

Agenda Item	6.7
Report No	PLN/038/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 9 April 2019

Report Title: 19/00009/FUL: Miss Shirley Ross
Land east of 32 Gordons Lane, Cromarty

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

Description: Siting of shepherds hut to be used as ancillary accommodation for visitors

Ward: 09 - Black Isle

Development category: Local Development

Reason referred to Committee: Community Council objection

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 The application seeks detailed consent for the siting of a shepherd's hut to be used as ancillary accommodation for visitors. It is to be sited in garden ground belonging to 62 Gordon's Lane, Cromarty. The purpose of the hut is to provide periodic accommodation for family/friends visiting the owner of the house. The hut will contain a cabin bed, small cooking area and toilet. The applicant has confirmed that the hut will not be used for holiday letting purposes.

The hut is rectangular in shape with a curved roof and measures 5.2m x 2.235m and 3m in height from ground level to the top of the top of the roof. The hut is positioned on wheels with steps leading to the entrance door. The hut is finished in timber and has a metal roof.

2. SITE DESCRIPTION

- 2.1 The site is located on the southern side of Gordon's Lane within Cromarty Conservation Area and in close proximity to a number of grade C listed buildings. This part of Cromarty has a distinct character comprising of traditional buildings facing the southern side of the lane, with the gables of the properties opposite fronting the northern side of the lane. There is a network of narrow lanes and vennels in the area linking the surrounding streets and tight-knit terraces of traditional properties, which creates a distinct fishertown character.

The hut is to be sited in garden ground to the east side of 32 Gordon's Lane, which is a grade C listed property. This ground belongs to 62 Gordon's Lane located approx. 30m to the east, further along the lane. Three terraced houses lie between the site and the applicant's house. The ground was previously occupied by a house, and the rear wall of this property still stands and forms the southern boundary. The north and east boundary is delineated by a hedge. The west boundary consists on the gable wall of 32 Gordon's Lane. A vennel runs adjacent to the east boundary and links Gordon's Lane to Church Street. The garden ground currently contains a garden shed and children's playhouse.

3. PLANNING HISTORY

None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Section 65 – Development affecting a conservation area

Date Advertised: 25.02.2019

Representation deadline: 08.02.2019

Timeous representations: 3

Late representations: 0

- 4.2 3 letters of support were received. Material considerations raised are summarised as follows:

a) No objections to the proposal.

- b) The proposal will replace a building that once existed at the site.
- c) One of the difficulties of living in the small houses of Fishertown is the lack of space. The proposal will ensure that the applicant can continue to live here as her children grow.

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 **Cromarty and District Community Council – Object.** There is no provision for parking at the site and vehicular access via Gordon's Lane is very constrained. Parking is a serious problem in Cromarty for both residents and visitors, particularly in the summer months, and particularly in the Fishertown/Church Street area where the site is located. The Community Council feels that in general all developments which bring additional traffic to the town should include provision for parking.

5.2 **Historic Environment Team – No objection.** The proposal is for a shepherd's hut in the garden to the side of 32 Gordon's Lane. Gordon's Lane has considerable character with a series of well-preserved Listed Buildings to the south facing the lane contrasting with the gables of the buildings running at right angles along the minor lanes and vennels to the north. The application area, now garden ground, was formally a house that completed the terrace - only the rear wall of this house now survives and acts as the garden's southern boundary wall.

Opportunities for this type of development in Cromarty are limited and there are even fewer appropriate locations to site a shepherd's hut that will continue to preserve the character of the conservation area; a shepherd's hut will inevitably be a departure from the existing architectural and structural form of the area. In this particular case, given the site in question was once that of a dwelling and that the proposed siting of the hut respects the grain and rhythm of the street, it is considered that this could be incorporated without adversely impacting the character of the conservation area. The surviving rear wall will screen the hut from the south and, provided the hedging to the front and side can be retained, the site will retain the feel and appearance of garden ground and prevent the hut from appearing overly incongruous.

Overall, the proposal should have a neutral effect on the character and appearance of the conservation area, and in conservation terms the proposal can be supported. It is important to highlight that whilst it may be acceptable in this particular case, any decision to approve this application will not be seen to set a precedent for similar developments in other locations, including garden ground, within the conservation area.

