

Agenda Item	5.7
Report No	PLS-044-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 18 August 2020

Report Title: 20/01731/FUL: Mr Colin Souter
30 Balmakeith Park Nairn IV12 5GP

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Conversion of garage to self-contained accommodation

Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: Objection from Nairn River Community Council

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 convert the existing garage to a self-contained accommodation unit. This is a retrospective application and so the work involved in the conversion has already taken place.
- 1.2 The physical changes are largely internal with a number of doors and windows being the only external changes. An internal staircase connects the garage to the rest of the house above.
- 1.3 Pre Application Consultation: none
- 1.4 Supporting Information: Supporting statement
- 1.5 Variations: none

2. SITE DESCRIPTION

- 2.1 The site is a detached property at the end of Balmakeith Park which is a residential cul-de-sac in Nairn. The houses along the rest of the street are similar detached properties which are well spaced.
- 2.2 The garage is at the same / partly below the level of the adjacent house to the North East and accordingly overlooking/intervisibility between the two is limited. There is ample parking provision with space for 6 cars.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Neighbour
Date Advertised: 16.06.2020
Representation deadline: 30.06.2020
Timeous representations: 1
- 4.2 Considerations raised are summarised as follows:
 - a) Unsuitable location for a short-term holiday let due to it being in an entirely residential area on the outskirts of town.
- 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 **Nairn River Community Council** (06.07.2020 & 30.07.2020) – request to be a statutory consultee (28.06.2020).

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions

6.2 Inner Moray Firth Local Development Plan 2015

No site specific policies apply.

6.3 Highland Council Supplementary Planning Policy Guidance

House Extensions and other Residential Alterations (THC Planning Guidance)
(May 2015)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 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) impact on character of the area and residential amenity

Development plan/other planning policy

8.4 The conversion of the garage to residential accommodation does not require Planning Permission; the provision of letting this space, or another part of the house is not a matter over which the Planning Authority has control. Bed and Breakfast provision from the house could be undertaken (as set out by Class 9 of the Use Classes Order) with a maximum of 2 bedrooms being used for this without the need for Planning Permission.

8.5 The house can, at this time, be let by the owners if they wished, again without requiring Planning Permission; the provisions of the Planning (Scotland) Act

2019 relating to areas of short term let control have not been taken further by Highland Council.

- 8.6 The applicants have nevertheless chosen to make a Planning Application for the conversion of the garage to self contained accommodation, and accordingly, the Planning Authority are required to consider the submission on its merits.
- 8.7 The use of the garage for accommodation is considered to accord with the Development Plan, whereby the site is a house within a residential area of Nairn.

Impact on character of the area and residential amenity

- 8.8 The physical conversion of the garage for accommodation is not considered to have a detrimental impact on neighbouring residential amenity, or the character of the area.

Other material considerations

- 8.9 Policy 31 requires that, where development proposals create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. For this proposal, no developer contributions are required.

Non-material considerations

- 8.10 New legislation - the Planning (Scotland) Act 2019 (s17, refers s26B of the TCP Act 1997) makes provision for a Planning Authority to designate areas of short term let control – This is due to come into place regarding short-term holiday lets and that this type of application should be deferred until the legislation is fully in place. The Council should progress work to regulate all or part of the Highland Council area as a short-term let control area.
- 8.11 May be acceptable for the conversion to be used for family or as a 'private let' for a local family or incoming worker.
- 8.12 Length of let, and the groups that such a let may be available to.
- 8.13 In the current (COVID) situation, many jobs in the tourism industry are already at risk and so encouraging this type of development could adversely affect the industry within Nairn.
- 8.14 Building Standards Regulations relating to the use/location of the emergency window, and the internal layout

Matters to be secured by Section 75 Agreement

- 8.15 None

9. CONCLUSION

- 9.1 The proposal is for the conversion of an existing integral garage to residential use. The works do not require Planning Permission; however, the applicant has chosen to make application and accordingly, the Planning Authority are required to consider the submission on its merits.
- 9.2 The conversion of the garage is not considered to raise any material planning matters; the use of the garage for accommodation as part of the house is considered to be acceptable in amenity terms.
- 9.3 The letting of this space, or the rest of the house, whether for short or longer term, and to whom, is not a matter over which the Planning Authority currently has any control over.
- 9.4 In order to control the use of the accommodation, it is considered appropriate for a condition restricting the use of the accommodation as ancillary to the main house, and not as a principal private residence.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 self contained accommodation hereby approved shall be used as accommodation ancillary to the main house only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any calendar year.

