

Perth and Kinross Council
Development Control Committee – 12 May 2010
Report of Handling by Development Quality Manager

**Erection of 2 dwellinghouses with garages,
Site South West Of Greenbank, Strathtay PH9 0PJ**

Ref. No: 10/00180/FLL
Ward No: 4 - Highland

Summary

This report recommends approval of the application for the erection of two detached dwellinghouses with detached garages as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site extends to some 0.4ha and is located within the settlement boundary of Strathtay as identified in the Highland Area Local Plan 2000. The site is a field of rough grass and sits to the south of the public road. The site slopes from the public road at the north west of the site down to the south of the site, dropping some 4.5m over the 34m distance. The site lies within Grandtully and Strathtay Conservation Area.
- 2 There are residential properties located to the north, north east and south east of the site, along with a telephone exchange building. To the north west is a site which was recently granted planning permission for the erection of three detached dwellinghouses (reference 07/02010/FUL & 08/00991/MOD).
- 3 There have been two previous planning application for the development of dwellinghouses on very similar sites, one for four houses (08/02056/FUL) and the other for three houses (09/00551/FLL). The first application was refused and subsequently appealed. The second was appealed prior to determination. The appeals were conjoined by the Department of Planning and Environmental Appeals and dealt with by a hearing. Both appeals were subsequently dismissed.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 4 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,

- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 66-97, which relate to housing and reiterate the Scottish Government's commitment to increasing the supply of new homes with the planning system enabling the development of well designed, energy efficient, good quality housing in suitable locations.
- Paragraphs 110-124 acknowledge the historic environment is a key part of Scotland's cultural heritage, with paragraphs 115-117 relating specifically to Conservation Areas. It is noted that the designation provides a basis for the positive management of the area and that any development which has a neutral effect on the character or appearance of the area should be treated as one which preserves the character and setting of the conservation area.

Scottish Historic Environment Policy (October 2008)

- 5 Historic Scotland's SHEP confirms Scottish Ministers are committed to the sustainable use and management of the historic environment. SHEP confirms the planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area when exercising their statutory powers, but gives no specific guidance.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan 2000.

Perth and Kinross Structure Plan 2003

Environment and Resources Policy 8

- 7 This policy confirms that Perth and Kinross Council will seek to ensure that the rich and varied cultural heritage resources are protected and enhanced as appropriate.

Highland Area Local Plan 2000

- 8 Under the Local Plan the site lies within the defined settlement of Strathtay and therefore the following policies prevail:-

Policy 1: Sustainable Development

- 9 Seeks to ensure that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Criteria (c), (f) and (g) are particularly applicable.

Policy 2: Development Criteria

- 10 Identifies the criteria against which all development proposal will be judged against and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

Policy 87: Village Uses

- 11 Identifies villages where residential amenity and village character will be retained and, where possible, improved.

Policy 96: Conservation Areas

- 12 New development within the proposed Conservation Area will only be acceptable when it is compatible with the character and density of the surrounding area and does not result in the loss of any significant trees.

OTHER POLICIES

Affordable Housing Policy

- 13 The Council's Affordable Housing Policy is applicable to all residential developments of 5 units and above. It is therefore not relevant to this application.

Education Contributions

- 14 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. Education and Children's Services has confirmed Grandtully Primary School would reach 90% capacity if this application were approved and therefore a financial contribution of £6,395 per unit would be required, prior to the issuing of any permission notice. As this application was submitted prior to April 2010 the previous figure of £6,105 will be applicable in this instance.

SITE HISTORY

- 15 As noted above there have been two previous applications for this site which were appealed and subsequently dismissed by the Department of Planning and Environmental Appeals. In respect of these previous schemes the Reporter considered that these higher density developments would compromise the loose and spacious development pattern in Strathtay; the massing of either 3 or 4 houses plus associated structures would be excessive in this location; the cul-de-sac layout is out of character; the asymmetrical roof overhangs are untypical of the area; the proposals do not comply with HALP 5; the proposed finishes of reconstituted stone, timber and roof tiles are not appropriate, the proposed road frontage planting would be uncharacteristic of the area; the proposed terracing would give a contrived and unnatural feel to the

development; the application for 4 houses is also contrary to policy 45 of the local plan.

