

Agenda Item	6.3
Report No	PLN/049/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 24 November 2020

Report Title: 20/03592/FUL : Rebecca Main
Kirkton Bay House, Kirkton, Glenelg

Report By: Acting Head of Development Management - Highland

Purpose/Executive Summary

Description: Erection of annexe to main house for use as bed and breakfast rooms

Ward: 05 - Wester Ross, Strathpeffer And Lochalsh

Development category: Local development

Reason referred to Committee: Number of 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 as set out in section 9 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the erection of a single storey building within the garden ground of an existing dwelling house known as Kirkton Bay House. The proposed building would provide two en-suite bedrooms. No kitchen facilities are provided as the occupants would be served breakfast in the existing dwelling house.
- 1.2 The site is accessed from an existing lane which links to the western side of Glenelg's Main Street.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: The applicant has submitted a Supporting Statement which responds to the submitted objections. This statement has been revised following a re-positioning of the proposed building.
- 1.5 Variations: The application has been amended to move the proposed building approximately one metre to the west and to angle it further to the south west. The purpose of this amendment is to increase the separation from existing houses to the east and to avoid the need to fell existing trees, and as a consequence proposed new planting has now been omitted – drawing nos. 846-101 REV F and 846-102 REV A, received 28.10.2020.

2. SITE DESCRIPTION

- 2.1 The site comprises the extensive garden grounds of an existing dwelling house which lies to the north of the Glenelg Inn on the eastern shore of Glenelg Bay. Existing built development lies to the east of the site in the form of the Village Health Centre and a terrace of four dwelling houses which are Category 'B' Listed Buildings. Two further detached dwelling houses lies to the south east of the site.

3. PLANNING HISTORY

- 3.1 15.06.2007 06/00150/OUTSL - Erection of 1 House GRANTED (Outline)
- 3.2 27.05.2010 09/00287/FULRC - Erection of house (detail) PERMITTED
This development has been constructed and forms the existing house on the subject site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: No

Representation deadline: 17.10.2020

Timeous representations: 6 objections from 6 households, 1 supportive comment from 1 household, and 1 neutral comment from Glenelg and Arnisdale Community Council

Late representations: 1 objection from 1 household

4.2 Material considerations raised are summarised as follows:

- a) Adverse impact on the privacy and amenity of neighbouring houses to the east. **Officer comment:** The proposed building would be sited some 30m to the west of the nearest of these existing buildings. This is an extensive degree of separation which is considered more than sufficient to safeguard the privacy and amenity of these properties. In addition, the proposed building has no windows on the rear elevation (other than a small bathroom window which would have opaque glazing) which faces these buildings, so no issues arise in respect of overlooking.
- b) Loss of important public views over open water towards Kyclerhea involving conflict with HwLDP Coastal development Policy. **Officer comment:** There are no public views towards Kyclerhea which would be interrupted by the proposed building.
- c) Proposed planting could overshadow existing houses to the east. **Officer comment:** As noted above the application has been amended to remove this aspect of the proposal.
- d) Proposed external finishes not in keeping with nearby listed buildings or with existing house on the site. **Officer comment:** The proposed finishes of corrugated metal sheeting on the roof and vertical timber boarding on the walls are considered to be representative of the local building tradition and well suited to the modest scale of the proposal and are common in the locality.
- e) Road access through unlit gravel lane not suitable. **Officer comment:** It is not considered that the vehicular and pedestrian safety implications of the small amount of additional traffic which would result from the proposed development justify a refusal of the application.
- f) A previous application on the site was refused in 2006. **Officer comment:** The 2006 application listed in the Planning History section above was not refused. Permitted development rights were removed by condition given the large size of the consented site.
- g) Proposed building would not be an 'annexe' as it is too far away from the main house on the site. **Officer comment:** There is no requirement for a residential annexe to be sited within a prescribed distance from the main house. In functional terms the proposed building would operate as an annexe to the existing house on the site, and this can be ensured by condition.
- h) Each bedroom could be converted to a self-catering unit. **Officer comment:** A condition can be used to prevent any such occurrence.
- i) Proposal would not be compatible with the linear form of development which characterises Glenelg village. **Officer comment:** Glenelg village features several buildings which are set back from the village's Main Street – including the existing house on the application site, the Glenelg Inn and houses along the Cosaig Track. It is therefore considered that the existing development pattern is dispersed rather than linear, and that the proposed siting would not be in conflict with this existing pattern.

