

Perth and Kinross Council
Development Control Committee – 7 July 2010
Report of Handling by Development Quality Manager

Revised Layout to Plot Nos 1-2 at Land Adjacent to Atholl Road, Pitlochry

Ref. No: 10/00385/FLL

Ward No: N4 Highland

Summary

This report recommends approval of the application for a revised layout to plot numbers 1-2 at land adjacent to Atholl Road, Pitlochry as there is considered to be a sufficient justification to increase the number of units on site and this increase in numbers is not considered to impact on either visual or residential amenity and there is considered to be adequate infrastructure within the site to accommodate the increase in numbers. The proposal complies with Policies 2 and 76 of the Highland Area Local Plan 2000.

BACKGROUND AND DESCRIPTION

- 1 The application site sits to the south east of a larger site recently granted consent for the erection of 18 houses (06/02774/FUL) on 17 September 2007. Consent was also granted on the entire housing site for a change of house type at plots 1-18 on 4 June 2008 (08/00628/MOD). Some of the houses on site are now complete and occupied whereas others are currently under construction. Plot 18 is currently utilised as the show house, 17 is sold and occupied and plots 5-12 and 16 are currently under construction. This proposal seeks to increase the number of units on plot 1 and part of plots 2 to 8. The existing consent allows for the erection of 1 detached house on plot 1 and one detached house on plot 2. It is now proposed to erect two blocks of four 2 bedroom flats providing a total of 8 flats. An access to the south was previously approved to the east of plot 1 but this is now to be located between plots 3.1 and 4 to the west. The site is bound to the south by existing dense tree coverage, to the north by the residential garden ground of "Corbie Lynn", to the east by a cemetery and to the west by application site (10/00284/FLL).
- 2 This application is one of three applications to increase numbers on this site, the others are 10/00215/FLL which proposes to replace three detached units with 6 semi-detached houses and 10/00284/FLL which proposes to replace two detached houses on plots 3 and 4 and part of a detached house on plot 2 with two semi-detached and two detached units. These applications are also under consideration at this Committee and the cumulative impact of the entire increase in numbers will be considered in each of the reports, therefore there will be similar paragraphs in each report given the close proximity of each application site. However as all 3 are separate applications then separate individual decisions will need to be made in each case.
- 3 The existing consent allows for the erection of 18 units on site whereas the three current applications proposed to increase this by 11 to provide a total of 29 units on the site.

4 The overall site is allocated in the Local Plan for 20 units.

NATIONAL POLICY AND GUIDANCE

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.

Of relevance to this application are:

- Paragraphs 66 - 91 : Housing
- Paragraphs 86 - 88 : Affordable Housing
- Paragraphs 165 -181: Transport

DEVELOPMENT PLAN

6 The Development Plan for the area consists of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan

Perth and Kinross Structure Plan 2003

The principle relevant policies are in summary: -

7 As the application site lies in the highland area of Perth and Kinross, **Sustainable Communities Policy 7** is applicable to this proposal. The policy states that in the highland area, housing allocations will be made:

- in the former Burghs of Pitlochry and Aberfeldy subject to land availability.
- in smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable, Local Plans will develop housing in the countryside policies for rural housing development which reflect the need to support the rural economy while preventing commuting, are well sited and are of a scale and standard of design appropriate to their location.

Highland Area Local Plan 2000

8 Under the Local Plan the site lies within the settlement boundary for Pitlochry and within an area subject to Opportunity 4 (H.17) for 20 houses.

The principal relevant policies are in summary:

Policy 2 Development Criteria

- 9 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Policy 76 Residential and Compatible Uses

- 10 Scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the area concerned and where a suitable access can be obtained.

Opportunity 4 H17

- 11 The Dysart Brae site upon which this site is located is allocated in the Local Plan for the erection of 20 houses, provided a satisfactory access to the site could be obtained.

OTHER POLICIES

Affordable Housing Policy

- 12 This policy is applicable to all new housing sites (even ones identified in the Local Plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing preferably on site. However, for developments of less than 10 units commuted payments maybe acceptable.

