

Perth and Kinross Council  
Development Control Committee – 17 March 2010  
Report of Handling by Development Quality Manager

**Change of house types on plots 22 and 23 at Pony Park, Forfar Road,  
Coupar Angus**

Ref: No: 10/00006/FLL  
Ward No: 2 - Strathmore

**Summary**

This report recommends approval of the application for the change of house types on two residential plots, as the proposal is considered to be inline with a previous decision taken by the Development Control Committee. As a similar application was previously considered by the Development Control Committee in November 2009, this application has been brought before the Development Control Committee for a determination.

**BACKGROUND AND DESCRIPTION**

- 1 This application relates to two previously approved house plots (22 & 23) located on a construction development site in Coupar Angus, known locally as Pony Park. Work on both these plots has commenced, and they are currently both at basic foundation level.
- 2 The application is for the raising of the finished floor levels of these plots by 0.8m (22) and 1.25m (23) and for a change of house type on both plots. The modified house type is largely centred on changing to a shallower roof pitch.
- 3 This application is a direct result of the decision by the Development Control Committee of the 18 November 2009 not to approve a retrospective application for the increase in floor levels on these two plots, but to seek a further planning application which reduced the ridge line to the height of the approved plans.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN), which are practice statements.

**The Scottish Planning Policy 2010**

- 5 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.

6 However, I do not consider there to be any specific national planning policies or guidance which is relevant to this application.

## **DEVELOPMENT PLAN**

7 The development plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Eastern Area Local Plan 1998. There are no policies of strategic relevance contained in the Structure Plan.

### **Eastern Area Local Plan 1998**

8 The site lies within the settlement boundary of Coupar Angus, **Policy 56 (Eastern Housing)** is directly applicable to this proposal. This policy identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved.

### **Eastern Area Local Plan Review, Strategy and Draft Plan 2005**

9 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

## **OTHER COUNCIL POLICIES**

10 As the proposal is simply for a change of house types on two plots, none of the Councils approved non-statutory policies are applicable to this proposal.

## **SITE HISTORY**

11 The site has been subject to a number of planning applications dating back to the late 1990s. However, this application is directly related to planning application 05/00071/FUL for 35 residential units which was approved by the Development Control Committee in 2005, contrary to the recommendation by the then Head of Development Standards.

12 In late 2009, the Council received a formal complaint from a member of the public concerning the finished floor levels (FFL) of seven dwellings within in this site (which consequently triggered an enforcement investigation), namely plots 17-23. The developer (Scotia Homes) accepted at an early stage that the FFL of these dwellings was not as per the approved plans and acknowledged that changes to the FFL had occurred between obtaining planning consent and finalising the building warrants. Unfortunately, the variances between the plans were not identified, and final construction of five (17-21) of the dwellings has

taken place based on the amended FFL, and the foundations laid for the other two (22 & 23). The Council considered the change in the FFL to be materially different from the approved plans, and requested that a formal planning application was lodged to regulate the proposed/amended FFL.

- 13 The subsequent planning application for plots 17- 23 (09/01385/FUL) was considered by the Development Control Committee on the 18 November 2009. After much debate, Members resolved to approve the constructed 5 dwellings at the increased FFL, however in addition to the screening conditions recommended in the Committee report, an extra condition was added to the consent which read *'Notwithstanding the details shown on the approved drawings, the increase in site levels for plots 22 and 23 are not hereby approved and an amended application shall be lodged for these 2 plots which demonstrates these 2 units as having ridge heights no greater than those previously approved'*.

## CONSULTATIONS

- 14 None undertaken.

## REPRESENTATIONS

- 15 None received.

## ADDITIONAL STATEMENTS

16

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

## APPRAISAL

### Policy

- 17 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 18 In terms of the Development Plan, the key policies are contained in the Adopted Local Plan, which is the Eastern Area Local Plan 1998. The key determining issue for this application is ultimately whether or not the proposal accords with the aims of Policy 56, which seeks to ensure (amongst other things) that new developments do not adversely affect the amenity of existing

residential properties. For reasons stated elsewhere in the report, I consider the proposal would have an adverse impact on the amenity of the existing properties to the south, and therefore I consider the proposal to be contrary to Policy 56.

#### **Implications of the wording of condition 4 of Planning Consent 9/01385/FLL**

- 19 The explicit wording of the condition imposed on the planning consent 09/01385/FLL provided a clear steer to the applicant how they could satisfy the Development Control Committee and ultimately obtain an approval for the increase in FFL (i.e. lower the ridge line to that of the originally approved plans). I therefore consider this condition to be a material consideration in the determination of this application.
- 20 In terms of actually complying with the terms of the condition, I can confirm that as a result of the shallower roof pitches the ridge lines of both plots will be no higher than the approved plans, which were 8.2m above ground level for Plot 22, and 7.8m above ground level for Plot 23.

#### **Residential Amenity**

- 21 In terms of the impact on residential amenity, the change in ridge height will have little impact. The windows at first floor level will still be at the same position as proposed under 09/01385/FLL, therefore overlooking will still occur to the detriment of the adjacent property.

#### **Visual Amenity**

- 22 As a result of 'squashing' the roof to bring the height of the roofs ridge back to the approved level, both the dwellinghouses now have a slight odd appearance, from both the front and back, compared to the other houses within the development. However, as these two plots are perhaps not as prominent as others, particularly from the public road, I do not consider this to be a significant issue.