Reason: To ensure that the development does not become used for permanent residential accommodation in recognition of the lack of private amenity space and in accordance with the use applied for.

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.

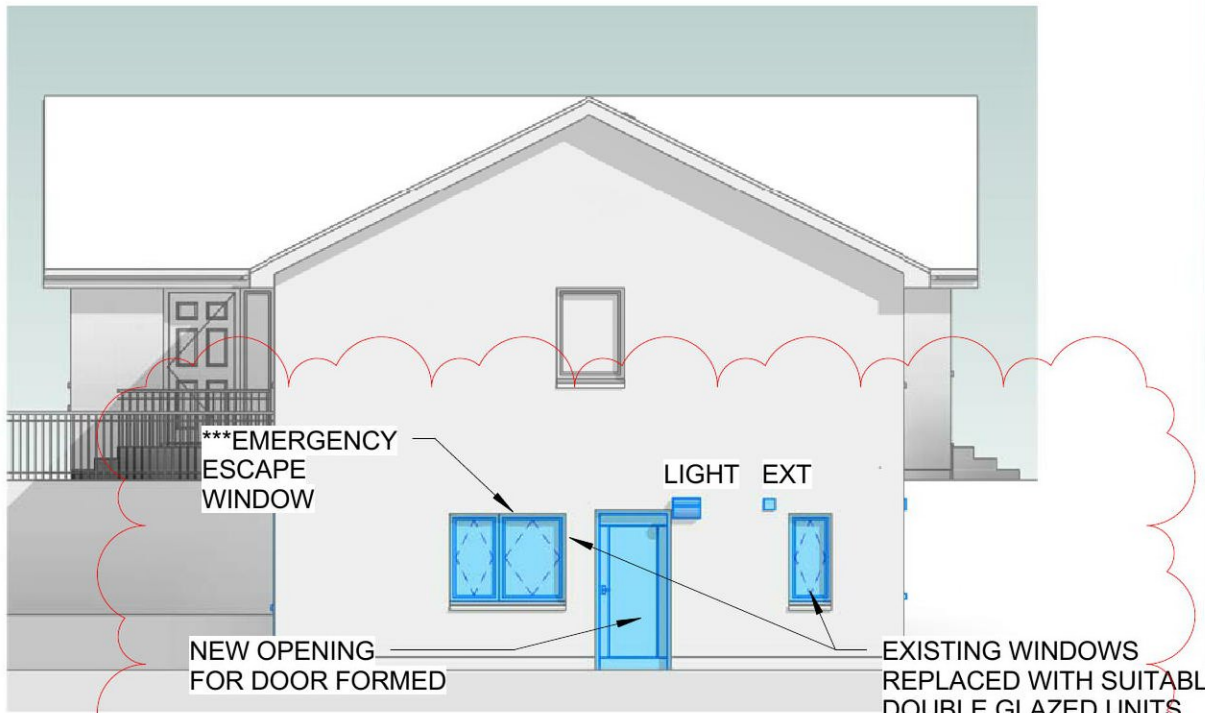
1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