- j) Adverse effect on the setting of Listed Buildings and conflict with HwLDP Policy 57 in that the proposal would significantly degrade the landscape by not allowing the 'B' listed terrace to be fully viewed from the foreshore. **Officer comment:** The closest part of the proposed building would lie some 30m to the west of the closest part of the 'B' Listed terrace. It is considered that this degree of separation, allied to the modest footprint and single storey height of the proposed development mean that the setting of these listed buildings would not be adversely affected by the siting of the proposed building. The rear of the listed terrace is some 90m distant from the foreshore. The proposed building would result in a minor interruption from the view of the rear of these buildings (which features non-original additions) and is therefore not considered to adversely affect their setting within the local landscape.
- k) Conflict with WestPlan in that the proposal would increase Glenelg's over-reliance on tourism. **Officer comment:** WestPlan does not seek to prevent additional tourism-related development.
- l) Layout, siting and design are all well-considered within the context of adjacent buildings and the proposal will provide local economic benefits.

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 Historic Environment Team : Do not consider that the proposal would adversely affect the setting of the listed buildings to the east. It is recommended that the roof cladding should have a dark coloured 'wave' finish as proposed and that the rooflight in the rear slope should be conservation-style with a central glazing bar.

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
34 - Settlement Development Areas
35 - Housing in the Countryside (Hinterland Areas)
57 - Natural, Built and Cultural Heritage
66 - Surface Water Drainage

6.2 West Highlands and Islands Local development Plan 2019

Glenelg Growing Settlement

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Highland Historic Environment Strategy (Jan 2013)

7.2 **Scottish Government Planning Policy and Guidance**

Historic Environment Policy for Scotland April 2019

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. Sections 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities to have special regard to the desirability of preserving the setting of listed buildings.

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) siting, design and visual impact;
- c) effect on the setting of listed buildings;
- d) neighbour amenity
- e) access and parking

a) Development plan/other planning policy

- 8.4 In this case the Development Plan is comprised of the West Highlands and Islands Local Development Plan and the Highland-Wide Local Development Plan, the relevant policies of which are listed above. For the reasons set out below it is considered the proposal is in compliance with the Development Plan and National Planning Policy in respect of the Historic Environment.

b) Siting, Design and Visual Impact

- 8.5 As noted above the proposed position of the building within the application site is considered compatible with the local pattern of development which is dispersed around Glenelg's Main Street. As such, the proposed siting is supported.

- 8.6 The design of this modest structure respects the local vernacular due to its rectangular floorplan, single storey height, symmetrically pitched roof, and windows with a strong vertical emphasis. The external finishes of a corrugated metal sheet roof and timber boarded walls are also representative of the local building tradition. The design echoes that of traditional cottages found in the local area. On the basis of these factors it is considered that the visual impact of the proposal is acceptable, and that it would successfully assimilate into the local landscape setting. A

condition which controls the colour and profile of the roof finish is necessary, as these have not been specified on the submitted drawings.

c) Effect on the Setting of Listed Buildings

- 8.7 The proposed building would be positioned some 30m to the west of the listed buildings referred to above, opposite their rear elevations. Some of these rear elevations feature non-original additions. The building would be set down into the landform relative to the listed terrace below an existing bank and stone wall which would be retained. The eaves height of the proposal would be at roughly the same level as the top of this stone wall and would be lower than the ground floor level of the listed terrace. On the basis of the extensive degree of separation involved, the modest size of the proposed structure relative to the larger two storey listed buildings, and its lower level within the landscape setting than the listed terrace, it is considered that the setting of the listed buildings are affected and consequently does not adversely affect their setting. The requirements of HwLDP Policy 57(2) and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are therefore considered to be satisfied.

d) Neighbour Amenity

- 8.8 The extensive separation distance of some 30m from the proposed building and the nearest existing dwelling, as well as the fact that there would be no overlooking given that the rear elevation of the proposed building lacks any windows - other than a small bathroom window which would have opaque glazing - are considered sufficient safeguards in respect of the privacy and amenity of existing neighbours.

8.9 e) Access and Parking

The existing gravel track which would allow vehicles to access the site from Glenelg's Main Street already provides a satisfactory means of vehicular access to the existing house on the application site and to the rear of the Glenelg Inn. The additional traffic which would be associated with the proposal would not be significant and is not considered to be of sufficient scale to pose an unacceptable risk to vehicular or pedestrian safety. The agent has stated that the applicant does not currently provide Bed and Breakfast accommodation within Kirkton Bay House itself. This could have taken place with up to two bedrooms being used for this purpose without the need for planning permission. No more additional traffic would be generated by the proposal than could have occurred under the permitted development regime.

