

Perth and Kinross Council
Development Control Committee – 8 September 2010
Report of Handling by Development Quality Manager

Erection of 3 dwellinghouses at Leetown, Glencarse PH2 7NN

Ref No: 10/00715/FLL
 Ward No: 1- Carse of Gowrie

Summary

This report recommends approval of the application on the grounds that the proposal accords with the Development Plan.

BACKGROUND AND DESCRIPTION

1. The application site is an area of agricultural land approx 0.27ha in area, located immediately to the west of the existing settlement edge of the hamlet of Leetown, in the Carse of Gowrie. The site is bounded to the south and west by agricultural fields and to the north and east by existing residential properties.
2. The site is roughly rectangular in shape, with a road frontage of approx 70m and a depth of approx 40m.
3. The proposal is for detailed planning permission for the erection of three identical, traditional single storeys (i.e. accommodation on one level only), detached dwellinghouses, each with their own vehicular access off the public road. A series of solar panels and velux roof lights are proposed on all the plots. An application for four dwellinghouses on the same site was refused by the Development Control Committee in September last year based on the unacceptable impact that the proposal would have on the amenity of No1 Leetown, a residential property immediately south east of the site.

NATIONAL PLANNING POLICY AND GUIDANCE

4. The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Of specific relevance to this proposal is:

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 Of relevance to this application are paragraphs 92-96, which relates to Rural Development.

DEVELOPMENT PLAN

7. The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Perth Area Local Plan 1995, which was modified in 2000 to include Alteration No1, Housing Land 2000. There are no policies of specific relevance contained in the Structure Plan.

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

8. In the adopted Local Plan the site lies within the defined settlement boundary for Leetown, therefore the proposal falls to be assessed against **Policy 71 (Villages)**. This policy states that some scope may exist for infill development within existing settlements but only where this will not adversely affect the density, character or amenity of the existing area.

Perth Area/Central Area Draft Local Plan 2004

9. 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

Affordable Housing Policy 2005

10. This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those which with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably onsite however for smaller sites commuted payments maybe acceptable.

Planning Guidance Note: Primary Education and New Housing Development 2009

11. 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.

SITE HISTORY

- 12 An application for four dwellinghouses (09/00948/FLL) on the same site was refused by the Development Control Committee on the 23 September 2009. The reasons cited by the Committee were that;
- i The development is not considered to accord with the development plan and there are no material reasons to justify approval.
 - ii The proposed development by reason of overdevelopment and loss of residential amenity to the adjacent property of No.1 Leetown would be contrary to Policy 71 of the Perth Area Local Plan 1995 (incorporating alteration No.1 Housing Land 2000)

CONSULTATIONS

- 13 **Scottish Natural Heritage** have commented on the proposal in terms of the impact on a nearby SSSI and protected species and raised no concerns on either topic.
- 14 **Scottish Environmental Protection Agency** have commented on the application and indicated that there may be issues with further capacity in the existing drains to accommodate more surface water drainage, and as a consequence a new private system may be required.
- 15 **Scottish Water** have commented on the proposal and raised no objection.
- 16 **The Executive Director (Education & Children Services)** has indicated that the local primary school is operating at over its 80% capacity.

REPRESENTATIONS

17. At the time of writing, twenty three letters of representations had been received, all objecting to the proposal. The main issues raised by the objectors are –
- Overdevelopment of the site
 - Traffic and road concerns
 - Overlooking issues
 - Drainage issues
 - Wildlife concerns
 - Precedent for further development
- 18 These issues are addressed in the appraisal section of the report.

ADDITIONAL STATEMENTS

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
Report on Impact or Potential Impact e.g. Flood Risk Assessment	None

APPRAISAL

Policy

19. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
20. In terms of the Development Plan, the key policies are contained in the adopted Local Plan, the Perth Area Local Plan 1995. As the site lies within the settlement boundary of Leetown, the main consideration of this application is ultimately whether or not the proposal accords with Policy 71 of the Perth Area Local Plan 1995, which seeks to ensure that new developments do not detract from the character, amenity and density of the existing area. For reasons stated elsewhere in the report, I consider the proposal, subject to appropriate conditions, to be in accordance with this policy.

Erratum of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing 2000)

21. Several objections refer to the application site as being located within the landward area of the Perth Area Local Plan 1995, and therefore the applicable policies of relevance are those relating to housing in the countryside, as contained in the Local Plan and the revised policy of 2009. Unfortunately, due to an administrative oversight by Perth and Kinross Council in 2000, the village insert Map of Leetown was not included as part of the Alteration No1 (Housing Land 2000) of the Perth Area Local Plan 1995 when it was first published in 2000, thus causing confusion as to whether or not a settlement boundary existed for Leetown.
22. For clarification, as the Council has never formally adopted a modification for the removal of the village insert Map of Leetown from the Perth Area Local Plan 1995, the village boundary of Leetown does still exist and as such the proposal falls to be assessed Policy 71 of the Perth Area Local Plan 1995 and not the Housing in the Countryside Policies.
23. An erratum Map has since been produced by the Council, and is now attached to all publically available copies (including on the Council's website)

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

Affordable Housing

24. As this proposal is for less than five residential units, there is no affordable housing requirement.

Education

25. As a result of St Madoes Primary School operating at its 80% capacity, financial contributions for education provision are now being sought for all new mainstream housing developments within the St Madoes catchment in respect of applications made post 5 May 2009. A financial contribution of £19,185 (3 x £6,395) will therefore be sought from the applicant prior to the issuing of the consent. If the payment is to be delayed ie payment on occupation, then a legal agreement must be concluded prior to the consent being issued.

