

Agenda Item	6.7
Report No	PLS-033-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 April 2021
Report Title: 20/04751/PIP: Mr & Mrs A and V Groom
Smithy Croft, Station Road, Carr-Bridge
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Provision of house plot
Ward: 20 – Badenoch and 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 in Principle as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principle is sought to form a house plot within the garden ground of an existing house, Smithy Croft, located within the settlement boundary of the village of Carr-Bridge. The surrounding area is predominately characterised by detached and semi-detached traditional style single and one and a half storey houses featuring generous curtilages, but with higher density later 20th Century single and two-storey residential units to the west.
- 1.2 Whilst the proposal is specifically to form a house plot, the supporting statement accompanying the application acknowledges that any future development of a house on the site would not preclude its subsequent use as holiday accommodation.
- 1.3 Access to the site is via the existing access serving Smithy Croft and leading off Station Road. The access is located on the southeast corner of the site and adjoins an area of hardstanding lying immediately adjacent to Station Road. It is set back approximately 12 metres from the road.
- 1.4 Wastewater drainage and water supply arrangements are proposed via a connection to the public network.
- 1.5 Pre-Application Consultation: Not applicable.
- 1.6 Supporting Information: The following information has been submitted in support of the application:
 - Supporting Statement;
 - Photographs showing water levels of adjacent River Dulnain; and
 - Tree survey
- 1.5 Variations: Amendment to description of proposal to accurately reflect site location.

2. SITE DESCRIPTION

- 2.1 The overall site boundary includes the existing house, Smithy Croft, occupying the northern half of the site and which sits at a slightly lower level than the proposed plot located on the southern half of the curtilage. The plot is a relatively flat area of gravelled ground.
- 2.2 Immediately to the east is a development site of two houses currently under construction. Access to these new properties is taken across the existing hardstanding adjoining the public road and this area will be reconfigured to form properly defined access points to the new houses, one of which will include a 5.5 metres wide shared access to the proposed site.
- 2.3 The southern boundary is defined by a landscaped bund that wraps around part of the western boundary adjacent to Reed Court, the street providing access to the housing area to the west.

2.4 To the north is the River Dulnain which meanders through the village and is a major tributary of the River Spey.

3. PLANNING HISTORY

3.1 There is no planning history directly associated with the site.

4. PUBLIC PARTICIPATION

4.1 Advertised: No

Representation deadline: 01 December 2021 & 15 January 2021 following re-notification

Timeous representations: 9 representations from 7 households

Late representations: 3 representations from 2 households

4.2 Material considerations raised are summarised as follows:

- a) Proposal would result in overdevelopment of site;
- b) Road safety concerns in relation to intensification of site access, and lack of adequate parking facilities;
- c) Adverse impact on residential amenity;
- d) Drainage concerns; and
- e) Loss of existing trees.

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 **Carr-Bridge Community Council:** Object on the grounds that the proposal represents overdevelopment of the site; road safety concerns as part of the road is narrow and on a blind corner, and increase in traffic will be detrimental to all users; proposed plot will be forward of existing building line; removal of trees will be detrimental to environment; and Smithy Croft is not a house but a large holiday let and the proposed house is likely to be used for a similar purpose and not a private dwelling.

5.2 **Forestry Officer:** No objection subject to appropriate conditions relating to tree protection and replanting.

5.3 **Contaminated Land:** No Objection. Historic use of the site may have resulted in land contamination and therefore recommend a condition requiring a remediation scheme. This may be dispensed with upon receipt of additional information from applicant.

5.4 **Flood Risk Management:** No objection subject to a condition specifying a finished floor level no lower than 260.25m as shown on plan PL003. Surface water drainage proposals will be required at MSC stage.

5.5 **SEPA:** No objection on flood grounds. The site is adjacent to the River Dulnain but not within the 1:200 year flood extent of the SEPA flood map. The site may be at risk from surface water flooding and advice should be sought from local authority flood team with regards to surface water drainage.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan 2021**

1 – New Housing Development
3 – Design and Placemaking
10 – Resources
11 – Developer Contributions

6.2 **Cairngorms National Park Planning Guidance**

New Housing Development (non-statutory guidance)
Sustainable Design (non-statutory guidance)
Resources (non-statutory guidance)
Developer Contributions (non-statutory guidance)

6.3 **Highland Council Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (December 2020)

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) siting and design, including impact on residential amenity

- c) access and road safety;
- d) impact on existing trees;
- e) developer contributions; and
- f) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the settlement boundary of Carr-Bridge where the principle of a house is supported, provided it meets the requirements for the settlement as outlined in the Cairngorms National Park Local Development Plan 2021 (LDP), and reinforces and enhances the character of the settlement.
- 8.5 The LDP supports the delivery of housing that meets local needs, particularly affordable and mid-market housing. The LDP advises that proposals for new houses that will be used solely for tourism purposes and which otherwise meet residential standards, will be assessed under the housing policy and will be subject to developer contributions for residential purposes.
- 8.6 Subject to the proposal having no significant detrimental impact on the character or residential amenity of the area, road safety, or the local environment, the proposal would comply with the development plan.