5.3 **Scottish Water – No objection.** Currently no capacity issues. General advice provided for the applicant.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

34 - Settlement Development Areas

57 - Natural, Built and Cultural Heritage

6.2 **Inner Moray Firth Local Development Plan (2015)**

Within the settlement boundary for Cromarty

6.5 **Highland Council Supplementary Planning Policy Guidance**

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

Highland Historic Environment Strategy (Jan 2013)

Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 Scottish Government Planning Policy and Guidance

Historic Environment Scotland Policy Statement 2016

Managing Change in the Historic Environment – guidance note series

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) The principal determining policies of the Highland-wide Local Development Plan (HwLDP)
- b) Impact upon the character and appearance of Cromarty Conservation Area and the setting of listed buildings
- c) Impact upon residential amenity
- d) Parking and access

The principal determining policies of the Highland-wide Local Development Plan (HwLDP)

8.4 The principal determining planning policies in relation to this case are;

- 28 (Sustainable design) of the Highland-wide Local Development Plan HwLDP

- 34 (Settlement Development Areas) of the Highland-wide Local Development Plan HwLDP
- 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan HwLDP

- 8.5 Policy 28 (Sustainable Design) of the HwLDP aims to ensure that development is socially, economically and environmentally sustainable. The policy lists criterion against which development shall be assessed. Of particular relevance to this proposal, the policy states that developments will be assessed on the extent to which they are compatible with public service provision, are accessible by sustainable methods of transport, impact on individual and community residential amenity and demonstrate sensitive siting and high quality design.
- 8.6 Policy 34 (Settlement Development Areas) of the HwLDP highlights the importance of supporting existing communities and identifies SDA's as the preferred location for most types of development, as this makes the best use of infrastructure, services and protects the character of surrounding countryside.
- 8.7 Policy 57 (Natural, Built and Cultural Heritage) of the HwLDP is relevant to this application as it is located within Cromarty Conservation Area and adjacent to listed buildings. This policy states that for features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the heritage resource.

Impact upon the character and appearance of Cromarty Conservation Area and the setting of listed buildings

- 8.8 Cromarty is a historic village of immense character and charm which is derived from a mixture of small cottages, town houses and commercial buildings. Also key to its character is the network of narrow streets and vennels and the relationship of buildings to each other. The ability of this proposal to fit with the established rhythm and grain of development within the Fishertown part of Cromarty is therefore a key material planning consideration. The terrace of properties to the west of the site are all grade C listed, as are a number of others in close proximity to the site. The impact of this development upon the setting of these listed buildings is therefore also a key determining factor in the assessment of this application.
- 8.9 The consultation response from the Council's Historic Environment Team is set out in paragraph 5.2 above. The response concludes that the proposal will have a neutral effect on the character and appearance of the conservation area, and in conservation terms the proposal can be supported.
- 8.10 The hut is to be positioned against the wall forming the back (south) boundary of the site, and behind the front building line of the adjacent property, 32 Gordon's Lane. The structure is also comparable in footprint and appearance to a garden shed or small summerhouse. Furthermore, the garden ground is well defined and contained within a hedge and high stone boundary wall. Given the size, position and appearance of the structure, it is considered that it can be accommodated at this location without any significantly adverse impacts upon the character and appearance of the conservation or upon the setting of the adjacent listed buildings. The site currently contains a timber garden shed, which is to be relocated to the

rear of the site, and a playhouse, which is to be removed. The addition of the proposed shepherd's hut will not result in a significant change to the character of this part of Gordon's Lane. The site previously contained a house that completed the terrace, and in this regard the siting of the hut respects the history and rhythm of development at the location.

- 8.11 Given the sensitive nature of the location, it is recommended that a temporary consent of 5 years is granted in order to allow the Planning Authority to reassess the development and to ensure that if the hut falls into disuse its removal can be secured. A condition ensuring that the playhouse is removed from the site is also recommended to ensure that the garden ground does not appear as cluttered with structures. The applicant advises that this is to be removed as her children have grown out of it but she would like to keep the garden shed if possible to store gardening equipment.
- 8.12 The proposal will not appear as incongruous and is not considered to present a threat to the character or appearance of the conservation area or to the setting of the adjacent listed buildings. The proposal is therefore considered to accord with policies 28, 34 and 57 of the Highland-wide Local Development Plan. It is important to note, as stated by the Historic Environment Team, that whilst this proposal is considered acceptable in this location, there are limited opportunities for such development elsewhere within Cromarty Conservation Area and any decision to approve this application must not be seen as setting a precedent for similar developments in other locations, including garden ground, within the conservation area.