#### **Implications of Extant Consent (05/00071/FUL)**

- 23 As per the comments made in the report 09/01385/FUL, I consider the dwellinghouses proposed on plots 22/23 to have a significant impact on the amenity neighbouring existing residential by virtue of the significant degree of overlooking that will inevitable occur. However, in making a decision on this application, careful consideration of the variance in the degree of overlooking between the approved FFL and the existing/proposed FFL is required, in addition to consideration of the more recent condition which was imposed consent 09/01385/FUL, which related specifically to ridge heights only.
- 24 Although the increase in FFL on paper is still significant, I do not consider the change in FFL between the consented scheme to the proposed, as one which would necessary increase overlooking. The simple fact is that regrettably, the

approved scheme consented a development where the level of overlooking to the existing properties was already at its opium from first floor level and it be would virtually impossible to retrospectively provide adequate screening.

## **LEGAL AGREEMENTS**

25 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

26 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**

27 As stated in report 09/01385/FUL, the approval of this application (regardless of the change in ridge line) will result in significant overlooking to neighbouring existing properties. However despite this, the extant consent is still a significant material consideration in the determination of this application as is the more recent condition imposed on consent 09/01385/FLL. I do not consider there to be a significant and material improvement to be gained by reverting back to the approved FFL, as both the consented and proposed FFL provide extremely similar lines of vision from the first floor windows. In addition, the applicant has complied with the requirements of condition 4 of the planning consent 09/01385/FLL in full, by reverting back to the approved ridge levels for both Plots (albeit with an amended house type). I therefore consider it unreasonable for the Council not to recommend this application for approval.

## **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.

### **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.

## **B JUSTIFICATION**

The proposal is contrary to the Development Plan, however the extant consent and the terms of consent 09/01385/FLL are material consideration which justifies approving this application.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

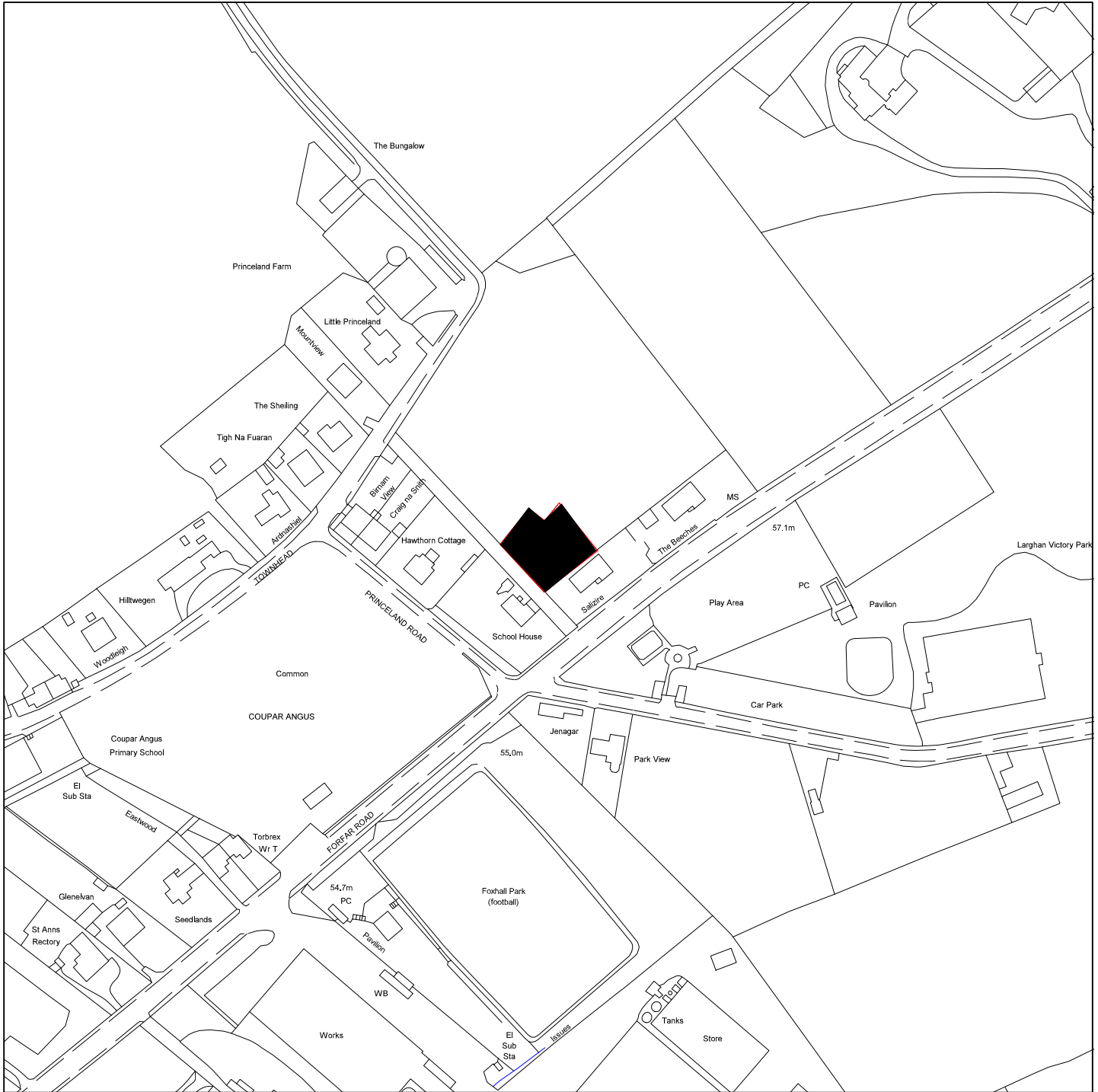
- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory 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.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: None  
Contact Officer: Andy Baxter, Ext 5339  
Date: 23 February 2010

**Nick Brian**  
**Development Quality Manager**

# 10 00006 FLL

## Change of house type, Plots 22 & 23 Pony Park, Forfar Road, Coupar Angus



Scale : 1:2500

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<b>Department</b>	Planning
<b>Comments</b>	
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