CONSULTATIONS

- 16 **Mid Atholl Strathtay And Grandtully Community Council:** No response received at time of report.
- 17 **Scottish Water:** No objections but note that planning approval does not guarantee a connection to SW infrastructure. Initial investigations indicate there may be a requirement for the developer to carry out works to the local network to ensure there is no loss of service to existing customers. Strathtay septic tank presently has limited capacity and the developer should discuss their development directly with SW. Again, initial investigations indicate there may be a requirement for the developer to carry out works to the local network to ensure there is no loss of service to existing customers.
- 18 **Scottish Natural Heritage:** No objections to the proposal.
- 19 **Environmental And Consumer Services:** No objection in principle but as the application includes the installation of a below-ground pumping station, which could potentially cause noise nuisance for nearby residential properties, a condition limiting any noise from the pumping station should be attached to any permission.
- 20 **Education and Children's Services:** Based on the current information, the school will reach the 80% capacity threshold, with the proposed development taking potential % capacity to 90%. The Finalised Primary Education and New Housing Contributions Policy therefore applies. The current rate of contribution is £6,395 per applicable dwellinghouse.

REPRESENTATIONS

- 21 Number of representations received: Twelve, raising issues noted below:
- Proposed development has an inappropriate suburban feel
 - Proposed layout/access is suburban in style and not acceptable
 - Proposed suburban development will adversely impact on amenity and village character
 - The positioning of the houses close to the south-eastern boundary is inappropriate
 - Loss of trees is not acceptable
 - Inappropriate density
 - Development will result in loss of attractive open space
 - Massing, design and finishes are not appropriate
 - Clarification of type of stone is required
 - Twin drives with a single access is not appropriate or acceptable. Two separate drives at different sides of the knoll would be more appropriate

- Reduction to two houses from four does not alter impact the impact on the village
- Potential overlooking of existing gardens, impacting on privacy
- Drainage has not been addressed
- Lack of detailed landscaping is unhelpful
- Neighbour notification not carried out correctly
- Comments made by Reporter have not been addressed

22 These issues are dealt within the appraisal section of this report.

23 One of the representations received was from a transportation consultancy, at the behest of Grandtully and Strathtay Conservation Trust. Though no objections are raised the consultancy indicated their opinion that there is an alternative access solution for the two plots proposed. The planning authority cannot give any weight to their scheme as it does not form part of the formal planning application submission and the planning authority is required to assess only that which forms part of the actual planning application submission.

24 Additional Statements Received

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Not required

APPRAISAL

25 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. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Highland Area Local Plan 2000.

26 The determining issues in this case are whether: the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Policy

27 As the site lies within the settlement boundary of Strathtay identified in the Highland Area Local Plan there is a presumption in favour of infill residential housing development where this will not adversely affect the density, character or amenity of the village. The development of two detached houses within the application site is considered to show a density acceptable in planning terms for

this area which will not adversely affect the amenity or the character of the wider area.

- 28 In terms of the Conservation Area status of the application site, the Conservation and Regeneration team raise no objections to the scheme currently under consideration. The view is that the issues raised by the Reporter who dealt with the previous applications at appeal have been adequately considered and resolved by the applicant.

Layout

- 29 The proposed layout shows a single point of access, at double width, which immediately splits into two separate accesses leading to each plot. Each plot has dedicated turning facilities shown and adequate off-street car parking. The dwellinghouses are located towards the south-east of the site, on the lower ground. The pumping station is located to the north-west part of the site and within the garden area of plot 2. Concerns were raised by this department in respect of the layout of the previous schemes for this site, however, it is now considered that the layout and the positioning of the buildings is acceptable even in the context of the Conservation Area status.

Design

- 30 The proposed designs are traditional in form, massing and detailing. They are not copies of existing houses within Strathtay and there is no requirement for them to be. The important issue is that the designs do not detract from the amenity of the area nor the character and appearance of the Conservation Area. As the houses have many traditional elements including roof pitches, wall-to-roof proportions, vertical openings, massing and finishes, the proposed houses will sit comfortably within the context of the existing settlement which has a variety building types, sizes and materials.
- 31 The dwellinghouses now proposed show the omission of the asymmetrical roof detailing and confirm the finishing materials as natural slate roof and rendered walls with natural stone detailing. These finishes are acceptable in principle but it is recommended that, should permission be granted, samples be submitted for the further approval of the planning authority. A condition requiring doors and windows to be timber is also recommended.

