

Agenda Item	6.10
Report No	PLN/041/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 9 April.2019

Report Title: 19/00673/FUL: Miss Kirsty Pryer
19 Bayview Crescent, Cromarty. IV11 8YP

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

Description: Erection of log cabin for ancillary accommodation

Ward: 9 – Black Isle

Development category: Householder 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 It is proposed to erect a self-contained unit for ancillary accommodation in the rear garden of 19 Bayview Crescent, Cromarty. The log cabin is a one bedroom unit measuring approximately 10m x 3.5m x 3m ridge height. The cabin is to be used for over-spill accommodation for visiting family. The property has no driveway, parking is on the street and this will remain the case.

2. SITE DESCRIPTION

- 2.1 The site is located on the southern side of Bayview Crescent with the rear garden adjacent to Townlands Park Play. The property consists of a semi-detached bungalow with a small garden to the front, elevated above the level of the public road, and a medium sized rear garden.

The log cabin is proposed in the South-East corner of the plot. The building will be positioned 1m from the boundaries.

3. PLANNING HISTORY

- 3.1 05.12.2008 08/00930/FULRC Erection of dormer extension Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: No

Date Advertised: Not applicable

Representation deadline: Not applicable

Timeous representations: None

Late representations: None

5. CONSULTATIONS

- 5.1 **Cromarty and District Community Council - Object**

There is no provision for parking at the site and Bayview Crescent is usually full of parked vehicles belonging to permanent residents. Bayview Crescent is the main route into Cromarty from the west and is used by large vehicles including campervans, lorries and tractors. It is also a bus route.

Parking is a serious problem in Cromarty for both residents and visitors, particularly in the summer months. The Community Council feels that in general all developments which could bring additional traffic to the town should include provision for parking.

- 5.2 **Transport Planning – No objections**

Having reviewed the proposal it is not considered that the development would give rise to problems. The cabin has only one bedroom which means one parking space should be required. However, as this is only for visitors, then the parking requirement is already met by the visitor parking for the house. As the parking for

this house is on the street, the proposal may result in one extra car parking there at times. If a condition is placed on the cabin prohibiting its use as a guest house, rental room, etc. then we would have no objections.

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

6.2 Inner Moray Firth Local Development Plan (2015):

Policies: Within Cromarty Settlement Development Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

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

Sustainable Design Guide (Jan 2013)

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 residential amenity
- c) 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

- 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.

Impact upon residential amenity

- 8.7 The log cabin is to be sited in the south east corner of the rear garden, one metre from the boundaries. Existing hedging along the east and south boundaries will help to provide screening of the proposed cabin. The applicant has advised that the unit is only to be for her own/family use and is not for letting purposes.
- 8.8 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

- 8.9 The property has no driveway, parking is on the street and this will remain the case. The house and garden are elevated above the level of the public road with steps leading up to the property. There is no scope to provide off-street parking within the site. As the development is for a one bedroom unit, it may result in one extra car parking at the house when visitors are staying. 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, are appreciated, given that the log cabin is not proposed for permanent occupation or for regular tourism lets, refusal on the grounds of lack of dedicated parking is not considered justified in this instance. 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 log cabin.
- 8.10 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 does not impact negatively upon individual or community residential amenity and while lacking a dedicated parking space, it 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. The self-contained accommodation hereby approved shall be used solely as accommodation ancillary to the main dwellinghouse and at no time shall it be occupied as a separate dwelling, holiday let or for other letting purposes.

Reason: To ensure that the development does not become used as a separate dwellinghouse in recognition of the lack of private amenity space, the absence of dedicated parking, in the interests of individual and community residential amenity and in accordance with the use applied for.

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 & 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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & 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: Karolina Slotwinska
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 000001 Location Plan
Plan 2 - 000003 Floor/Elevation Plan
Plan 3 - 000004 Site Layout Plan