

Agenda Item	6.6
Report No	PLS 059/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 7 August 2019

Report Title: 19/01133/FUL: Mr S. Dickson
Land 30m North of Balnastraid, Duthil, Carrbridge

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Part change of use of outbuilding to staff welfare accommodation (in retrospect)

Ward: 20 – Badenoch and Strathspey

Development category: Local development

Reason referred to Committee: 5 or more representations

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 for the change of use and subdivision of a biomass outbuilding (in retrospect) to create a staff welfare facility.
- 1.2 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. There is existing parking provision within the site.
- 1.3 Pre Application Consultation: Advised to submit a retrospective application following the unauthorised change of use.
- 1.4 Supporting Information: Supporting Statement and Land Contamination questionnaire
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is a yard area associated with the 9.65 hectare farm and contains a number of outbuildings, some of which have been severely damaged by a recent fire. The site is adjacent to the former farmhouse now used as holiday accommodation. The building is a rectangular timber clad, flat roof structure containing a partitioned biomass unit, staff area, kitchen, toilet/shower and storage space. It is 13.5m x 6.1m, with the area subject to the proposed change being 7.2m x 6.1m. There are other residential properties in close proximity to the site.

3. PLANNING HISTORY

- | | | | |
|-----|-----------------------|---|--------------------------------|
| 3.1 | Pending consideration | 19/01136/FUL Temporary storage of two static caravans | Planning application submitted |
| 3.2 | 24.09.2018 | 18/04115/PNO Erection of agricultural building | Prior Approval is required |
| 3.3 | 06.09.2018 | 18/01210/FUL Part change of use of outbuilding to staff welfare accommodation | Application withdrawn |
| 3.4 | 06.09.2018 | 18/01194/FUL Temporary siting of 2 no caravans | Application withdrawn |
| 3.5 | Pending consideration | 17/00022/ENF Partial use of biomass housing unit as living accommodation and conversion of store to office building | |
| 3.6 | 04.08.2016 | 16/03036/PNO Prior notification for farm-related building works (non-residential) | Application withdrawn |
| 3.7 | 02.02.2015 | 14/04247/FUL Erection of biomass and boiler | Permission |

		room	granted
3.8	09.04.2015	14/04059/FUL Change of use from farmhouse to holiday let	Permission granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour 14 days

Date Advertised: 28.03.2019

Representation deadline: 11.04.2019

Timeous representations: 5 timeous representations

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Noise, light and impact on amenity;
- b) Overdevelopment of the site;
- c) No operational requirement;
- d) Excess traffic and road safety concerns;
- e) Drainage arrangements.

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 **Contaminated Land Team:** No objection subject to the completion of the contaminated land questionnaire

5.2 **Cairngorms National Park Authority:** No objection.

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

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

7.2 **Cairngorms National Park Local Development Plan 2020 Proposed**

2 – Supporting Economic Growth

3 – Design and Placemaking

10 - Resources

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) impact on amenity
 - c) increased traffic and vehicle movements
 - d) drainage arrangements
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 Policy 2: Supporting Economic Growth of the Cairngorms Local Development Plan supports economic development which is compatible with and complementary to existing business activity in the area. Policy 3 notes that proposals need to demonstrate that they have been designed to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site. Additionally, Policy 3 requires proposals to include an appropriate means of access. Policy 10, which relates to servicing infrastructure, also requires to be considered.
- 8.5 The proposal is required in order to provide welfare facilities at the site. While the associated landholding is small (under 10 hectares) a requirement for stand alone welfare facilities is not considered to be unreasonable given that the property adjacent, Balnastraid, is let as holiday accommodation.
- 8.6 Subject to the proposal having no adverse impacts on infrastructure and on the amenity of neighbouring occupiers, the change of use would be supported by the Development Plan.

Residential Amenity

- 8.7 The proposed welfare building is located within the yard associated with the farm and set back approximately 37m from Balnastraid Cottage to the north east. It is screened by a shed and fence along the north eastern site boundary. The context and scale of the building is considered to be acceptable within the setting of other buildings within the yard.