- 8.10 The submitted layout plan shows that the necessary car parking and turning spaces can be provided within the site, and the delivery of these spaces can be secured by condition.

Other material considerations

- 8.11 The use of the proposed building as a bed and breakfast annexe to the existing house within the site can be controlled by condition in order to prevent any unauthorised use of the building for any other purpose.

Non-material considerations

- 8.12 The issue which has been raised in submitted objections of whether the proposal might make it more difficult for the owners of holiday homes to find reasonably priced labour for laundry and cleaning requirements is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.11 None

9. CONCLUSION

- 9.1 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.

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

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

Conditions and Reasons

1. The roof of the development hereby approved shall be finished in a 50mm wave profile metal sheet coloured either black or dark grey. Any other colour or profile shall require the prior written approval of the Planning Authority.

Reason: To ensure a suitably recessive roof finish which is sensitive to, and compatible with, its context and local architectural styles.

2. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 846-101 REV F shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking and turning of cars, so they do not have to park within or reverse onto the public road.

3. The development hereby approved shall be used solely for sleeping accommodation as a bed and breakfast annexe to the dwelling house within the application site known as Kirkton House, and shall not be used as a dwelling house or as self-catering accommodation.

Reason: In order to enable the Planning Authority to retain effective control over the development, and in accordance with the use applied for.

4. The roof of the development hereby approved shall be finished in a 50mm wave profile coloured either black or dark grey.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

5. The rooflight in the rear roof slope of the development hereby approved shall be conservation-style with a central glazing bar.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

6. The window on the rear wall of the development hereby approved shall be fitted with obscure glazing.

Reason: In the interests of residential amenity.

REASON FOR DECISION

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 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 (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.

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.

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).

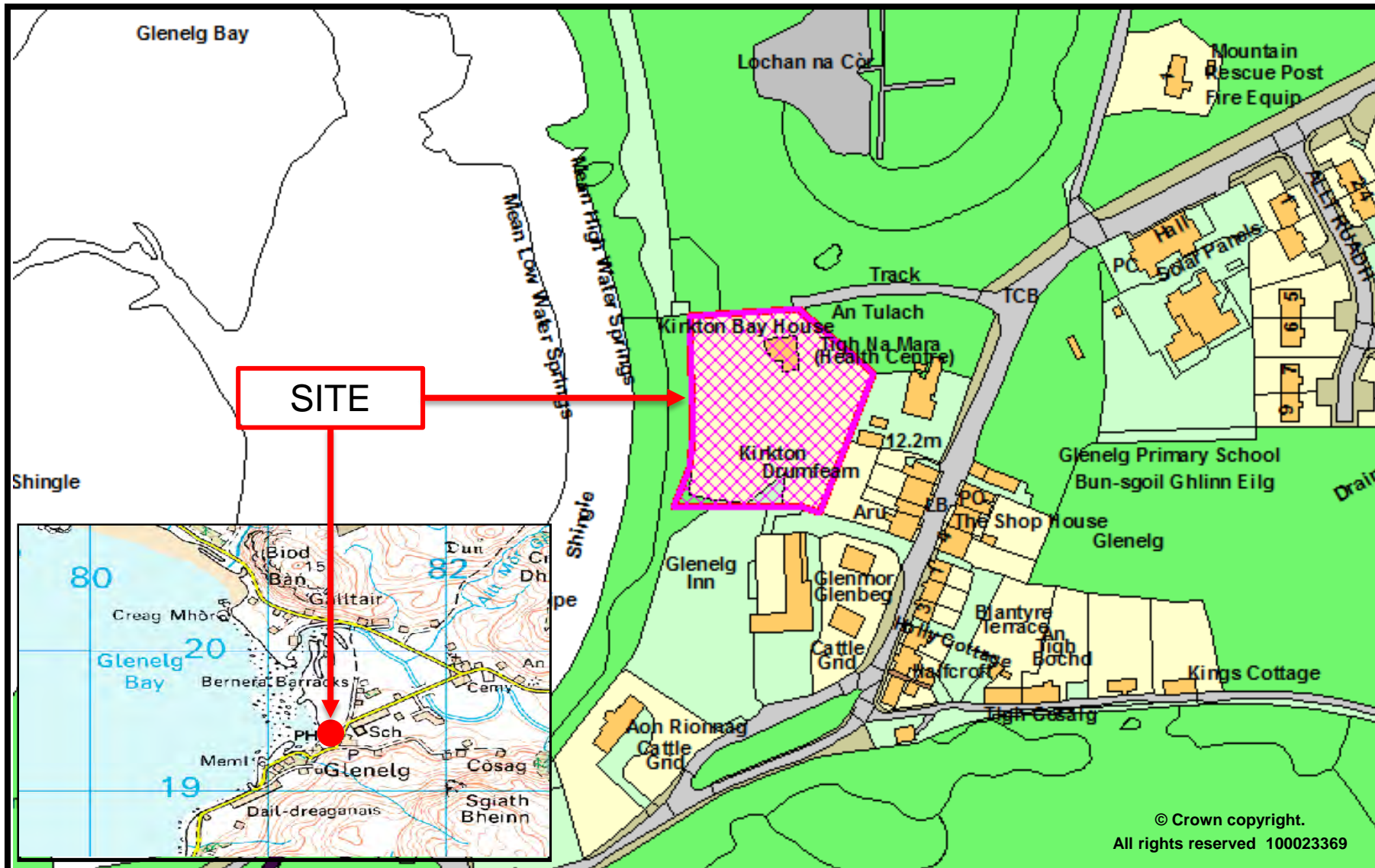
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