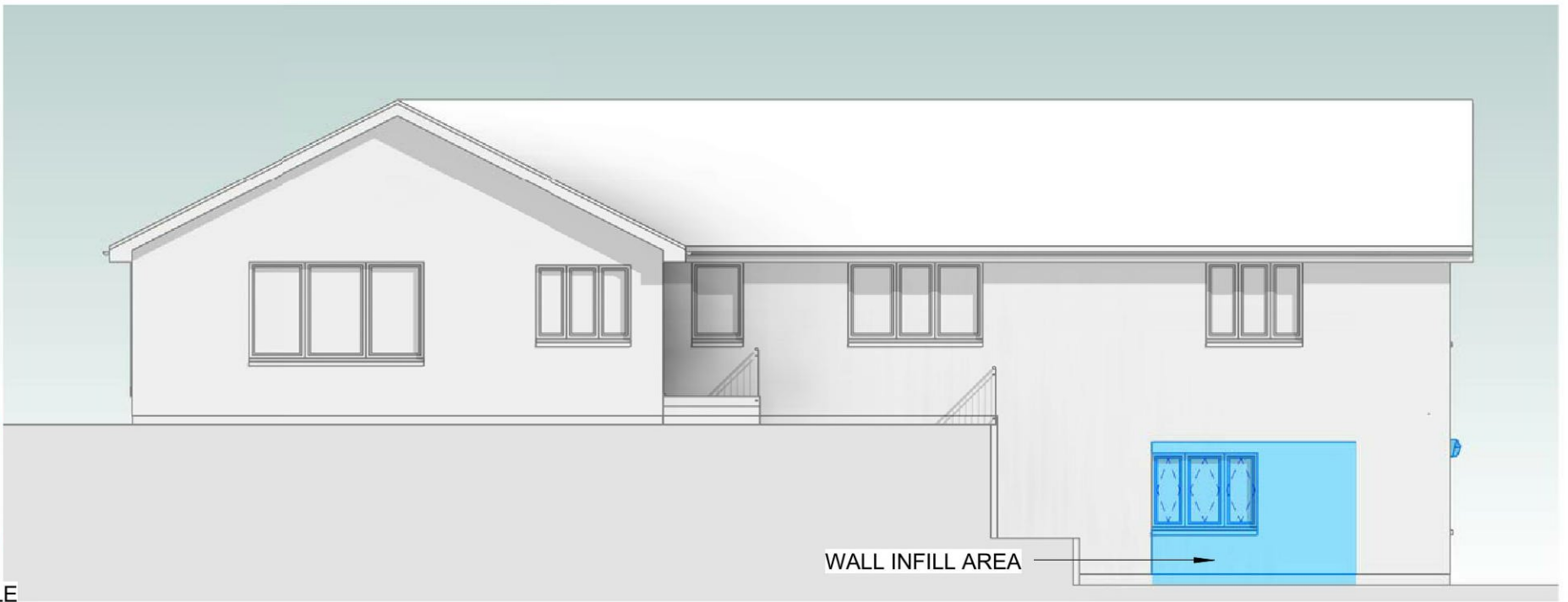
You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building 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.

Designation: Area Planning Manager - South
Author Lauren Neil
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan W001
Plan 2 - Proposed Elevation Plan W114
Plan 3 - Floor Plan W118



