

THE HIGHLAND COUNCIL

**INVERNESS, NAIRN, BADENOCH & STRATHSPEY
PLANNING APPLICATIONS COMMITTEE – 9 June 2009**

Agenda Item	
Report No	

09/00046/FULBS: Alterations, extensions and change of use to business office and storage, The Old Manse, Rothiemurchus

Report by Area Planning and Building Standards Manager

SUMMARY

Application for planning permission for alterations to the house, and erection and alteration of outbuildings and their use for business purposes at the Old manse, Rothiemurchus. The development is judged to accord with the Development Plan and other material Policy Guidance but has attracted an objection from the Community Council and the applicant is unwilling to meet Roads requirements in full for reasons specified. The application requires Committee determination as the recommendation is to grant permission.

Applicant: Mr P. Gardner

Recommendation: **Grant Planning Permission on conclusion of Section 75 Agreement**

Ward: 21 (Badenoch and Strathspey)

1. PROPOSAL

1.1 The application is for planning permission for the following works:

- Demolition of existing single storey extensions at the rear and rear side of the Old Manse and erection of new single storey extensions on the rear and side; these works are also the subject of an application for Listed Building Consent which is being dealt with under the Scheme of Delegation as the Community Council has not objected to this part of the proposals;
- Partial demolition of an existing range of timber outbuildings;
- Conversion of the retained garage into office space with store above;
- Erection of new build office and store block matching the converted garage in scale and appearance and linked to it by a ground floor lobby link;
- Erection of new garage with bedroom and shower room above with access from external stair.

1.2 The office and store are to accommodate the applicant's publishing company which employs three people although some of the storage space would be for

domestic storage; the business at present operates from a room in the house. The new premises would accommodate the existing staff plus one further editorial person.

- 1.3 As noted above the house is Listed. The surrounding area is recorded in the Inventory of Gardens and Designed Landscapes in Scotland and is in a National Scenic Area so fit in the landscape and building scale and design are particularly sensitive issues.

2. PLANNING HISTORY

- 2.1 None.

3. PUBLIC PARTICIPATION

- 3.1 The application was neighbour notified and advertised as development affecting the setting of a Listed Building. No representations received.

4. CONSULTATIONS

- 4.1 **TECS:** Conditions recommended including improvements to gradient and geometry of access where it meets the public road, and provision of visibility splays.
- 4.2 **Community Council:** Object. Rules for a store different from those for a residential letting establishment. Excessive number of offices with toilets for such a small development – proposal could be used for different purposes.
- 4.3 **CNPA:** Recommend barn and house kept in single ownership and conditions imposed prohibiting use of barn office and store as residential units.

5. POLICY

- 5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G2 Design for sustainability
- B7 Business development in rural areas
- BC4 Historic gardens and designed landscapes
- BC5 Listed buildings and conservation areas

Badenoch and Strathspey Local Plan:

- 2.2.1(a) Economic development; 2.5.13 Historic buildings

- 5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes PAN.

- SPP15 Rural development

6. SUPPORTING INFORMATION FROM APPLICANT

- 6.1 Proposals believed to accord with Development Plan and local design Policies. Proposals sensitive to setting and local distinctiveness. Design features, building methods, materials and finishes are drawn from local traditional buildings and will not give rise to any unacceptable impacts. Small scale development providing sustainable option creating a better place in which to live and work.

7. PLANNING APPRAISAL

- 7.1 **Determining issues** - 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.

- 7.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

- 7.3 Small scale businesses with minimal landscape, environmental or infrastructure impacts are encouraged in rural areas by Structure Plan, Local Plan and National Planning Policies. The business already operates from the site and the building works are to provide improved working conditions, with scope for modest growth. Although the new buildings are more extensive and bulky than the existing structures this is mitigated by their being broken up into three distinct masses and their being set lower than the house, to the side and rear and detached from it. There are some detailed risks inherent in business "permitted development" rights but these can be managed by conditions and a Section 75 agreement as described in more detail below. Subject to those safeguards therefore the principle of the development is consistent with Policy and the layout is appropriate.

- 7.4 The impact on the amenity of the residents of the house is positive insofar as living space is freed up and the bedroom annexe over the garage gives room to accommodate visitors. The impact of the business use is clearly mitigated by the fact that it is the applicant's own business; to prevent any possible adverse impact in future it would seem necessary to maintain a comparable degree of linkage. This is the purpose of the agreement and conditions recommended. The applicant is prepared to enter into the agreement. There is only one immediately adjoining house and the impact on it of the business operation is unlikely to change from the existing impact. The development has no effect on that property's outlook and wider amenity is safeguarded by the

sympathetic design, choice of materials, setting within the site, and woodland background outwith the site boundary.