Designation: Acting Head of Planning and Development
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Committee Location Plan
Plan 2 - 846 100 REV B - Location Plan
Plan 3 - 846-101 REV F Site Layout, Elevations and Floor Plan
Plan 4 - 846-102 REV A Site Section



Planning and
Development Service

Location Plan
20/03592/FUL

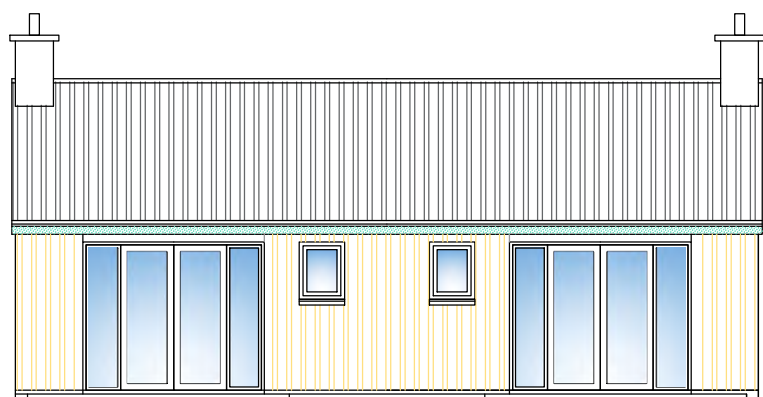
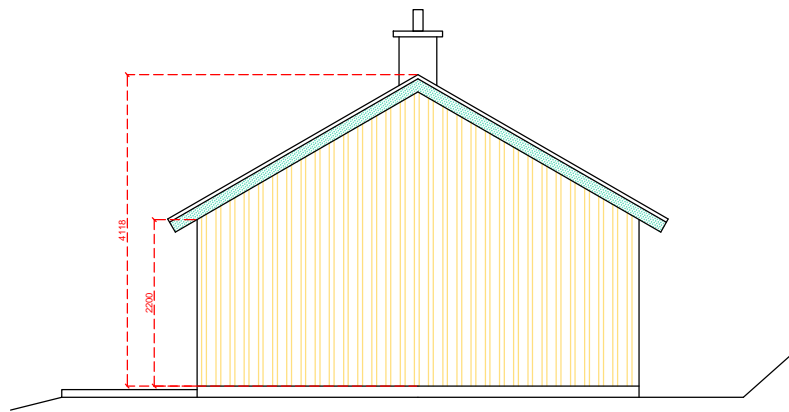
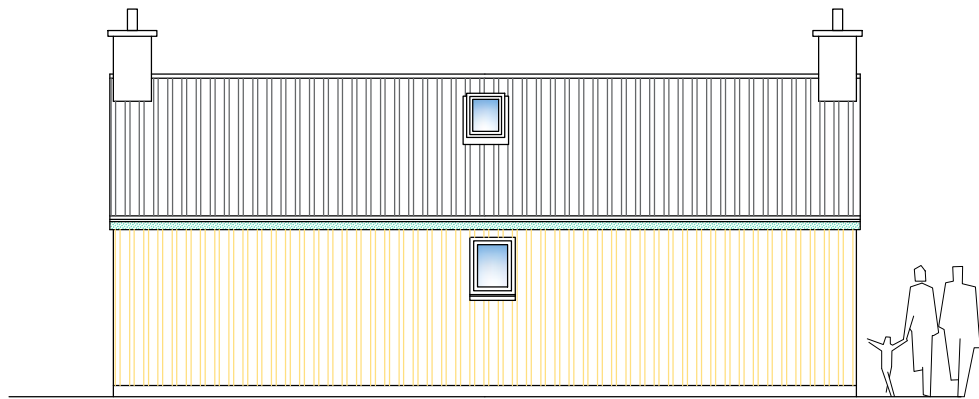
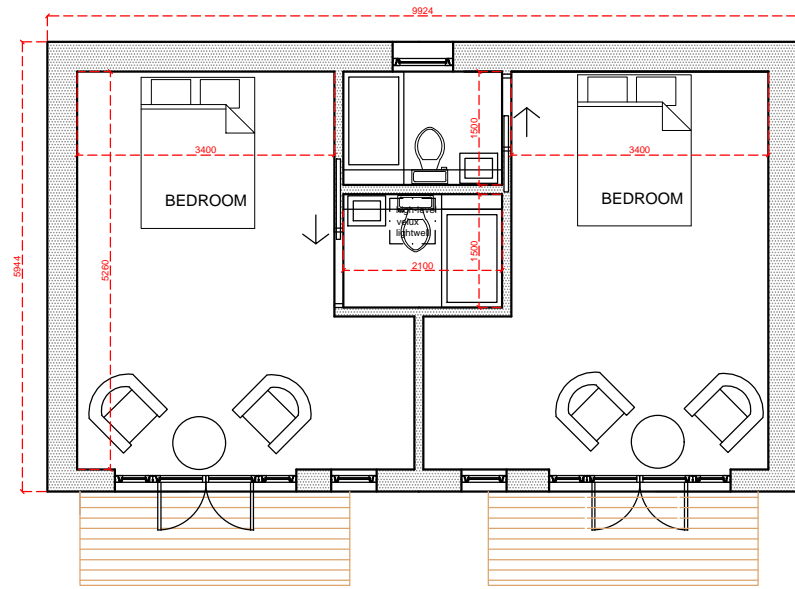
Erection of annexe to main house for use as bed and breakfast rooms