Siting and design and impact on residential amenity

- 8.7 The extent of the proposed house plot is not defined on the submitted plans. Instead, the indicative site plan shows how a modest one or two bedroomed property could sit within the larger site boundary that includes the existing house, with a shared driveway serving both existing and proposed properties. At its narrowest point (along the southern boundary), the site is approximately 19 metres wide. The supporting statement indicates that the house plot would utilise approximately 400 square metres of the available ground, suggesting a depth of around 21 metres or thereby, if the plot was to be physically separated from the existing house. A site inspection by the case officer has highlighted a discernible difference between the area of land where the existing house is positioned, and the large gravelled area where the new plot would be located, indicating that there is scope for a modest sized house to be built within this gravelled area.
- 8.8 As the application seeks planning permission in principle only, full details of the site layout and design are not available. Nevertheless, the size of developable area (taking account of the possible need for separate parking areas for two properties and the careful siting, layout and design of the house and its associated curtilage), is considered to be suitable for an additional house of modest scale.
- 8.9 In terms of impact on residential amenity, it is noted that there are no neighbouring properties that would be directly impacted in terms of privacy, loss of light, or other significant loss of amenity arising from development of the site.

Access and road safety

- 8.10 As noted at paragraph 2.2 above, two houses are currently under construction on the land immediately to the east of the application site. As part of this development, the large area of hardstanding adjacent to the public road will be developed and reconfigured to form two independent accesses, constructed to the Council's guidelines and one of which will serve the existing property. At 5.5 metres wide, this new access will be sufficient to serve an additional house. The developer of this adjoining land is also required to install a 2 metre wide pavement along the entire site frontage. The cumulative effect arising from this current development is that road safety will be enhanced for all users, improving visibility at the access points as well as improving pedestrian access across the site frontage.

Impact on existing trees

- 8.11 The applicant has provided a tree survey, tree constraints plan and tree protection plan. The tree survey indicates that there are 10 individual trees within or adjacent to the site, including two small groups of trees within the site. All of the trees are described as being in 'fair' condition and are either young or semi-mature. Of the surveyed trees, two individual trees and the two small groups of trees would need to be removed to accommodate the development.
- 8.12 Following consultation with the Forestry Officer, the proposed tree removal could be accepted, and the proposed protection of the remaining trees is welcome, and the tree protection measures accepted. The replanting plan shows the proposed planting of five low growing species, which given the site constraints, could be accepted.

Developer contributions

- 8.13 Developer contributions are required towards affordable housing and education. This is set out in Appendix 2 and amounts to a contribution of £1,250 for affordable housing, and £547 towards a one classroom extension at Carr-Bridge Primary School.

Other material considerations

- 8.14 There are no other material considerations.

Non-material considerations

- 8.15 A number of objectors and the Community Council have highlighted that the existing house at the site is used for holiday letting accommodation and have expressed concerns that the house subject to this application may be used for similar purposes.
- 8.16 In general terms the use of a residential house for holiday accommodation does not require planning permission, unless the area within which the property is located is designated as a short-term let control area. Within such an area, any change of use of a house to provide short-term lets would be deemed to be a material change requiring planning permission. However, the regulations governing this only came into effect on 1 April 2021, and consequently no short-term let control area has been designated. It will be for the Cairngorms National Park Authority to decide in the

future whether the designation of such areas should be pursued within their administrative boundary.

- 8.17 In addition to the above, the recently adopted 2021 LDP specifically states in relation to Policy 2:2 (Supporting Economic Growth – Tourist accommodation) that *“proposals for new houses that will be used solely for tourism purposes, which otherwise meet residential standards, will be assessed under the housing policy...”*. Consequently, the possibility that the house (if and when constructed) may be used as holiday let accommodation, is not, at this current time, a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.18 The applicant is expected to pay the developer contributions highlighted at paragraph 8.13 above as an upfront contribution. However, in the event that the applicant does not agree to this, these matters would be secured by a Section 75 Agreement.
- 8.19 The applicant has four months from the date that the Council's solicitor writes to the applicant/applicant's solicitor indicating the terms of the legal agreement (if required) to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, or alternatively the required developer contributions not be paid upfront within four months of the planning in principle permission being granted, the application may be refused under delegated powers.

