



PLANNING AND ACCESS COMMITTEE

MEETING: Monday 28th November 2016

SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2016/0228/DET
APPLICANT:	Mr Liam Cayliss
LOCATION:	Land to rear of village store, St Fillans, PH6 2ND
PROPOSAL:	Removal of double garage and erection of holiday let unit

NATIONAL PARK WARD:	N6 Strathearn
COMMUNITY COUNCIL AREA:	St Fillans Community Council
CASE OFFICER:	Name: Sue Laverge Tel: 01389 722628 E-mail: sue.laverge@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This proposal is for replacement of a flat roofed, single storey garage-type building at the rear of St Fillans village shop on the A85 with a self-contained one and a half storey holiday apartment.
- 1.2 The application must be determined by the Planning & Access Committee in accordance the scheme of delegation because Transport Scotland recommends refusal for the following reasons:
 - i) Insufficient off-street parking within the site which will encourage parking on trunk road; and
 - ii) access not wide enough to cope with additional traffic.

2 RECOMMENDATION

That Members:

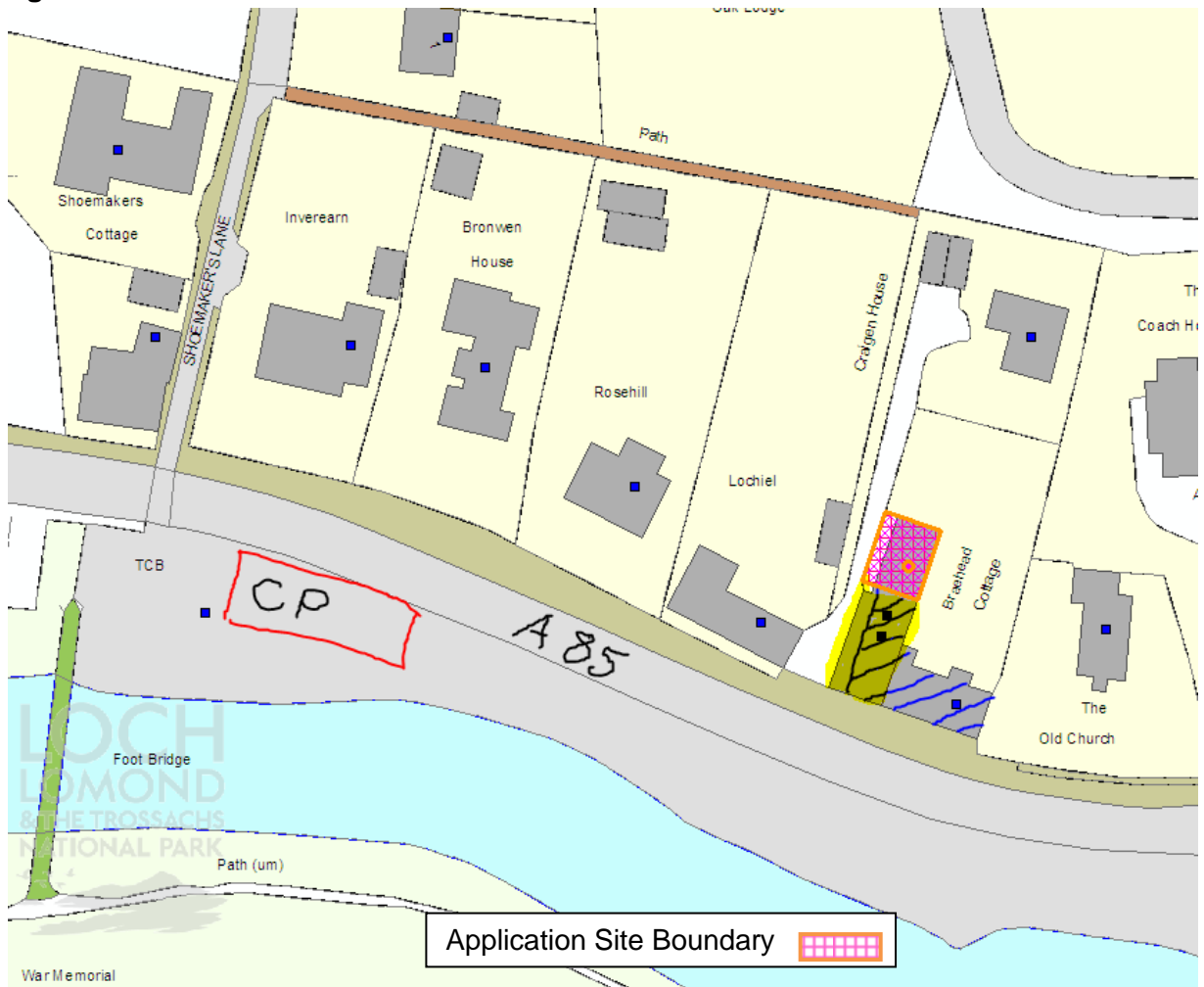
- 1. **APPROVE** the application subject to the conditions contained in Appendix 1.

