

Agenda Item	6.6
Report No	PLS-49-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 20 August 2024
Report Title: 24/01295/FUL: Mrs Thelma Jennie Elizabeth Slessor
Taigh Abhainn, Station Road, Carrbridge, PH23 3AL
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Use of property as short-term letting unit and house
Ward: 20 – Badenoch and Strathspey
Development category: Local Development
Reason referred to Committee: More than 5 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** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the material change of use of the property 'Taigh Abhainn', Station Road, Carrbridge to provide short-term let.
- 1.2 The house has been recently built in accordance with planning permission (15/00681/MSC). No physical changes are proposed to the house, and the proposal will utilise existing services, such as parking and turning area to the front of the property.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located on the north side of Station Road in the centre of Carrbridge, to the south of the River Carr.
- 2.2 The house (24/01295/FUL) is the western one of a pair approved under (15/00681/MSC). The second house to the east is currently under construction.
- 2.3 The house is 4-bedroomed and 1¾ storey, with a long T-plan form. It has been built on a stepped building line, with its main mass parallel to the road and subsidiary wings projecting at the rear. The three visible elevations from the road of the main parts of the house have a rendered wall finish, with stone on projecting front porches, while the rear elevations of these parts of the house and the single storey rear wings are clad in horizontal timber cladding.
- 2.4 The character of the area is residential, and the surrounding houses have a variety of ages and designs. While the surrounding area is more residential in character, the property does lie within the defined settlement boundary for Carrbridge, and there are a number of B&B and/or short term let type accommodation properties close by.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|--|
| 3.1 | 10.11.2017 | 15/00681/MSC – Erection of 2 new dwelling houses | Matters Specified in Conditions Approved |
| 3.2 | 09.10.2012 | 12/00504/PIP – Erection of 2 houses | Planning Permission in Principle Granted |
| 3.3 | 28.06.2022 | 22/00953/MSC – Erection of house at Smithy Croft Station Road Carrbridge PH23 3AL [Site located to western side of application site] | Matters Specified in |

Conditions
Approved

- 3.4 21.06.2021 20/04751/PIP - Provision of house plot at Smithy Croft Station Road Carrbridge PH23 3AL [Site located to western side of application site] Planning Permission in Principle Granted
- 3.5 20/04751/PIP – Application granted on Appeal (PPA-270-2255) by DPEA 07.12.2021.

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development, Unknown Neighbour

Date Advertised: 20.06.24.

Representation deadline: 11.07.2024

Timeous representations: 6

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Loss of residential dwelling unit
- b) Impact on amenity and character of the area
- c) Parking and safety
- d) Noise and disturbance
- e) Maintenance and operation of the development
- f) Impact on other businesses

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 **Carrbridge Community Council** – No response.

5.2 **Flood Risk Management Team:** The Flood Risk Management Team does not wish to comment on this application. The change of use does not alter the flood risk vulnerability classification of the property.

5.3 **CNPA:** No call in.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **National Planning Framework 4 (2023) (NPF4)**

Policy 1 – Tackling the Climate and Nature Crises

Policy 2 – Climate Mitigation and Adaptation

Policy 3 – Biodiversity

Policy 14 – Design Quality and Place
Policy 15 – Local Living and 20 Minute Neighbourhoods
Policy 16 – Quality Homes
Policy 30 – Tourism

6.2 **Cairngorm National Park Local Development Plan (2021) (CNPLDP)**

Policy 3 – Design and Placemaking

6.3 **Cairngorms National Park Supplementary Planning Policy Guidance**

3 – Sustainable Design, Non-statutory Guidance

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

Scottish Government guidance and advice

7.1 Planning circular 1/2023: short-term lets and planning

The Highland Council guidance and advice

7.2 Highland Council Non-Statutory Short-Term Let Control Area Planning Policy (2023)
Highland Council Access to Single Houses and Small Housing Developments
Highland Council Road guidelines for new developments

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 of the loss of residential unit
- c) impact on amenity and character of the area
- d) impact on infrastructure and services and proposed mitigation
- e) any other material considerations

Development plan/other planning policy

- 8.4 Planning permission is sought for the change of use of a house to a short-term let. The property had not been utilised as a short term let prior to the establishment of the Ward 20 as a STLCA and therefore, the change is deemed to be material.
- 8.5 The Cairngorms National Park Local Development Plan (CNPLDP) has policies that support tourism development, including provision of tourist accommodation, but does not have a specific policy on the use of existing residential buildings for short term lets. The principal policy that this proposal must be considered against is therefore NPF4 Policy 30.
- 8.6 NPF4 Policy 30 Tourism e) sets out that developments proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 8.7 The Council's Non-Statutory Short-term Lets within a Control Area Planning Policy was introduced in 2023. It does not form part of the development plan but is a material consideration in the determination of applications for this type of use.
- 8.8 This states that within a Control Area, the Council will support the use of an existing dwellinghouse as a short-term let that falls within one of the following categories:
1. It is a long-term empty dwellinghouse that will be brought back into active use. Supporting evidence will be required to be submitted to demonstrate this.
 2. The dwellinghouse is located above a commercial unit within a City, Town, or Village Centre.
 3. The dwellinghouse has no fewer than four bedrooms, as it existed at the date of the establishment of the Control Area or, if constructed after the designation of the Control Area, as originally built.
- 8.9 In this instance, planning permission was granted for the erection of a house (15/00681/MSC). The house received a Building Standards Completion Certificate (15/01943/ERDM) in June 2022. Accordingly, as a house, it would meet the requirements of category (3), and therefore does accord with the Council's Non-Statutory Short-term Lets within a Control Area Planning Policy.
- 8.10 Providing that the loss of the residential property to short term let can be justified on the grounds of supporting the local economy and that the proposal would not lead to an unacceptable impact on local amenity or the character of the neighbourhood or area it could be considered to comply with the development plan.