November 2020

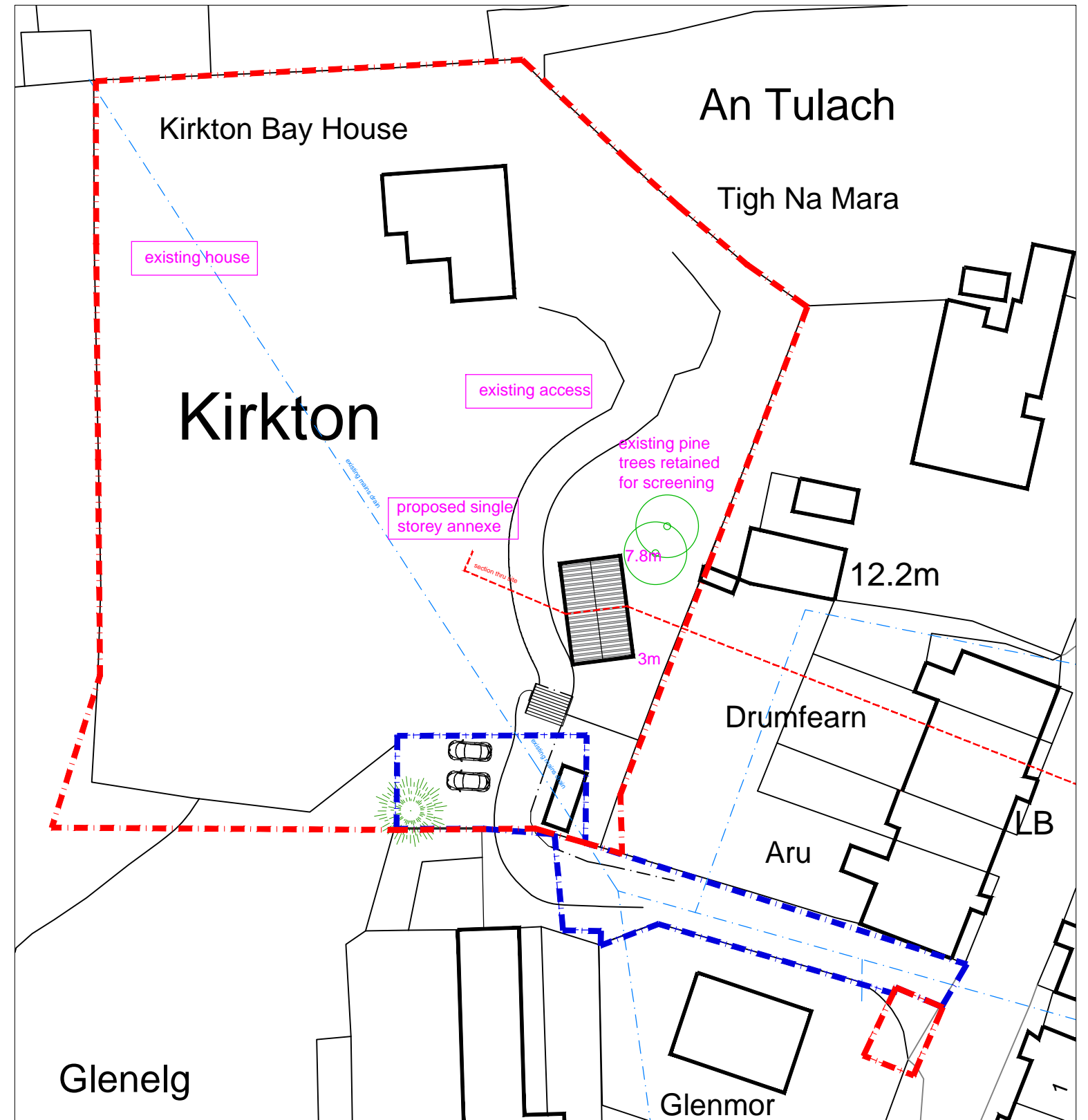


Scale:

PROPOSED ANNEXE PLANS + SITE PLAN



annexe plans 1-100



site plan 1-500

kirkton bay house : glenelg



PROPOSED ANNEXE

formed in simple timber framed building ; well insulated and with plenty glazing towards sea views.

To be used as for short term holiday accommodation run from the main house.

