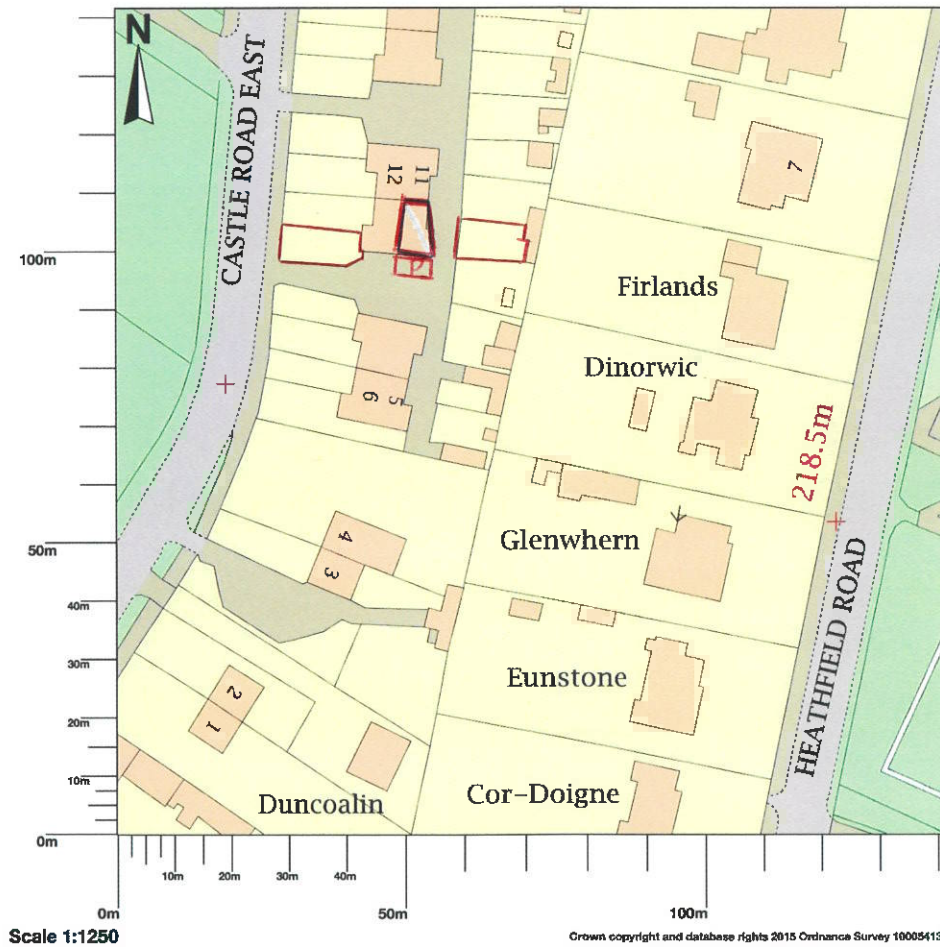
Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or

nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species.

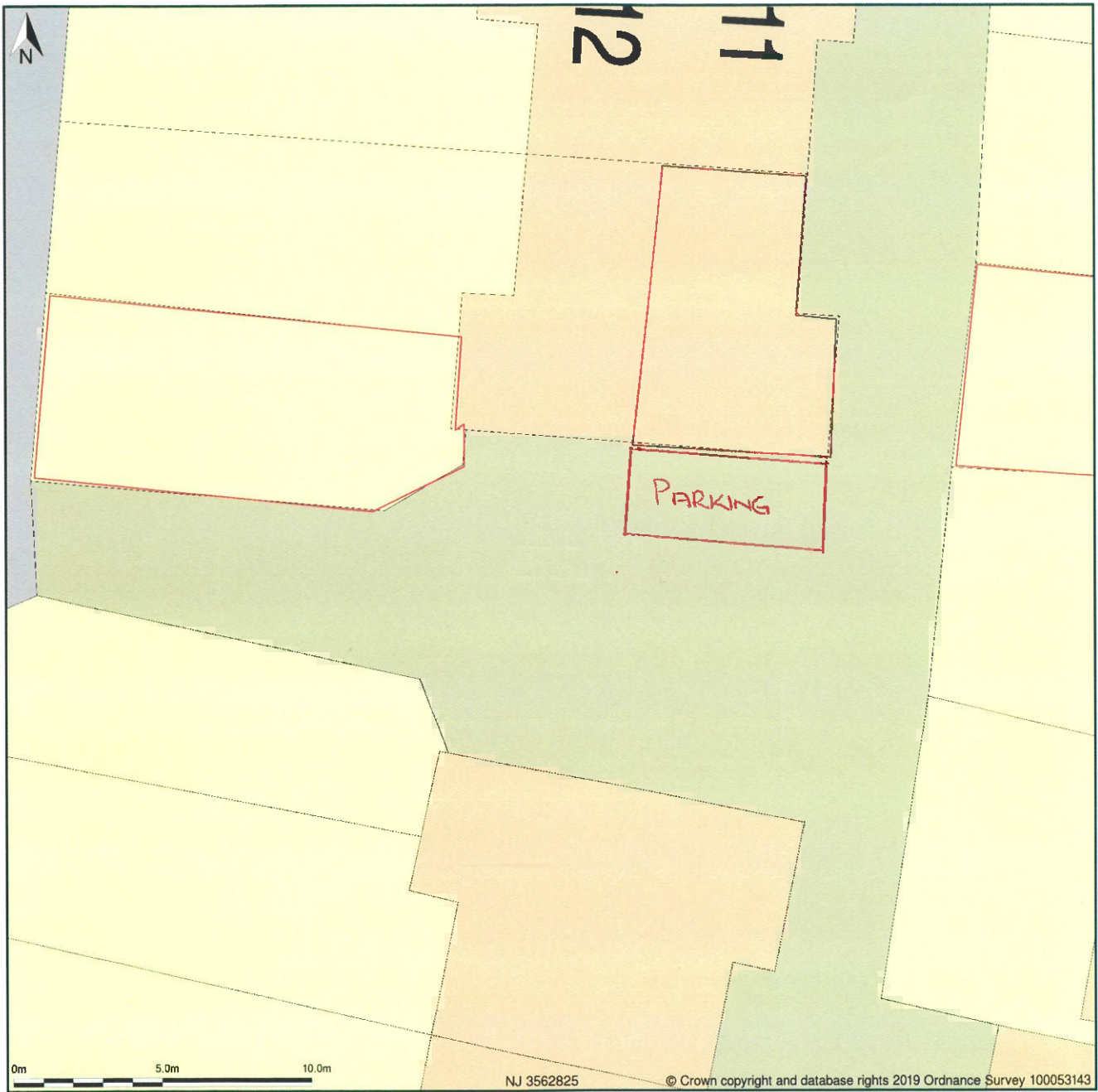
Signature: David Mudie
Designation: Area Planning Manager – South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 000001 B
Plan 2 - Site Layout Plan 000002 A
Plan 3 - Floor Plan 000003

9 Castle Road East, Granttown-On-Spey, PH26 3HS



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9, Castle Road East, Grantown-on-spey, Highland, PH26 3HS



Block Plan shows area bounded by: 303550.74, 828239.41 303586.74, 828275.41 (at a scale of 1:200), OSGridRef: NJ 3562825. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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