Impact upon residential amenity

- 8.13 The high wall on the southern boundary will screen the proposal completely from the southerly direction. The gable wall of 32 Gordon's Lane is a solid wall with no openings and given the set back of the hut from the front building line, there is not considered to be any significant impact upon the amenity of this immediately adjacent neighbour. Furthermore, the hut is not to be occupied on a permanent basis with occupancy only proposed for occasional visitors. This stated level of use is not considered to introduce a level of activity out of keeping with the existing residential area. Although development is dense at this location, other neighbours are sufficiently detached from the site so that any significant impact upon their amenity is avoided. The application includes a condition preventing the hut from becoming a separate planning unit and being used for holiday letting purposes.
- 8.14 It is considered that the proposal will not have a negative impact upon individual or community residential amenity and the proposal is therefore considered to accord with policies 28 and 34 of the Highland-wide Local Development Plan.

Parking and access

- 8.15 Vehicular access to Gordon's Lane is possible but constrained by its narrow width, and there are limited opportunities for parking. The applicant proposes that visitors will park on Shore Street. It is acknowledged that there is no dedicated parking for many of the historic properties within this part of Cromarty, and that tourism generates a further demand for parking within Cromarty. Whilst the concerns of the

Community Council with regard to the lack of parking within Cromarty and the pressures that arise, particularly due to tourism, given that the hut is not proposed for permanent occupation or for regular tourism lets, refusal on the grounds of lack of dedicated parking is not considered justified. The use of the hut by guests of the owner will likely generate an additional occasional parking demand on Shore Street as parking opportunities on Gordon's Lane itself are very limited. There is however considered to be capacity to absorb this limited demand for on-street parking created by this development. The need for parking would be generated regardless of whether the applicant's visitors stayed within their home or within the annexe to their home in the form of the proposed shepherd's hut.

- 8.16 The proposal is not considered to have a significantly negative impact upon parking within Cromarty or upon community amenity as a result of lack of dedicated parking provision. The proposal is therefore considered to accord with policies 28 and 34 of the Highland-wide Local Development Plan.

9. CONCLUSION

- 9.1 The proposal will not appear as an incongruous feature within the conservation area and has no adverse impact upon the setting of the listed building within proximity of the site. Furthermore, the proposal does not impact negatively upon individual or community residential amenity and while lacking a dedicated parking space, is not considered to result in a level of on-street parking that would be significantly detrimental to the area.
- 9.2 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

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30.03.2024 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings) and fully reinstated.

Reason: To enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration if the development falls into disuse or disrepair; in the interests of visual amenity and preserving the character and appearance of the conservation area.

2. Prior to the commencement of development and the siting of the shepherd's hut hereby approved, the existing playhouse shall be removed from the site and an amended site layout plan shall be submitted to show the amended location of the garden shed for the approval in writing of the planning authority. Thereafter the development shall be completed in accordance with the approved site layout plan.

Reason: To avoid having an excessive number of structures within the site; in the interests of the visual amenity of the area, to preserve the character and appearance of the conservation area and to avoid any adverse impact upon the setting of adjacent listed buildings.

3. The position of the shepherd's hut shall be as shown on approved site layout plan reference "2".

Reason: To preserve the character and appearance of the conservation area and to avoid any adverse impact upon the setting of adjacent listed buildings.

4. The shepherd's hut hereby approved shall be used solely as accommodation ancillary to 62 Gordon's Lane, and shall at not time be used as a separate dwelling or for holiday letting purposes or other letting purposes.

Reason: In recognition of absence of dedicated parking, in the interests of individual and community residential amenity and the use applied for.

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.

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 and 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.

Mud and 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).