7.5 The application has to be considered at face value and the Community Council's comments are speculative. Any future application for change of use would have to be considered on its merits at the time.

7.6 The applicants are unwilling to undertake the improvements specified by TECS. Full 2.5 metres x 60 metres visibility splays would require felling of a mature tree to the east of the access, which is regarded as insensitive given that 2.5 metres x 48 metres is available in that direction. This is justified in that the access has no record of accidents and increased traffic is not anticipated. The latter is very much dependent on the nature of the business and its existing very "green" pattern of travel to work by employees, all live locally; two walk to work and the third cycles. The work is primarily office based with book distribution done from a warehouse. The case is reasonable on that basis but again this could change with unrestricted use of "permitted development" rights and/or a different occupier. The restrictions proposed would allow for the issue to be revisited if that were to come about.

8. CONCLUSION

8.1 The proposal is consistent with all relevant Policies, causes no material harm to amenity, and the intended uses raises no technical difficulties other than the advice to improve access. However it is necessary to ensure that any changes in circumstances which might raise amenity or technical problems are kept under control.

RECOMMENDATION

Grant Planning permission following conclusion of a Section 75 Agreement providing that the whole property shall remain in a single ownership and occupation, and subject to the following conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketed as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

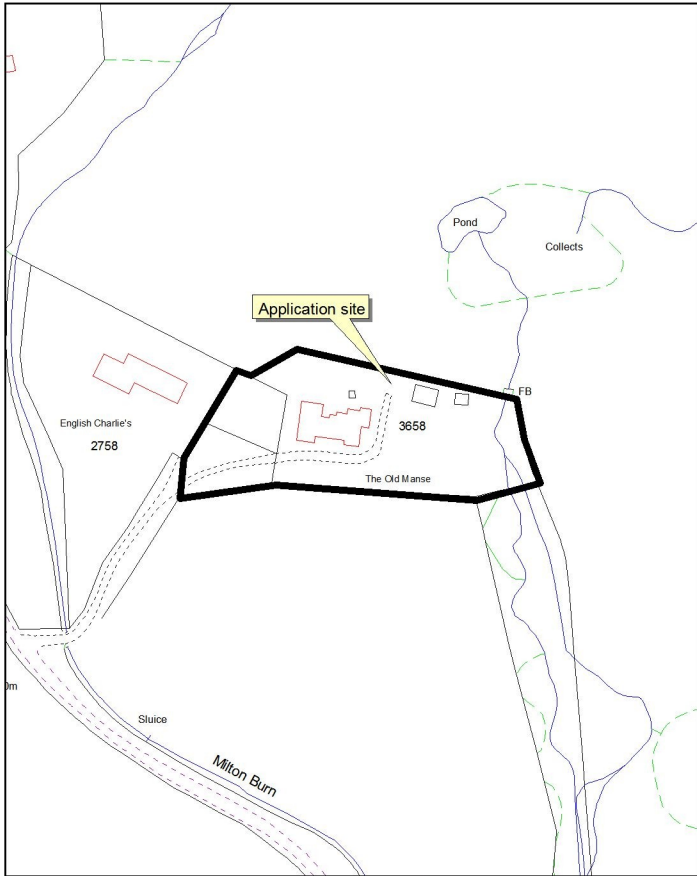
Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