9. CONCLUSION

- 9.1 Planning permission in principle is sought to form a house plot within the garden ground of an existing house at Station Road, Carr-Bridge. The site is located within the settlement boundary and the principle of a house at this location is considered acceptable.
- 9.2 Whilst the precise extent of the curtilage of the proposed house has not been provided at this time (in that no boundary between the existing house and the proposed plot has been defined), the applicant has provided sufficient supporting information demonstrating that there is sufficient space within the existing curtilage to accommodate a modest scale house. This can be secured through a requirement of any subsequent matters specified in condition application for the layout of the plot to demonstrate that the proposed house will have a minimum plot to building footprint ratio of 75:25. This is set out as proposed Condition 1(i) at the end of this report.
- 9.3 The completion of the adjacent development of two houses that share the same general access point will result in the existing informal link between the site and the public road being significantly improved, which will benefit road safety. In any case, in the event that Members' support the recommendation and suggested conditions, the subsequent matters specified in conditions submission would require the applicant to provide full details of the access provision. Consequently, there are adequate safeguards in place to ensure this would be delivered, thereby addressing road safety concerns.
- 9.4 It is acknowledged that there will be some impact on existing trees, however these are of limited amenity value and their subsequent loss will necessitate acceptable

replacement planting as part of a scheme to come forward in any subsequent matters specified in conditions application.

- 9.5 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	Y	Payment of Developer Contributions
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 all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed) and demonstrating that the proposed house does not exceed a plot ratio of plot to building footprint of 75:25, whilst ensuring adequate private amenity space and car parking and turning facilities;
 - ii. the design and external appearance of the proposed house;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. full details of access and parking arrangements; and

- v. details of the proposed water supply and drainage arrangements, including surface water drainage proposals;
- vi. Unless the applicant can provide a detailed site history that does not indicate any former potentially contaminative land use, a scheme to deal with potential contamination on site must be submitted to and approved in writing by the Planning Authority. The scheme shall include:
 - a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
 - c) measures to deal with contamination during construction works.

In the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures; and

In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

- 2. Any details pursuant to Condition 1(ii) above shall show a house featuring the following elements:
 - i. single storey or 1½ storeys in height;
 - ii. windows with a strong vertical emphasis;
 - iii. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - iv. predominantly rectangular in shape with traditional gable ends.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

3. Any details pursuant to Condition 1(iii) above shall include:
- a) a plan clearly showing the footprint of the house, garage and driveway, along with any underground services due to be excavated. All trees proposed for retention and removal are to be clearly and accurately marked on the plan;
 - b) A Tree Protection Plan, prepared in accordance with BS5837:2012 ((Trees in Relation to Design, Demolition and Construction); and
 - c) A detailed Replanting Plan and maintenance programme.

Reason: To ensure the adequate protection of trees to be retained as part of the development and ensure an adequate level of replacement planting, in the interests of the amenity of the area.

4. The proposed finished floor area of the house shall be at least 260.25m, as shown on approved plan PL003.

Reason: To ensure that the finished floor area is sufficient to mitigate as far as is practicable the residual risk of pluvial flooding.

5. The house shall not be occupied until the provision for the parking and turning of two cars within the curtilage of the house is made and shall be maintained at all times thereafter.

Reason: To ensure that an adequate level of off-street parking is provided timeously in the interests of road safety.

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 PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle 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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Designation: Area Planning Manager – South
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site Plan

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	1 classroom extension at Carr-Bridge Primary School	£547	n/a	£547	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Affordable Housing									
Commuted Sum	Upfront payment	£1,250	n/a	£1,250	n/a	n/a	TOC/CC	Apr/Oct	20