PROP SIDE

1 : 100



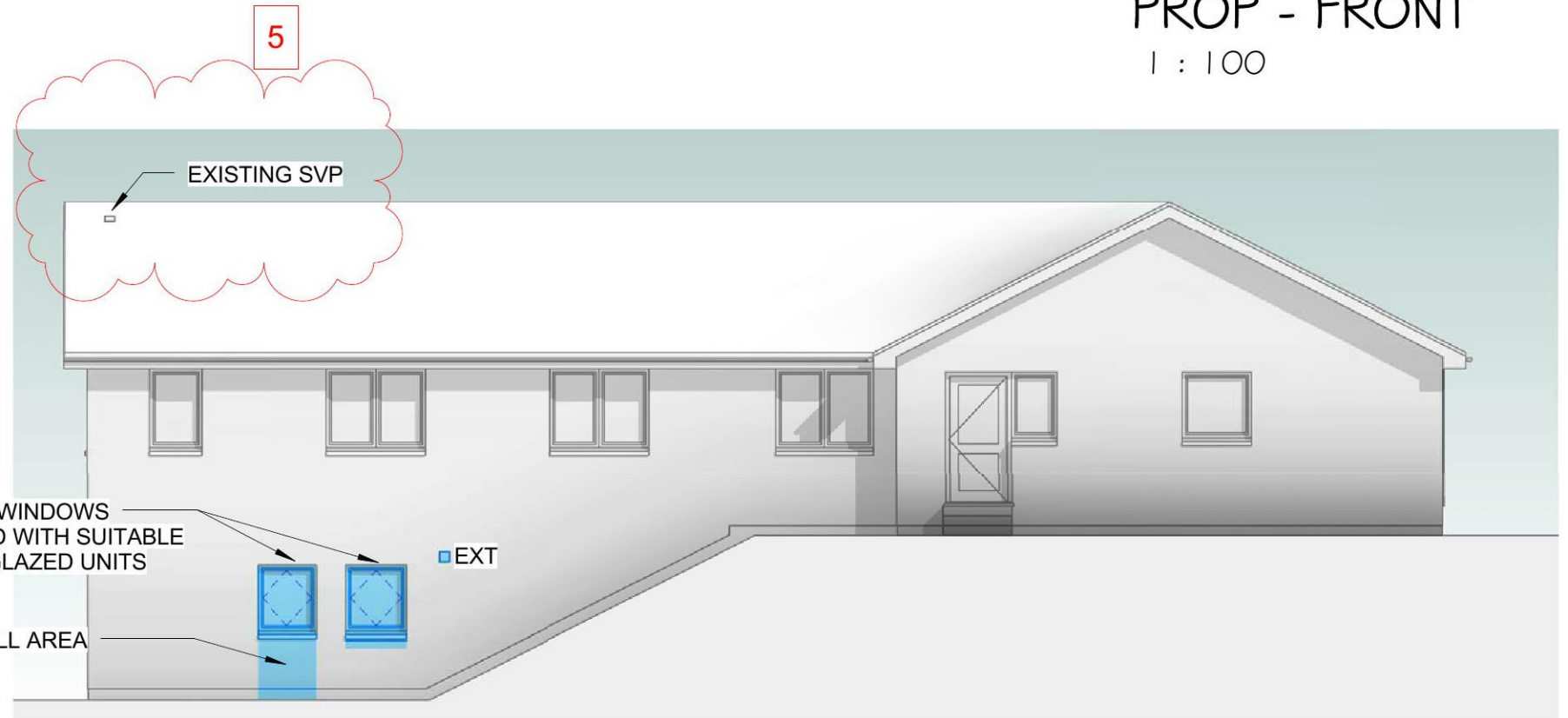
PROP - FRONT

1 : 100

ALL NEW WINDOWS TO BE INWARD OPENING - FULLY REVERSIBLE TO PREVENT HAZARD TO PERSONS WALKING ADJACENT TO WINDOWS.

3,10

***Escape windows -
The windows should have an unobstructed openable area that is at least 0.33m² and at least 450mm high and 450mm wide. The route through the window may be at an angle rather than straight through and the bottom of the openable area should be not more than 1100mm above the floor.



PROP - REAR

1 : 100



WARRANT

Drawing title PROPOSED ELEVATIONS		
Scale 1 : 100	Date May 2018	Revision A
Drwg No. W114*	Job No. 1046	Drawn MP
Client COLIN SOUTER		
Project PROPOSED GARAGE CONVERSION		
30 Balmakeith Park, Nairn IV12 5GP		