Education Contributions

Planning Guidance Note – Developer Contributions May 2009

- 13 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note – Primary Education and New Housing Development May 2009

- 14 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption

including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

- 15 06/00770/FUL Residential development (20 houses) Withdrawn
- 16 06/02774/FUL Residential development (18 dwellinghouses) – Approved 17/9/07
- 17 08/00628/MOD Modification of existing consent (06/02774/FUL) change of house types plots 1 to 18 – Approved 4 June 2008

CONSULTATIONS

- 18 None.

REPRESENTATIONS

- 20 No letters of representation were received within the 21 day statutory period for comments. Many letters of representation have been received after the deadline for public comments. These have been fully considered and any new issues raised have been taken into account but the letters have not been included in the total number of representations received, nor have they been acknowledged and they will not be advised of the outcome of the application, all under the agreed standard Council procedure. The issues raised are addressed in the appraisal section below.

ADDITIONAL STATEMENTS

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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

- 22 Sub paragraphs under this section should address all the key and relevant aspects of the application appraisal. Typically these should include the following: -

Policy

- 23 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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are policies 2 and 76 of the Highland Area Local Plan 2000. The site is allocated at Dysart Brae in the Highland Area Local Plan which is designated for 20 houses under Opportunity 4 (H17).

Affordable Housing

- 24 The original consent for this site (06/02774/FUL) required the payment of a contribution in lieu of on site provision of affordable housing. The developer paid a sum of £125,500 as this was agreed with Housing & Community Care to be the most appropriate form of provision. By increasing the total number of units from 18 to 29 across the 3 applications, the developer will incur a further 25% affordable requirement on these 11 additional units. This equates to 2.75 units. Through consultation with the Affordable Housing Officer and Housing & Community Care a commuted sum is sought. This decision has taken account of the development particulars and also the current housing need in Pitlochry as there are 2 RSL affordable housing developments, totalling in the region of 42 affordable units, underway and it is not felt appropriate to have affordable units on site here, and therefore a commuted sum would best serve the delivery of affordable housing. The commuted sum will therefore equate to $2.75 \times £19,000 = £52,250$ which the applicant intends to pay upfront. The members should be aware that this figure may change depending on which of the three applications the Committee intends to support.

Local Plan Zoning/Allocation

- 25 The site is zoned for a total of 20 houses in the Highland Area Local Plan 2000. The proposed increase in numbers of these three applications increases the number of units on the site to 29 which is 9 more than the site is designated for in the Local Plan. Having had various discussions with the developer prior to submission, my understanding is that this increase in numbers is a result in the developers' inability to sell large 4 bedroom detached houses in the current poor housing market. Due to the downturn of the economy the developers now seek to provide more affordable units on the site whilst still allowing the site to be financially viable for the developer. The specific impact the increase in numbers will have on the area is discussed elsewhere in this report. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 states that decisions should be made with reference to the Development Plan unless material consideration indicates otherwise. However, I believe the obvious downturn in market conditions since the preparation of the Highland Area Local Plan, which was adopted 10 years ago, demonstrates that the housing market has changed in Pitlochry, much like the rest of Scotland and that there is therefore a reasonable justification to increase the number of units on site beyond that originally designated in the Local Plan.

Education

- 26 The General Register Office for Scotland's 2006 based population projections indicates that Perth and Kinross has the highest growth rate across all of Scotland. In addition, the more detailed analysis of age breakdown indicates a fundamental shift from a declining primary school population to an increasing number of school age children in the period to 2031. This is the second highest projected increase in primary school population age groups within Scotland.
- 27 With much of the existing primary school estate currently working at or near capacity, these projected increases will result in the need to replace or expand over 65 primary schools within Perth and Kinross in addition to the construction of a number of additional primary schools. With the population increase of Perth and Kinross driven by in-migration, largely from other parts of the UK, a partnership approach is required between the Council and developers to ensure infrastructure capacity is not to become a major constraint on new development.
- 28 The Primary Education and New Housing Development Planning Guidance Note is therefore applicable in this instance.
- 29 There has been a recent change to the above guidance in light of discussions with housebuilders regarding the wording of the policy. The wording of the original policy stated that any re-application for a greater number of units would be treated as a new proposal and the education contribution applied to all units and not just the increase.
- 30 A paper was agreed at the Enterprise & Infrastructure Sub-Committee on Wednesday 2 June 2010 which sought to amend the policy so that, where a revised proposal is submitted which increases the number of units, the policy would be fully applied to the net additional units only.
- 31 This requires to be ratified at Full Council on 30 June 2010. At the time of writing this has yet to take place. However, if this is not ratified an update will be given on the day of Committee. Provided the change is ratified a contribution of £6395 per additional unit will be required. This equates to £6395 x 11 units = £70345. The applicant has indicated that they intend to pay this upfront. The members should be aware that this figure may change depending on which applications the Committee supports.

