

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

**Erection of 11 dwellinghouses and formation of associated road (in principle)
on land to the North East of Geddochie, Abbey Road, Auchterarder, PH3 1DN**

Ref No: 09/01956/IPL
Ward No: M37 – Auchterarder

Summary

This report recommends approval of the application for residential development in principle as complying with the relevant policies of the Development Plan.

SITE DESCRIPTION AND PROPOSAL

- 1 This application site relates to an area of land located near the centre of Auchterarder, adjacent to the B Listed Ruthven Towers. The site is a large triangular area of rough open grassland land that extends to approximately 0.83 hectares. The site is neighboured by residential properties on its north, east and western boundaries, and by the nursing home at Ruthven Towers to the south. The site is surrounded by mature trees and within the site itself there is a large impressive sycamore tree – all of the trees within and surrounding the site are protected by a Tree Preservation Order.
- 2 The applicant is seeking planning permission in principle for a residential development on the site. The applicant has submitted an illustrative development comprising of 11 two storey detached dwellings positioned around a 'village green' style development. The access into the site is to be taken directly from the Feus (A824) to the north utilising an existing gated access between the properties at 56 and 60 Feus together with a strip of ground to the side. At present this access is an overgrown single lane track that leads into the application site.
- 3 A previous application for residential development was submitted in 2006 (06/01804/OUT) with access to the site taken from Abbey Road, between Geddochie and Ruthven Towers. However a major issue was that the proposed access would have resulted in a number of mature trees being removed or damaged. Furthermore, the proposed access point onto Abbey Road was considered to be of an insufficient standard for vehicular and pedestrian access. As such, the application was refused.

NATIONAL POLICY AND GUIDANCE

- 4 The Development Plan for the area consists of the approved Perth and Kinross Structure Plan 2003 and the adopted Strathearn Area Local Plan 2001.

Designing Places: A Policy Statement for Scotland (2001)

- 5 Designing Places sets out the policy context for important areas of planning policy, design guidance, professional practice, and education and training.

Designing Streets: A Policy Statement for Scotland (2010)

- 6 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles.

DEVELOPMENT PLAN

Perth and Kinross Structure Plan 2003

The relevant policies are:

Strategy 2 – The Lowland Area

- 7 Auchterarder is located within the Lowland Area of the Structure Plan and in this area the Strategy seeks to promote greater social and economic self-sufficiency and facilitate diversification of the rural economy through a range of measures including:
 - Allocating the majority of new housing land in the larger settlements while promoting opportunities in smaller villages and rural areas.
 - Promoting the provision of affordable housing in areas of particular need.

Sustainable Communities Policy 6

- 8 Sustainable Communities Policy 6 states that in the Lowland area (which covers the proposal site) housing allocations will be made in the former Burghs and in smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable.

Environment and Resources Policy 2

- 9 This indicates that the Council will seek to protect and conserve wildlife, habitats and other natural features.

Environment and Resources Policy 8

- 10 This indicates that the Council will seek to protect and enhance cultural heritage resources e.g. Listed Buildings.

Strathearn Area Local Plan 2001

- 11 Under the Local Plan the site lies within the settlement boundaries of Auchterarder where residential and compatible uses should be retained. The relevant policies are as follows:

General Policies 1: Sustainable Development

- 12 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development.

General Policies 2: Development Criteria

- 13 All developments will also be judged against the following criteria:

The sites should have a landscape framework; regard should be had to the scale, form, colour, and density of existing development; should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community; the road network should be capable of absorbing the additional traffic; sufficient spare capacity in drainage, water and education services; site should be large enough to accommodate the development satisfactorily in site planning terms; should be designed so as to be energy efficient; and be built within those settlements that are the subject of inset maps.

Policy 4: Strathearn Landscape Policy

- 14 Details of landscape treatment should be submitted with development proposals including, where appropriate, boundary treatment, treatment of settlement edge and impact on key views. Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of landscaping.

Policy 5: Design

- 15 The Council will require high standards of design for all development in the Strathearn Area. In particular encouragement will be given to:

The use of appropriate high quality materials; innovative modern design; avoiding the use of extensive under-building; the proportions are in keeping with its surroundings; and the development fits its location.

Policy 27: Listed Buildings

- 16 The setting of Listed Buildings will be safeguarded.

Policy 39: Transport Standards

- 17 Adequate provision for parking, servicing and where appropriate public transport must be made in all new developments in accordance with the Council's standards.

