

Agenda Item	6.11
Report No	PLS-014-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 03 February 2021
Report Title: 20/03595/FUL: Paul Wood
Land 30M East of Mill of Garlyne, Nethy Bridge
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use and conversion of garage to form two holiday letting units
Ward: 20 – Badenoch and Strathspey
Development category: Local

Reason referred to Committee: More than 5 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 Planning permission is sought for the change of use and conversion of a garage to form two holiday letting units.
- 1.2 The site is accessed by a single-track road which runs to the south of the existing building and meets the public road to the south east and to the south west of the site. The access track is shared with a number of houses as well as some existing holiday letting properties. Two parking spaces are to be created within the building curtilage.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Response from applicant responding to public comments.
- 1.5 Variations: Amended site plan submitted showing details of septic tank, revised boundary fence and additional 4 parking spaces to further accommodate the existing holiday unit to the south as well as the proposed 2 letting units.

2. SITE DESCRIPTION

- 2.1 The site is an existing detached building used as a garage for up to 2 cars with some additional storage space. It is located on the outskirts of Nethy Bridge to the west of Mill of Garlyne. The building is a T-shaped roughcast, steeply pitched metal sheet roofed structure measuring 22m long and 8.27m at its widest point.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown neighbour
Date Advertised: 01.10.2020 & 15.10.2020
Representation deadline: 29.10.2020
Timeous representations: 10
Late representations: None
- 4.2 Material considerations raised are summarised as follows:
 - a) Noise and Impact on neighbouring amenity;
 - b) Access, road safety and parking;
 - c) Excess traffic
- 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 Officer:** No objection. Site has previous use as an agricultural building. An agricultural building questionnaire has been completed. This indicated

that the roof sheets of the existing structure are suspected to contain asbestos. It is therefore recommended an informative is attached to any permission.

5.2 **Environmental Health Officer:** No objection but advised that a condition relating to the proposed heat pump be attached to any permission given.

5.3 **Cairngorm National Park Authority:** No call-in

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorm National Park Local Development Plan 2015

Policy 2 - Supporting Economic Growth

Policy 3 – Sustainable Design

Policy 10 – Resources

6.2 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013)

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

7.2 Cairngorm National Park Local Development Plan 2020

Policy 2 – Supporting Economic Growth

Policy 3 – Design and placemaking

Policy 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) design
 - c) residential amenity
 - d) access, road safety and parking
 - e) drainage arrangements
 - f) any other material considerations.

Development plan/other planning policy

- 8.4 Policy 2: Supporting Economic Growth of the Cairngorms Local Development Plan supports tourism development where it has no adverse environmental impacts on the site or neighbouring areas and makes a positive contribution to the experience of visitors. 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 and space for off-street parking. Policy 10, which relates to servicing infrastructure, also requires to be considered.

Design

- 8.5 The overall design of the building is not due to significantly change with largely internal alterations being proposed, with the building being split into two equally sized units containing a bedroom/en-suite, living room/kitchen, and bathroom. The existing lean-to extension on the north-east elevation is to be extended upwards in height by 140mm. New rafters are proposed at a steeper pitch of 17 degrees rather than the existing 10 degrees. The change in pitch means that the rafters will tie into the existing roof approximately 900mm higher than they previously did.
- 8.6 Other external changes include blocking up the garage door on the south east gable with timber cladding to form a high-level landscape window for daylight and cutting down the external wall on the north west gable for the large lounge window. Decked areas are proposed to the rear of the building extending from the north east elevation.
- 8.7 Aside from the above, as well as the removal and addition of windows and doors, all alterations are to be internal. The external materials are to be a black corrugated sheet roof, repainting of the existing wet dash walls, and selective cladding of walls with larch. These materials finishes upgrade the existing and are considered to be in keeping with the local character of the area.

Residential Amenity

- 8.8 The property to the south of the site (The Maltings) is also owned by the applicant and is used as a large holiday let. The property to the west of the site (Mill of Garlyne)

is the closest neighbour and is located 12m from the proposed holiday units. The outbuildings within the curtilage of Mill of Garlyne are located 7.5m to the north west.

- 8.9 Representations from neighbours raise concerns that the result of this development would significantly impact upon their amenity. It is proposed that a 1.8m high double slatted fence be erected on the boundary of the holiday lets which will screen the new development from the neighbouring property. The holiday lets are to have a limited capacity of just two people per unit making it less likely that noise will cause amenity issues.
- 8.10 It is not considered that the proposed development would result in any overshadowing of the neighbouring property to the west as the proposed alterations in height to the building are relatively small and on its north east elevation, which does not face towards the neighbouring property.

Access, Road Safety and Parking

- 8.11 The proposal utilises an existing access track from the public road. Representations suggest that the proposal would lead to increased traffic and have a detrimental impact on the 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 new accommodation units.
- 8.12 The site is to be accessed from the eastern track. There is a right of way located between the site and The Maltings. Two parking spaces are proposed within the site boundary, one for each of the holiday units with further room to safely turn.
- 8.13 Representations express concern with users of The Maltings blocking the right of way. There are 2 existing car parking spaces servicing The Maltings which are located outwith the application site boundary. In response to representations, the applicants have indicated the provision of an additional 4 parking spaces outwith the site boundary (to the east of The Maltings) which will serve as overflow for both The Maltings and the proposed new accommodation units.

Drainage Arrangements

- 8.14 It is proposed that the accommodation units will utilise the existing foul water drainage system which currently services The Maltings. It is located to the south of The Maltings and would be considered an acceptable means of drainage.

Other material considerations

- 8.15 None

Non-material considerations

- 8.16 Representations relate to:
- noise created by the existing holiday let at The Maltings to the south of the site – the proposal does not relate to The Maltings. It should be noted that

this would be a matter for Environmental Health to assess in relation to a statutory noise nuisance

- upkeep of the private access track - this is a civil matter for private parties with an interest in the track to address and resolve

Matters to be secured by Section 75 Agreement

8.18 None

9. CONCLUSION

9.1 The Development Plan promotes economic development in the form of tourist accommodation where it makes a positive contribution to the experience of visitors and adds to or extends the core tourist season. Due to the building already existing and therefore this proposal being for a change of use, it is not considered that there will be any significantly detrimental impact on the built environment.

