

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

Erection of 39 flatted dwellings at the Former Balgarvie Mill, Scone

Ref No: 08/00865/FLL
Ward No: 2 Strathmore

Summary

This report recommends approval of the application for the erection of 39 dwellings on the grounds that the proposal complies with the Development Plan. As the application has attracted six or more letters of objections, it has been brought before the Development Control Committee.

BACKGROUND AND DESCRIPTION

- 1 The application site is the former Balgarvie Mill site at the northern end of the village of Scone. The original mill building was demolished in the late 1990s, after works ceased during the mid 1990s. At the present time, the site is cleared of all buildings and a new vehicular access has been partly formed through the site. The general topography of the site is sloping from Angus Road, up towards the main Balgarvie site to the east.
- 2 The site is essentially the 'loop' link between the main Balgarvie residential site to the east and Angus Road to the west. The site is accessed by a bottleneck opening from Angus Road, which then opens up into a more regular shaped site. The site is bounded to the north and east by existing residential properties and to the west by the under construction Balgarvie site. Angus Road is to the west of the site, approx 150m away from the main part of the site.
- 3 The application is for detailed planning permission for the erection of 39 flats and associated car parking and landscaping. Four individual rectangular shaped blocks are proposed which will accommodate 15, 10, 8 and 6 residential units respectively. Two of the blocks are three storeys in height (Blocks A + D) and one is principally three storeys with a two storey wing (Block C). The fourth block (Block B) is two storeys. 78 private car parking spaces are to be provided on site for future occupiers with 6 additional spaces proposed for use associated with the Church on Angus Road.
- 4 Members should note that the application has been amended since its original submission by reducing the height of Block B from its original three storey height down to two storey. As a result the total number of residential units proposed has been reduced from the initial 43 to 39.
- 5 Notification of the change in height of Block B was issued by the Council to all notifiable neighbours and to third parties that made comment to the original application.

NATIONAL PLANNING POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements.

Designing Places – A policy statement for Scotland

- 7 *NPPG1 (Revised 2000) The Planning System* emphasises the importance of design considerations in reaching planning decisions. Whilst Planning Advice Notes on subjects such as the Siting and Design of Housing in the Countryside, Small Towns and Town Centre Improvement had been published this was the first general statement setting out the Government's aspirations for design and the role of the planning system in delivering these.
- 8 This document fills that gap. This statement sits alongside the policy on architecture, which was launched in October 2001, and it is a material consideration in decisions in planning applications and appeals. It will also provide the basis for a series of Planning Advice Notes dealing with more detailed aspects of design.

Scottish Planning Policy 3: Planning for Homes

- 9 This SPP sets out The Scottish Government's policy on the role of planning in the identification of housing requirements and the delivery of quality housing in the right locations. It sets out The Scottish Government's policy on how local authorities should make provision in Development Plans for new housing, taking account of identified need and demand.

Planning Advice Note 67: Housing Quality

- 10 *Designing Places*, published November 2001, sets out the Scottish Government's aspirations for design and the role of the planning system in delivering them. This Planning Advice Note (PAN) explains how *Designing Places* should be applied to new housing.

Planning Advice Note 76: Designing new residential streets

- 11 The PAN has been produced in line with the Scottish Government's drive to promote the design agenda. It follows on from *Designing Places* and forms part of the design based series of PANs. In particular, it complements, and should be read in conjunction with, *PAN 67 Housing Quality*. The advice applies to everyone engaged in the planning, design and approval of streets in new residential developments including planners, road engineers, architects and developers. In particular, it means that planners and engineers should work more closely together.

Planning Advice Notice 74: Affordable Housing

- 12 This Planning Advice Note sets out how the planning system can support the Government's commitment to increase the supply of affordable housing. It provides advice and information, including existing examples of better practice. It seeks to speed up the development of both market and affordable housing by ensuring that any affordable housing requirement included in the development plan is realistic and that the planning contribution is set within the wider housing policy context.

DEVELOPMENT PLAN

- 13 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). There are no policies of strategic relevance contained in the Structure Plan.

Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)

- 14 As the application site lies within the settlement boundary of Scone, the proposal falls to be assessed against **Policy 71** of this plan. This policy seeks to ensure that the residential amenity and village character be protected and states that some scope may exist for infill development but only where new development does not adversely affect the density, character and amenity of the village.

Perth Area/Central Area Draft Local Plan 2004

- 15 As the Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage, limited weight should be attached to the contents of this document.

OTHER COUNCIL POLICIES

16 Affordable Housing Policy 2005

- 17 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 may be acceptable.