Policy 58: General Residential and Housing Policies

- 18 Inset Maps 2 identifies areas of residential and compatible uses where the existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will be the most obvious alternative use. Some scope may exist for infill development but only where this will not have a significant adverse effect on density, character, or amenity of the area concerned and where a suitable access can be obtained. Important trees and hedges will be retained protected from development and small areas of private open space will be retained where they are of recreational or amenity value.

Policy 64: Tree Preservation Orders

- 19 There will be a presumption against development likely to have an adverse impact on the protected trees.

OTHER KEY POLICIES

Auchterarder Area A9 Junction Improvement – Developer Contributions Planning Guidance Note

- 20 The aim of this policy is to release development within the Auchterarder area which does not form part of the Auchterarder Expansion Development Framework but has been restricted due to road safety constraints of the A9 at Auchterarder. Those developments paying the contribution will subsequently have their consents released enabling development to continue within the area.

21 Affordable Housing Policy 2005

The Council's Affordable Housing Policy is applicable to all residential development of 5 units and above. A minimum of 25% of affordable units should be provided on site or a financial contribution in lieu of affordable housing will be required, in accordance with the terms of the Policy. This may require a legal agreement being entered into with the landowner/developer at the time of a detailed application.

Primary Education and New Housing Development: Planning Guidance Note

- 22 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. Currently a contribution of £6,395 per qualifying

house is required where a primary school; is at or would reach capacity as a result of the development proposed. However, this application was lodged prior to that level applying and therefore £6105 per unit would be required in this instance. A legal agreement to secure the contribution may be required at the time of a detailed application.

SITE HISTORY

- 23 06/01804/OUT Residential development (in outline) on land at Geddochie, Abbey Road, Auchterarder – Delegated Refusal (31/10/2006)

CONSULTATIONS

- 24 **Environmental and Consumer Services** has advised that the site may be contaminated and therefore recommend a condition requiring that the developer produces a scheme to assess and deal with any contamination.
- 25 **Scottish Water** has advised that there is presently sufficient capacity for the development and they therefore have no objection to the proposals. However they have also advised that any proposed development of 10 or more houses will need to be assessed by Scottish Water to determine the impact that the development will have on the existing infrastructure.

REPRESENTATIONS

- 26 11 letters of representation have been received from 11 neighbouring households. The grounds of the objections can be summarised as follows:

- Impact on road safety
- Impact on street parking
- Impact of mature trees and loss natural habitat
- Drainage issues
- Noise/smells from traffic
- Loss of amenity space to local residents
- Impact on amenity of local residents

- 27 One letter of support has also been submitted from a local resident.

28 APPRAISAL

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Business Plan	Not required

Policy

- 29 The main determining issues in this particular case are whether the proposal complies with the Development Plan and whether or not there are material considerations supporting approval contrary to the Development Plan. In this instance the site is located with the settlement boundaries of Auchterarder, as such the appropriate Local Plan policies are Policy 58 'General Residential and Housing Policies' and Policy 64 'Tree Preservation Orders'.
- 30 In this instance the proposed residential use is considered to comply with Policy 58 of the Local Plan. The site is presently a large area of overgrown grassland that is surrounded by housing development. Whilst it is not specifically identified for any development within the local plan, its most obvious use would be for residential development considering the site is surrounded by housing. This view is also supported by the Council's Forward Planning Team. As such, in principle, the site is considered appropriate for residential development.
- 31 In regards to Policy 64 'Tree Preservation Orders', this is addressed below.

Tree Preservation

- 32 The site is surrounded by a number of mature trees, particularly along its boundaries with Ruthven Towers and Cathlair, all of which are covered by a Tree Preservation Order. In addition, within the site there is a large impressive mature sycamore tree. The applicant has submitted a tree survey with the application and this has identified the Root Protection Areas for the existing trees on the site. It has also identified a number of trees that will require to be felled due to their poor condition.
- 33 The Council's Tree Preservation Officer has advised that he is satisfied with the recommendations made in the Tree Survey and that any approval should be made subject to a condition requiring that the Tree Survey recommendations are implemented. He has also recommended that the trees just out with the site (highlighted on table 2, page 8) should be inspected in detail and recommendations implemented. It has also been suggested that it would be advisable to remove any trees unsuitable for retention prior to the commencement of construction work. This would need to be negotiated by the developer/applicant with the respective land/tree owners.
- 34 In addition, it is recommended that in order to ensure the successful retention of the Sycamore tree, any proposed road should be positioned at least 3 metres beyond the outer edge of the Root Protection Area.

