

Agenda Item	6.7
Report No	<b>PLN/071/19</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 10 September 2019  
**Report Title:** 19/02367/FUL: Mr John Macleod  
7 Newton Road South, Evanton, Dingwall  
**Report By:** Acting Head of Development Management – Highland

### 1. Purpose/Executive Summary

- 1.1 **Description:** Erection of shed  
**Ward:** 06 - Cromarty Firth
- 1.2 **Development category:** Householder Development

**Reason referred to Committee:** Five letters of objection received.

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.

### 2. Recommendations

- 2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

3.1 It is proposed to erect a domestic garage measuring 7m x 4m x 3m high. The proposed steel-framed building will be constructed on a concrete base. Originally it was intended to clad the structure with box profile steel sheets (olive green in colour).

3.2 There is no vehicular access to the site and no new access is proposed. After discussion with the applicant it was confirmed that the intended use of the building is for the storage of bicycles and tools and not for the storage of any vehicle. Therefore, for the avoidance of doubt, the description has now been amended from erection of a garage to a shed with the applicant's agreement.

3.4 Supporting Information: None.

3.5 Variations: None.

### **4. SITE DESCRIPTION**

4.1 The site forms part of an area of open grassland to the rear of the applicant's terraced house. This open area is surrounded by residential properties on three sides and Newton Road South to the east. Several sheds are located on this ground, set back from the rear of the houses. Although this area has the appearance of communal land, it is actually within the ownership of separate parties. However there is no fencing separating the different ownerships. It has been established that the site did not form part of the original curtilage of the applicant's property, but it is now within the applicant's ownership. A footpath runs between the site and the applicant's rear garden area.

### **5. PLANNING HISTORY**

5.1 19/02311/PDENQ The applicant submitted a development enquiry in respect of the proposed building and was advised that planning permission would be required as the site was outwith the original curtilage of the dwellinghouse. 22.05.2019

### **6. PUBLIC PARTICIPATION**

6.1 Advertised: No

Date Advertised: Not applicable.

Representation deadline: 12 July 2019

Timeous representations: 5

Late representations: 1

6.2 Material considerations raised are summarised as follows:

- Adverse impact on open grassed area which attracts wildlife.
- Loss of green space which will affect rural aspect.

- Loss of common land.
- Potential loss of trees
- Adverse visual impact
- Out of keeping with existing sheds which are small temporary wooden structures.
- Type of construction not in keeping with existing buildings.
- Loss of privacy
- Potential use of building.
- No vehicular access available.
- Not in keeping with existing parking arrangements.
- Setting precedent.

6.3 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](http://www.wam.highland.gov.uk/wam).

## **7. CONSULTATIONS**

7.1 None

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 Highland Wide Local Development Plan 2012**

28 - Sustainable Design  
34 - Settlement Development Areas

### **8.2 Inner Moray Firth Local Development Plan (2015):**

Policies: Within Evanton Settlement Development Area

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Highland Council Supplementary Planning Policy Guidance**

House Extensions and other Residential Alterations (THC Planning Guidance)  
(May 2015)

### **9.2 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

## **10. PLANNING APPRAISAL**

10.1 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**

- 10.2 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**

- 10.3 The key considerations in this case are:
- (a) The principal determining policies of the Highland-wide Local Development Plan (HwLDP)
  - (b) Impact upon residential amenity.

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

- 10.4 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
- 10.5 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 impact on individual and community residential amenity and demonstrate sensitive siting and high quality design.
- 10.6 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.

## **Impact upon residential amenity**

- 10.7 The shed is to be sited within an area where existing sheds are located, albeit smaller structures, and therefore the proposal will bring only limited change. It has been clarified with the applicant that no vehicular access is proposed and therefore no trees will require to be removed. Existing parking arrangements will be unaffected. There will be no loss of common land as, whilst the site is unfenced, it is within the ownership of the applicant.
- 10.8 No loss of privacy will occur as the shed will be set back 11 metres from the rear of the houses. There are no windows proposed in the structure, although translucent sheets are to be provided in the roof for light. Therefore there can be no overlooking. The shed is required for domestic purposes only. Conditions will be imposed to ensure that the doors of the shed are located facing the applicant's own property, and that the walls have a timber finish, stained green, so that the building is more in keeping with existing structures and appears more recessive.