3 BACKGROUND

Site Location:

- 3.1 The application site is a single storey, flat roofed garage attached to the back of the village shop and within the same ownership. On the map below it is shown outlined in red with a cross. The shop footprint is highlighted in yellow and Braehead Cottage, a two-storey house to the side which also extends over most of the shop at first floor level, is shown in blue hatched lines. There is a driveway to the side which leads to Craigen House behind. The site is therefore bounded to the south by the shop and by Braehead Cottage at first floor level, to the east and north by Braehead Cottage garden and to the west by the communal driveway. All the properties are within St Fillans Conservation Area. The shop car parking area on the other side of the A85, some 70 metres to the west, is shown outlined in red.

Figure 1 Location Plan



Site Description:

- 3.2 The site is tightly constrained with no outside area. The existing garage building is a flat roofed, partially rendered single storey extension with double metal door facing the communal driveway and single door and window on the east side facing Braehead Cottage garden. The building is not visible to public, has no architectural merit and a large part of the roof has collapsed. The applicant confirmed that in his 7 plus years of ownership, it has been little used and only for storage, for example of surplus shelving, not for car parking or for goods intended for sale in the shop.

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Figure 2 Photo taken from A85 looking at the village shop with Braehead Cottage above and to the side. The communal driveway is on the left alongside the rendered wall. The house next door, Lochiel, has a separate driveway with gate across.



Figure 3 Photo taken from driveway showing the garage door and some of the shop side elevation and the back of Braehead Cottage with its decking above the shop.



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Figure 4 Photo taken from behind the garage looking over its roof to Braehead Cottage upper level with balcony and original rear elevation behind, to the side.



Figure 5 Google streetscape extract showing the c.70m distance between the shop parking area on the south side of the A85 and the application site (location shown by red arrow).



Environmental Impact Assessment

3.3 The National Park is identified as a ‘Sensitive Area’ within the Environmental Impact Assessment (Scotland) Regulations 2011 but this proposal does not fall within Schedule 2 so an EIA is not required.

Description of Proposal:

- 3.4 The proposal is for the replacement of the garage with a one and half storey holiday apartment on the same footprint. Designed like a traditional small house with complimentary materials (wet dash render, natural slate, timber windows) it would have a central front door facing the driveway (west) with symmetrical windows on either side and two dormer windows above. No openings are proposed on the rear (north) gable elevation and only two roof lights (conservation style) are proposed to the side facing Braehead Cottage garden (east). The ground floor would have an open plan kitchen / sitting area with shower room and hallway with stairs to a single bedroom above.

Figure 4 Extract from proposed plan showing the spatial relationship of the adjoining buildings, with the proposed west elevation outlined in red, the shop unit highlighted in yellow and the adjoining residential property, Braehead Cottage, hatched in blue.