Loss of residential dwelling unit

- 8.11 While the proposal would result in the loss of a residential property, as set out above, this is a 4-bedroomed property and therefore its use as a short term let would be acceptable in terms of the Council's guidance on changes of use within the Control

Area which seeks to ensure that smaller, and thereby generally more affordable, houses are retained within the local housing market. Its use as a short term let is considered to support the local economy.

Impact on amenity and character of the area

- 8.12 The site is on Station Road within the defined village centre that is characterised by a mix of uses, although the street and immediate area is largely residential in character.
- 8.13 There are older properties adjacent to the east and along the south side of the street and more recent houses to the west on the north side of the street. There are 2 existing short term let units (with licenses) to the east and south of the site, with a further property, that has a submission for a short term let licence pending, to the west. There are therefore a small cluster of short term lets at this point on Station Road. Overall, this cluster would not alter the largely residential character of this part of Carrbridge. Accordingly, the proposed change in the use of the property from residential to a short-term let and house is not considered to have an unacceptable impact on the residential character of the area.
- 8.14 While there is potential for this type of use to result in an increase in activity beyond what may be reasonably expected for a family home, given the location of the property, in relation to other similar uses and existing residences, it is unlikely to significantly impact on the amenity of the neighbourhood. The property is set further back from the road than many of the neighbouring properties and contained within its own curtilage.
- 8.15 Representations highlight potential noise disturbance and other disruption given the size of the property and the number of people that could be accommodated. However, any noise and disruption from the property would be a matter for Environmental Health to assess as a potential statutory noise nuisance. Any anti-social behaviour would be a matter for Police Scotland. Appropriate management of the property is a matter for the license holder who must ensure that they operate the property in accordance with the terms of their license, including the level of occupancy. Any continued disruptive and/or anti-social behaviour associated with the use of the property as a short term let may impact on its continued operation when a license is considered for renewal.

Impact on infrastructure and services and proposed mitigation

- 8.16 Representations refer to the lack of sufficient parking spaces, as well as wider issues with parking in the street more generally. It is noted that there is sufficient in-curtilage parking, for 4 cars, at the front and along the western side of the building. The Council's standard for a 4-bedroomed house is 2 parking spaces. Accordingly, the site provides more than the current parking standard requirement.
- 8.17 Representations also refer to road safety issues, highlighting that the property is on a narrow corner, where on-street parking occurs. The road is however approximately 6m wide at the tightest part of the curve on Station Road and is therefore more than sufficient for two vehicles to pass.

- 8.18 There are no parking restrictions on Station Road in front of the application site, although double yellow lines are around 16m to the east on the north side of the street, with double yellow lines to the southern side of the street opposite the eastern boundary of the application site. With sufficient onsite parking for the proposed use it is not anticipated that the proposal should further compound the existing issue described.
- 8.19 Members will note that any parking that would cause obstruction to the free flow of traffic would be a matter for Police Scotland to address.
- 8.20 The house has been built with sufficient space for off-street bin storage. The uplift of recycling and refuse would be a matter for the developer to arrange in their management of the property.

Other material considerations

- 8.21 None.

Non-material considerations

- 8.22 The matter of commercial competition between existing and proposed commercial interests is a matter for the market and not within the control of the Planning Authority.
- 8.23 A representation received raised concern over the design of the property, suggesting that the 4-bedroomed property will dominate over existing properties. It should be noted that the house already has planning permission (15/00681/MSC). No changes to the design are proposed.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.24 None

9. CONCLUSION

- 9.1 Planning permission is sought for the use of an existing dwellinghouse as a short term let. While the proposal will result in the loss of a residential dwellinghouse, the use of the 4-bedroomed property as a short term let is considered acceptable in principle under The Council's Non-Statutory Short-term Lets within a Control Area Planning Policy. As it would support the local tourist economy and is not considered to have an unacceptable impact on the character or amenity of the area it would accord with NPF4 Policy 30.
- 9.2 Issues relating to the ongoing management of the property are the responsibility of the owner, with with the terms of their license any
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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.

INFORMATIVES

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.