Walls to be clad in cream painted vertical timber with stained timber windows and detailing. Roof in corrugated sheet metal

chartered architect
broadford : isle of skye

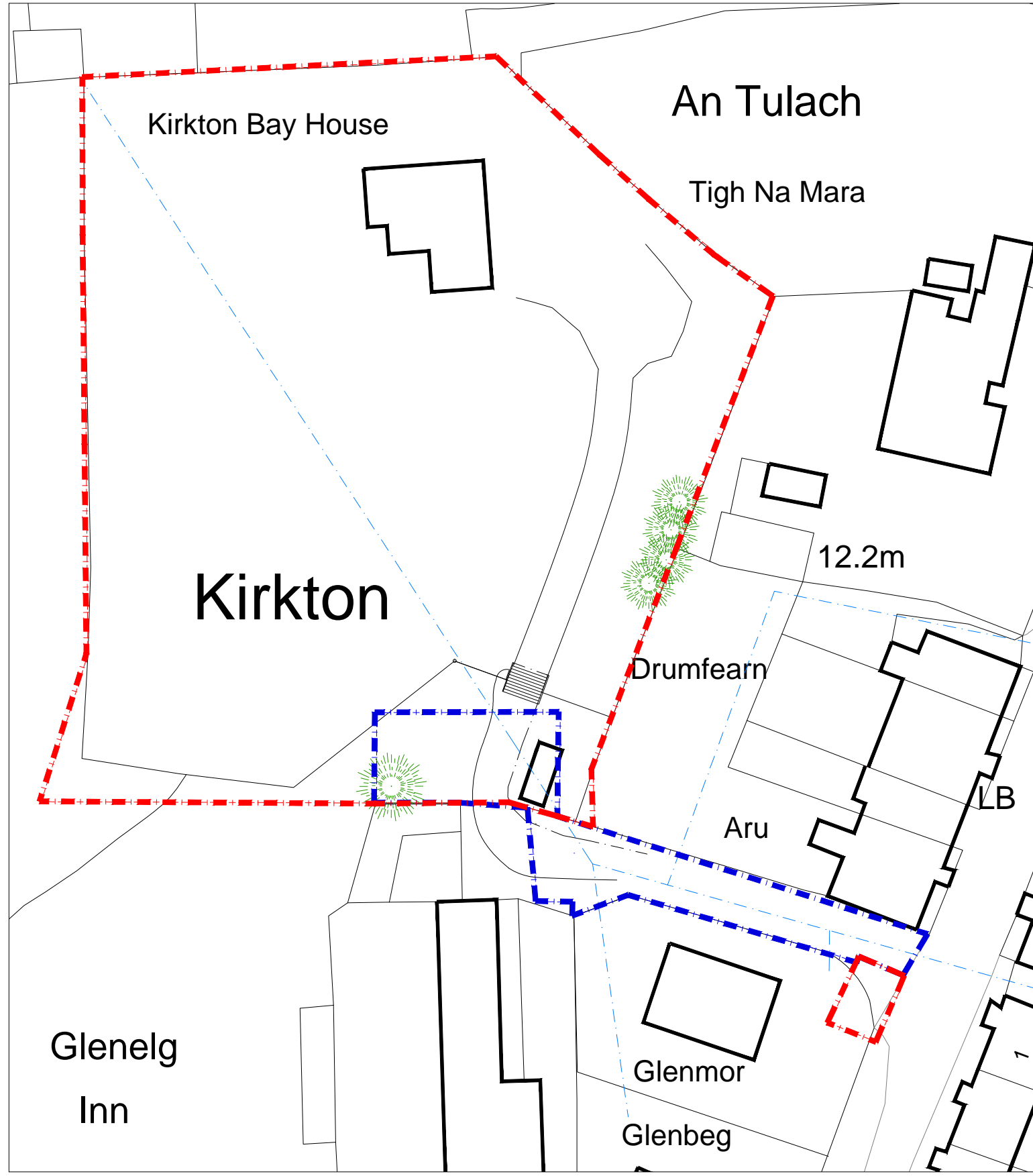
<http://www.grigor-taylorassociates.co.uk>
tansygd@btinternet.com : 07720059219