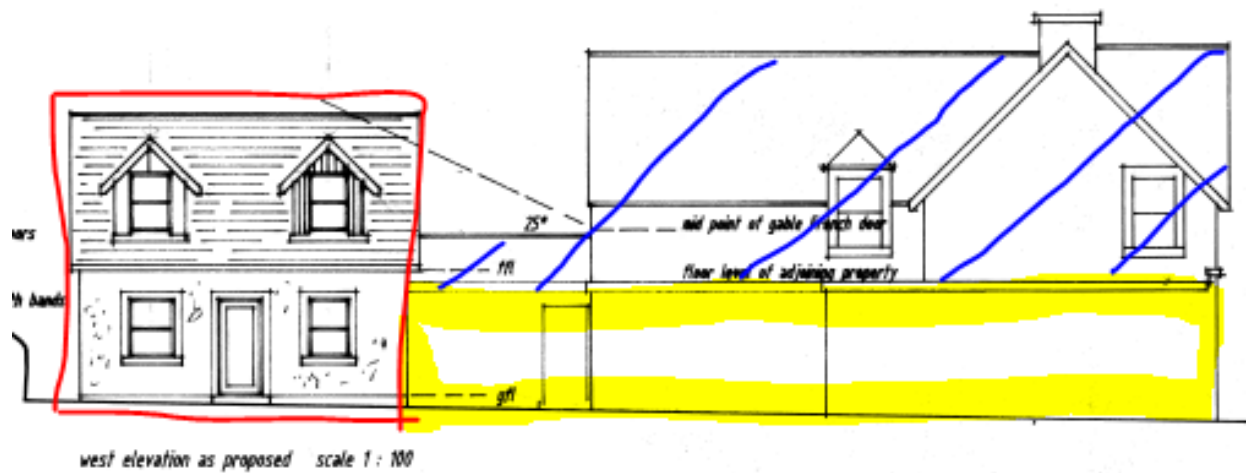
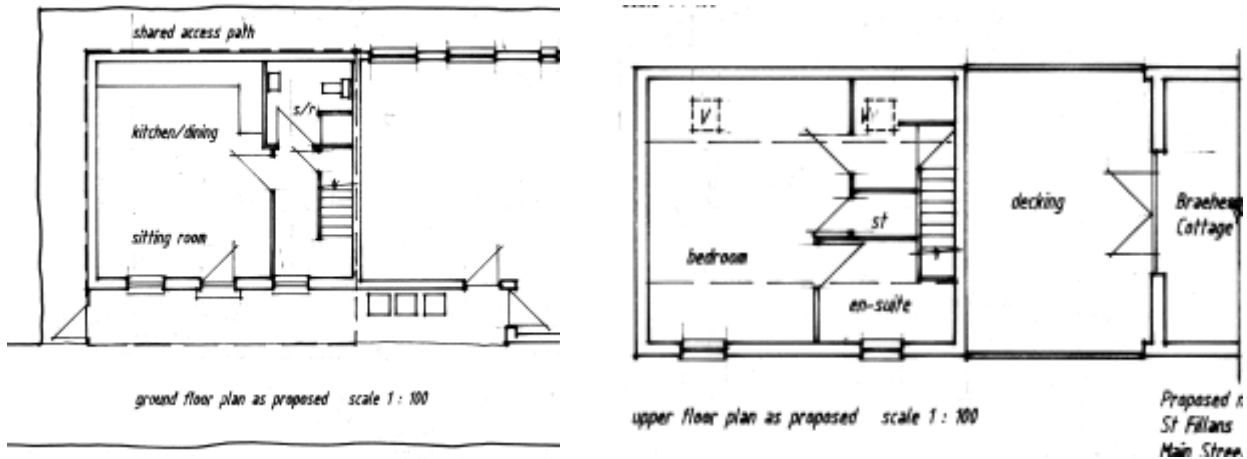


Figure 5 Extract from proposed plan showing ground and first floors (the decking at first floor exists and is part of Braehead Cottage).



4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 Scottish Water (Glasgow)

No objections.

4.2 NP Built Heritage Advisor

The proposal is considered overall to contribute positively to the character of the conservation area.

4.3 Transport Scotland

Initial response was non-objection then changed to recommend refusal for the following reasons:

- i) Insufficient off-street parking available within site which will encourage parking on trunk road; and
- ii) Access no wide enough to cope with additional traffic.

Representations Received:

4.4 A total of four objections received from owners/occupants of neighboring properties: Braehead Cottage, Craigen House, and Lochiel Cottage. Summary of the concerns raised:

4.5 **Parking and road safety** – the proposal would exacerbate existing problems of blocked driveways, of double-parking on the street, and speeding. Replacement of the garage would result in loss of on-site parking provision and visitors using the lane would have to reverse onto the main road as there is no turning space at the apartment. The dedicated shop car park, which was a requirement by the Reporter who approved the village store on appeal, is not well used by customers and has not worked to resolve the residents' concerns raised at the time.

Officer response – the representations included photos of inconsiderate and/or unlawful on-street parking despite clear markings on the road surface. Unfortunately a condition requiring occupants of the holiday unit to only use the shop car park a short distance away would not be enforceable but it is expected that the owner would direct his guests to do so and to not use the driveway as this would entail reversing onto the main road. It is therefore feasible that the proposal could add to the existing problem but, relative to the shop related traffic, any apartment associated on-street parking would be unlikely to materially worsen the existing problem, particularly of blocked driveways which is most likely done by people 'nipping' into the shop. There would be no loss of on-site parking, because, as noted in 3.2 above the garage is not used as car parking and hasn't for many years. Speeding is not a planning matter but it's understood to be part of the general roads related concerns raised by the neighbours.

4.6 **Overdevelopment and too small** – the proposal would cram a house onto an unsuitable site without a proper access or any garden area or pleasant outlook. Construction would be impractical, disruptive and would impede access to Craigen House behind. The resulting unit would be out of character with surrounding bigger properties and would be more suited to a town than a village.

