

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 14 August 2013

DC13/062: Erection of Commercial Storage Shed at Yard, Milton Brae, Dumbarton by Logspan Limited

1. REASON FOR REPORT

- 1.1** This application is subject to representation including one from the Community Council. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application site is within an area of land on the north side of the A82 at Milton. It is bounded by residential properties on the opposite side of Milton Brae to the west and by the Stonefield public house to the east. The land rises from the A82 towards the rear (north) of the site, and behind the site is an area of mature trees with residential properties at Miltonhill beyond. An electricity substation interrupts the site's frontage onto Milton Brae. A Tree Preservation Order (TPO) covers the application site and the woodland to the north, although only a small number of mature trees currently exist on the site. These are primarily located in the north-eastern corner of the site.
- 3.2** The site is used for the sale and display of log cabins, timber garden buildings and garden furniture. Permission for this use was granted in 2009 (decision DC09/126) and a subsequent permission allowed the site to extend into the grounds of a former public convenience near the front of the site (DC10/053). At the time of the original permission there were a larger number of trees within the site, but TPO consent was subsequently granted to clear dead trees and remove further trees to create the site access.
- 3.3** Permission is now sought to erect a commercial storage shed in the north-east corner of the site, requiring the removal of one mature tree. The shed would measure approximately 20 metres by 10 metres, and would be 4.9 metres high with a shallow pitched roof. It would have green plastisol metal sheeting sides and grey fibre cement sheet roofing. The shed would enable the business to rotate their display stock by providing a place for disassembled stock to be stored when it is not on display outside. The shed would also be used to store the firm's two vans overnight.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council's Environmental Health Service has no objections to the proposed development.

5. REPRESENTATIONS

- 5.1** Three representations have been received in connection with the application: Two from residents of nearby properties to the north of the site and one from Bowling and Milton Community Council. The reasons for objecting to the development can be summarised as follows:

- The size and height of the proposed building would impact on the amenity of properties on Milton Hill which directly overlook the site, and would be contrary to Policy H5;
- A tree would be felled as part of the proposal, and the applicant has already felled trees within the site which contributed to the amenity of the area and acted as a buffer between the road and properties on Milton Hill;
- Concerns that the 100 year old stone boundary wall would be damaged by the erection of the shed.
- The applicant lists their name as Logspan Ltd., but that company is no longer trading; and
- Previous development on the site did not take place in accordance with approved plans.
- Non-compliance with Green Belt policy and adverse effect on the landscape of the local area and the conservation of environmental resources
- Unauthorised demolition of a listed building

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Council Local Plan

- 6.1** The site is identified as being within an Existing Residential Area and Policy H5 seeks to safeguard and where possible enhance the character and amenity of existing residential areas. With regard to non-residential uses they should not result in a significant loss of amenity to the surrounding properties. The use of the site for the sale and display of timber buildings has already been established, and it is considered that the proposed shed would not have a significant impact on the amenity of nearby residential properties. The proposal is therefore in compliance with policy H5.
- 6.2** The site is also covered by Policy E4, which seeks to protect trees covered by Tree Preservation Orders. Where consent is granted for the felling of trees covered by a TPO appropriate replanting will be required. The applicant proposes to remove one tree to accommodate the shed and it is considered that this will be acceptable subject to suitable replacement planting.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Design and Location of the Shed

- 7.1** Although the site is located within an area designated as an Existing Residential Area, the applicant's business has operated from the site for a number of years and does not give rise to any significant loss of amenity for nearby houses. The proposed shed would not represent a significant intensification of the business, and it is considered reasonable for the business to have a secure storage building on the site. In terms of its design and appearance, the proposed shed would be fairly large, but it would be located at the north eastern corner of the site in the corner where it would be furthest away from the roads that bound the edge of the site, and it would be viewed against a backdrop of rising land and the existing mature trees immediately to the north of the site.