Design and Layout

- 35 The applicant has submitted a conceptual layout based on the erection of 11 detached two storey dwellings although the application only seeks consent in principle. A computer generated model has also been provided which provides a basic visualisation of the proposed development.

- 36 The use of the existing Sycamore tree as a central feature to the development is considered a positive element of the conceptual proposals and this should be carried through to the detailed plans. The erection of 1.5 or 2 storey houses would also likely be acceptable provided a high quality of design is achieved. However the general layout of plots 4 to 9 are considered to be too regimented, and the remaining plots are placed relatively haphazard within the site. I also have concerns in relation to the indicative number of plots due to the proximity of mature trees and the potential impact of built development on the root protection areas.
- 37 Nevertheless, the plans that have been submitted are only illustrative at this stage and details such as layout, number of units and housing density can be discussed in greater detail upon the submission of a detailed application and are not for approval at this stage.

Roads and Access

- 38 The proposed access to the development is to be taken directly from the main road via an existing old gated access. At present this is an overgrown single lane access that was previously used to access the field from the Feus. The applicant proposes to widen this access to form a two lane road into the proposed development. Within the site the applicant is proposing a one way system that follows a route around the existing sycamore tree.
- 39 A number of concerns have been raised by local residents regarding road safety. The objectors consider that the proposed new access is unacceptable as it will result in an increase in traffic onto a busy main road which has limited visibility due to parked cars. They also consider that by extending the kerb out to create the new access, the road will be made narrower which could lead to difficulties in traffic movement.
- 40 The Council Roads Authority has been consulted and they have been made aware of the concerns raised by neighbouring residents. Nevertheless, they consider that the access is acceptable in principle and that there shall be no significant impact on road safety subject to a suitable design being agreed at the detailed stage.

Parking

- 41 At present the main road through Auchterarder is used by many of the local residents for parking as the majority of dwellings on the Feus do not have off street parking. As such, a number of the local residents have raised concerns regarding the loss of on street parking spaces due to the proposed new access to the development. The residents directly opposite the proposed access also have concerns that they would have difficulties in safely entering and leaving their shared driveway access.
- 42 Whilst it is acknowledged that the proposed access will reduce the amount of space for on street parking, the impact will be relatively minimal and largely only affect the residents at 56 and 60 Feus, one of which is in support of the

proposals and the other has made no objection. In addition, it is considered that there is sufficient remaining space in the immediate area for on street parking despite the proposed access arrangement.

- 43 In regards to the concerns relating to the driveway access opposite, the Council's Roads Engineer considers that the proposed new access should have no significant impact on the ability of those residents to safely enter and leave their driveway.

Impact on existing wildlife habitat

- 44 A number of objectors have raised concerns regarding the loss of wildlife habitat. It is claimed that many species of wildlife can be found within the site including bats, squirrels and many species of birds and insects.
- 45 The application site is not an environmentally designated site nor is it recognised as a sensitive wildlife habitat. Nevertheless the Council's Biodiversity Officer has been consulted and he has advised that there should be no significant impact on bats or squirrels given that the proposals seek to retain the majority of the existing mature trees within and surrounding the site, including the large sycamore tree. Furthermore it is also considered that there is no requirement for a biodiversity assessment of the site in this instance.

Impact on residential amenity

- 46 The application site is located to the rear of a number of houses and some of the residents have raised concerns in relation to the loss of amenity. It is claimed that the field is presently used as additional amenity space by the local residents. In addition, concerns have also been raised in regards to the potential impact of noise from additional traffic and overlooking of the rear gardens.
- 47 Whilst it is recognised that this area of land may be used to some extent by the residents at the Feus, the site is an open area of rough grassland that does not appear to provide a useable area of amenity space. The site is also completely enclosed by existing built development with no public access and it is not identified in the Local Plan as open space. It is therefore considered that the proposed site does not provide a useable area of open space for the local community.
- 48 In regards to the impact of the noise and overlooking, it is unlikely that a development of the size proposed would result in a significant level of noise from vehicular movement and any issues in relation to overlooking can be addressed upon submission of a detailed application.
- 49 It is therefore considered that the erection of housing development on this site will not unduly impact on neighbouring residential amenity.