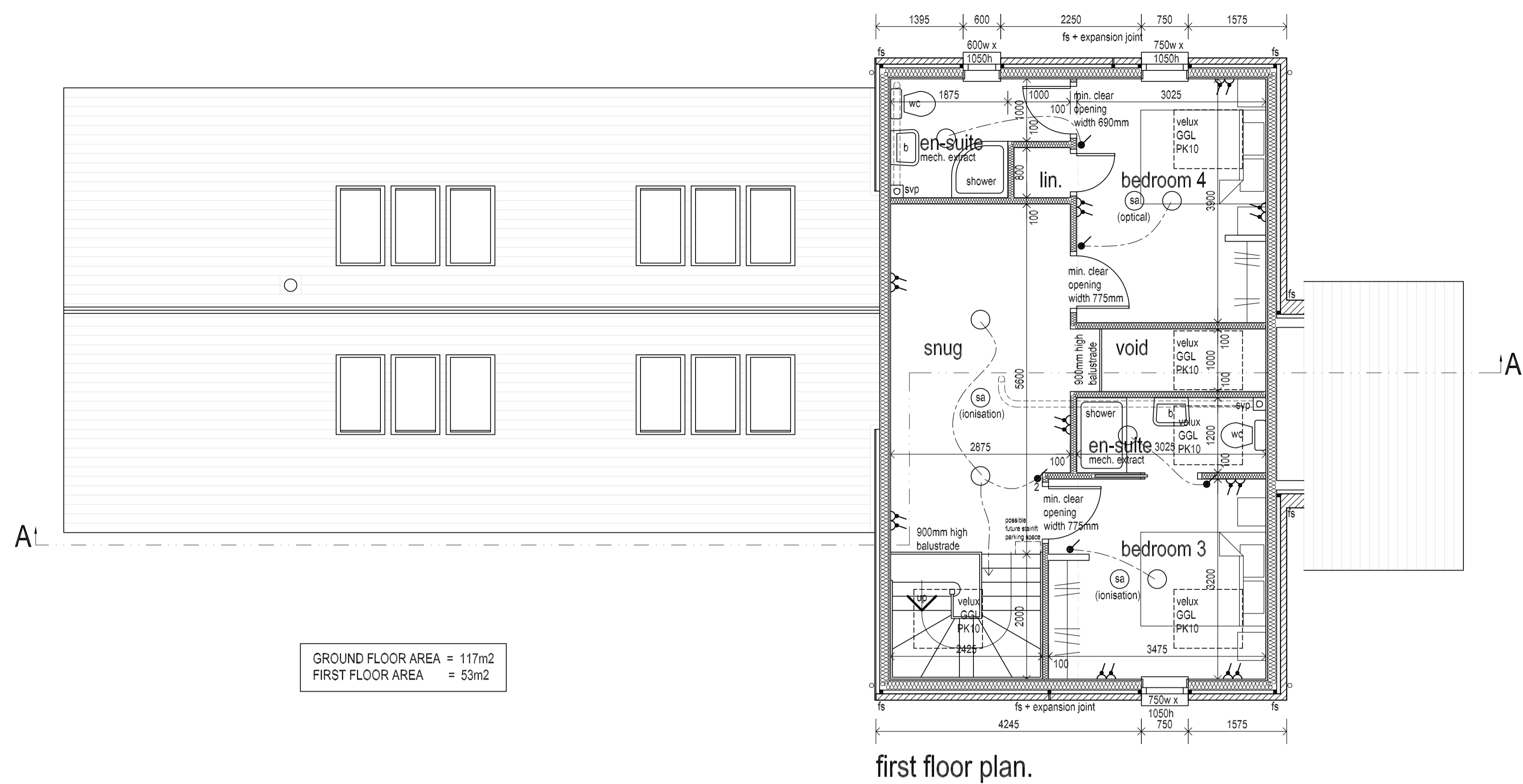
1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the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

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

Flood Risk

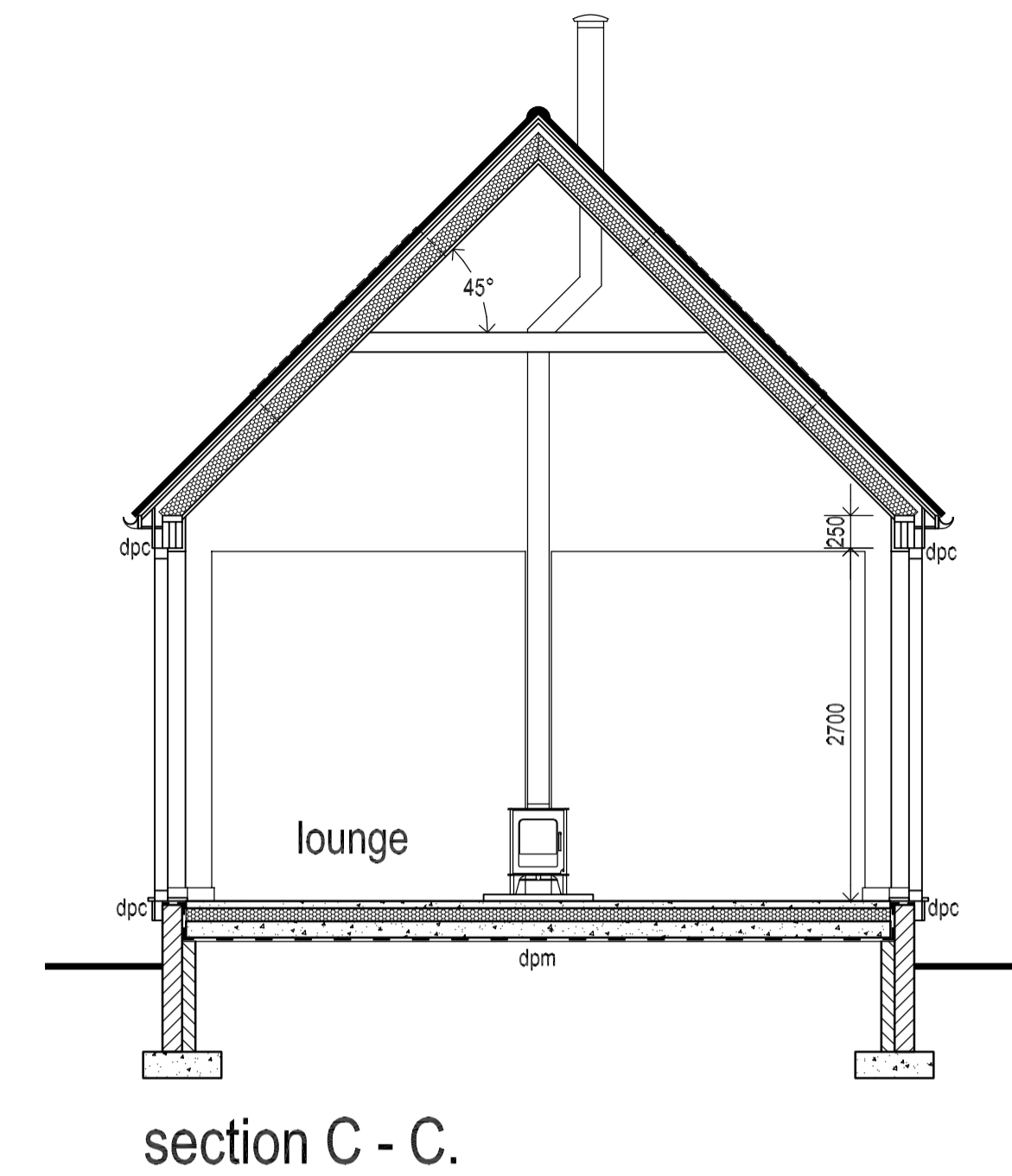
It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Megan Smith
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – INV32073 Location Plan
Plan 2 – PP Site Layout Plan
Plan 3 – BW01 REV D General Plan – Floor Plan & Section