9.2 While neighbouring residents express concerns with regard to an increase in traffic, noise and general activity, it is considered that this particular proposal is unlikely to have such impact due to its limited capacity, with two one-bedroom holiday units. Although there may have been issues in the past with larger holiday lets in the surrounding area, applications have to be assessed on their individual Planning merits; it is considered unlikely that this proposal, due to its scale, will have any similar impact. Notwithstanding this, it is up to a developer to provide effective management of holiday letting accommodation; and for Environmental Health to assess any complaints arising in relation to noise nuisance.

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. 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. Prior to the commencement of any development on site, the developer shall have undertaken an Asbestos Refurbishment/Demolition survey of the building, and that the results, along with any mitigation measures required to treat/remove contamination (a remedial strategy to ensure that the site is fit for the uses proposed) at a suitably licensed facility in accordance with the Control of Asbestos Regulations 2012, shall be submitted for the assessment

by, and approval in writing of, the Planning Authority, in consultation with the Contaminated Land Authority.

The development shall thereafter be undertaken in accordance with the approved mitigation measures; and that any waster transfer notes shall be retained for future inspection by the Planning and Contaminated Land Authority (land.contamination@highland.gov.uk). For the avoidance of doubt, the approved remedial strategy shall be implemented prior to any other development commencing on the building.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

2. The heat pumps shall be installed in accordance with the Microgeneration Scheme guidance: - MCS 020 MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises. For the avoidance of doubt, the noise standards stipulated in the guidance shall apply to the cumulative noise from both the installed ASHP's.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

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 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.

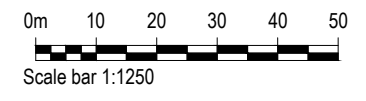
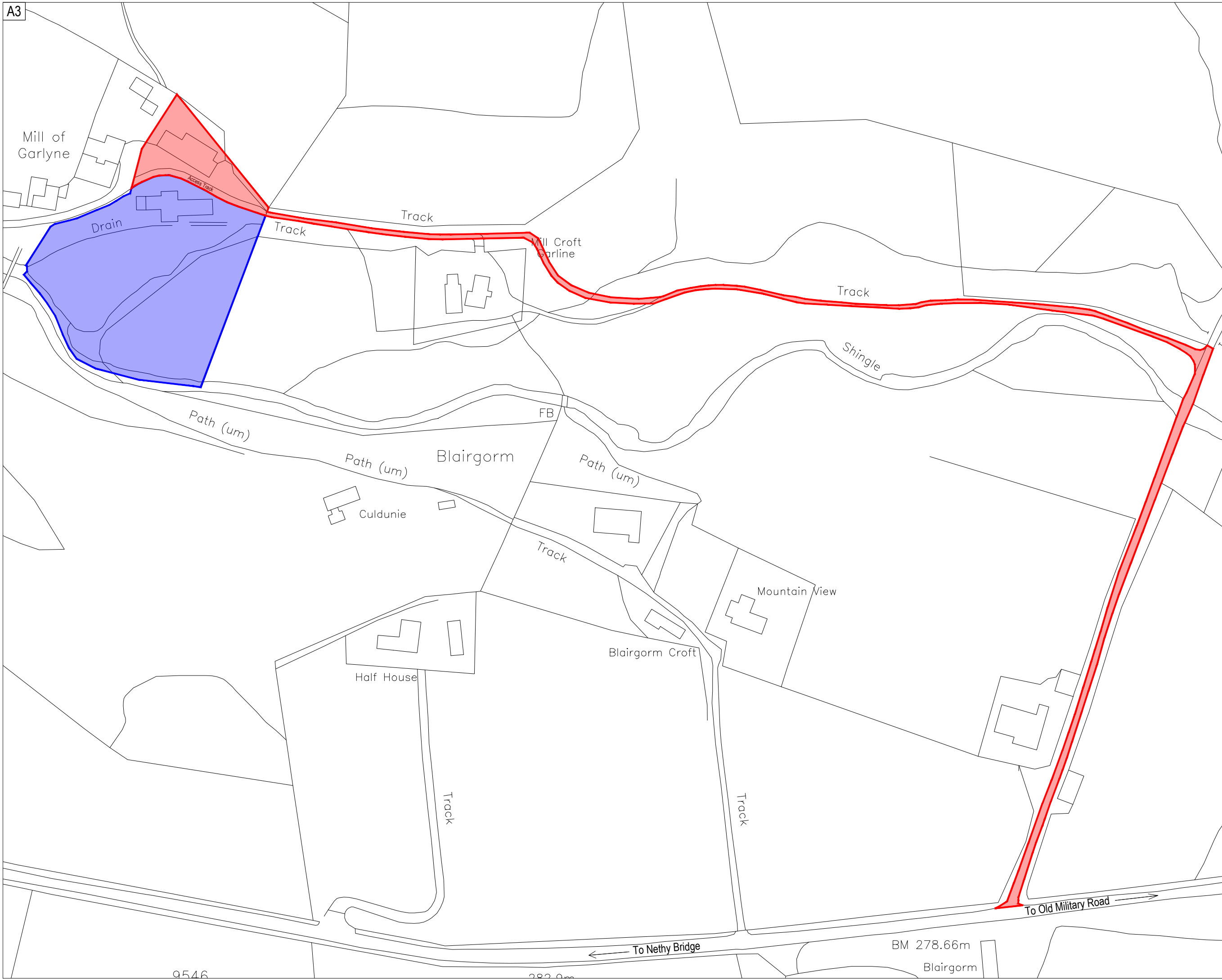
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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

Designation: Area Planning Manager – South
Author: Lauren Neil
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - LP-01 REV B – Location Plan
Plan 2 - SP-01 REV B – Site Layout Plan
Plan 3 - PL-01 – Floor/Elevation Plan
Plan 4 - PL-02 – Floor/Elevation Plan
Plan 5 - SP-02 – General Plan – Plot Works

Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. "DO NOT SCALE". The copyright of this drawing and design remain the sole property of the designer and must not under any circumstance be reproduced in any way without express written consent.