Setting of Listed Building

- 50 The application site is located adjacent Ruthven Towers which is a category B Listed building. It is therefore important that any development within the proposed site respects the character and setting of Ruthven Towers.
- 51 The Conservation Team has been consulted and they consider that that the indicative site layout, access, scale and massing appear to relate sympathetically to the setting of Ruthven Tower and the general character of the surrounding area. In addition, the majority of the existing key mature trees and plant belts that are important to the setting of Ruthven Towers will be retained.
- 52 It is therefore considered that the proposed development is acceptable in principle, subject to the detailed design and landscape treatment being acceptable.

Surface Water Drainage

- 53 A number of objectors have raised concerns in relation to the proposed method of surface water drainage. The concern is that surface water naturally drains into the north eastern area of the site due to the sloping topography of the land and that development of the site could potentially lead to flooding.
- 54 Whilst the applicant has given a layout that shows the potential method of surface water drainage, these plans are only indicative at this stage and are not approved. Only upon the submission of an application for the approval of details reserved by condition will the detailed drainage plans be agreed.

Contamination

- 55 The application site is located in close proximity to the old Auchterarder gasworks and close to an area of ground where a recent site investigation uncovered significant amounts of cyanide and tar products. As such Environmental Health has recommended that the developer prepares a scheme to assess and deal with any contamination on the site.

Education

- 56 Auchterarder Primary School is currently considered to be at capacity by Education and Children's Services. Therefore the Council's recently approved Planning Guidance Note on Primary Education and New Housing Development will apply. However as this application is only in principle it is not possible to apply this policy at this stage. A condition will be applied to any consent requiring compliance with the policy.

Affordable Housing

- 57 The Affordable Housing Policy is applicable to all developments of 5 or more units. However as this application is only seeking to establish the principle of

residential use on the site it is not possible to apply this policy at this stage. Again, a condition will be applied to any consent requiring compliance with the policy.

Auchterarder Area A9 Junction Improvement

- 58 The application site is located within the A9 junction improvement area where a financial contribution will normally be required for all new dwellinghouses. However it is not possible to apply this policy at this stage as this application is only seeking to establish the principle of residential development and this will also be dealt with by a condition.

LEGAL AGREEMENT REQUIRED

- 59 A legal agreement is not required for this development proposal at this stage as the proposals are in principle.

DIRECTION BY SCOTTISH MINISTERS

- 60 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

- 61 Overall I conclude that in principle residential development can be achieved within the application site without unduly impacting on neighbouring residential amenity, the existing protected trees, or the setting of the neighbouring Listed Building. It has also been illustrated that a satisfactory vehicular access can be achieved from the public road. As such the proposals are considered to comply with Policy 58 and 64 of the Strathearn Area Local Plan and there are no material considerations apparent which would outweigh the contents of the Development Plan in this instance. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATIONS

A Approve the application subject to the following conditions:

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,

- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority:
- the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
- 3 The submission of detailed landscaping proposals referred to in condition no 2 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. 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.
- 4 The indicative site layout and drainage design, including the number of units, is not approved.
- 5 The site layout shall be designed in accordance with Scottish Planning Policy for Scotland, Designing Streets to the standard and specification required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 6 Prior to the occupation or use of the approved development all matters regarding access, car parking, secure cycle storage, 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 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
- 8 The recommendations of the Tree Survey dated 23/11/2008 shall be implemented prior to the commencement of any development on site and a further detailed assessment of the trees listed on Table 2, page 8 of the survey shall be undertaken prior to the commencement of any development on site.
- 9 Development shall not begin until a scheme to assess and deal with contamination on the site has been submitted to and approved in writing by the

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 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 planning authority. Verification that the schemes proposals have been fully implemented must be submitted to the planning authority.

- 10 The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
- 11 The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.
- 12 The development shall be in accordance with the requirements of the Council's A9 Auchterarder – Developers Contributions Policy all to the satisfaction of the Council as Planning Authority.

REASONS

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
- 4 In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality, retain existing trees and to avoid over-intensive development of the site.
- 5 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 6 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 7 In order to ensure that an acceptable surface water drainage scheme for the development is achieved.
- 8 In order to ensure the retention of the existing matures trees and to assess whether any trees in poor condition will require to be felled.
- 9 In order to deal with any potential contamination of the site as a result of its former use.
- 10 To comply with the Council's approved policy on affordable housing.
- 11 To comply with the Council's approved Education Contributions policy
- 12 To comply with the Council's approved A9 Auchterarder – Developers Contributions policy

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no material considerations which would justify a departure in this instance.