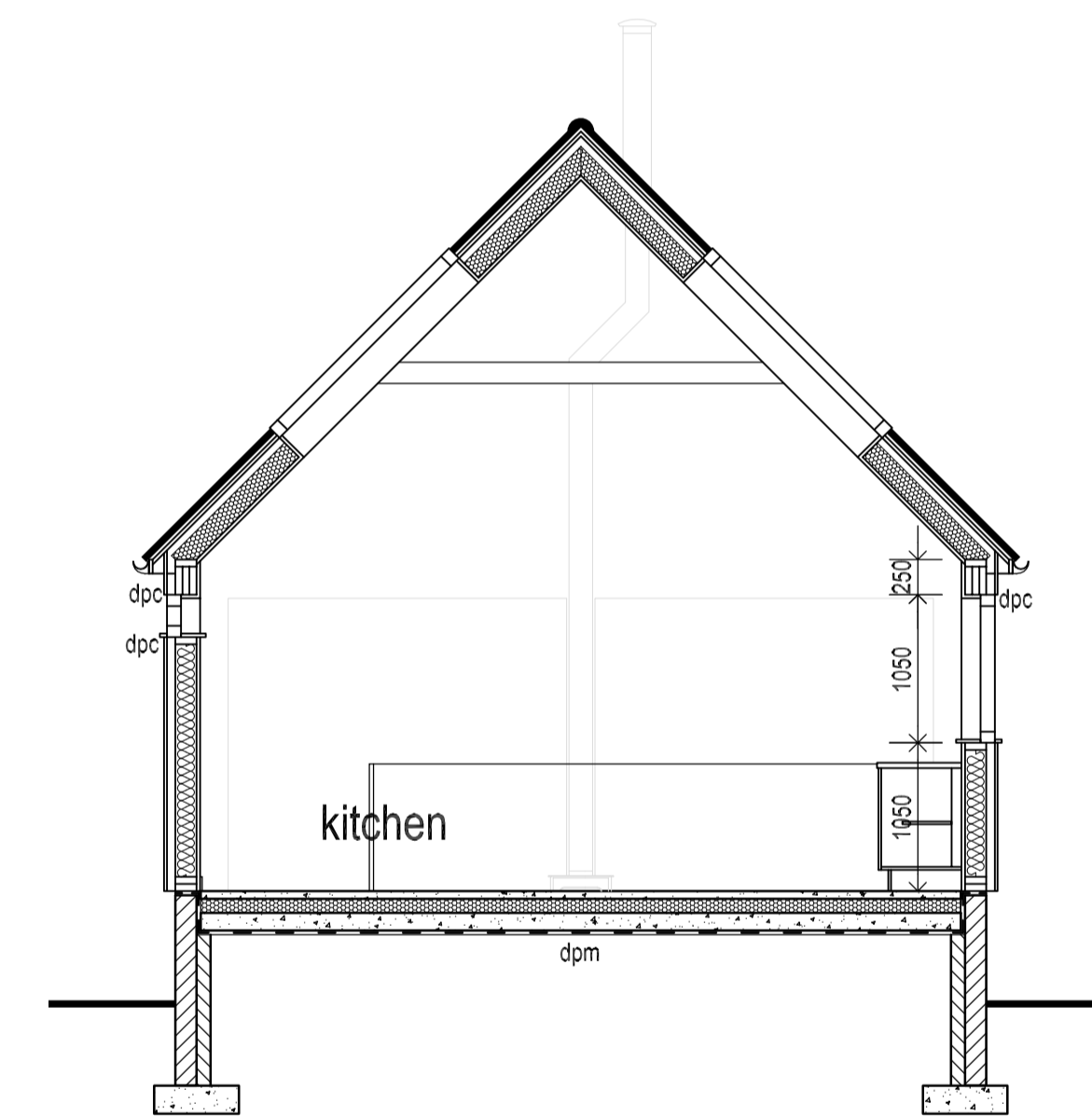


GROUND FLOOR AREA = 117m²
FIRST FLOOR AREA = 53m²

first floor plan.