- Site referred to in application
- Land owned by applicant outwith application boundary

Rev	Date	Remarks	By	Ch.
B	01.10.20	Red line boundary updated to include access track to public road per planning comments 01.10.20		
A	30.09.20	Access track added within red line boundary		

Project			
Mr & Mrs Wood Proposed Conversion of Existing Garage Former Cow Shed, Nethy Bridge			
Drawing Planning Application Location Plan			
Scale	Date	Drawn by	Checked by
1:1250 @A3	Sept 2020	--	--
Drawing no. LP_01	Rev		B

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- Site referred to in application
- Land owned by applicant outwith application boundary
- Hatch denotes right of way per title number: **INV10068**.

Note:
 Surface water drainage to connect into existing surface water drainage system on site.

Proposed foul water drainage to connect into existing Tricel treatment plant.

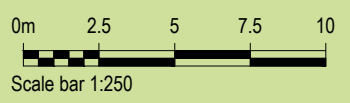
Geotechnical Engineer to confirm existing foul water treatment plant is capable of coping with additional capacity prior to works beginning on site. Findings / report to be passed to Highland Council.



Proposed foul water drainage system to connect into existing foul Tricel treatment plant currently serving 'The Maltings', all new drainage to be 110mm dia and laid at a 1:80 fall with shallow inspection chambers and rodding eyes at each change in direction.

Existing Tricel treatment plant position

Assumed line of existing drainage.



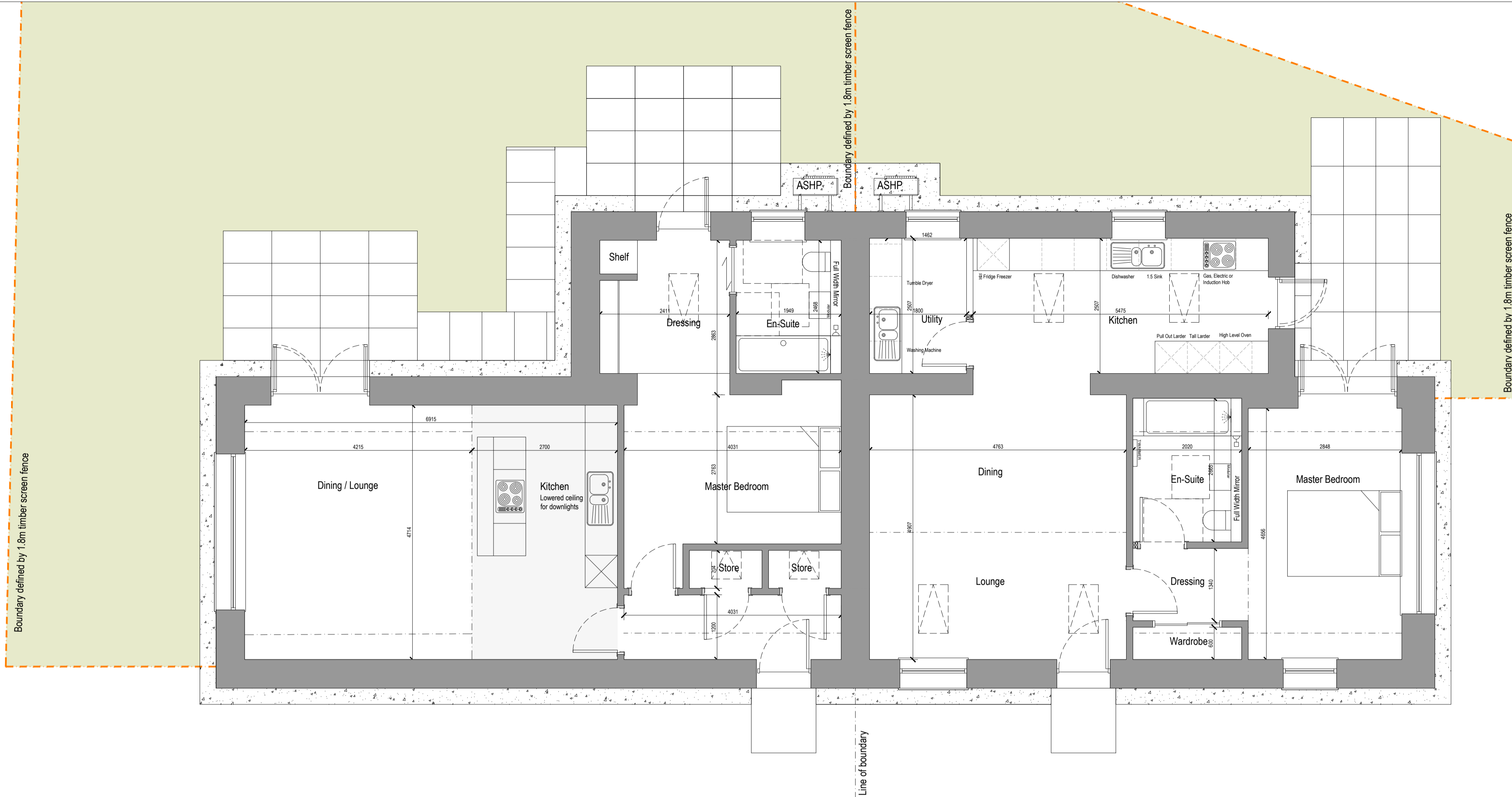
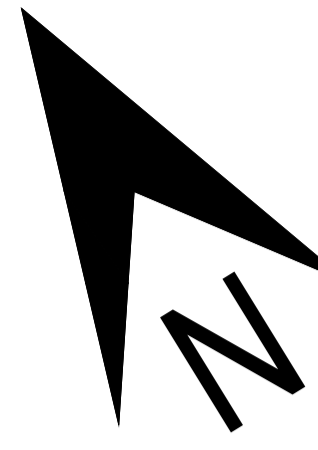
Rev	Date	Remarks	By	Ch.
B	11.12.20	Proposed and existing foul water drainage arrangements added to site layout. Drawing scale amended.		
A	25.11.20	Layout updated to include existing parking on site, proposed additional parking in response to objections, legal right of way added.		