- 8.8 Representations from neighbours raise concerns that the cumulative effect of this development, along with the use of two static caravans (pending application 19/01136/FUL) and the existing letting property at Balnastraid, would significantly impact upon neighbour amenity. This particular proposal, while in retrospect, is for welfare facilities and not accommodation, and this will be controlled by condition. Accordingly, it is considered that the proposal should therefore have no additional impact on amenity. Should it become apparent that the facility is being used for an alternative use then that would be a clear breach of planning control that would require to be investigated at that time.

Traffic

- 8.9 The proposal utilises an existing access track from the A938 public road. Representations suggest that the proposal would lead to increased traffic and have a detrimental impact on the existing access track. It should be noted that the use/maintenance of the track is a private legal matter for interested parties; furthermore, it is difficult to demonstrate conclusively that the road is incapable of accepting further traffic generated by the welfare facility.

Drainage arrangements

- 8.10 Concerns have been expressed in relation to waste water and foul drainage arrangements at the site. The welfare facility is connected to the existing septic tank and soakaway for Balnastraid and the applicant has confirmed the existing drainage arrangement has sufficient capacity. A replacement septic tank and soakaway was initially proposed for caravan accommodation within the site but this application withdrawn (18/01194/FUL). Indeed, the Supporting Statement submitted with the current application made reference to the installation of a new septic tank and soakaway but has since been updated confirming the existing arrangements will remain unchanged.
- 8.11 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 None.

Non-material considerations

- 8.13 A number of representations refer to the Human Rights Act.

Matters to be secured by Section 75 Agreement

- 8.14 None

9. CONCLUSION

- 9.1 The Development Plan promotes economic development that is compatible and

complimentary to existing business. Whilst the agricultural landholding is small, it is not unreasonable to expect access to on-site welfare facilities. Given that the main property is let out as part of the applicants' wider business interests, it is similarly not unreasonable for these facilities to be located elsewhere on the holding. It is considered that the location is appropriate.

9.2 While neighbouring residents express concerns with regard to an increase in noise and activity, it is considered that this particular proposal is unlikely to have such impact. A condition preventing use of the welfare accommodation for residential letting accommodation is recommended. Accordingly, it is considered that the provision of welfare facilities will have no significant detrimental impact upon the amenity of neighbouring residents or infrastructure.

9.3 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. The development shall be used for staff welfare purposes only and shall not be used for residential letting accommodation, or as permanent residence, or be occupied by any family, group or individual.

Reason: To ensure that the development does not become used for

permanent residential occupation.

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

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.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan PL010
Plan 2 - Site Layout Plan PL011
Plan 3 - Existing Floor Plan PL012



DO NOT SCALE, IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to
 G. H. JOHNSTON Building Consultants Ltd



KEY

- site boundary
- landownership

site area : 3550 sqm
 (0.877 acres)