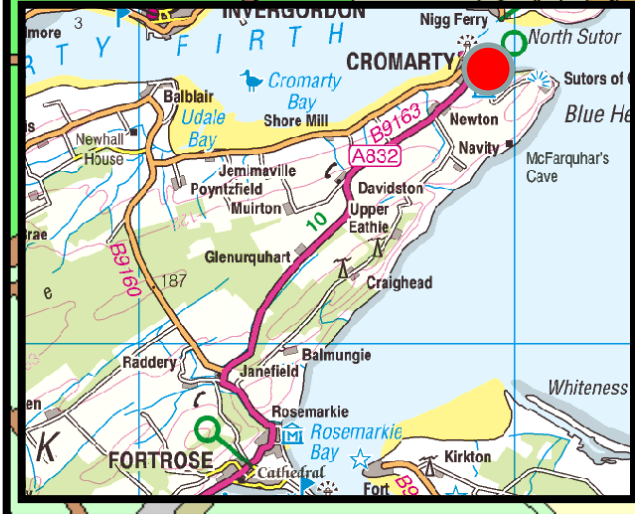
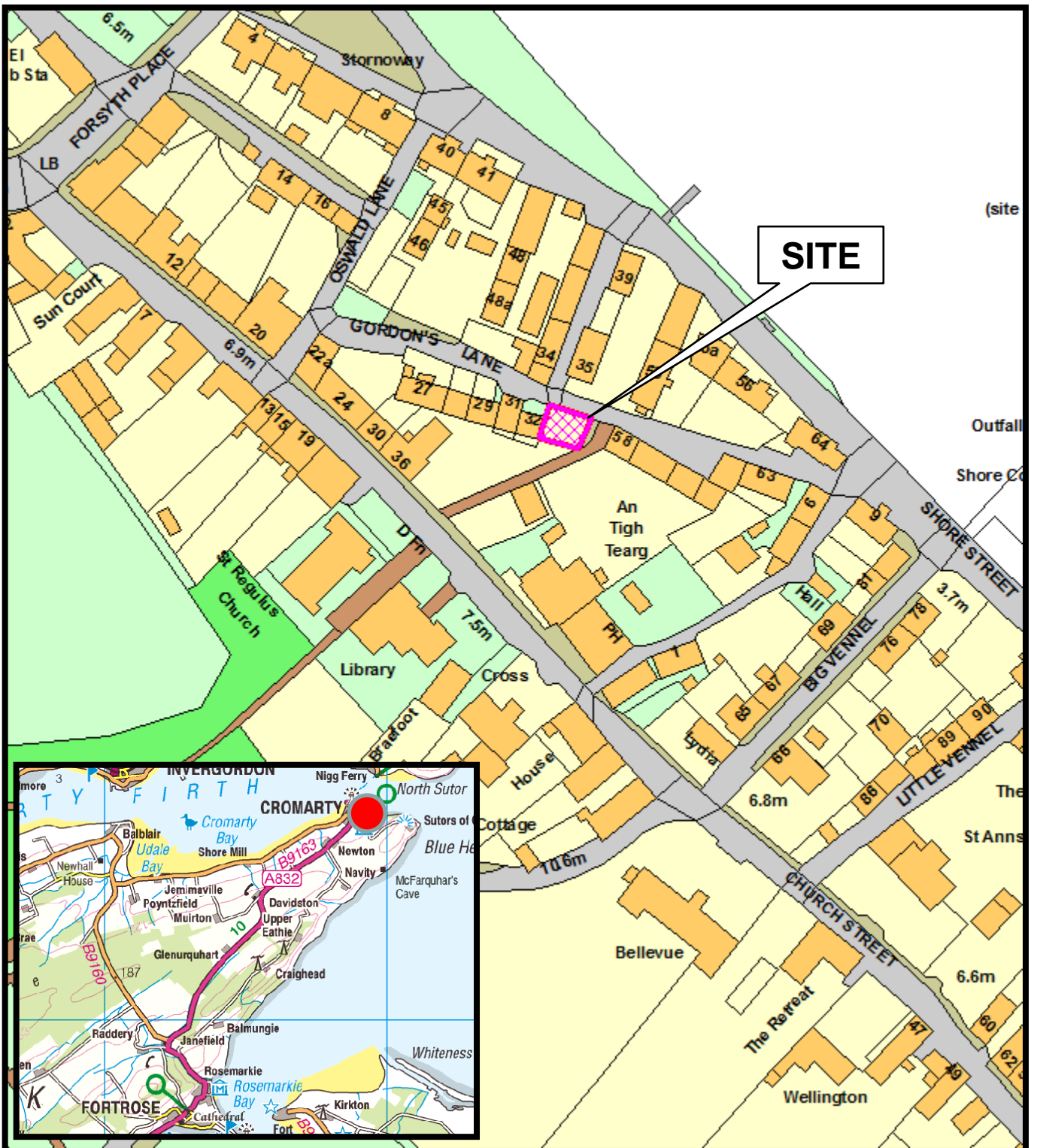
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