Revisions			
Project			
Mr & Mrs Wood Proposed Conversion of Existing Garage Former Cow Shed, Nethy Bridge			
Drawing			
Planning Application Site Plan			
Scale	Date	Drawn by	Checked by
1:250 @A3	Sept 2020	--	--
Drawing no.	Rev		
SP_01	B		

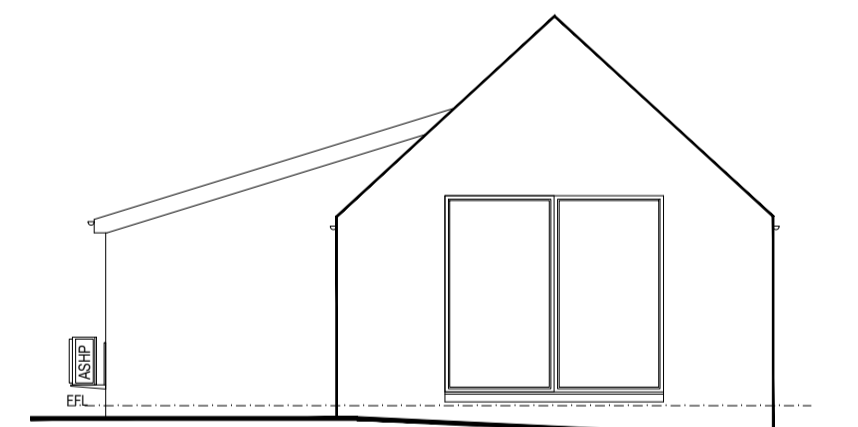
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External Materials:

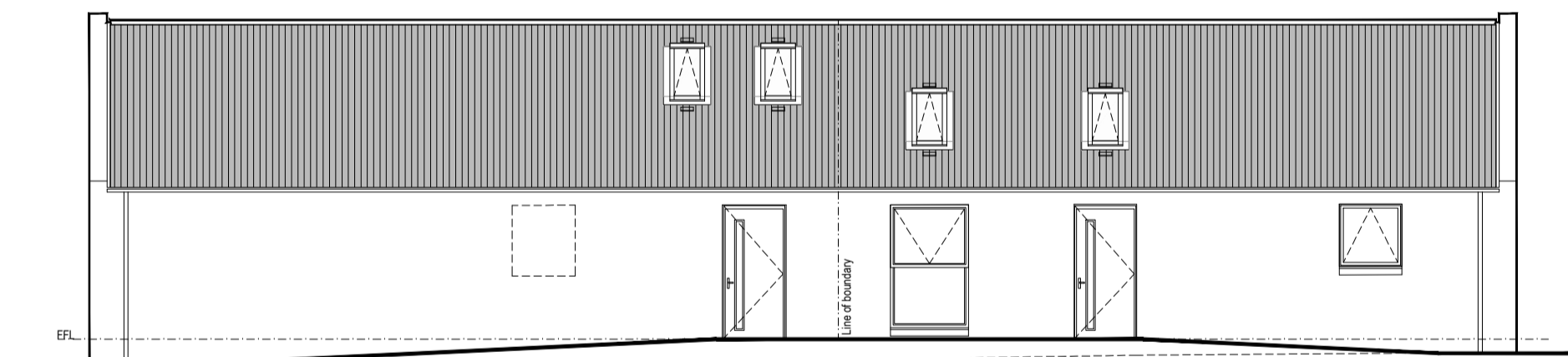
- Roof - Black Corrugated Roofing
- Roof Lights - Velux
- Windows - Grey Ral 7016 uPVC
- French Doors - Grey Ral 7016 uPVC
- Walls - Existing wet dash repainted White
- Walls - Feature Siberian Larch Timber
- Cladding - External Air Source Heat Pump
- Rainwater - Black uPVC deep flow