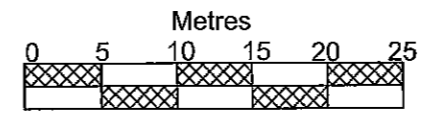
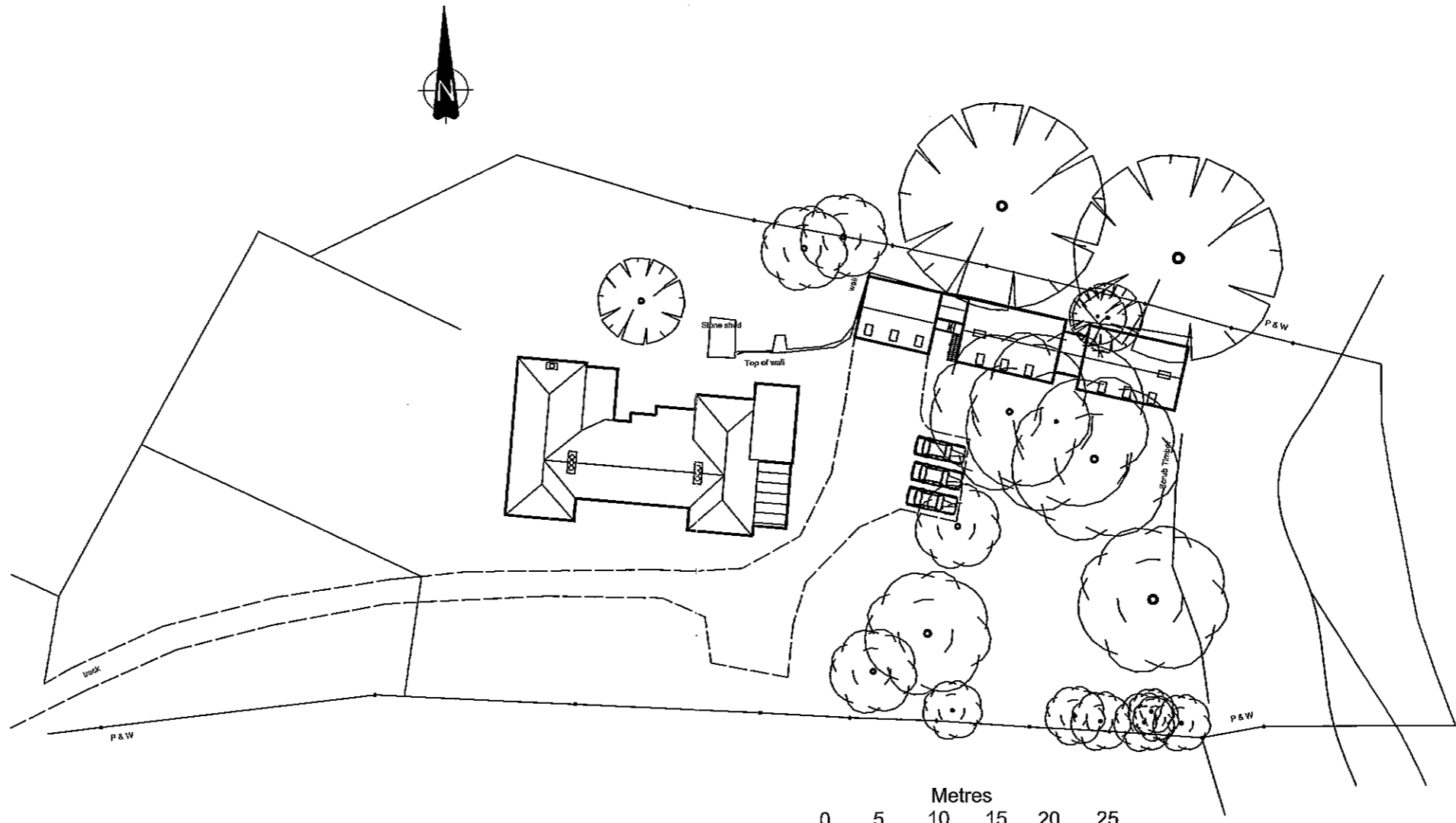
2. The garage and bedroom/shower room shall only be used for purposes ancillary to the enjoyment of the Old Manse as a single family dwelling; unless otherwise approved by the Planning Authority, and notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997, the office space shall only be used for office purposes (as defined in Class 4 of the said Order) related to a business or profession owned or managed by a person or persons having the Old Manse as their sole or principal place of residence; the storage space may be used for or in connection with either of these purposes.

Reason – in the interests of residential amenity; to ensure that the Planning Authority can retain effective control over changes in the use of the premises which might have materially different impacts on residential amenity and the access to the site.

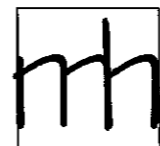
Signature:

Designation: Area Planning and Building Standards Manager
Author: Andrew McCracken. Planning Team Leader
Background Papers: Highland Structure Plan
Badenoch and Strathspey Local Plan
SPP 15
Consultations and correspondence referred to in sections 3 and 6 above





THE HIGHLAND COUNCIL
 PLAN ...3... OF 9... OF APPLICATION REFERENCE
 09/45/L6085
 RECEIVED 25/2/09



18B Tudhoe Village
 Spennymoor
 County Durham
 DL16 6LH
 tel 01388 816192
 e-mail: mike_hornsby@btinternet.com

The Old Manse, Rothiemurchus, Aviemore, Inverness-shire.
 Proposed Extensions, Alterations and Garage