The applicant has agreed to all of these suggestions. The use of the shed will also be restricted to purposes incidental to the enjoyment of the dwellinghouse only to protect residential amenity.

- 10.9 It is considered that following the clarification obtained and the changes negotiated the proposal will not have a significant negative impact upon individual or community residential amenity and now demonstrates reasonably sensitive siting and acceptable design. The proposal is therefore considered to accord with policies 28 and 34 of the Highland-wide Local Development Plan.
- 10.10 Impact upon wildlife has been raised in one of the representations lodged. It should be noted that the site does not within a designated nature conservation designation.

## **9. CONCLUSION**

- 9.1 The proposal will not impact significantly upon individual or community residential amenity
- 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**

<b>Action required before decision issued</b>	N
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. The doors of the development shall be positioned on the South West elevation, facing the applicant's property, with no other openings.

**Reason:** In the interests of visual and residential amenity.

2. The walls of the development shall be finished in timber cladding and stained dark green in colour.

**Reason:** In the interests of visual and residential amenity.

3. The shed hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse, and for no other purpose or use.

**Reason:** In order to enable the Planning Authority to retain effective control over future use within the application site so that it is carefully managed and does not result in an adverse impact on residential amenity or the amenity of the area.

### **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 accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.

### **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

### **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](mailto: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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Acting Head of Development Management – Highland