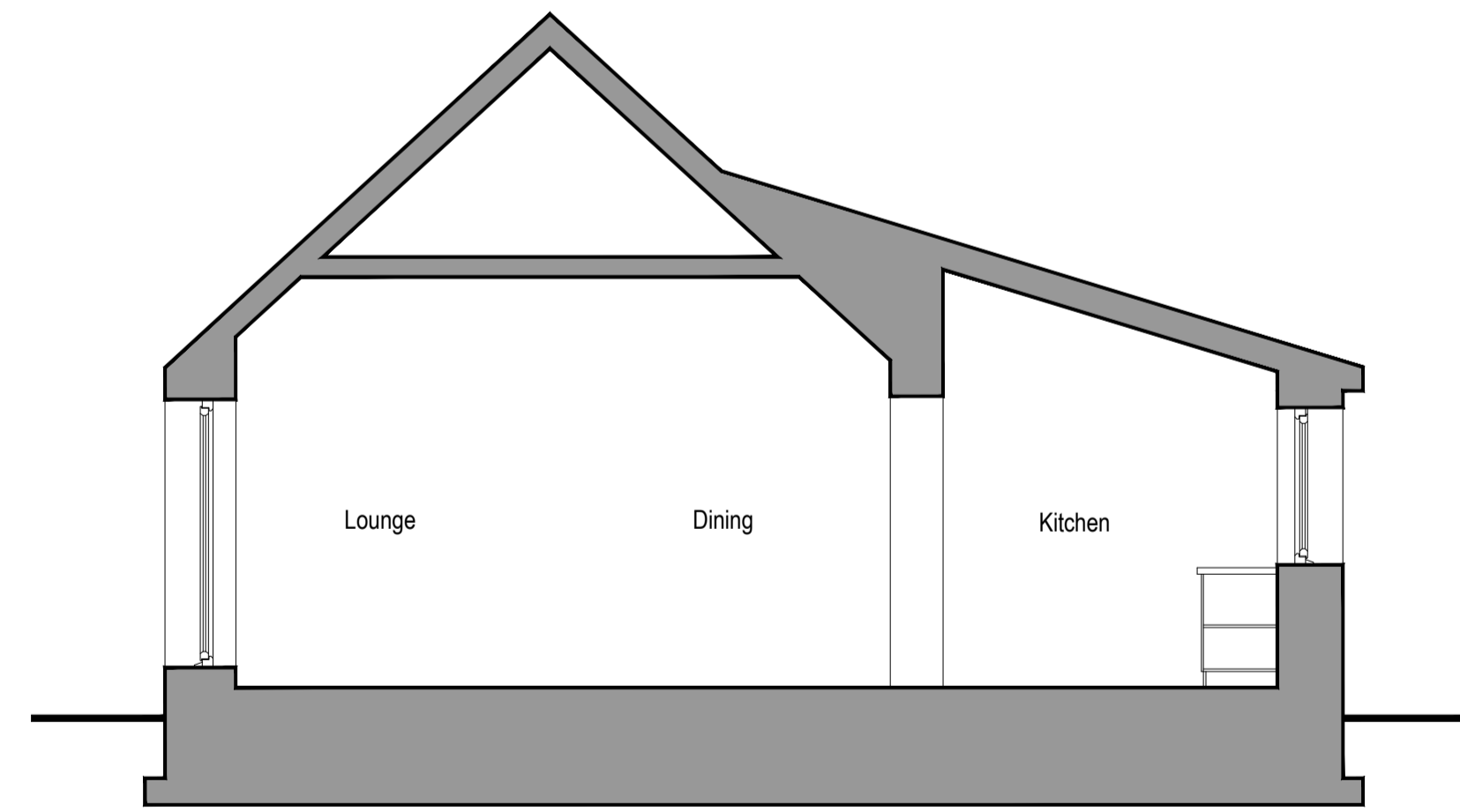
Proposed Floor Plan



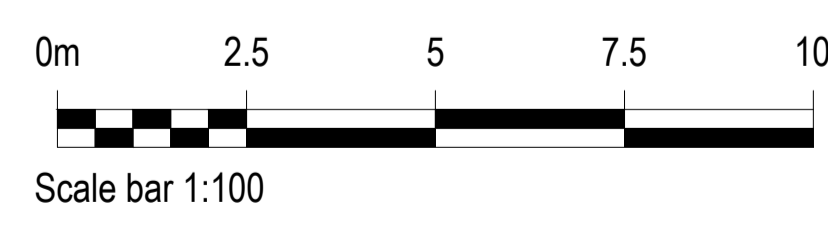
North West Elevation



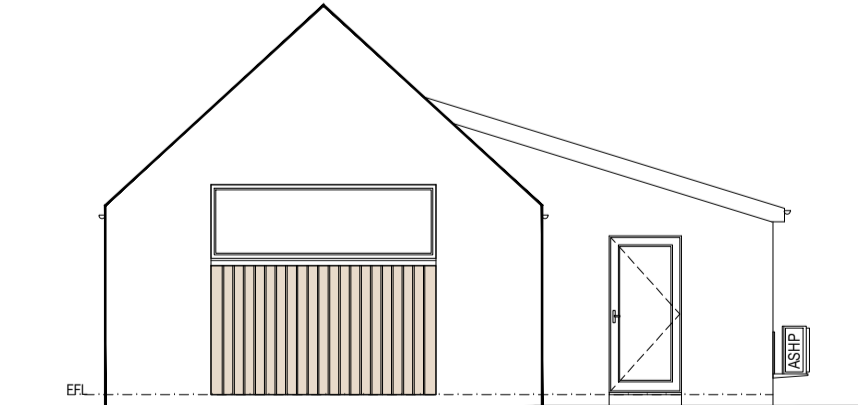
South West Elevation



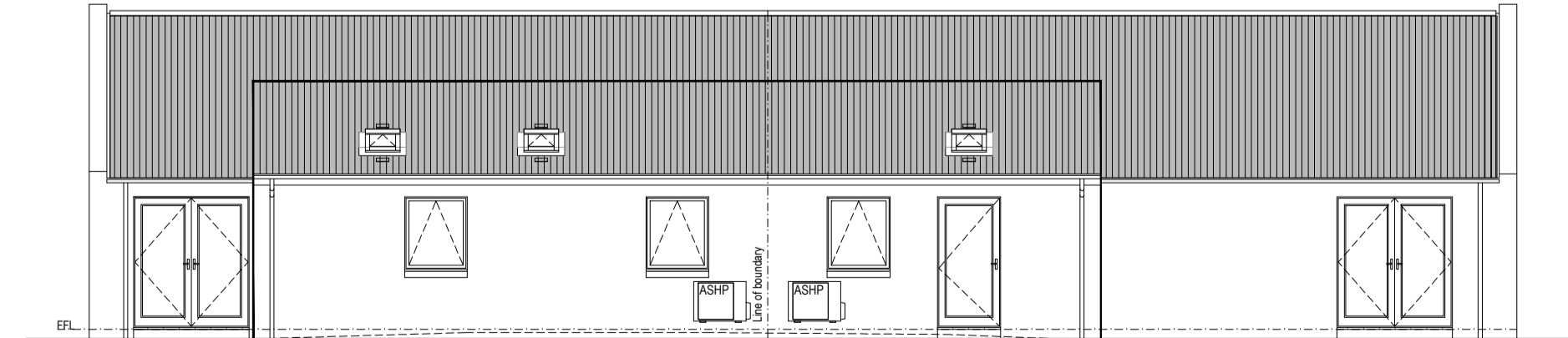
Proposed Section



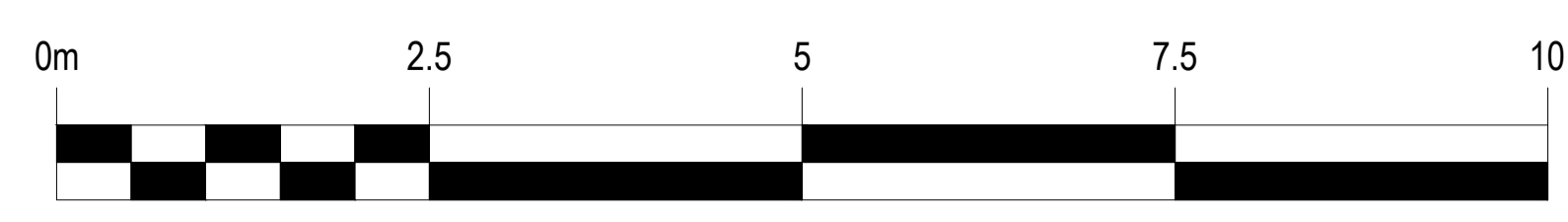
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South East Elevation