Planning Guidance Note: Primary Education and New Housing Development 2009

- 18 This Developer Contributions Policy was approved by the Council on 6 May 2009. The policy applies over the whole local authority area of Perth and Kinross. 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

- 19 Planning consent exists for 12 dwellinghouses on the site ((01/01604/REM). It is accepted by the Council that this consent has been implemented by virtue of the new junction with Angus Road being formed as per the approved plans and within the prescribed timescale associated with the 2001 consent.
- 20 An application for 36 flats (07/02685/FUL) was withdrawn in 2008, following advice from planning officials.

CONSULTATIONS

- 21 **Scottish Water** have commented on the application and raised no concerns.
- 22 **Scone Community Council** have commented on the application and raised concerns over the height of the blocks and considers flats to be out of keeping with the existing village.

REPRESENTATIONS

- 23 Letters of representations from fifteen households have been received from local residents, all objecting to the proposal. Comments were received as a result of the re-notification, however they did not raise any additional issues. The main areas of concerns raised by the objectors are-

- Three storey flats are out of character with the area
- Overlooking/loss of privacy
- Loss of light/overshadowing to properties

These matters are addressed in the appraisal section.

24 Additional Statements

Environmental Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment:	Not required
Design Statement or Design and Access Statement:	None
Report on Impact or Potential Impact:	None

APPRAISAL

Policy

- 25 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.
- 26 In terms of the Development Plan, the key policies are contained in the adopted Local Plan, which is the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). The key determining issue for this application is ultimately whether or not the proposal accords with the aims of Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure character, density and amenity of the area concerned is not adversely affected by new developments. For reasons stated elsewhere in the report, I consider this proposal to be in accordance with the Development Plan.

Density and Layout

- 27 Although the density is relevantly high by virtue of the proposal involving flats, the layout has been designed in such a way to ensure that landscaping and parking provision acts to provide adequate separation distances between the blocks themselves and to the existing residential properties. The level of private amenity space is perhaps at the lower end of the acceptable standard; nevertheless, for a flatted scheme in this typically dense area like Scone, I consider the layout and density acceptable in this location.

Visual Impact

- 28 The proposal will have a visual impact on the area due to the combination of the sites relevantly central location in Scone, and the three storey nature of the majority of the development. However, the former mill was significantly more imposing on the streetscene than what is proposed here. I accept that the Mill building is now gone, however its former presence should be noted and duly considered in the context of this planning application. In addition, the site is not on a prominent street side position, but is set back approx 150m from Angus Road. I therefore consider the potential dominant visual impact which a three storey buildings in this location is would be less than that of a more prominent location (such as the previous committee item at 2-8 Perth Road, Scone), and ultimately acceptable

Impact on Residential Amenity

- 29 The principal issues with the impact on residential amenity is the relationship of the proposal with the existing residential properties along Myrtle Road to the north, and Murrayshall Road (notably No19) to the south. Along the northern boundary, an existing Leylandi hedge along part of the boundary provides a natural existing barrier between the existing and proposed,

although it is unlikely to provide absolute screening from flats at a higher level. However, the gables of the two blocks which that would be facing Myrtle Road only have bathroom windows openings, which will be finished in opaque glazing. I therefore do not consider there to be any overlooking or loss of privacy issues arising from the north of the site.

- 30 To the southern corner of the site, a large retaining wall (approx 3m) separates the site from No19 Murrayshall Road, and as a consequence the garden area of No19 is somewhat higher than the ground level of Block B. The rear elevation of Block B faces directly onto the garden area of No19 Murrayshall Road.
- 31 Despite the change in levels, and the existing boundary treatment of No19 Murrayshall Road (a small fence on top of the retaining wall), I have no doubt that the a three storey block, would have overlooked almost the entire garden of No19 to an unacceptable degree.
- 32 Following discussions with officers, the applicant has reduced the height of Block B from its original three storeys to two storeys to address the overlooking concerns of both of the occupier of No19 and officers. The resulting two storey block is far more acceptable, and with the presence of the 3m retaining wall and existing fence, will not result in a significant level of overlooking to the garden ground of No19.
- 33 Although I consider the two storey element acceptable, to ensure that the amenity of No19 is fully protected, the applicant has offered to increase the height of the No19 existing fence from circa 1m to 2m, if the owners are agreeable, I would have no objection to this.

Road related issues

- 34 As the access road has been partially built in accordance with the previously approved consent, I have no concerns relating to vehicular or pedestrian safety.

Affordable Housing

- 35 A minimum of 25% affordable housing will be provided on site. I therefore consider there to be no affordable housing issues with this proposal at the present time.