gta

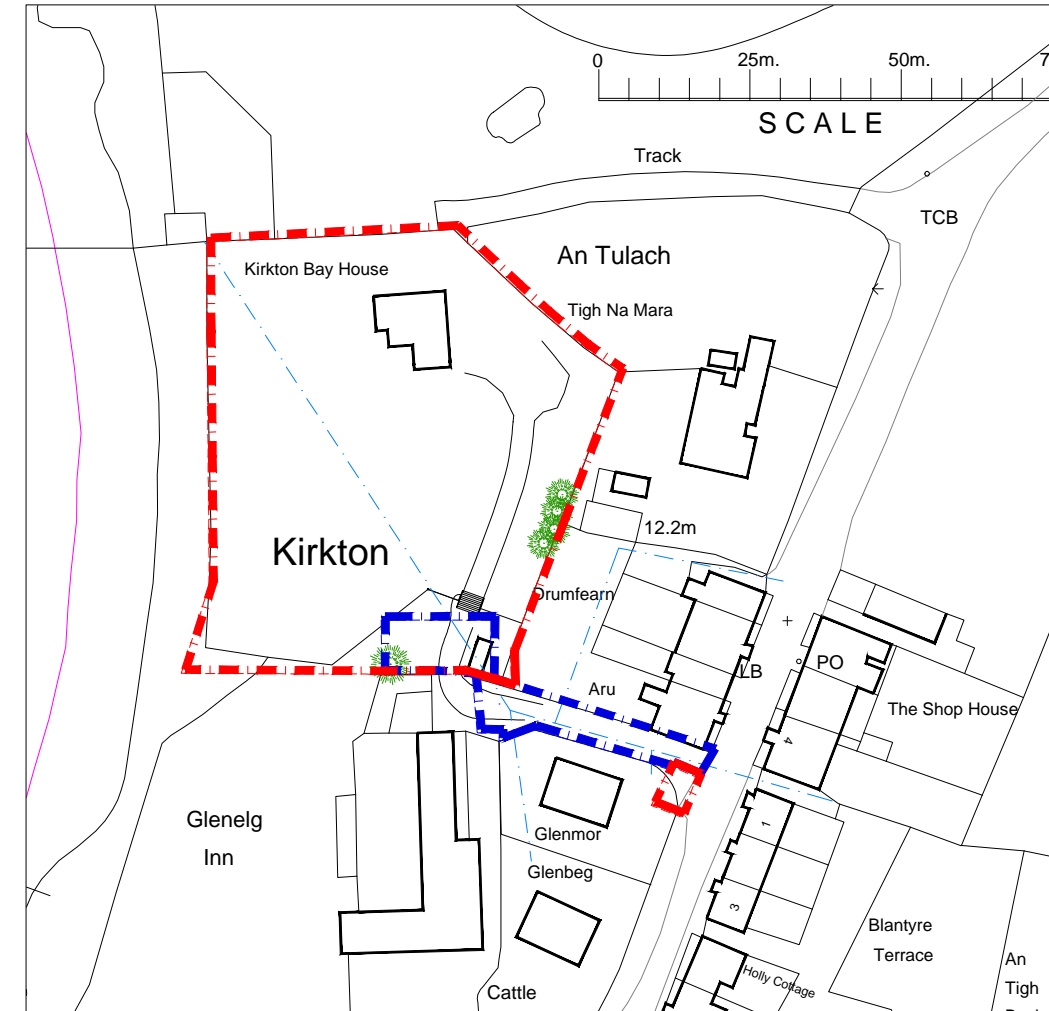
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for rebecca main
scale 1-100/500@a3
dwg no. 846-101f