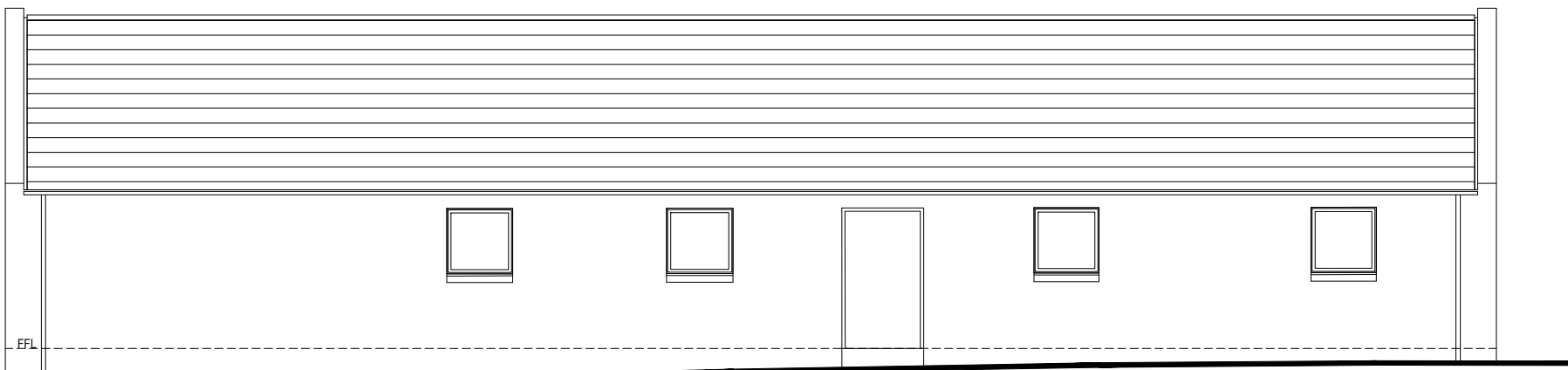
North East Elevation



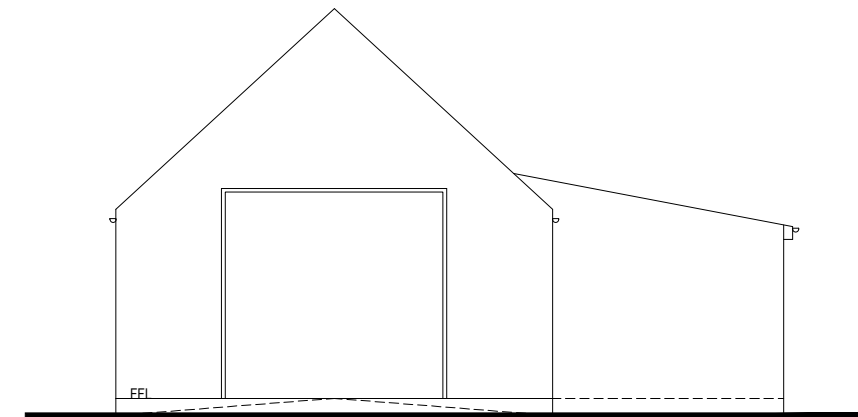
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Rev.	Date	Remarks	By	Ch.
Project				
Mr & Mrs Wood				
Proposed Conversion of Existing Garage				
Former Cow Shed, Nethy Bridge				
Drawing				
Planning Application				
Proposed Plans and Elevations				
Scale	Date	Drawn by	Checked by	
1:50 / 1:100	27/08/20			
Drawing no.				Rev
PL_01				-

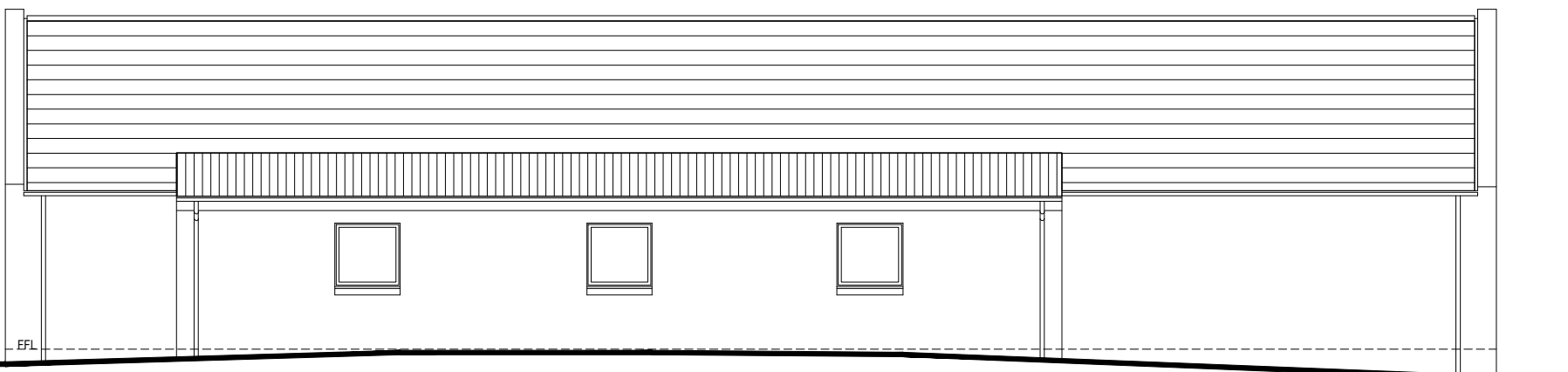
Important notes for clients / contractors
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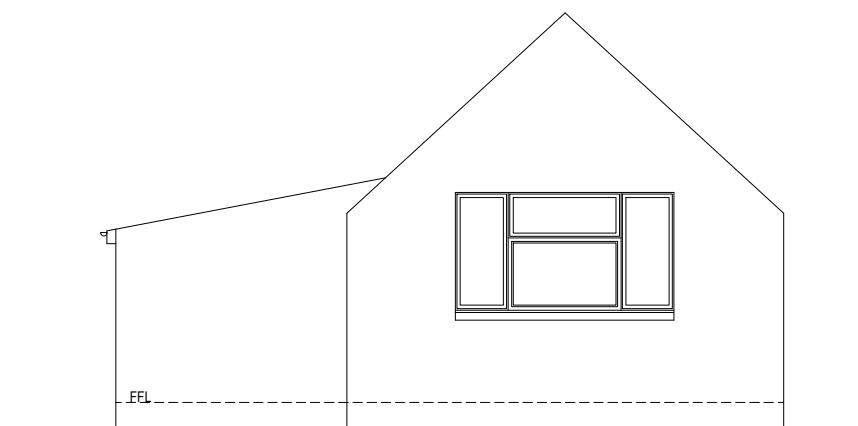
South West Elevation