Education

- 36 As a result of Robert Douglas Memorial Primary School presently operating at its 80% capacity, financial contributions are now being sought for all new housing developments within the catchment of this school for main stream residential applications submitted to the Council post 5 May 2009.
- 37 At the time this planning application was submitted (April 2008) there was no framework in place to seek contributions from developers in areas were

capacity problems existed at the local primary school. In (December 2008) prior to the implementation of the Council's Planning Guidance Note on Primary Education and New Housing Developments (2009), the first interim protocol of the Council (December 2008) was to seek a contribution only once the 100% capacity of the school was breached, as opposed to the 80% threshold which is the trigger point for contributions in the 2009 approved guidance note.

- 38 In May 2008 (at the time the application was lodged) the school capacity was projected at over 100% and therefore an objection to the application was raised by the Executive Director (Education & Children Services). However, it was subsequently confirmed, through an updated calculation on the capacity, that this was in fact incorrect and that the capacity was not 100% at the time of submission of the planning application. In December 2008 the projected capacity at the school was updated and is now projected to be between the 80% and 100% mark.
- 39 In these circumstances, I consider it reasonable to assess the need for a Education Contribution against the relevant protocol of the Council at the time of its submission (or in this case the 1st notable form of guidance) as opposed to applying the principles of the Primary Education and New Housing Developments (2009), As RDM is now at less than 100%, I consider the Councils position of not requesting a financial contribution for this application, to be in accordance with the guidance note of December 2008.

Completing the Balgarvie 'Loop'

- 40 As this site will complete the vehicular 'loop' from Angus Road, through the main Balgarvie site, out to the park and ride and back to Angus Road, there is growing concern from existing residents of Balgarvie about the time taken to complete this section of the development. The developer has informed the Council that public access will be strictly restricted through this part of the site for both pedestrians and vehicles until such time as all construction works have been completed. Although not a significant consideration, by supporting this application the Council has a welcome opportunity to speed up the completion of the 'loop'.

Drainage

- 41 The site lies within a public sewered area, therefore all foul and surface water drainage will be disposed of by means which are subject to the prior approval of Scottish Water.

LEGAL AGREEMENTS

- 42 None required.

DIRECTION BY SCOTTISH MINISTERS

- 43 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 REASON FOR RECOMMENDATION

- 44 The introduction of three storeys into Scone is undoubtedly a sensitive issue, particular following the concerns raised by officers and members for 2-8 Perth Road, Scone which also proposed a three storey development. However, although I accept some buildings will be visible from Angus and Perth Road, I consider the fact that this site is off the main street it is therefore a site which could acceptably accommodate a 3 storey block, given the amendments to protect residential amenity and would allow for a welcomed variation to the range of accommodation to be erected at the Balgarvie development overall.

RECOMMENDATION

A Approve 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 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site
 - ii measures to treat/remove contamination to ensure that the site is fit for the use proposed
 - iii measures to deal with contamination during construction works
 - iv. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority.

- 4 Prior to the occupation of the first residential unit, the traffic light controlled junction at the junction of Angus Road and the new site access road shall be installed and commissioned to the requirements of the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.

- 5 Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation of the dwellings, to the satisfaction of the Council as Planning Authority.
- 6 All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 7 Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- 8 A minimum of 78 No. car parking spaces shall be provided within the site prior to the occupation of the development and shall be permanently maintained thereafter.
- 9 Prior to the occupation of the dwellings a secure waterproof cycle parking facility for a minimum of 20 cycles shall be provided within the site to the satisfaction of the Planning Authority and permanently maintained thereafter.
- 10 To improve facilities for bus passengers, prior to the occupation of the dwellings, the existing bus bay at 31 - 41 Perth Road shall be converted to a bus boarder and a new 4 bay bus shelter erected to replace the existing shelter. The existing shelter shall also be re - erected on the opposite side of Perth Road at 22 – 41 Perth Road, all to the requirements of the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 11 A minimum of 10 units shall be administrated by a registered social landlord, unless otherwise agreed in writing by the Council as Planning Authority.
- 12 Prior to the commencement of any works on site precise details of which (and how many) units are to be administrated by the registered social landlord, shall be submitted for the approval in writing by the Council as Planning Authority.
- 13 Prior to the commencement of any works on site a detailed planting / landscaping scheme (including all proposed tree works), which must include a timescale for implementation, shall be submitted for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented in full, within the agreed timescale, with replanting occurring as necessary to the satisfaction of the Council as Planning Authority.
- 14 Prior to the commencement of any works on site precise details (including location and details of any temporary structures) of the site compounds shall be submitted for the approval 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 interest of proper site management.
- 4-10 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 11 In order to comply with the Council's policy on Affordable Housing 2005 and the aims of PAN 74.
- 12 In the interest of proper site management.
- 13 In the interest of residential and visual amenity.
- 14 In the interest of proper site management.