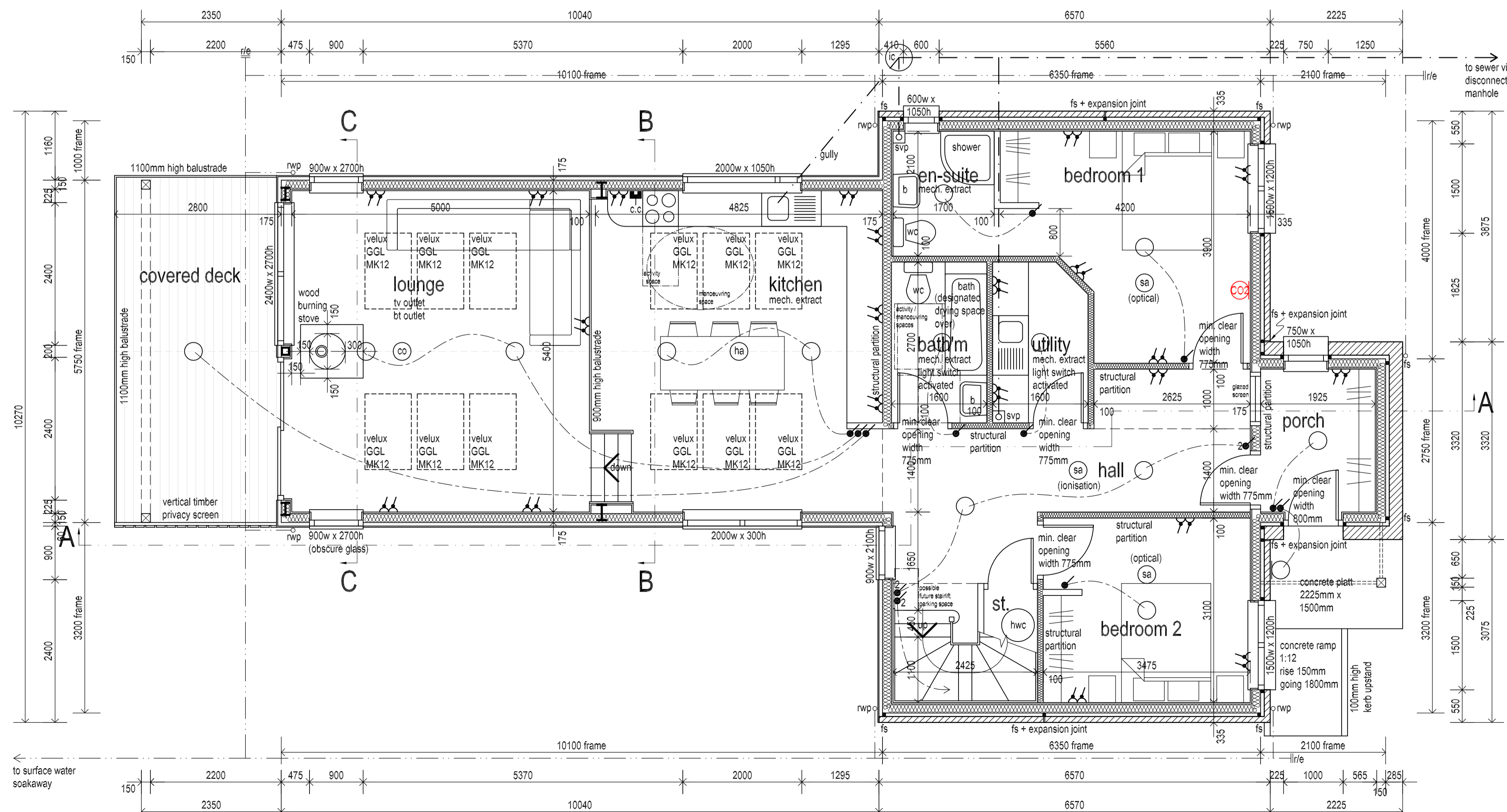


section C - C.

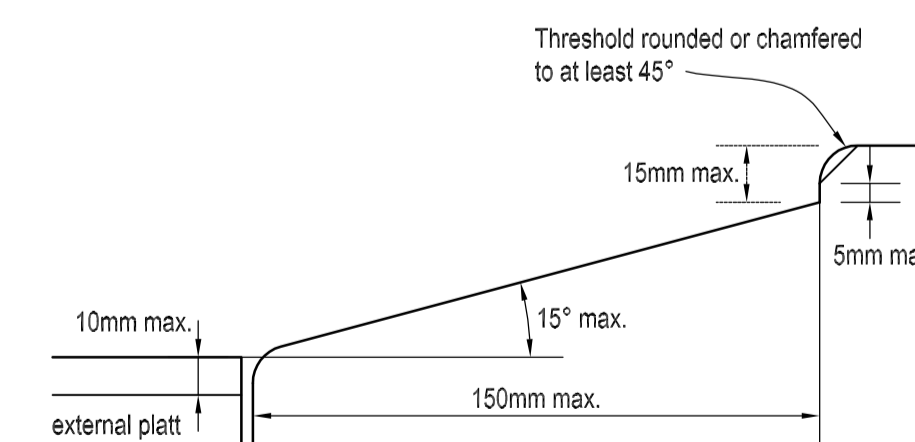


section B - B.

DRAWINGS MUST BE READ IN CONJUNCTION WITH ALLEN GORDON CONSULTING ENGINEERS' DRAWINGS AND DETAILS 600393.



ground floor plan.



threshold detail. scale 1:2.