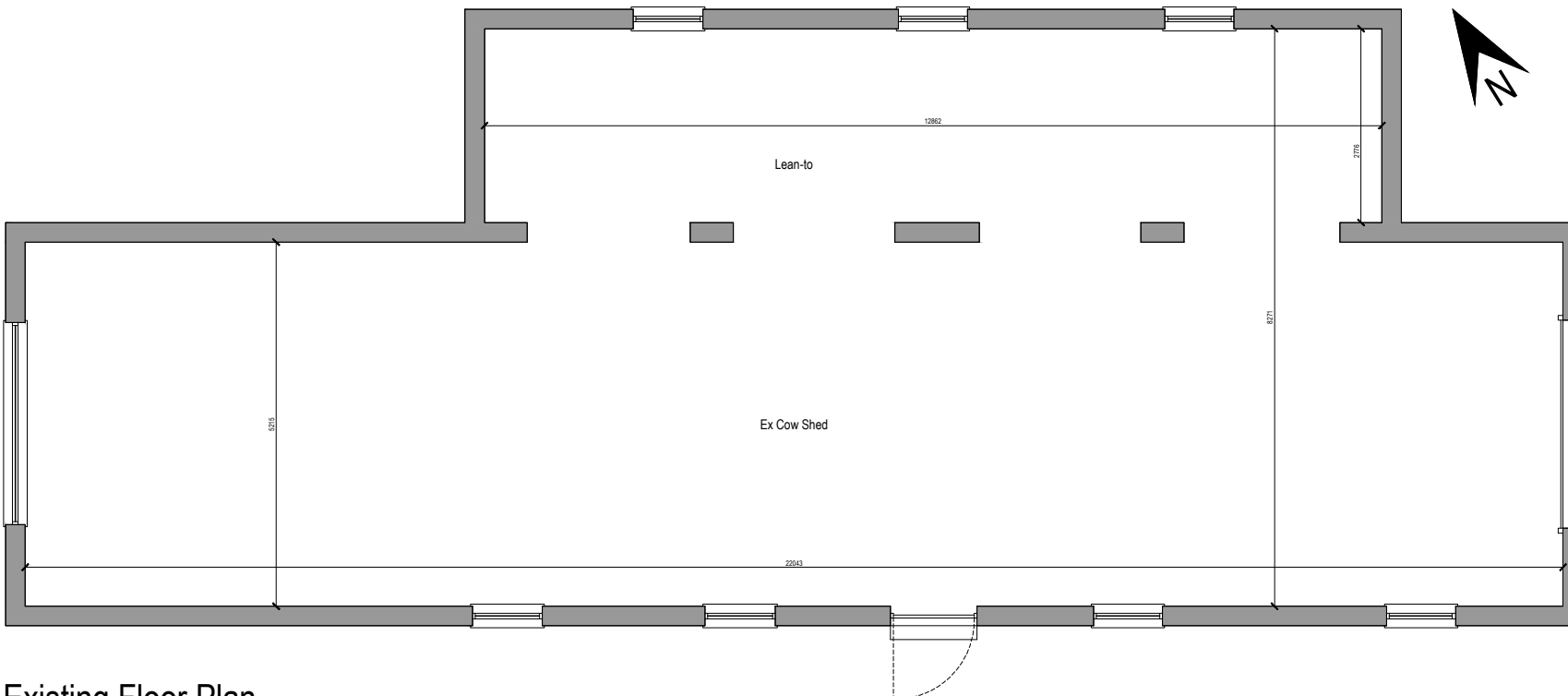
South East Elevation



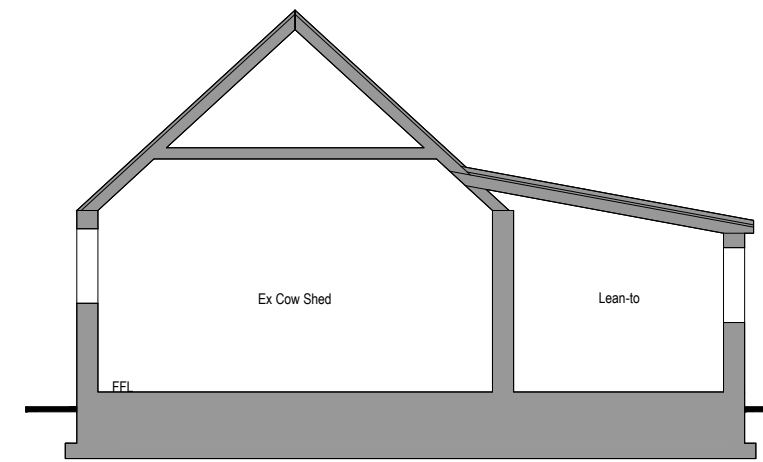
North East Elevation



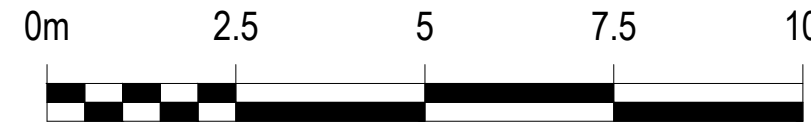
North West Elevation



Existing Floor Plan



Existing Section



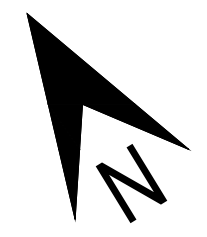
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Rev	Date	Remarks	By	Ch.
Revisions				
Project				
Mr & Mrs Wood				
Proposed Conversion of Existing Garage				
Former Cow Shed, Nethy Bridge				
Drawing				
Planning Application				
Existing Plans, Elevations and Section				
Scale	Date	Drawn by	Checked by	
1:100 @A3	Jul 2020	--	--	
Drawing no.				Rev
PL_02				-