Officer response – it is a very tight site, parking would be remote, there would be no garden area and the outlook is onto a driveway. However, there would be no increase in footprint only an additional half storey. Although small, the gabled one and a half storey with symmetric dormer windows is a traditional design and the finishing materials are in keeping with the conservation area palate. The small size, one bedroom only, means it would function more as an apartment for

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single persons or couples. A garden is not essential for holiday use.

- 4.7 **Bat related concerns** – the bat survey raised questions, concern the survey may be incomplete and bats at risk.

Officer response – the survey (see para 6.1) by a SNH licensed bat worker and experienced, accredited ecologist was updated after SNH sought clarification. The building has low potential for bats largely due to dampness from water ingress but sparse signs of previous transitory bat usage was found to the front of the building, the loss of which would not affect the local conservation status of the species (pipistrelle). However a precautionary approach was recommended including obtaining and adhering to a derogation license for lawful destruction of a transitory bat roost. There are no outstanding bat related concerns.

- 4.8 **General amenity concerns** – constant change of occupants, extra waste bins, potential noise disturbance including from parties and dogs left in the apartment and overprovision of holiday accommodation.

Officer response – while the proposal would result in different occupants coming and going and more activity than currently exists, this is not inherently harmful and the unit's small size is self-limiting in terms of potential noise. It would add to the range of visitor accommodation in the area.

- 4.9 **Specific amenity concerns affecting Braeside Cottage** – overlooking of private garden area, overshadowing and loss of sunlight to garden area, loss of unrestricted view over garden to supervise children from kitchen patio doors, sense of enclosure to decking at first floor level, inaccurate plans which show a shared access path in garden of Braehead Cottage (not the case and no right of access will be given for erection of the building).

Officer response – the proposal initially had the dormer windows facing east which would have overlooked the adjoining garden but they were moved to the other side facing the driveway and neighboring detached garage. There may be some additional shadowing from a higher roof and the southerly view from the existing decking would be blocked but neither would measurably harm the amenity of the adjoining property. The question of whether or not the applicant has legal or consented access to land outwith the building is a private, civil matter.

5 POLICY CONTEXT

National Park Aims:

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

- (a) to conserve and enhance the natural and cultural heritage of the area;
- (b) to promote sustainable use of the natural resources of the area;
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- (d) to promote sustainable economic and social development of the area's communities.

- 5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Development Plan:

5.3 National Park Local Plan (adopted Dec 2011)

Relevant Policies:

D1 Design Quality

TOUR 1 New Tourism Development

TRAN6 Parking

ENV 20 Conservation Areas

Other Material Considerations:

5.4 National Park Proposed Local Development Plan

The Proposed Local Development Plan was submitted to the Scottish Ministers on the 6th December 2015 and requested an examination of the remaining unresolved representations to the plan. Two reporters were appointed by Scottish Ministers and the examination commenced on the 19th January 2016. The examination stage of the Proposed Local Development Plan is now complete and the reporter has set out recommended modifications to the unresolved issues raised in representations to the plan. The Proposed Local Development Plan, including the Reporters' modifications, has now been approved by the National Park Board and on 11th November 2016 was publicised for a 28 day period following which Scottish Government will decide whether to approve the Plan for adoption. During this current period the Proposed Local Development Plan is a significant material consideration in the assessment of planning applications and is a key consideration in determining the weight given to each policy or proposal.

The Proposed Plan provides an indication of likely changes in current planning policy. In this respect, the following policies are relevant:

Overarching Policy 1 : Development Requirements

Overarching Policy 2: Development Requirements

Visitor Experience Policy 1: Location and Scale of New Development

Visitor Experience Policy 2: Delivering a World Class Visitor Experience

Supplementary Guidance

Sustainable Design Supplementary Planning Guidance (adopted Dec 2011)

Draft Supplementary Guidance Design & Placemaking (May 2015)

5.5 National Park Partnership Plan (2012-2017)

All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

Con Policy 6: Cultural Heritage

6 SUMMARY OF SUPPORTING INFORMATION

6.1 *Bat survey*

The survey by a SNH licensed bat worker and experienced ecologist confirmed the building has low potential for bats but a precautionary approach was recommended because there was some evidence of previous transitory bat usage. A condition requiring a licence for lawful destruction of a transitory bat roost is recommended.

7 PLANNING ASSESSMENT

7.1 *Summary of key policies*

Local Plan Policy TOUR1 supports new tourism development within settlement boundaries where the amenity and character is protected and where the proposal would not result in unacceptable levels of increased traffic movements, noise or disturbance. Policy D1 requires high quality design that demonstrates an understanding of context. Policy ENV20 supports development which enhances and protects the character and setting of Conservation Areas. Policy TRAN6 expects proposals to provide sufficient parking to the standards of the relevant Roads Authority.