An accessible threshold should meet the following criteria:
 - thresholds should be designed to prevent the ingress of rain. Details in the DETR publication 'Accessible Thresholds in New Housing' gives guidance on how this might be achieved.
 - externally, the surface of the platt should be not more than 10mm below the leading edge of any sill, with any exposed edge chamfered or rounded;
 - an external sill or internal transition unit should be at an angle of not more than 15° from the horizontal and, if sloping, be not more than 150mm in length;
 - the threshold should either be level or of a height and form that will neither impede unassisted access by a wheelchair user nor create a trip hazard. A threshold piece should have a height of not more than 15mm, with any vertical element of more than 5mm height being pencil-rounded or chamfered to an angle of not more than 45° from the horizontal;
 - if the finished internal floor level is more than 15mm below the top of the threshold, an internal transition unit, of not more than 15° to the horizontal, finishing not more than 5mm above the internal floor surface may be used, in accordance with the guidance above. In new buildings, this should normally only be needed to allow flexibility in subsequent fitting of differing thickness of floor coverings.

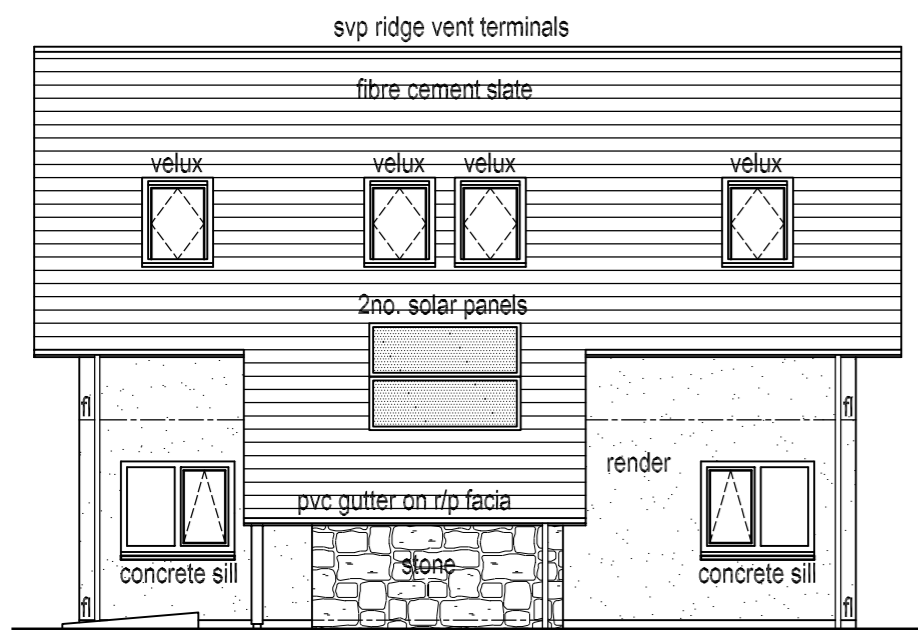
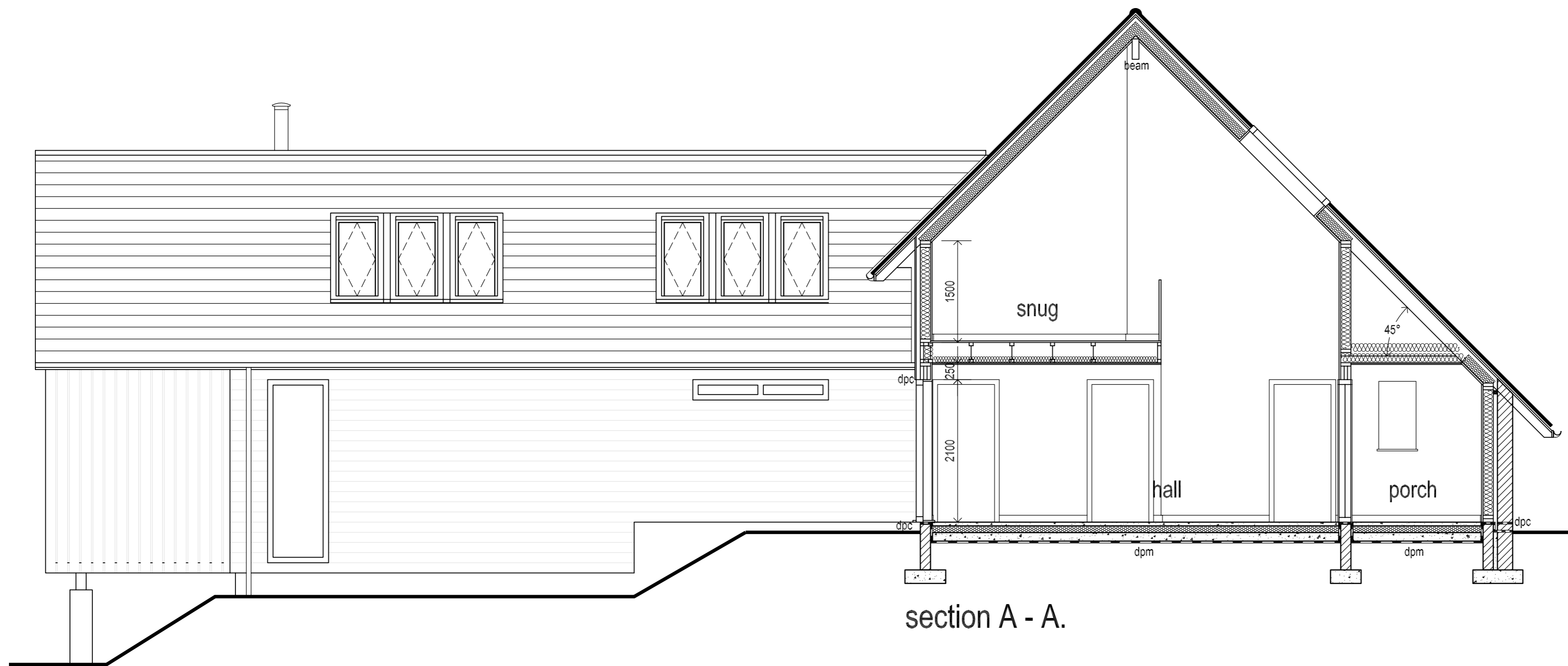