Tree Works

- 7.2** The applicant has submitted a tree survey which has been carried out by a arboricultural consultant. The report has identified that one mature lime tree will require to be removed to allow the shed to be located in the position proposed, and three trees will also require to have their canopies raised (i.e. lower branches lopped). The building would be a steel framed structure built on foundation pads rather than continuous foundations, so significant excavation would only be required where structural columns are located. The report indicates that given the locations for each foundation pad it is not anticipated that any significant tree roots will be exposed, but it does recommend that hand digging and protective fencing be employed along the southern side of the proposed building in order to minimise the risk of damage to adjacent trees. These measures can be required by a condition.
- 7.3** It is considered that the loss of one tree would not have a significant impact upon the protected group of trees provided that suitable replacement planting takes place. The applicant proposes to plant 10 new trees within the site to replace the tree that would be lost. This would add to the landscaping and visual amenity of the site and this can be secured by condition.

Impact on the amenity of the area

- 7.4** The houses on Milton Hill sit significantly higher than the application site and are screened from it by the strip of woodland to the north of the site. This strip of woodland is outwith the application site and is also designated as Green Belt, so these trees would not be affected by the proposal. Whilst the shed would be visible from the houses at Milton Hill through the trees, it would not cause any overshadowing and its impact on the amenity of the houses would be minimal. The proposed location of the shed would not result in the loss of any parking spaces on the site and would not interfere with customers or delivery vehicles accessing the site.

Other Issues raised by objectors

- 7.5** The stone boundary wall is over 30 metres away from the proposed shed and therefore it is unlikely that the wall would be damaged during the construction

of the shed. Whether or not Logspan Limited is still trading under that name is not a material planning consideration and issues relating to the implementation of previous consents should be addressed separately from this permission. The site is not within the Green Belt and the building at the front of the site which was demolished (the former lodge house) was not a listed building.

8. CONCLUSION

- 8.1** The proposed storage shed would support the applicant's business by providing space to store stock as well as a secure place to store their vans at night. The proposal is considered to be in compliance with local plan policy and it is not considered that it would have an adverse impact on the amenity of residential properties or the area. It is considered that the loss of one tree would not have a detrimental impact on the area and that the proposed replacement planting would be acceptable.

9. CONDITIONS

- 01. Exact details and specifications of all proposed external materials shall be submitted for the further written approval of the Planning Authority prior to any work commencing on site and shall be implemented as approved.**
- 02. Other than the felling of lime tree 517 and the crown lifting of trees 514, 515 and 518 (as described on Tree Protection Plan drawing TPP-01), no trees shall be felled, lopped, topped or moved without the prior written consent of the Planning Authority.**
- 03. No excavations shall commence until such time as protective fencing has been installed in the location shown on Tree Protection Plan drawing TPP-01. Such fencing shall be retained throughout the period of construction, and all vehicular access and construction operations shall be undertaken within the development side of this fence.**
- 04. All excavations down to 500mm within the southern half of the approved building shall be undertaken by hand. Any tree roots greater than 25mm in diameter which are discovered shall be left in place until they have been inspected by a suitably qualified arboriculturalist in order to establish their importance. No roots which are thus assessed as significant shall be cut without the prior written approval of the Planning Authority.**
- 05. Prior to the commencement of the development, details including the species, height and proposed location of ten replacement tree to be planted within the site shall be submitted to and approved in writing by the Planning Authority. The trees shall be planted within a time scale agreed with the Planning**

Authority and shall not be moved, lopped, topped or felled without the written consent of the Planning Authority thereafter.

- 06. The presence of any unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.**

**Elaine Melrose
Executive Director of Housing, Environmental
and Economic Development
Date: 23 July 2013**

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Appendix: None

Background Papers:

1. Application forms and plans;
2. Consultation response;
3. Representations ;
4. West Dunbartonshire Local Plan 2010.;and
5. Planning application no: DC09/126, DC10/053

Wards affected: Ward 3 (Dumbarton)