

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 MAY 2019

PLANNING APPLICATION – GARAGE NO 10 CRAIG TERRACE, FERRYDEN, MONTROSE

GRID REF: 371008: 756557

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 19/00088/FULL for the erection of a timber garage at Garage No 10 Craig Terrace, Ferryden, Montrose for Mr Richard Dickson. This application is recommended for approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

3.1 The applicant seeks planning permission for the erection of a timber garage. The site forms part of a larger triangular shaped area of ground located between the houses situated along Burnside Place to the north and Craig Terrace to the south. This wider area of ground contains drying greens and a row of utilitarian structures including huts, sheds and garages. A location plan is provided at Appendix 1 below.

3.2 The application is retrospective and the garage has a footprint of around 18sqm and is 4m in height. It is constructed of timber and has a corrugated metal roof finish. The garage is located within the row of existing buildings.

3.3 The application has been subject to neighbour notification and was advertised in the press as required by legislation.

3.4 This application requires to be determined by Committee because it is recommended for approval in circumstances where the Council has a financial interest and there are third party objections.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history.

5. APPLICANT'S CASE

The applicant has submitted a letter from Angus Council confirming the lease of the garage site.

6. CONSULTATIONS

- 6.1 **Angus Council Roads (Traffic)** – Does not object to the proposal.
- 6.2 **Scottish Water** – There was no response from this consultee at the time of report preparation.
- 6.3 **Community Council** – There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

- 7.1 Two representations have been received that object to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and are available to view on the council's [Public Access](#) website.
- 7.2 The main points of objection are as follows:
- **That the garage is in place;**
 - **Adverse visual impact.**

These matters are discussed below.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2017)
 - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.3 The proposal is not of strategic significance and therefore the policies of TAYplan are not referenced. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 The application site is located within the development boundary for Ferryden as defined by the ALDP. The site is not allocated or otherwise identified for development and policy indicates that in these circumstances proposals will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.
- 8.5 The garage sits in a row of established utilitarian structures. Its addition would result in an insignificant effect on the useability of the wider open space area. The garage is slightly larger and higher than other buildings at this location but its traditional design and use of traditional materials is appropriate for the location and it does not give rise to any unacceptable visual impact. A domestic garage would not give rise to any significant amenity impacts at this location and it is relevant to note that it is in the region of 20m from the nearest building in residential use. The Roads Service has offered no objection to the application.
- 8.6 The garage is of an appropriate nature and scale and does not conflict with relevant development plan policies. The application is compatible with the development plan.
- 8.7 In terms of other considerations two letters of representation have been received. Objection is raised because the application is retrospective however this is not a material planning consideration. While it is undesirable for works to be undertaken without the requisite permission, planning legislation makes provision for the submission of retrospective applications. The building is located within an area that otherwise accommodates a range of utilitarian structures. Its visual impact is limited and is not unacceptable in the context of the area. The garage is around 20m from the nearest dwelling and impact on the amenity of occupants of nearby dwellings would not be significant or unacceptable.
- 8.8 The garage does not give rise to any significant impacts and is compatible with development plan policy. The letters submitted in objection to the proposal are noted but do not raise any

material planning issues. The application is compatible with the development plan and there are no material considerations that justify refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reason:

Reason(s) for Approval:

The application complies with the relevant policies of the development plan. There are no material considerations that justify refusal of planning permission.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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DATE: 3 MAY 2019

APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES

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SITE PLAN 1:500

CARAGE SITE N°3 BURNSIDE PLACE

FERRYDEN MONTROSE DD10

Appendix 2: Relevant Development Plan Policies

Angus Local Development Plan

Policy DS1: Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3: Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4: Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Policy PV2: Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares

will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)