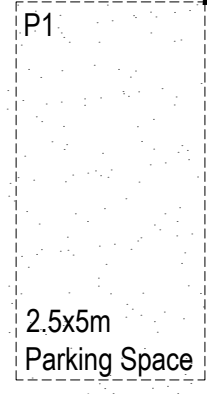
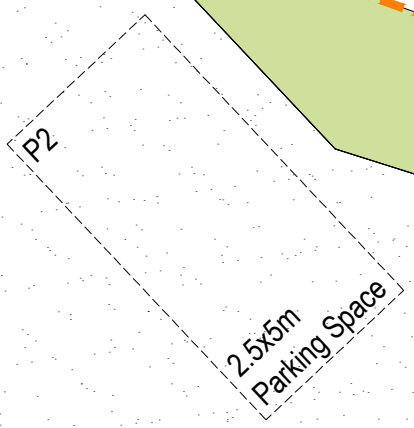
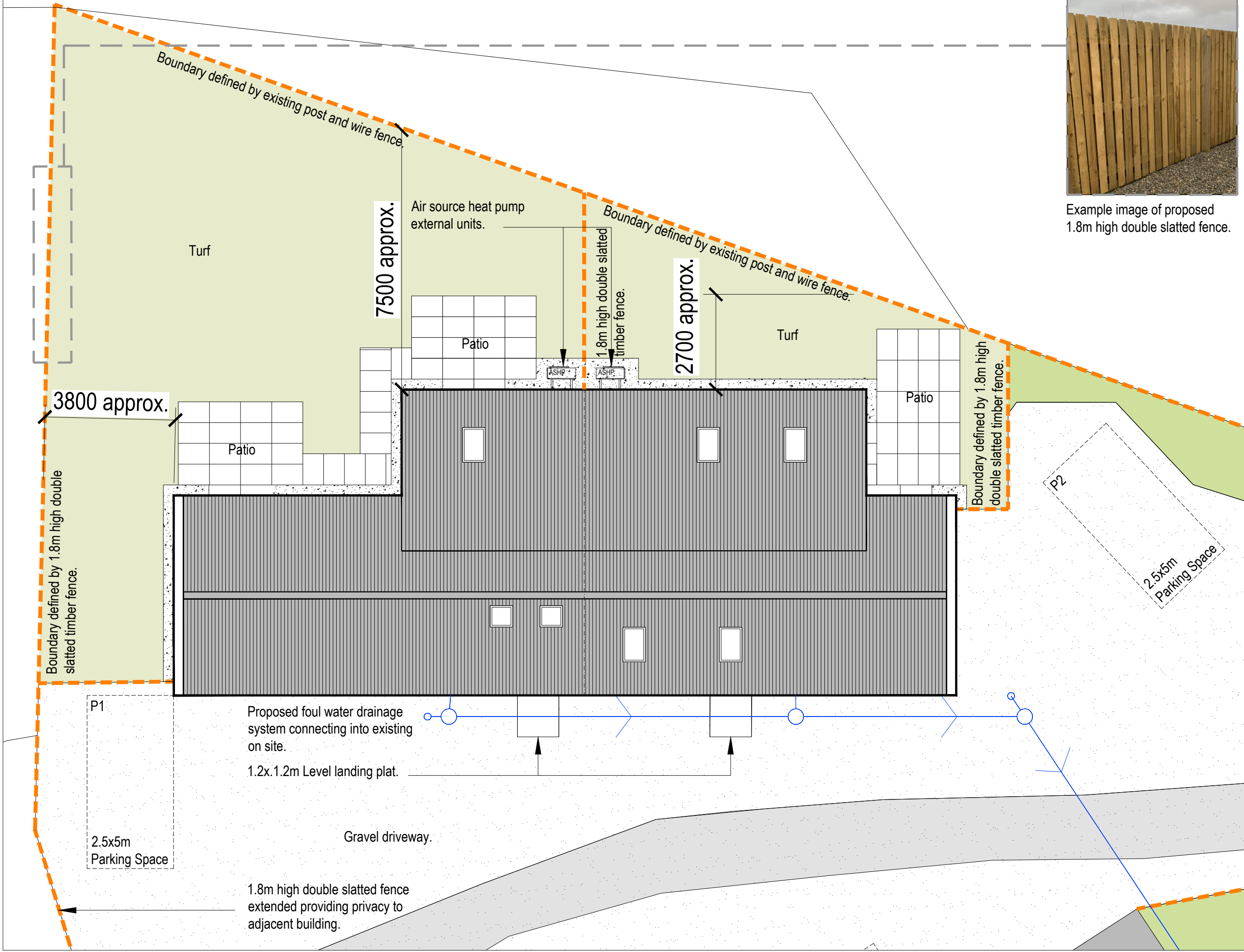
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Example image of proposed 1.8m high double slatted fence.



Hatch denotes right of way per title number: INV10068.



Rev	Date	Remarks	By	Ch.
Revisions				

Project			
Mr & Mrs Wood Proposed Conversion of Existing Garage Former Cow Shed, Nethy Bridge			
Drawing			
Planning Application Plot Works			
Scale	Date	Drawn by	Checked by
1:100 @A3	Dec 2020	--	--
Drawing no.	Rev		
SP_02	-		