7.2 The site is well located being central and close to services, the main road and amenities although it is tucked away like a mews building. The design mirrors traditional building styles albeit in a very compact form to fit the footprint of the existing garage building which is the extent of the site. The external materials are likewise in keeping with the conservation area setting. The proposed building would also be markedly more attractive in appearance than the existing failing building and although it would add another floor level immediately behind Braehead Cottage, it does not raise any significant privacy or overshadowing issues. There is little likelihood of noise disturbance due to its small size and the absence of a garden is not essential for holiday use particularly for such a small unit. In terms of its use, it would add a small self-contained holiday apartment to the range of tourism accommodation in the area. The proposal therefore accords with policies TOUR1, D1 and ENV20.

7.3 The proposal does not accord with TRANS6 because there is no dedicated on-site parking; occupants would be expected to park in the shop car park a short distance away although they may choose to park on the roadside instead. This is the reason that the Trunk Roads Authority, Transport Scotland, has recommended refusal, also because they consider the access is too narrow for additional traffic. The planning view however, is that traffic associated with the holiday apartment would not significantly add to the existing levels on the road or driveway. Also, it is assumed the applicant, as shop owner, would direct occupants to park in the shop car park as a matter of course (an informative is recommended in this regard). It is therefore considered there is reasonable prospect that any traffic impact would be minimal.

8 CONCLUSION

8.1 Although the proposal does not comply with policy TRANS6 as it does not include on-site parking, it would not, on account of its small size, generate significant vehicular movements or parking issues, particularly not in relation to current levels associated with the shop and café. There is on-street parking and the shop has a nearby private car park, both of which could lawfully be used by occupants of the holiday unit. On balance, it is considered, on balance, that the benefit of replacing a mediocre, unusable building with an attractive small holiday unit that is sympathetic in form, design and function with the location outweighs the parking concerns. It is therefore recommended that planning permission be granted.

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: *Click on view applications, accept the terms and conditions then enter the search criteria as '2016/0288/DET'.*

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Appendix 1

Conditions

- 1 Finishing Materials:** The materials used to finish the development hereby permitted shall be as described on the approved plans unless otherwise agreed by the planning authority in writing.

REASON – To ensure the development finish is in keeping with the conservation area setting.

- 2 Short Term Holiday Accommodation:** The unit hereby approved shall be used solely for short-term holiday use and not for permanent residential use. The unit shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupants' details (names and dates of stay) shall be kept and shall be made available to the National Park Authority on request.

[Note: This condition does not prohibit the letting of the units by a management company or other management arrangement on behalf of the owner]

REASON: The proposal has been assessed as a tourism development and the approval of permanent residence(s) would be contrary to the policies contained in the adopted development plan.

- 3 Permitted Development:** Notwithstanding the provisions of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order with or without modification) no material alterations or extensions shall be undertaken, nor shall any building or enclosure, hard surface, oil or gas storage tank, or satellite antenna be sited, without application to, and the grant of permission by, the Planning Authority.

REASON: The Planning Authority considers that these should be subject to formal planning control to safeguard the visual amenities of the surrounding conservation area.

- 4 Bat licence:** Prior to the start of works notably removal of the existing garage building, a derogation licence shall be applied for and obtained from Scottish Natural Heritage (SNH) to allow the lawful destruction of a transitory bat roost and thereafter that any conditions including the timing of works shall be adhered to in their entirety unless otherwise agreed in writing by SNH and the planning authority to whom a copy of the licence and bat protection plan should be given prior to the start of works on site.

REASON: As a precautionary measure in case there is a small roost present.

- 5 Access to private car park:** The private shop parking area shall always be available to occupants of the holiday apartment for car parking purposes.

REASON: To ensure off-street car parking is available in order to minimise on-street parking near the site.

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List of Plans

Title	Reference	Date Received
Site / Location Plan	Maps Now	13/07/16
Plan – existing elevations and layout	CD 300/01	13/07//16
Plan – proposed elevations and floor plan	CD 300/04	19/08/16

Informatives

1. In accordance with section the Town and Country Planning (General Permitted Development) (Scotland) Act 1992 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this decision unless the approved development is begun before that expiration.

2. Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

4. The shop and holiday apartment owner should advise visitors against using the driveway as this would result in their having to reverse onto the trunk road which is unsafe. Visitors should instead be directed to leave their cars in the nearby private parking area for the shop and walk over to the shop and holiday apartment. These instructions should be highlighted in all correspondence with visitors and in external signage falling within Schedule 4 (advertisements with deemed consent) in The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.