Traffic

- 32 The road has been granted Construction Consent in terms of the Roads (Scotland) Act 1984 and is being constructed in accordance with the Council's standards.
- 33 The Council's Roads Engineers have been consulted on all three applications and have no objections to the proposals either individually or cumulatively and consider the road adequate to serve the proposals.

Drainage/Surface Water Drainage

- 34 The site is to be connected to the public drainage system. The original consent proposed to connect to the public system. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to. This will be placed as an informative on any consent given.
- 35 Development reduces surface permeability by replacing vegetated ground with roofs, roads and paved areas and through compaction of ground by vehicular movements. This reduces the amount of water infiltrating into the ground and increases surface run-off. It is therefore important to ensure that surface water is managed by the use of a sustainable drainage scheme as required by the Structure Plans Environment and Resources Policy 10. A detailed drainage plan has been submitted with the proposal and is considered acceptable and inline with the above policy.

Density and Layout/Increase in Numbers/Residential Amenity

- 36 This proposal has increased the number of units on this part of the site from 1 and part of one house to a total of 8 flats. Having discussed the proposal with the house builder they have stated that due to the current housing market they are having difficulty selling large detached properties and are therefore seeking consent for smaller more affordable units on the site. All 8 flats are relatively small two bedroom flats. In my view, although for private sale, the size of the units provide a more affordable house and varied house type in the Pitlochry area. I do not consider the increase in units on the site to have any significant detrimental impact on the residential amenity of neighbouring properties as the position and layout of the flats follows the general layout of the remainder of the site and the window positions on the houses proposed are no significantly different to those approved. Whilst there are considerably more units now proposed, these are much smaller in scale than what currently has consent. A number of the late letters of representation raise concerns that the area is being changed from one with only large "exclusive", "quality" and "select" detached houses to one with smaller units. Whilst this change will inevitably alter the character of the development I do not believe this, in planning terms, will be to the detriment to the area. The introduction of a more diverse range of house types in the introduction of flats onto the site is welcomed in this area and will provide levels of housing for various types of buyers which, in my view, should be welcomed. Furthermore the reduction in market value of existing properties, which some objectors feel would result from the approval of smaller units on this site, is not a material planning consideration.
- 37 Whilst the area around this site is generally characterised by detached properties within large plots, there are some smaller units, fronting onto Atholl Road (nos 141-157) to the north east of the site, showing a mixture of house types in the area. The proposed increase in numbers does not strictly follow the criteria within Policy 76 of the Highland Area Local Plan which seeks to

ensure infill development does not have a significant adverse effect on the density, character or amenity of an area. The proposal introduces flatted units in an area generally characterised by detached houses on large plots. However, the scale of the flatted blocks in comparison to the existing approved houses on this part of the site is similar and follows the building line and layout approved originally. If the applicant had wished to increase the number of units whilst retaining the same large house types on each plot then I would have had concerns regarding the significant increase in built form and the obvious detrimental impact this would have on the visual amenity of the area. However, as the flat blocks are smaller in scale and height than the house previously approved, I believe they are acceptable in planning terms and comply with the Development Plan.

Design

- 38 The design of the flats involves accommodation over 2 levels with dormer windows serving the upper level. The floor to ridge height of the buildings is 8.8 metres which is considerably larger than the height of the proposed neighbouring houses which are also under consideration at this Committee. However, given that the flats are proposed in one corner of the development site their visual impact will be mitigated. It will be further mitigated by the large scale planting which surrounds the site at this location and will provide the flatted blocks with a reasonable landscape backdrop.
- 39 Furthermore, the existing detached units which have consent on this part of the site are 9.2 metres in height from floor to ridge and therefore these flats will actually see a reduction on the height of units proposed on this part of the site. The flats have similar design characteristics to the larger houses in the development and although not marked on the plans, having discussed this with the developer the finishing materials are intended to match and compliment those in the rest of the development. The finishing materials will be confirmed by planning condition.