B JUSTIFICATION

The proposal accords with the development plan and there are no material reasons which justify refusing the application.

C PROCEDURAL NOTES

None applicable

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 in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 3 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 4 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.
- 5 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 6 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: Fifteen letters of representation
Contact Officer: Andy Baxter Ext 75339
Date: 1 February 2010

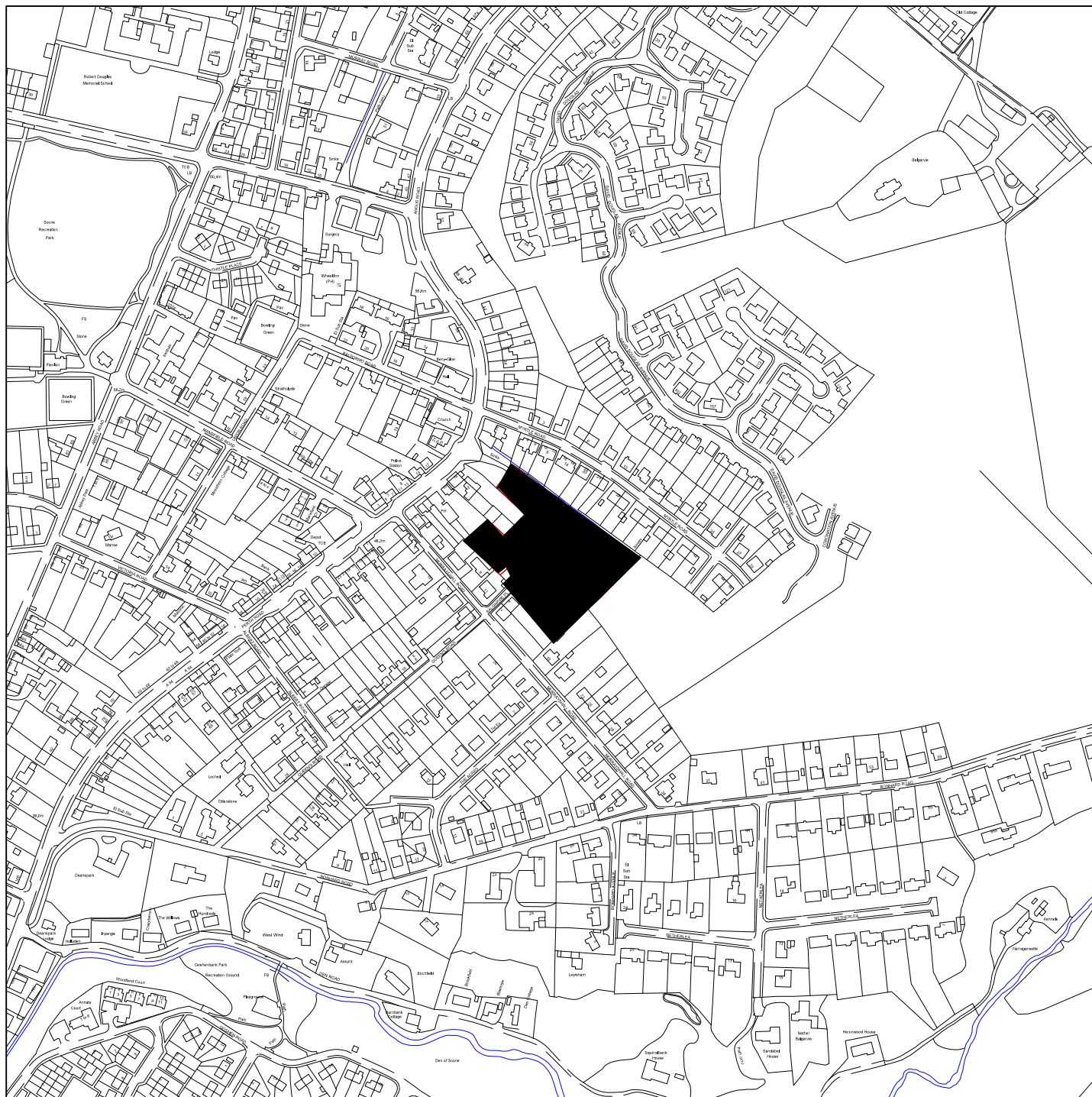
Nick Brian
Development Quality Manager

08/00865/FLL

Erection of 39 flats, former Balgarvie Mill, Scone



GIS by ESRI (UK)



Scale : 1:5000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	01 February 2010
SLA Number	100013289

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