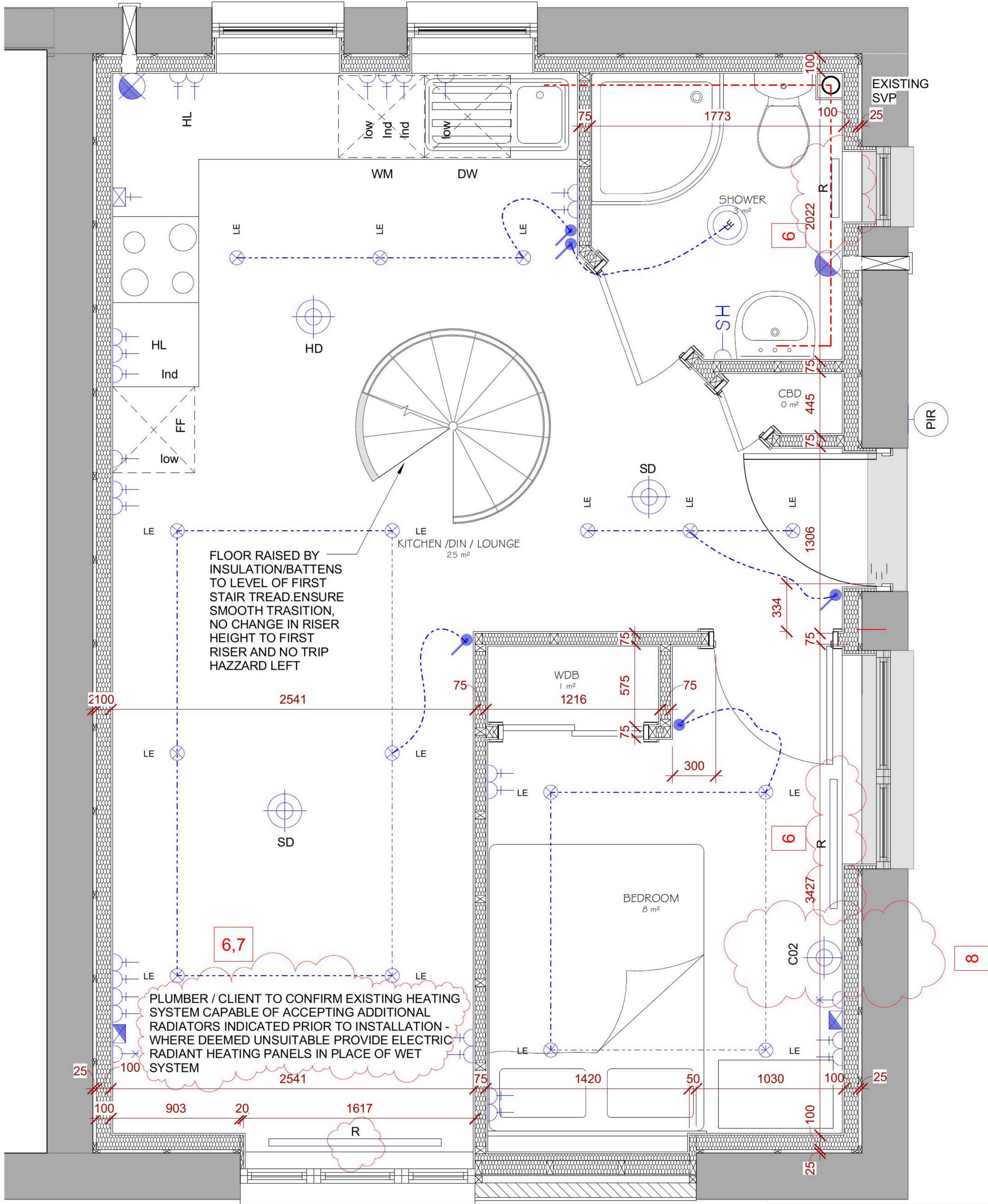
The Highland Council
Comhairle na Gàidhealtachd