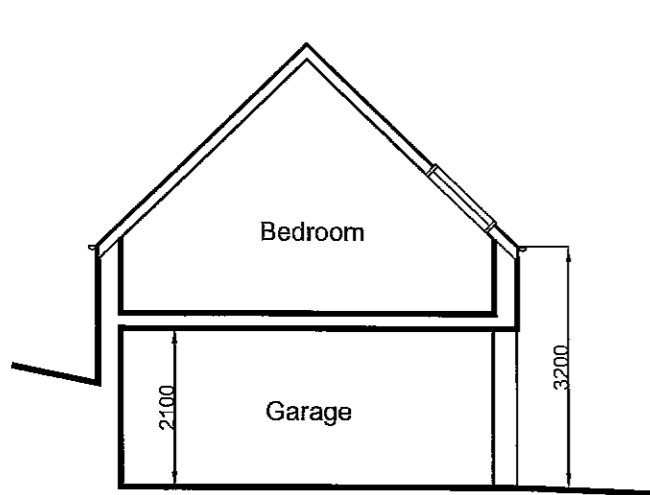
Drawing No.3081 / 12
 Proposed Block / Roof Plan
 Drawn mh
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December 2008
 1:500 @ A3

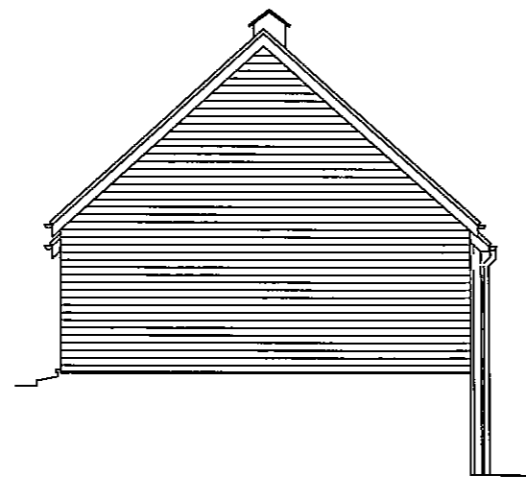


PROPOSED SOUTH ELEVATION

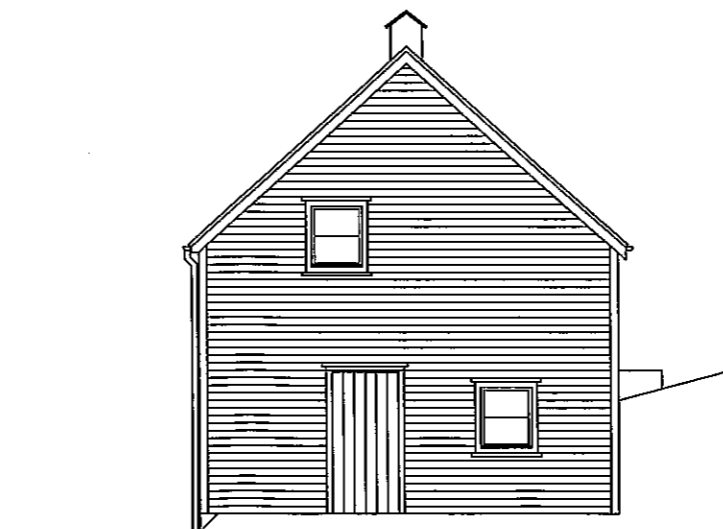
THE ISCOLD COUNCIL
 PLAN 12 OF 13 OF APPLICATION REFERENCE
 09/L6/FUSS
 RECEIVED 25/2/09



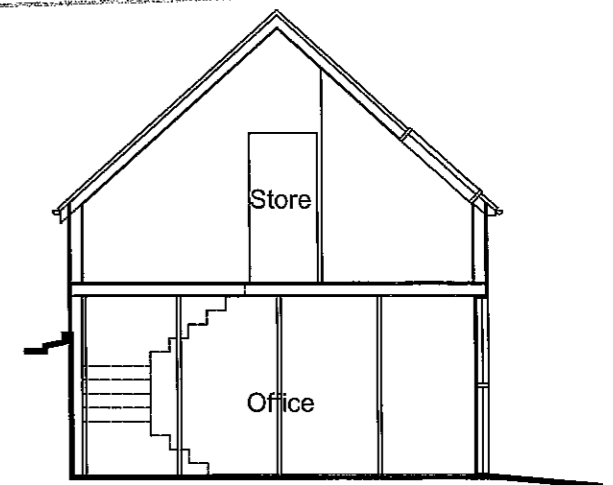
PROPOSED GARAGE CROSS SECTION



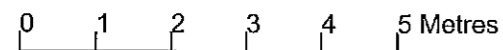
PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



PROPOSED CROSS SECTION



Notes on materials

Existing barn: Existing solid timber doors to be replaced with window frames in painted hardwood.
 3 No 1000mm x 600mm Velux conservation roof windows to be provided in the existing roof.