Joiners & Building contractors Tel. (01479) 872818
 2 New houses. Fax (01479) 873052
 ADDRESS Smithy Croft, Carbridge. info@awlaing.co.uk
 78 High Street, Grantown-on-Spey, PH26 3EL

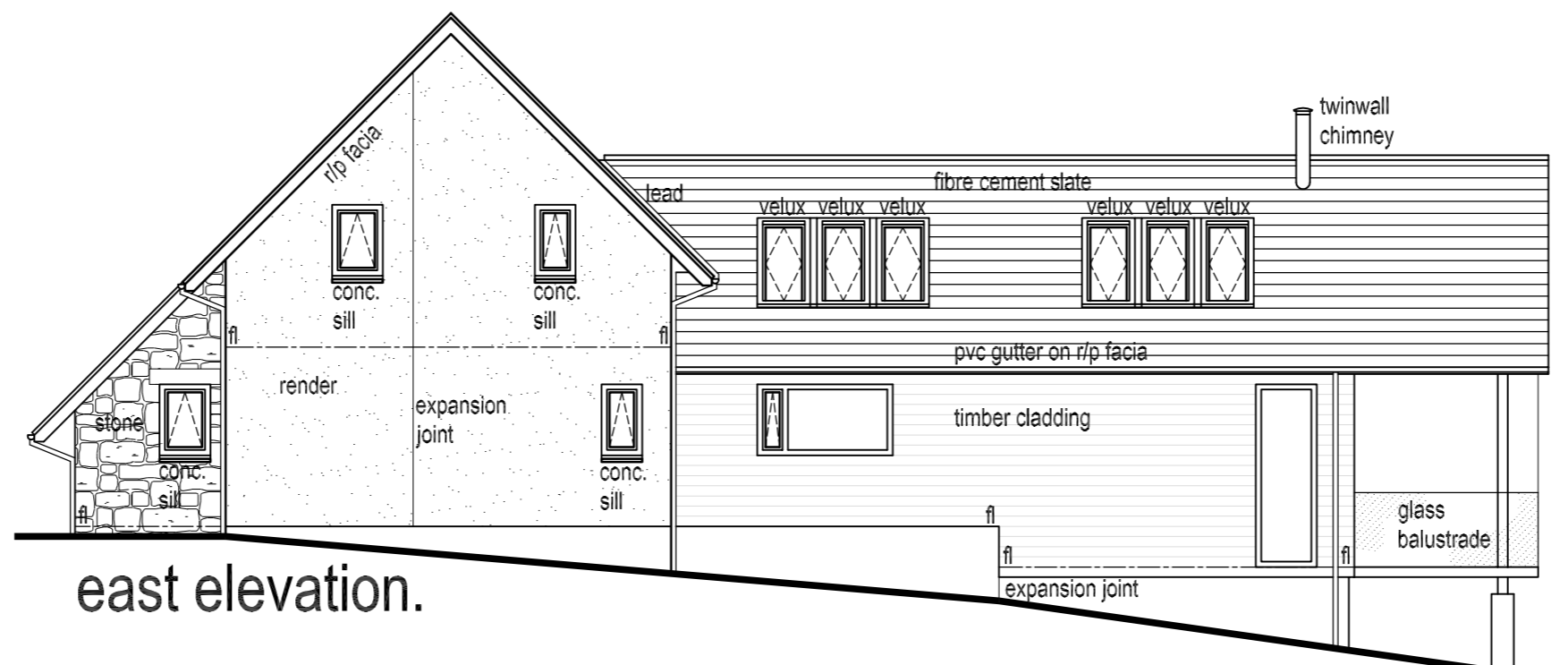
CLIENT A W Laing Ltd.
PROJECT 2 New houses.
ADDRESS Smithy Croft, Carbridge.
DRAWING Floor plans & sections.
JOB NO. 1816. **DRG. NO.** BW01D.
SCALE 1:50. **DATE** April 2016.

REVISION NO.
 'A' - Engineer's requirements incorporated.
 'B' - Client's amendments.
 'C' - Client's amendments (April 23)
 'D' - Client's amendments (July 23)