The Highland Council Building Standards Service

Building Warrant reference 18/00914/DOM4

APPROVED 26.07.18

Glenn Campbell
Building Standards Manager



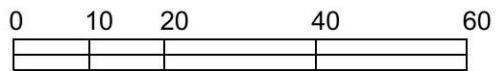
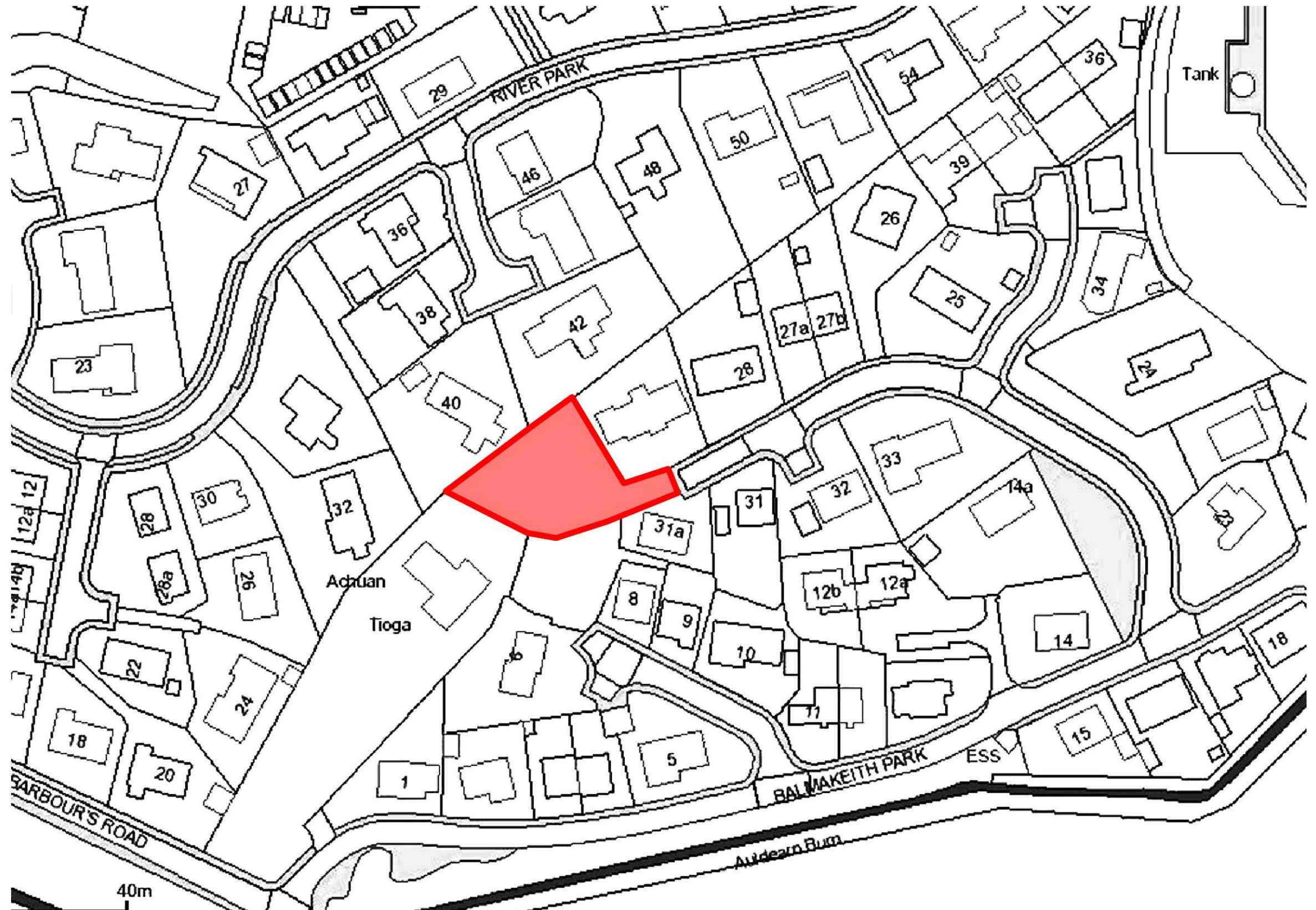
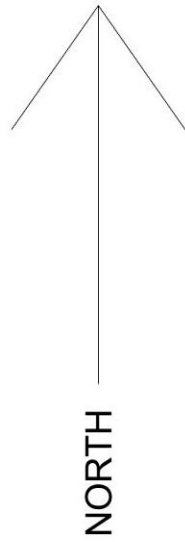
GARAGE FLOOR DETAILED

1 : 25

Client COLIN SOUTER	Drawing title DETAILED CONVERSION PLAN		
Project PROPOSED GARAGE CONVERSION	Scale 1 : 25	Date May 2018	Rev A
30 Balmakeith Park, Nairn IV12 5GP	Drwg No. W118*	Job No. 1046	Dra .


The Highland Council
 Comhairle na Gàidhealtachd

The Highland Council Building Standards Service
 Building Warrant reference 18/00914/DOM4
 APPROVED 26.07.18
 Glenn Campbell
 Building Standards Manager



SCALE 1:1000

40m



The Highland Council Building Standards Service

Building Warrant reference 18/00914/DOM4

APPROVED 26.07.18

Glenn Campbell
Building Standards Manager

Client
COLIN SOUTER

Project
PROPOSED GARAGE CONVERSION

30 Balmakeith Park, Nairn IV12 5GP

**Patience
Architecture**

Drawing title
SITE AND LOCATION

Scale 1 : 1000	Date May 2018	Revision .
Drwg No. W001	Job No. 1046	Drawn MP