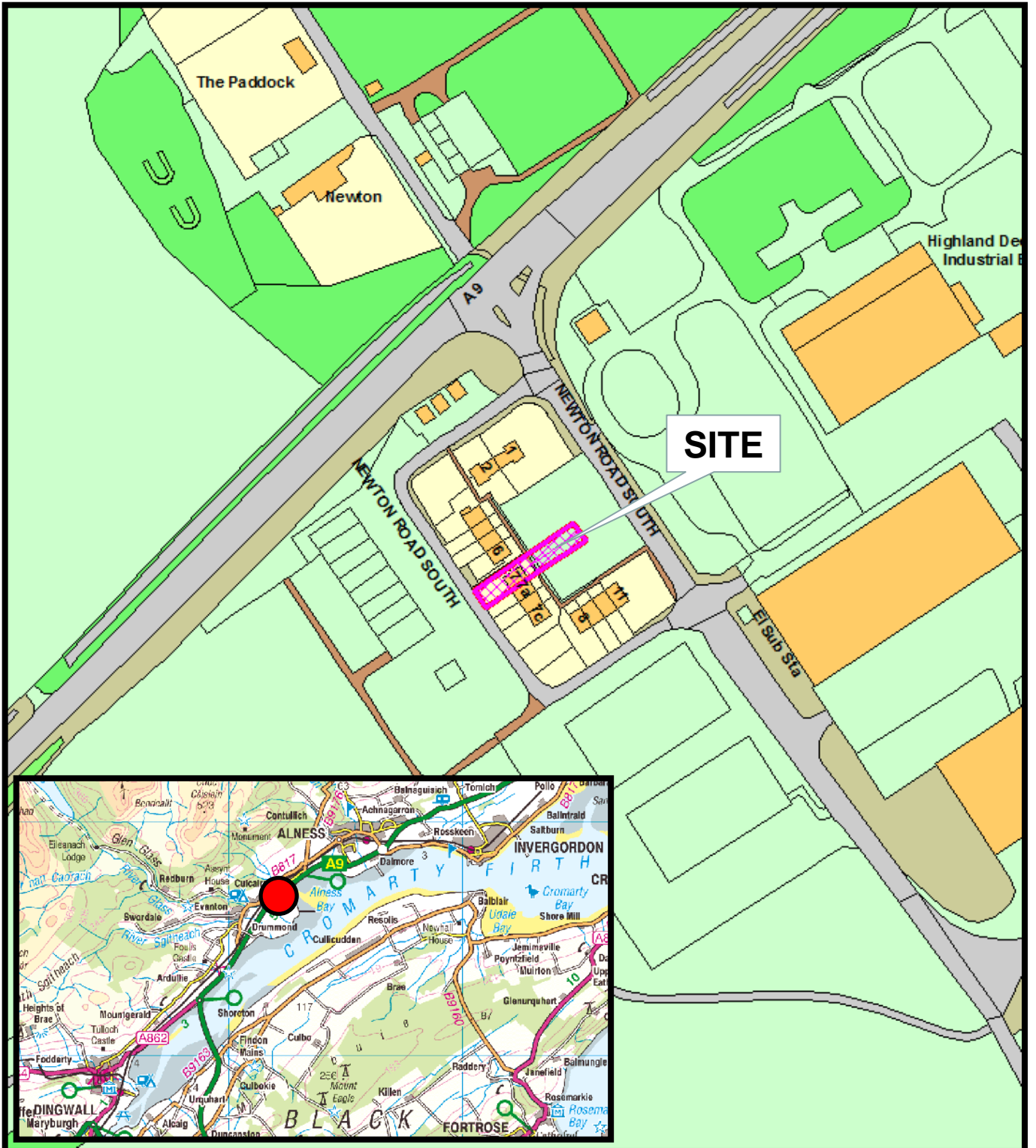
Author: Patricia MacRae

Background Papers: Documents referred to in report and in case file.

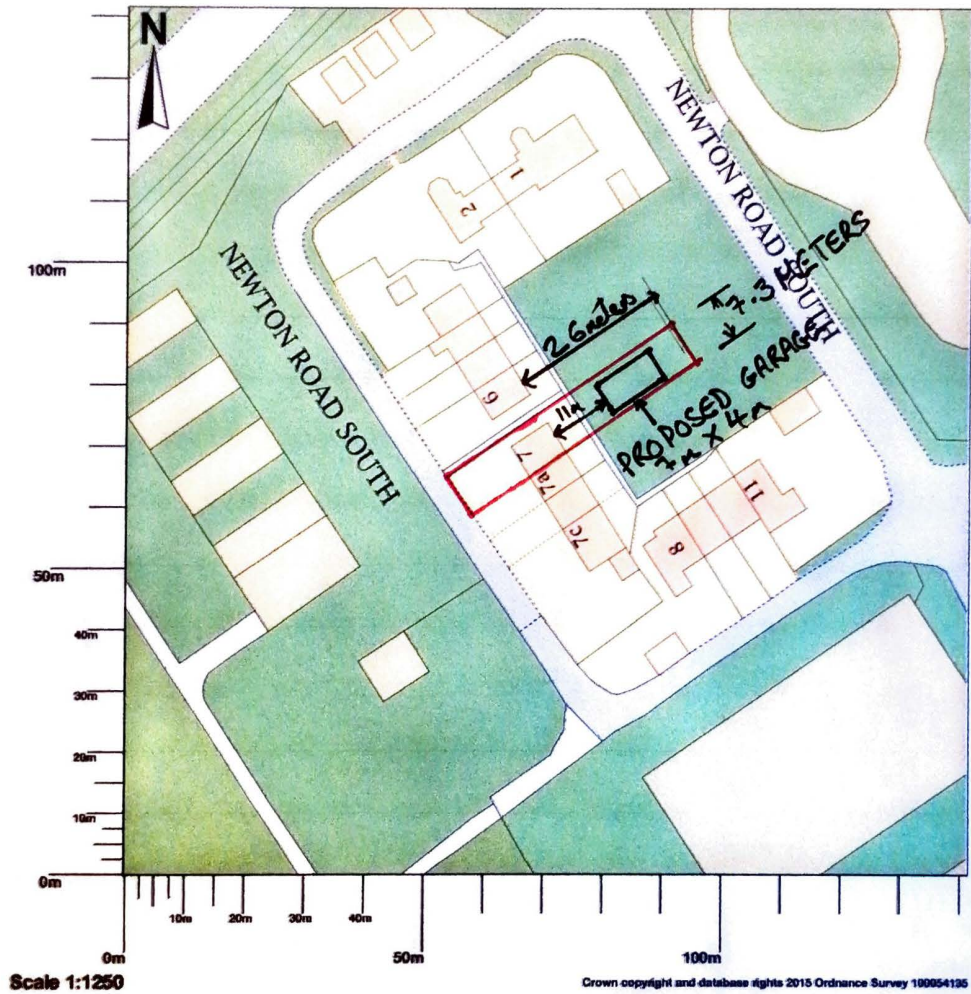
Relevant Plans:

- Plan 1 - Location Plan
- Plan 2 - 000001REVA – Location Plan
- Plan 3 - 000003 – 000004 REV A – Site Layout Plan
- Plan 4 - 000002 – Floor/Elevation Plan