Residential Amenity

- 32 Both dwellinghouses proposed are shown as being over 11m from the rear boundary. The Council's adopted standard is to require windows of new properties to be a minimum of 9m from boundaries of adjoining properties. The development more than meets this standard. On this basis there can be no concerns relating to loss of privacy or overlooking for neighbours' gardens which adjoin the site. The closest existing houses are substantial distances from the proposed houses and therefore there are no window-to-window distance concerns.

Trees

- 33 The proposed point of access into the application site will result in the loss of a small clump of trees adjacent to the road frontage. The trees are in the main elderly silver birch. The Council's Trees and Woodland Officer is of the view that, as silver birch are a short-lived species, they are easily replaced. As there is further tree cover in the immediate vicinity these trees could be felled and replaced without having a significantly detrimental effect on the character of the area. The trees should not be regarded as a constraint to development provided replacements are planted.

Visual Impact on the Character of the Area

- 34 There is a requirement to ensure that the character of the area is protected under Policy 87 of the adopted Local Plan. I am satisfied that the proposed development will not have a significant adverse effect on the visual amenity of the area. I consider the proposal would have a neutral effect on the character and amenity of the Conservation Area and therefore, in terms of the SPP referred to above, the application should be treated as one which preserves that character or appearance.

Access

- 35 The proposed location of the vehicular access into the site has not raised any concerns from a road safety aspect. The access would need to be constructed to an appropriate standard and to that end a condition is recommended.
- 36 As the access proposed meets the requirements of the Local Roads Authority and has not generated any concerns from my Conservation and Regeneration colleagues, there is no planning justification to ask the applicants to consider an alternative position.

Landscaping

- 37 The submitted design statement states that new trees are to be planted along the public road boundary, as replacements for those lost at the point of access. Further tree planting is also proposed but no specific details have been submitted at this stage. As no detailed landscaping plan has been submitted it is reasonable to cover this issue by condition, should permission be granted.
- 38 Plot boundaries are to be beech hedging to the fronts with hedging and timber fencing to the rear. As it is important to ensure timber fences are of appropriate design and finish a condition requiring full details of all boundary treatments prior to the commencement of development on site is considered necessary.

LEGAL AGREEMENTS

- 39 Prior to the issuing of permission, should the Committee be minded to approve the application, the applicant will be given the option of paying the financial

contribution towards primary education either in full or delaying payment through a Section 75 agreement.

DIRECTION BY SCOTTISH MINISTERS

- 40 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30–32, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 41 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered to comply with the adopted Structure and adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the completion or bringing into use of either dwellinghouse hereby approved, the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- 4 The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water shall be discharged to the public road.
- 5 Prior to the completion or bringing into use of either dwellinghouse hereby approved, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- 6 Prior to the completion or bringing into use of either dwellinghouse hereby approved, a minimum of 2no. car parking spaces per dwellinghouse shall be provided within each plot.
- 7 Prior to the completion or bringing into use of either dwellinghouse hereby approved, full visibility splays of 2m by 60m shall be provided to the right and left of the access measured between points 1m above the adjacent road

channel level, unless otherwise agreed in writing with the Council as planning authority.

- 8 Prior to the commencement of construction works on site, colour samples of the wet dash render finish, the natural stone and the natural slate roof shall be submitted to the Council as planning authority for further written agreement. The finishes as subsequently approved shall be implemented as part of the permission.
- 9 All windows and doors shall be constructed from timber, to the satisfaction of the Council as planning authority.
- 10 Prior to the commencement of any works on site, a detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
- 11 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
- 12 Prior to the commencement of any works on site, a scheme for surface water run off attenuation (SUDs scheme) shall be submitted to the Council as planning authority for further agreement. The scheme as subsequently agreed shall be implemented as part of the permission.
- 13 The pumping station shall be designed, constructed and be so enclosed, attenuated and/or maintained that any such noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on a NR curve chart.

Reasons:-

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3-7 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 8-11 To safeguard the residential and visual amenity of nearby residential properties and the visual amenity of the locality.

- 12 To ensure the site is adequately drained, to the satisfaction of the Council as planning authority.
- 13 To safeguard the residential amenity of nearby residential properties.