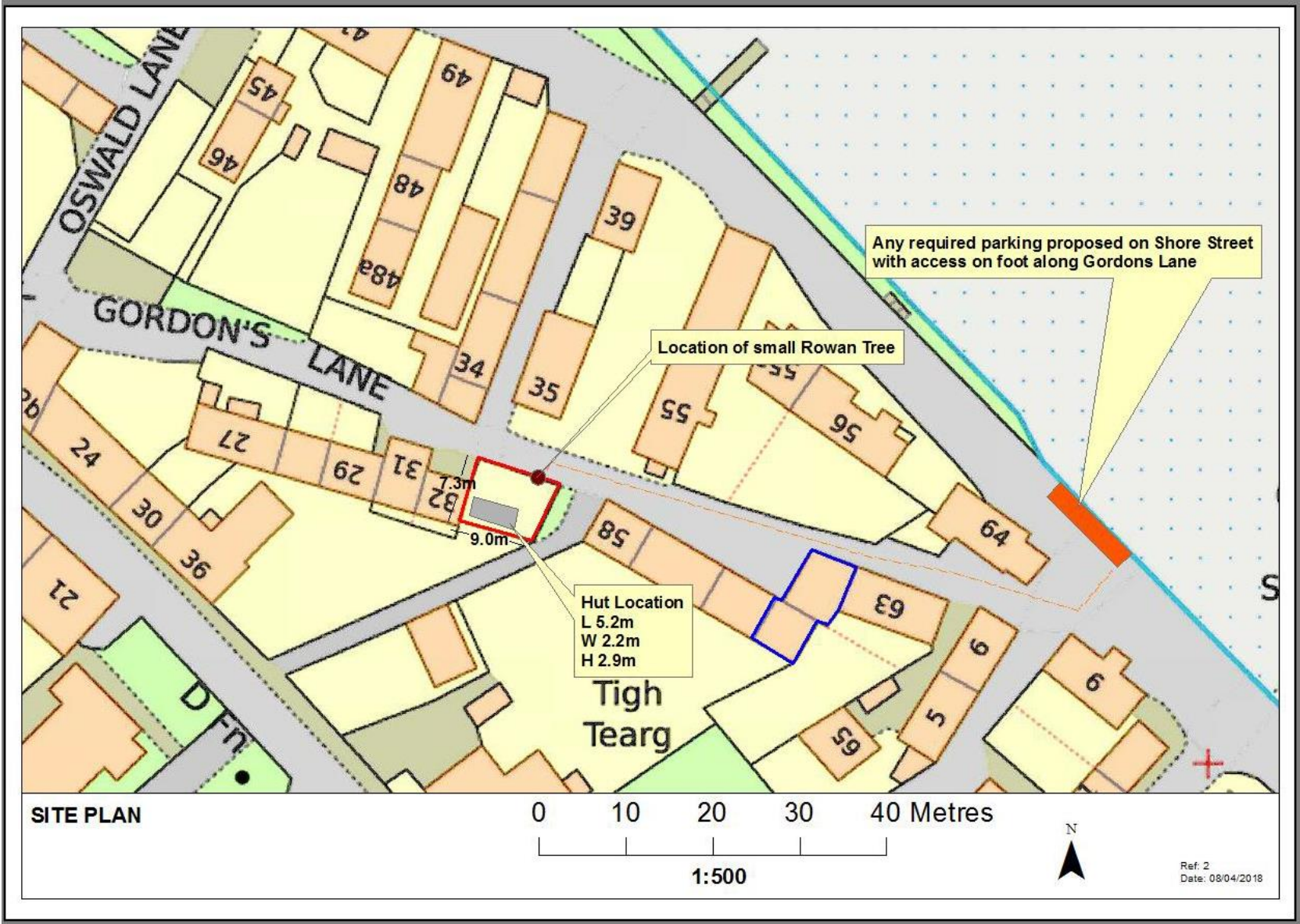
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits.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

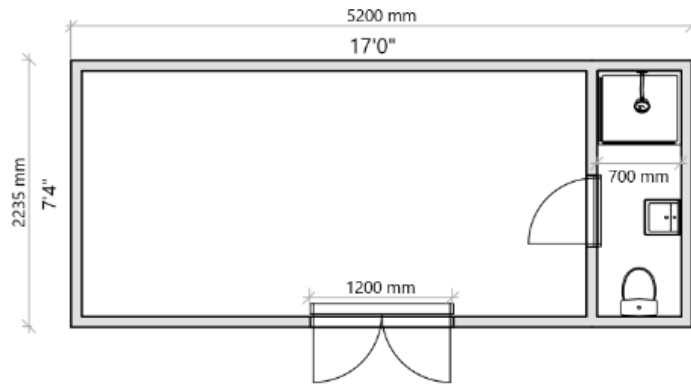
Protected Species – Halting of Work

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: Acting Head of Development Management – Highland
Author: Rebecca Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - 2 - Site Layout Plan
Plan 3 - 000001 Floor/Elevation Plan







Shepherds Hut.

Standard Hut length of 5.2m

Shirley Ross,
Gordons Lane,
Cromarty,