## 7 Newton Road South, Evanton, Dingwall, IV16 9UH

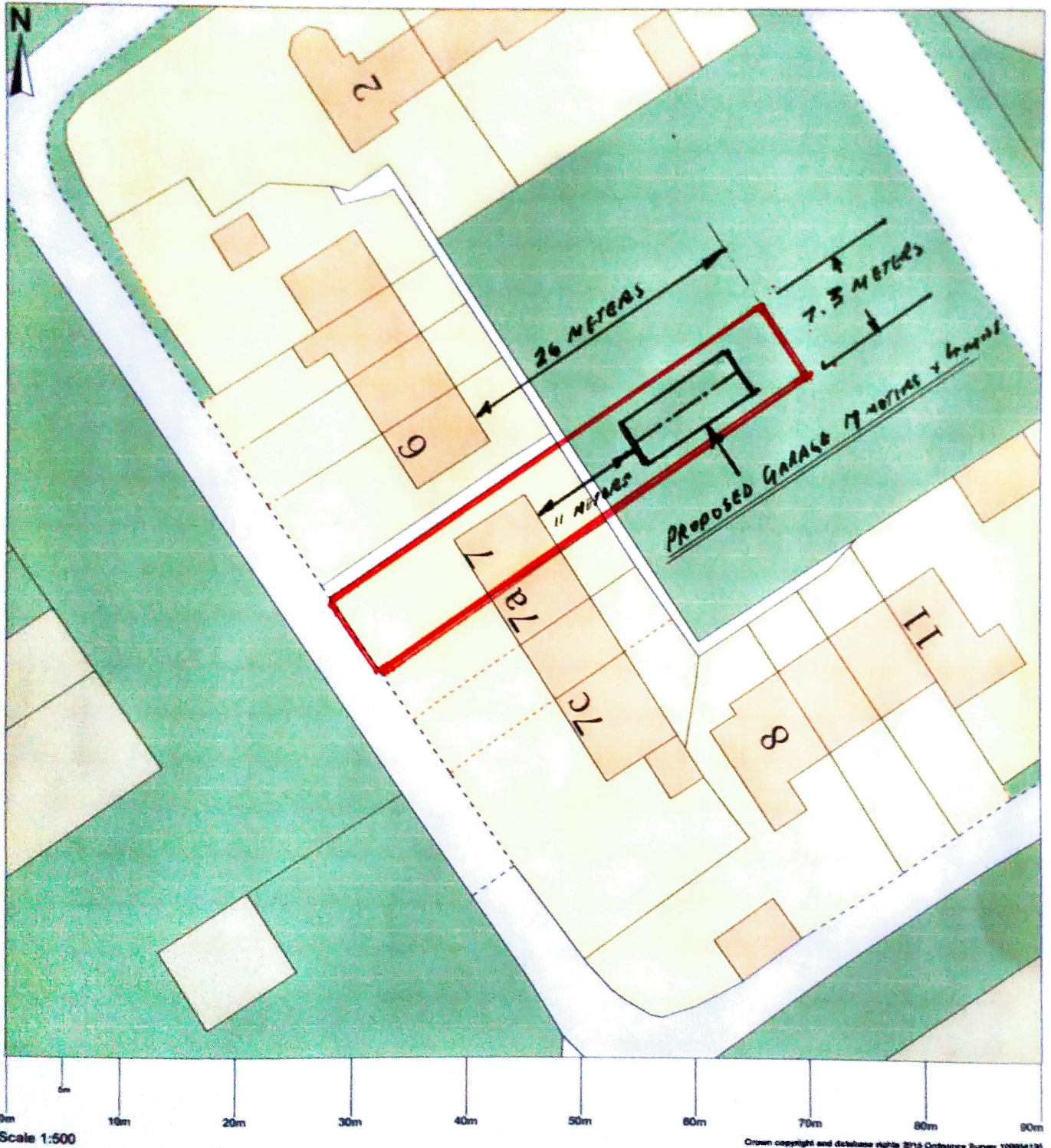




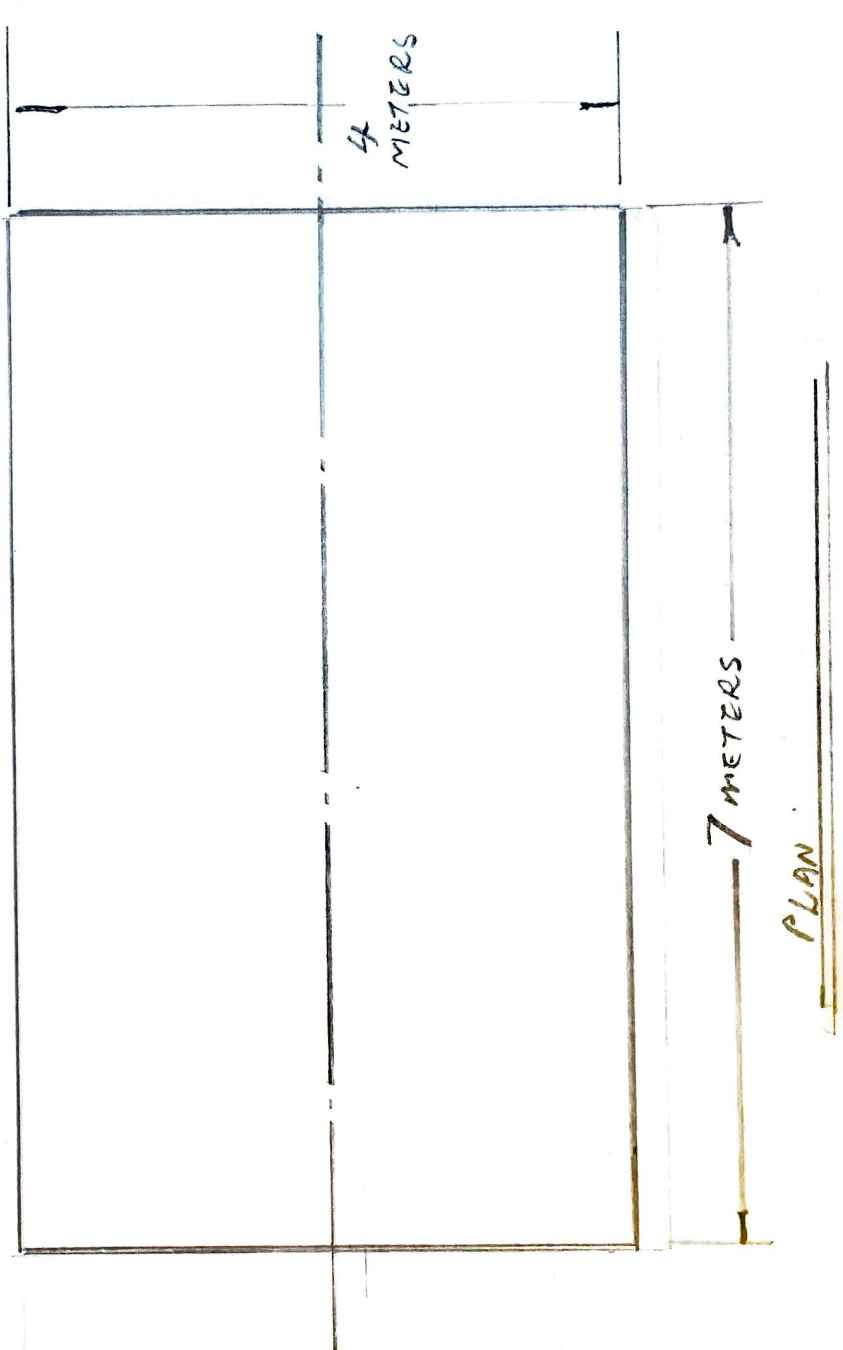