B JUSTIFICATION:

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTE

Planning consent shall not be issued until a Section 75 Agreement has been signed or a payment paid upfront in respect of the following issue:

- 1 An Education Contribution of £6105 per unit (£12,210) in line with Planning Guidance Note – Primary Education and New Housing Development May 2009

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

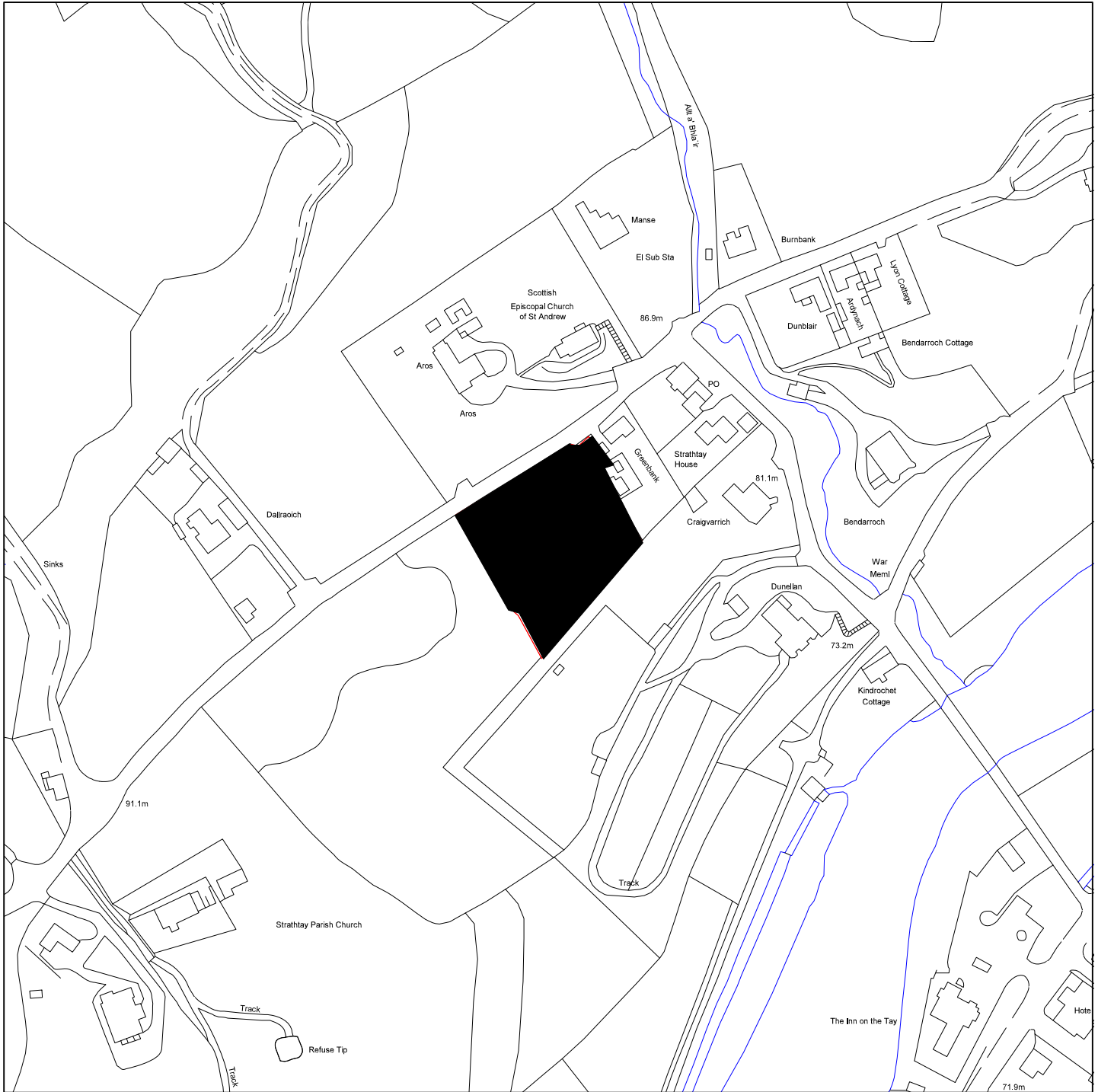
Background Papers: Twelve letters of representation.

Contact Officer: Christine Brien – Ext 75359

Date: 21 April 2010

Nick Brian
Development Quality Manager

Erection 2 houses, SW Greenbank, Strathtay



Scale : 1:2500

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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