grigor-taylor associates
chartered architect

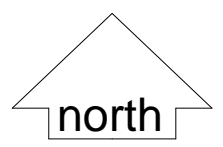
EXISTING LOCATION + SITE PLANS



site plan 1-500



location plan 1-1250



EXISTING SITE PLAN

red line denotes approximate line of site pertaining to kirkton bay house, as taken from title deed plans
 blue line denotes approximate line of right of access to Glenelg Inn.

Land ownership information all taken from plans passed by client ; no formal site survey undertaken. Line of water main taken from plan passed by client , requires formally located by services prior to works

Chartered architect
 broadford : isle of skye
<http://www.grigor-taylorassociates.co.uk>
 tansygd@btinternet.com : 07720059219

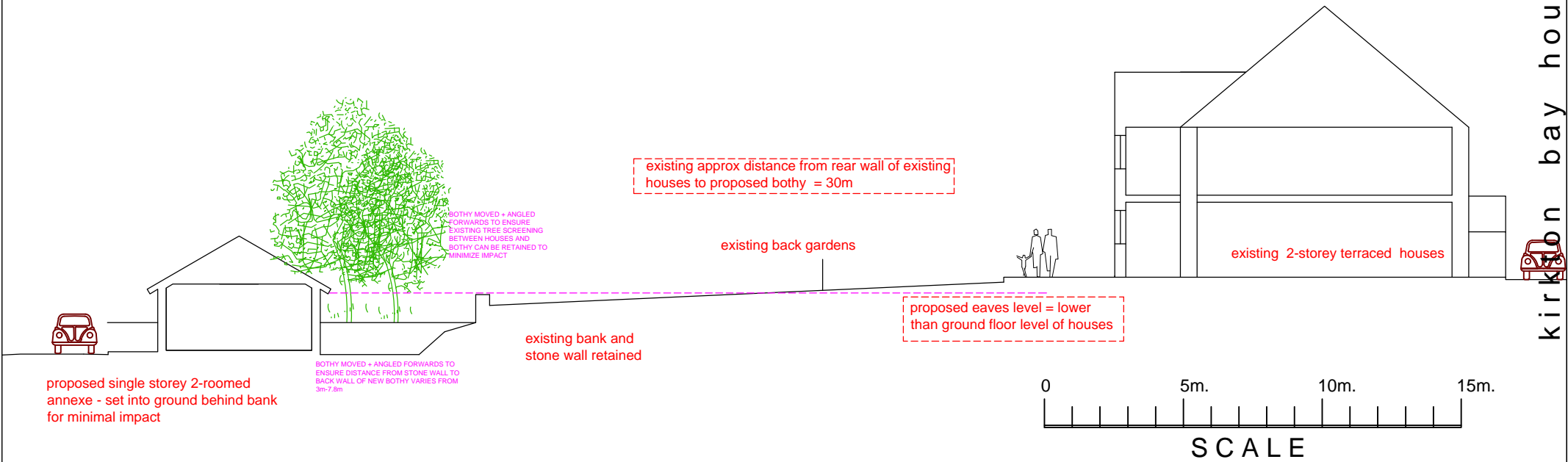
proposed annexe : kirkton bay house
 for rebecca main
 scale 1-1250/500@a3
 dwg no. 846-100b



kirkton bay house : glenelg

PROPOSED SITE SECTION 1-200

kirkton bay house : gleneilg



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proposed annexe : kirkton bay house
for rebecca main
scale 1-200@A4
dwg no. 846-102A