Landscaping

- 40 The late letters of representation raise concern regarding “adverse landscaping”. The proposal does not require the removal of any existing trees, shrubs or hedgerows and proposed similar front garden areas to that approved under the original consent. I therefore do not consider this proposal to have any adverse impact on the landscape character of the area.

Notification/Advertisement

- 41 Concern has been raised regarding the lack of notification of the future owners of some of the units within the housing site who appear to be completely unaware of the submission of these applications. This has resulted in a number of letters of representation being submitted after the expiry of the 21 day statutory comment period. The Council has carried out its duty in terms of neighbour notification and advertisement as required in Regulations 18 and 20 of the Town and Country Planning (Development Procedure) (Scotland)

Regulations 2008. It appears that the house builder failed to notify the potential purchasers of some of the units of the proposal to alter the numbers on the site. Whilst this is unfortunate, this is an issue which the Council has no control over. The correct notification procedures were carried out by the Council in regard to the legislation.

Description of Development

- 42 Some late letters of representation have raised concern with the description of the development. The description of development states that the proposal is a revised layout to plots 1-2. The application under consideration here is a revised layout to plots 1-2 and therefore the description is considered to be accurate. Whilst it may have been preferable for the description to advise of the number of units now proposed, I do not believe the description is inaccurate.

Type of Submission

- 43 Late letters of representation raise concern regarding the developer's submission of three individual applications as a "piecemeal" approach to the increase in numbers. The applications have been submitted individually to ensure that the increase in numbers does not fail on one particular element of the proposal. Submitting three separate applications allows consideration to be made of each individual element and recommendations being made on these three proposals individually, whilst also allowing the Council to consider the cumulative impact of the total increase in numbers. I have no concerns with the submission of individual applications in this instance.

Cumulative Impact with Other Applications

- 44 This and the two other applications under consideration at this Committee (10/00215/FLL) and (10/00385/FLL) result in an additional 11 units on the housing site, an increase from 18 to 29. As discussed elsewhere in this report the total increase in numbers is not considered to be a level which will be significantly detrimental to residential amenity. Furthermore, the design of the alternative units relates closely to that approved by the original consent meaning that, although the visual appearance of the area will change, it will not change, in my opinion, detrimentally. The existing road network is considered sufficient to accommodate the increase in units.

LEGAL AGREEMENTS

- 45 None required as applicant intends to pay education and affordable housing contributions upfront.

DIRECTION BY SCOTTISH MINISTERS

- 46 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

47 Whilst the proposal is a significant increase in the number of units on the site in this location, the scale and height of the buildings proposed are similar to the scale of the large houses already consented. The visual impact will be minimal due to the similar design characteristics of the proposed flats and the surrounding mature landscape framework will help to mitigate against any significant visual impact. Having discussed the proposal with the developer, this change to numbers has occurred due to the recent downturn in market conditions and the developer's inability to sell larger units. The introduction of smaller units on the site provides a more diverse range of house types without significant detriment to either visual or residential amenity. The increase in numbers can be adequately served by the existing infrastructure and the proposal meets the terms of the Council's Developer Contributions for Education and Affordable Housing Policies. I believe there is sufficient justification to increase the numbers on this particular part of the site and the proposal complies with the relevant policies of the Development Plan. As such the application is recommended for approval.

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, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.

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 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

There is considered to be a suitable justification to depart from the Development Plan allocation of housing on this site due to the current housing market conditions and the proposed increase in numbers complies with Local Plan Policies 2 and 76.

C PROCEDURAL NOTES

The applicant is required to pay a contribution of £52,250 towards affordable housing and £70,345 in regard to education. The applicant has indicated the intention to pay both upfront. No planning consent should be issued until the above contributions have been paid in full.

These figures refer to the contributions required if all three associated applications are approved by the Committee. These figures may change depending on which applications are supported by Committee.

D INFORMATIVES

- 1 No work shall be commenced until an application for building warrant has been submitted and approved.
- 2 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: None
Contact Officer: John Williamson – Ext 75360
Date: 21 June 2010

Nick Brian
Development Quality Manager

Perth & Kinross Council Development Control Committee: 7th July 2010 10/00385/FLL Atholl Road Pitlochry