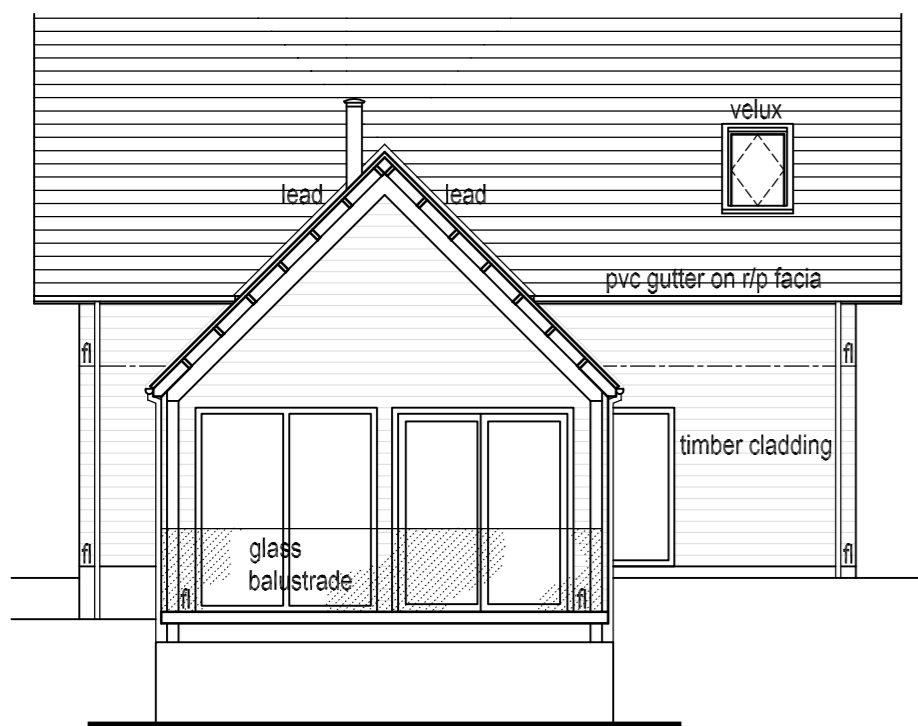
Written dimensions to be taken in all cases.
 Any discrepancies to be reported to the Client/Architect as soon as possible.
 Contractor to check all sizes on site.
 This drawing is copyright of AW Laing Ltd



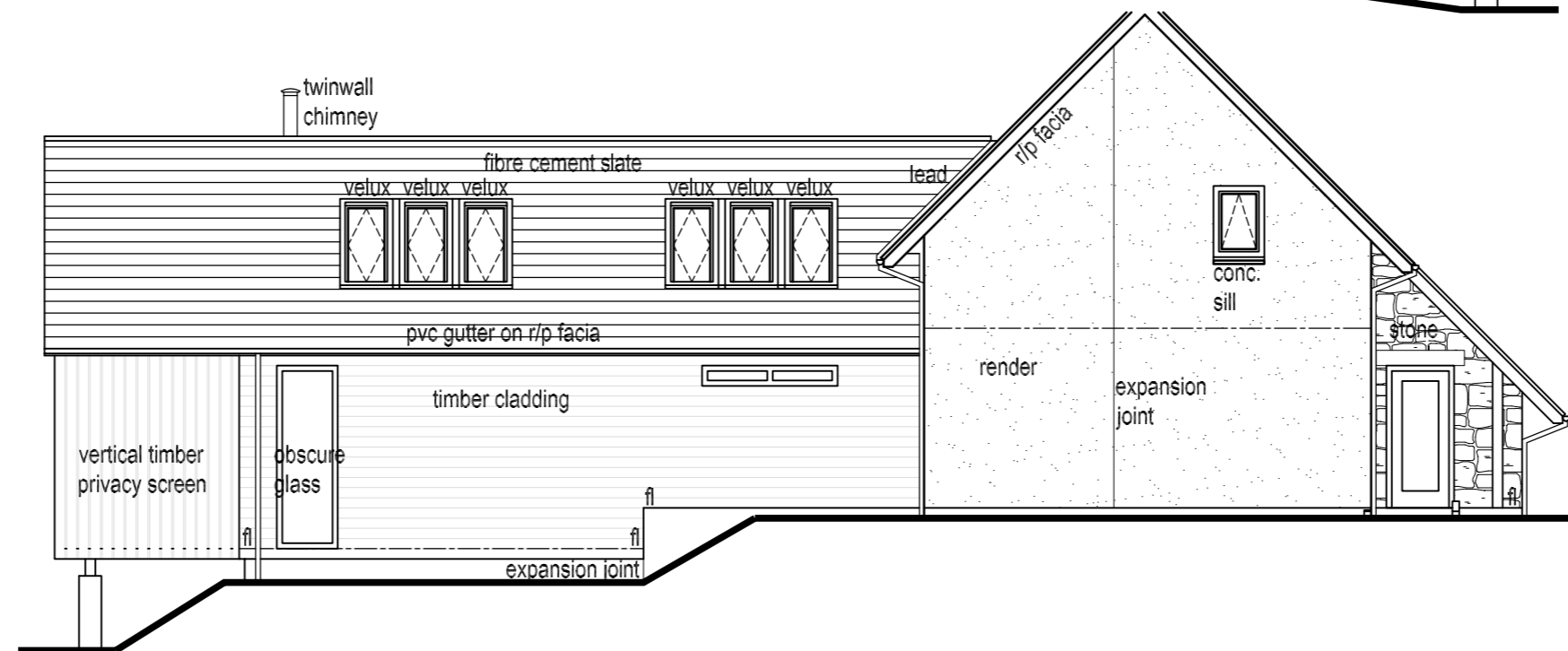
south elevation.



east elevation.



north elevation.



west elevation.

DRAWINGS MUST BE READ IN CONJUNCTION WITH ALLEN GORDON CONSULTING ENGINEERS' DRAWINGS AND DETAILS 600393.



Joiners & Building contractors Tel. (01479) 872818
 Fax (01479) 873052
 info@awlaing.co.uk
 78 High Street, Grantown-on-Spey, PH26 3EL

CLIENT A W Laing Ltd.
PROJECT 2 New houses.
ADDRESS Smithy Croft, Carrbridge.
DRAWING Section A - A & elevations.
JOB NO. 1816. **DRG. NO.** BW02D.
SCALE 1:50, 1:100. **DATE** April 2016.

REVISION NO.

'A' - Engineer's requirements incorporated.
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Written dimensions to be taken in all cases.
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 Contractor to check all sizes on site.
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BRITISH NATIONAL GRID
EASTING/NORTHING

100m

290561, 822915

Survey Scale

1:2500

Print Scale

1:2500 @ A4

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