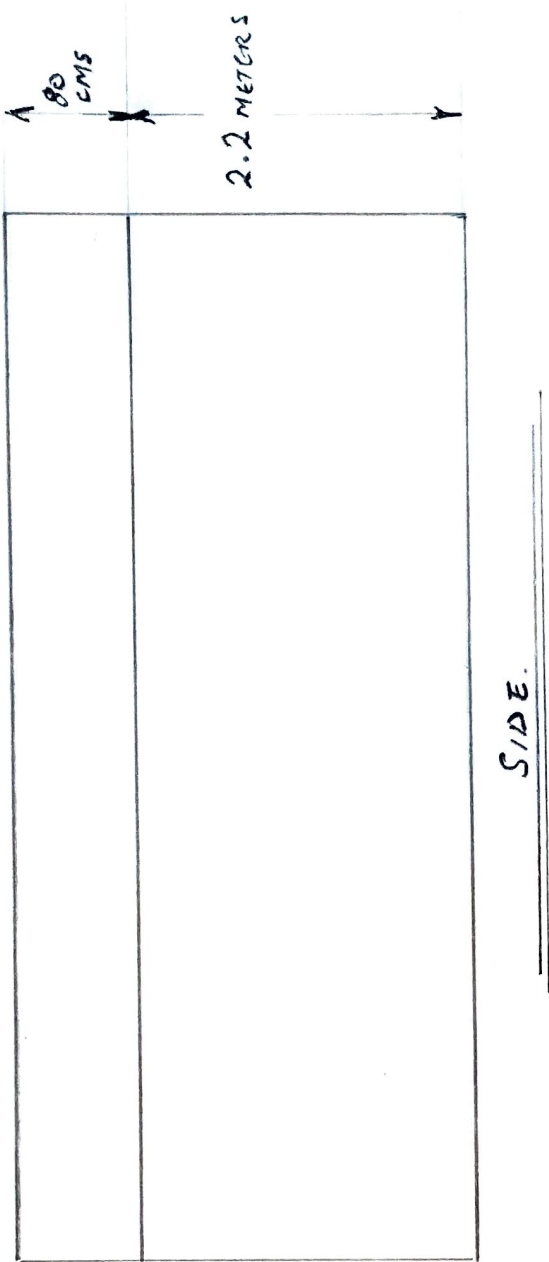
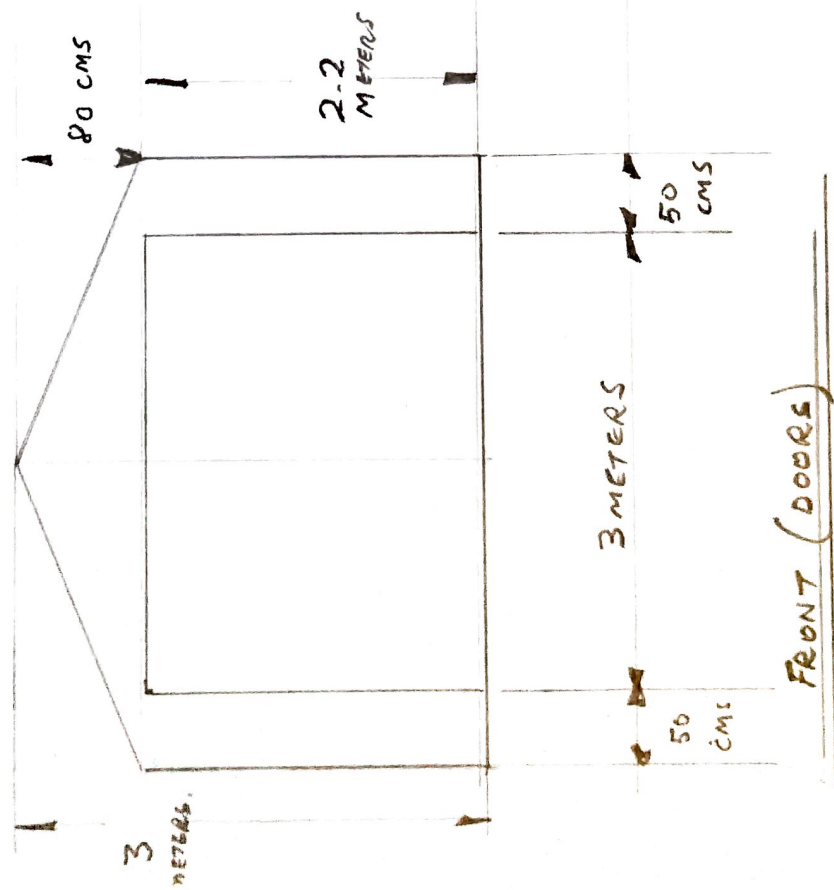


## 7 Newton Road South, Evanton, Dingwall, IV16 9UH

GARDEN AREA OUTLINED IN RED. GARAGE FOOTPRINT IN BLACK 7 x 4 METERS.







PROPOSED GARAGE AT N<sup>o</sup> 7  
 NEWTON ROAD SOUTH,  
 EVANTON.  
 DINGWALL. 1V16 9UH.