Barn extension: New external walls to be horizontal shiplap boarding to match existing.
 New roof to be profiled metal sheeting to match existing.
 New windows to be in painted hardwood.
 Velux conservation windows as above.
 Rainwater goods to match existing

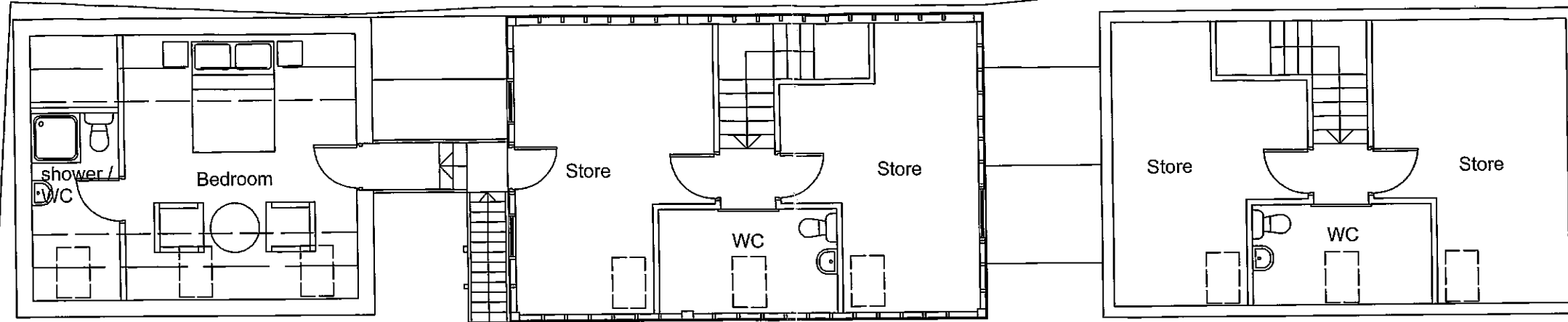
Garage: New external walls, roof finish, conservation windows and rainwater goods as above.
 Doors to be framed ledged and braced hardwood.



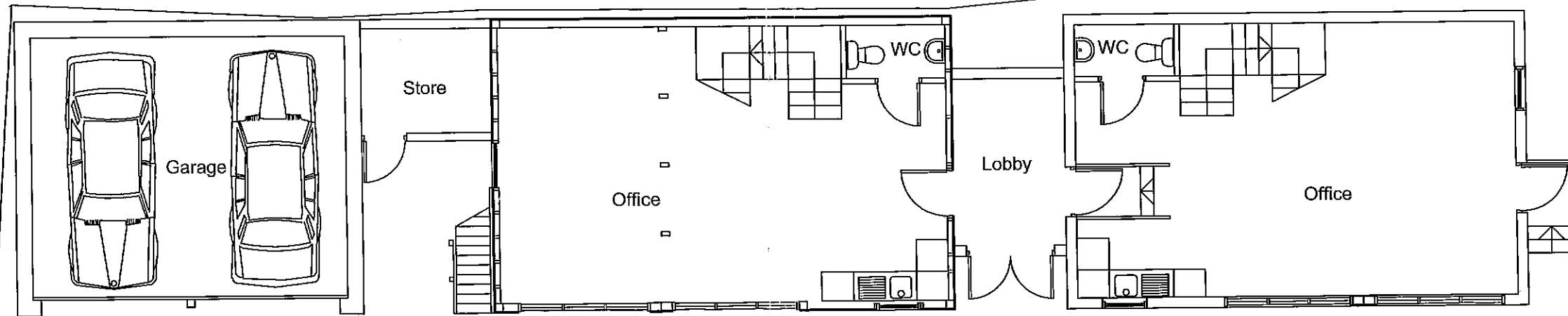
18B Tudhoe Village
 Spennymoor
 County Durham
 DL16 6LH
 tel 01388 816192
 e-mail: mike_hornsby@btinternet.com

The Old Manse, Rothiemurchus, Aviemore, Inverness-shire.
 Proposed Extensions, Alterations and Garage

Drawing No.3081/09 April 2008
 Proposed Barn Elevations / Sections 1:100 @ A3
 Drawn mh
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PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

0 1 2 3 4 5 Metres

THE TOWN AND COUNCIL
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Drawing No.3081/ 10
Proposed Barn Plans
Drawn mh
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April 2008
1:100 @ A3