PLANNING APPLICATION

REVISIONS

rev.	description	date

Client
Stuart Dickson

Project
**Change of Use
 Duthill
 Carrbridge**

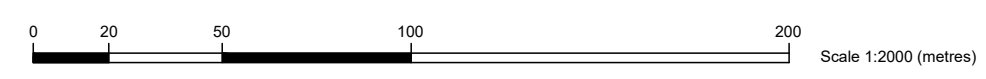
Drawing
Location Plan

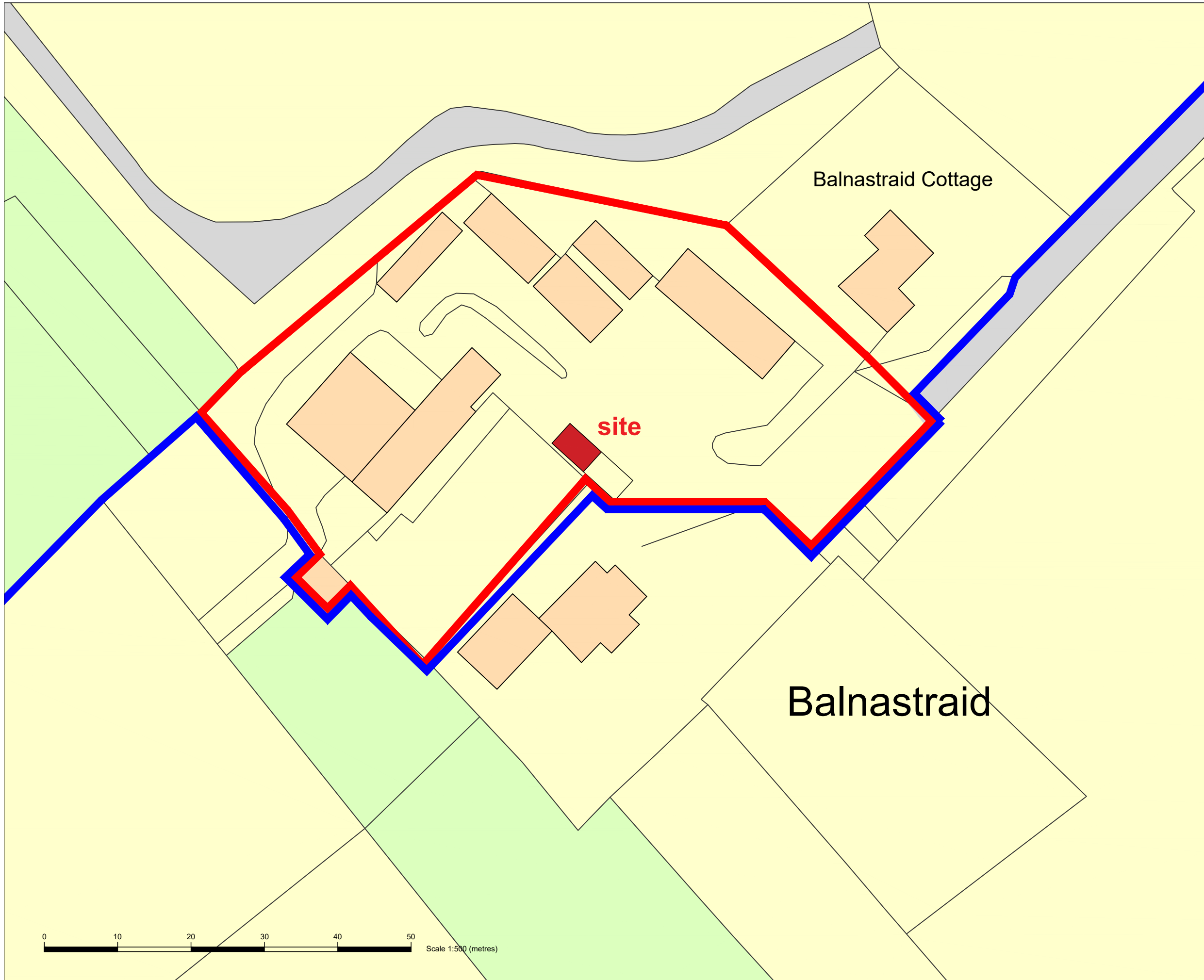
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Project no 2478	Dwg no PL010	Rev
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PLANNING APPLICATION

REVISIONS		
rev.	description	date

Client
 Stuart Dickson

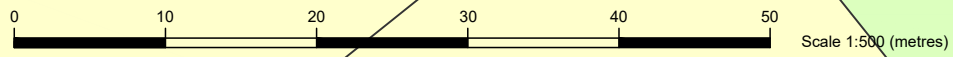
Project
 Change of Use
 Duthill
 Carrbridge

Drawing
 Site Plan

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Project no 2478	Dwg no PL011	Rev