C PROCEDURAL NOTES

None

D INFORMATIVES

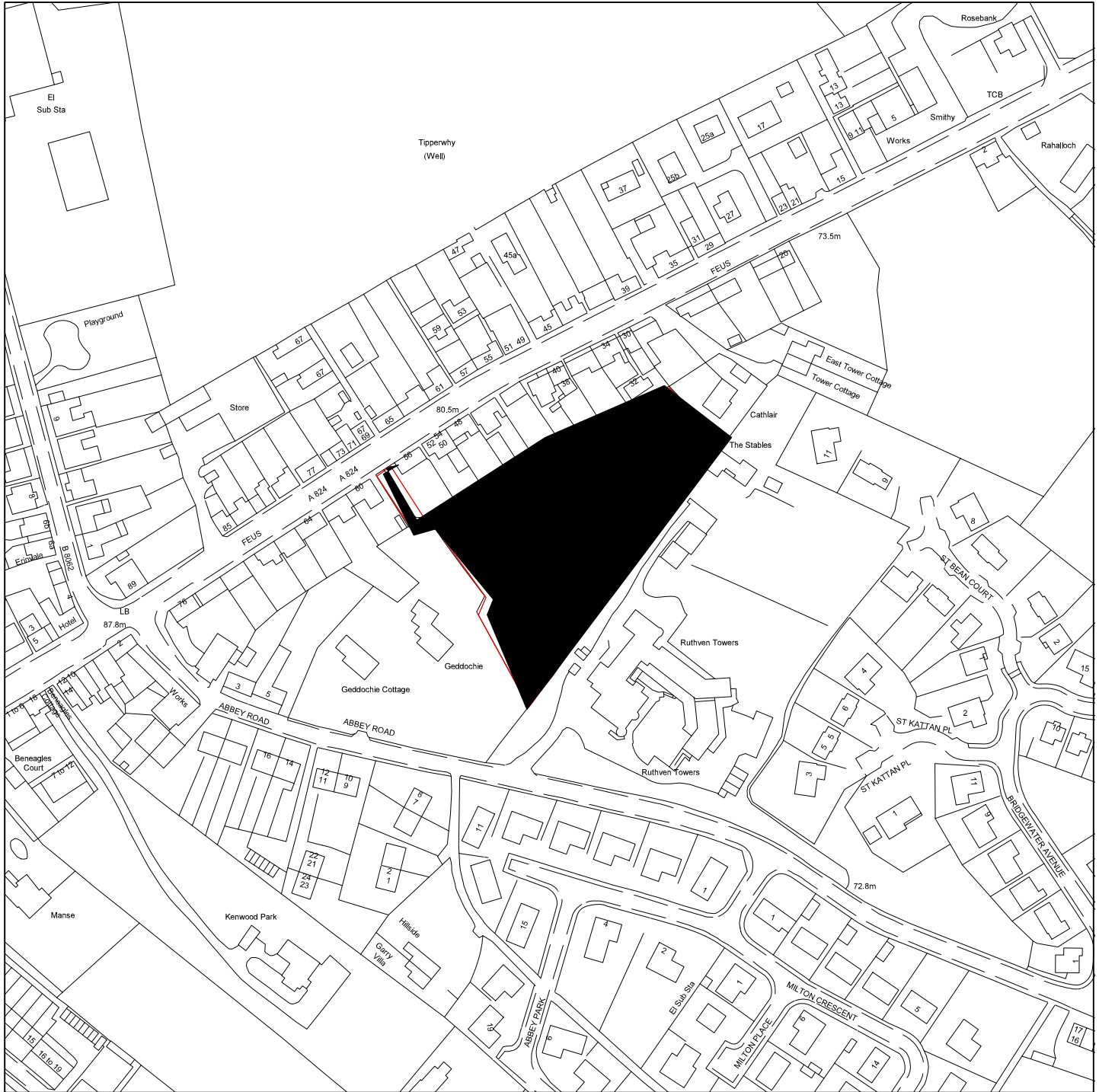
- 1 The applicant should be advised that in terms of section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 2 The applicant should be advised that in terms of section 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.

Background Papers: 11 letters of representation have been received.
Planning Officer: David Niven
Date: 23 April 2010

Nick Brian
Development Quality Manager

09/01956/IPL

Residential development, Geddochie, Abbey Road, Auchterarder



Scale : 1:2500

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Department	Planning
Comments	
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