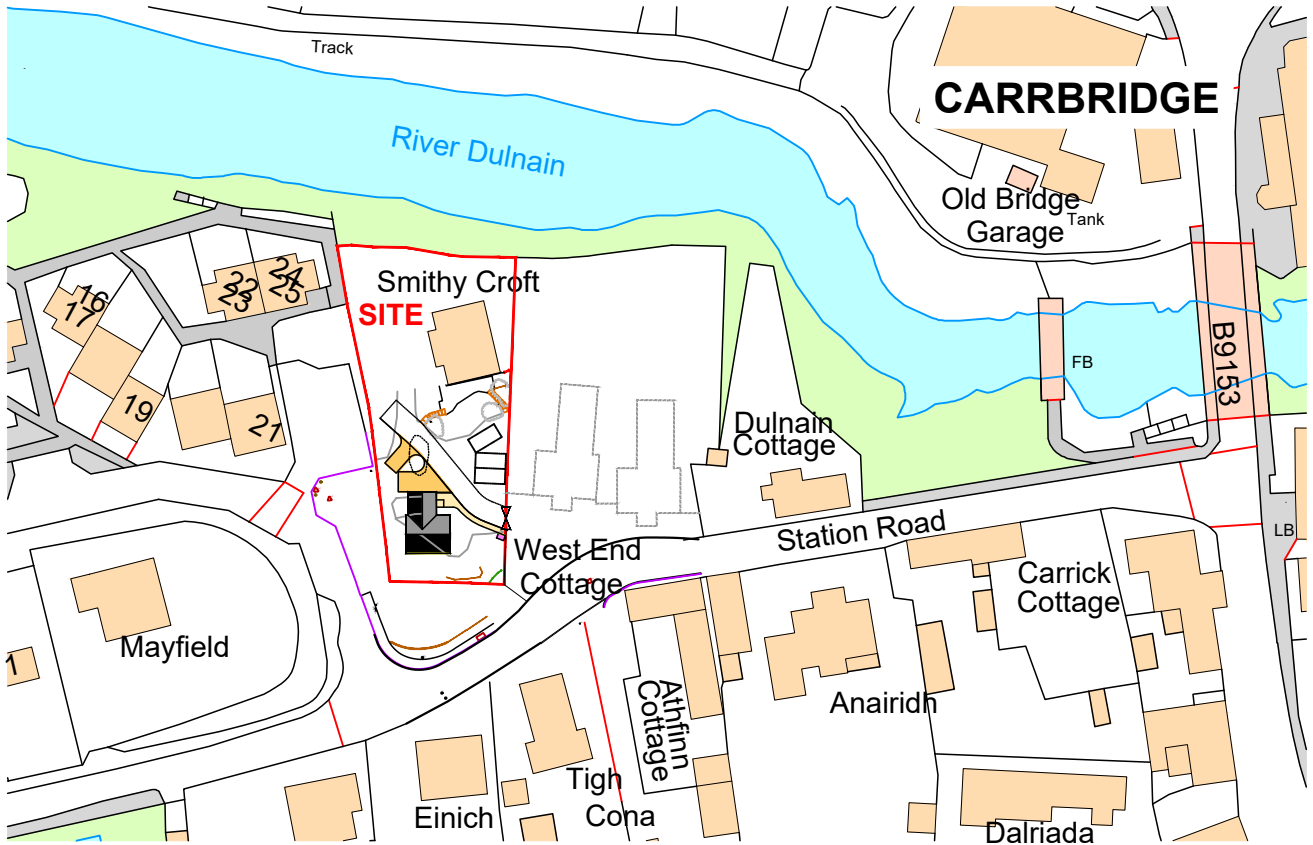
*¹ Adjust total to take account of flat exemptions

*² Base Date – Set out in Supplementary Guidance on Developer Contributions

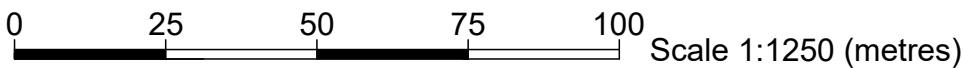
*³ TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*⁴ Accounting dates - 1 April & 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*⁵ Clawback – 15 years for Major development; 20 years for Local development

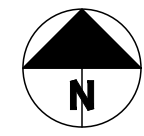


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REVISIONS				Notes	Client		Scale	Date	Drawn by
Rev.	Description	Drawn	Date		Andrew and Veronica Groom		1:1250@A4	Nov 2020	DC
-	-	-	-	<div style="border: 2px solid black; padding: 5px; display: inline-block;"> PLANNING APPLICATION </div>	Project		Project no	Dwg no	Rev
					New House at Station Road Carrbridge		2657	PL001	
					Drawing		<div style="border: 2px solid black; padding: 5px;"> G.H.JOHNSTON BUILDING CONSULTANTS LTD <small>WILLOW HOUSE STONEYFIELD BUSINESS PARK INVERNESS IV2 7PA Email: technical@ghjohnston.co.uk</small> </div>		
				Location Plan					

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



PLANNING APPLICATION

REVISIONS			
Rev.	Description	Drawn	Date

Client
Andrew and Veronica Groom

Project
New House at Station Road Carrbridge

Drawing
Proposed Site Plan

Scale
1:200@A3

Date
Nov 2020

Drawn by
DC

Project no
2657

Dwg no
PL 002

Rev

G.H. JOHNSTON
 BUILDING CONSULTANTS LTD

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