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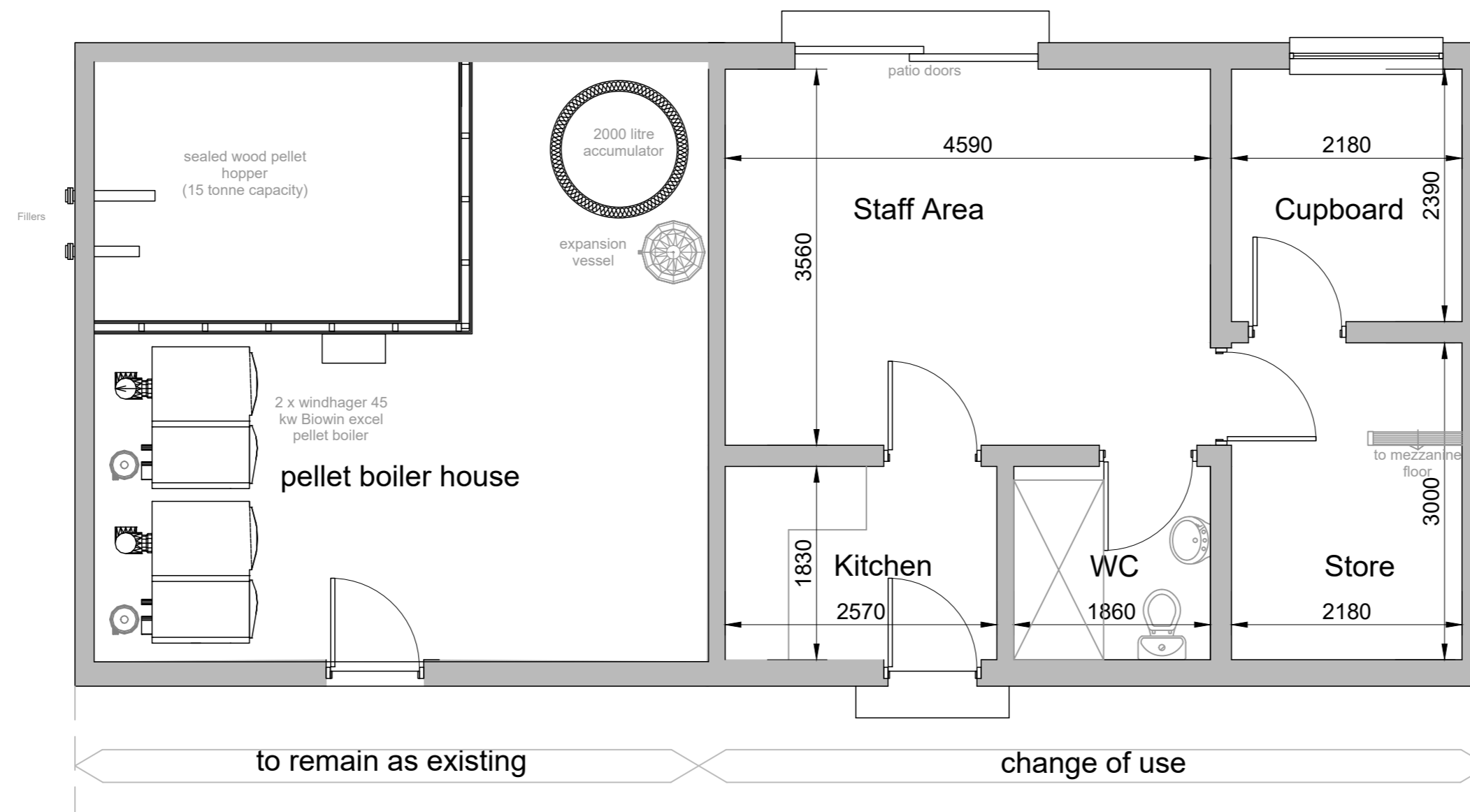
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NOTE :
 The proposal is for change of use for part of the existing building and involves no building alterations



UPPER FLOOR PLAN



GROUND FLOOR PLAN
 Floor area 39 sqm

PLANNING APPLICATION

REVISIONS

rev.	description	date

Client
 Stuart Dickson

Project
 Change of Use
 Duthill
 Carrbridge

Drawing
 Staff Welfare - Existing Building
 Floor Plans

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Project no 2478	Dwg no PL012	Rev
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