Traffic

26. Concerns have been raised by local residents that the increase in vehicular movements as a result of this proposal will have a significant effect on the local road network, which could potentially jeopardise vehicular and pedestrian safety. Although I accept that the level of traffic on the immediate road network may increase (albeit by a negligible amount) as a result of three new houses being built, I consider the existing road network capable of accommodating the additional vehicular movements, without compromising the safety of other vehicles or pedestrians.

Visual Impact

27. It is considered that the single storey dwellinghouses proposed would be of an appropriate scale in relation to existing development and be set within a framework of existing residential properties of a similar scale. For this reason, and coupled with the fact that the house type proposed is of a good design standard, I do not consider there to be any visual concerns surrounding this proposal.

Impact on Existing Residential Amenity

28. This application has been modified to try and address the previous concerns of the Development Control Committee in terms of the impact that the development has on No1 Leetown, the closest dwellinghouse located immediately south east of the site. As only three units are now proposed (as opposed to the four previously), a larger separation distance of 12m has been achieved between the eastern most plot (Plot 1) and the boundary of No1 Leetown. As only a small strip window is proposed on the east elevation facing No1 Leetown, I consider there to be sufficient separation between the two properties not to result in direct overlooking between the two.

- 29 In terms of overshadowing / loss of sunlight, I do not consider there to be significant loss of sunlight to No1 as a result of this proposal largely due to the increase in distance between the two properties, and the fact that the proposed dwellings are single storey with relevantly low ridge lines.

Design and Layout

- 30 Some concerns have been raised by local residents that even with the proposed numbers reduced to three units, the proposal is still over-development and out of character with the hamlet of Leetown. In my opinion the proposed house types are well designed with traditional finishes that will be in keeping with the rural character of Leetown. Although the majority of Leetown are pairs of semi-detached properties, I consider the proposed layout of three detached properties to be in keeping with the existing building pattern of Leetown.

Impact Local Wildlife

- 31 A number of the representations have raised concerns regarding the potential impact on local wildlife which is present on the site. Scottish Natural Heritage have commented on the application and confirmed that there is no record of any protected species within the vicinity of the development.

Impact on SSSI

- 32 Scottish Natural Heritage has confirmed that the proposal will have no adverse impact on Gallowflat Claypit SSSI, which is located approx 500m from the site.

Drainage

- 33 Scottish Water have confirmed that the site lies outwith any public sewered area. Any proposals for foul and surface water drainage must therefore comply fully with the standards required by Building Standards and SEPA.

LEGAL AGREEMENTS

- 34 A legal agreement may be required if the applicant chooses to delay the payment for £19,185 for educational provision. If an agreement is requested by the applicant, I would recommend the payment be phased and applicant (or future landowner) pays £6,395 per house occupation.

DIRECTION BY SCOTTISH MINISTERS

- 35 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

- 36 As the application site lies within the settlement boundary and there would be no adverse impact on the character, density or amenity of the area as a result of this development, I consider the proposal to be entirely consistent with the Development Plan and the reduction in the number of units has resolved the issue with No1 Leetown.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the commencement of any works on site precise details of all boundary treatments shall be submitted for the approval in writing by the Council as Planning Authority.
- 4 Prior to the commencement of any works on site precise details of all external finishes shall be agreed in writing by the Council as Planning Authority.
- 5 Prior to the occupation of each dwellinghouse, the vehicular accesses shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.
- 6 Prior to the occupation of each dwellinghouse, the access shall be formed to ensure that the gradient does not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and that the access is constructed so that no surface water is discharged to the public road, all to the satisfaction of the Council as Planning Authority.
- 7 Prior to the occupation of each dwellinghouse, turning facilities shall be provided within each site to enable all vehicles to enter and leave in a forward gear, to the satisfaction of the Council as Planning Authority.
- 8 Prior to the occupation of each dwellinghouse, a minimum of 2 car parking spaces per dwelling shall be provided, to the satisfaction of the Council as Planning Authority.
- 9 For Plot 1 only, permitted development rights associated with Class 1 (The enlargement, improvement or other alteration of a dwellinghouse) and Class 3 (The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration of such a building or enclosure) of the Town and Country Planning

(General Permitted Development) (Scotland) Order 1992 (or any equivalent class in any subsequent legislation), are hereby revoked.

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.
- 3-4 In the interest of visual & residential amenity.
- 5-8 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 9 In the interest of residential amenity.

B JUSTIFICATION

The application accords with the Development Plan and there are no material reasons which merit a refusal.

C PROCEDURAL NOTES

Planning consent should not be issued until payment of £19,185 for Primary education provision has been received in full, or a legal agreement has been concluded for its delayed payment.

D INFORMATIVES

- 1 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.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 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.
- 4 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.

- 5 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at St Madoes Primary School. This may result in such children being placed in the nearest school with capacity to accommodate them.
- 6 The applicant is advised that details of foul and surface water drainage should be subject to the appropriate consents from Building Standards of this Council and Scottish Environmental Protection Agency.

Background Papers: 23 letters of representations
Contact Officer: Andy Baxter Ext 7559
Date: 19 August 2010

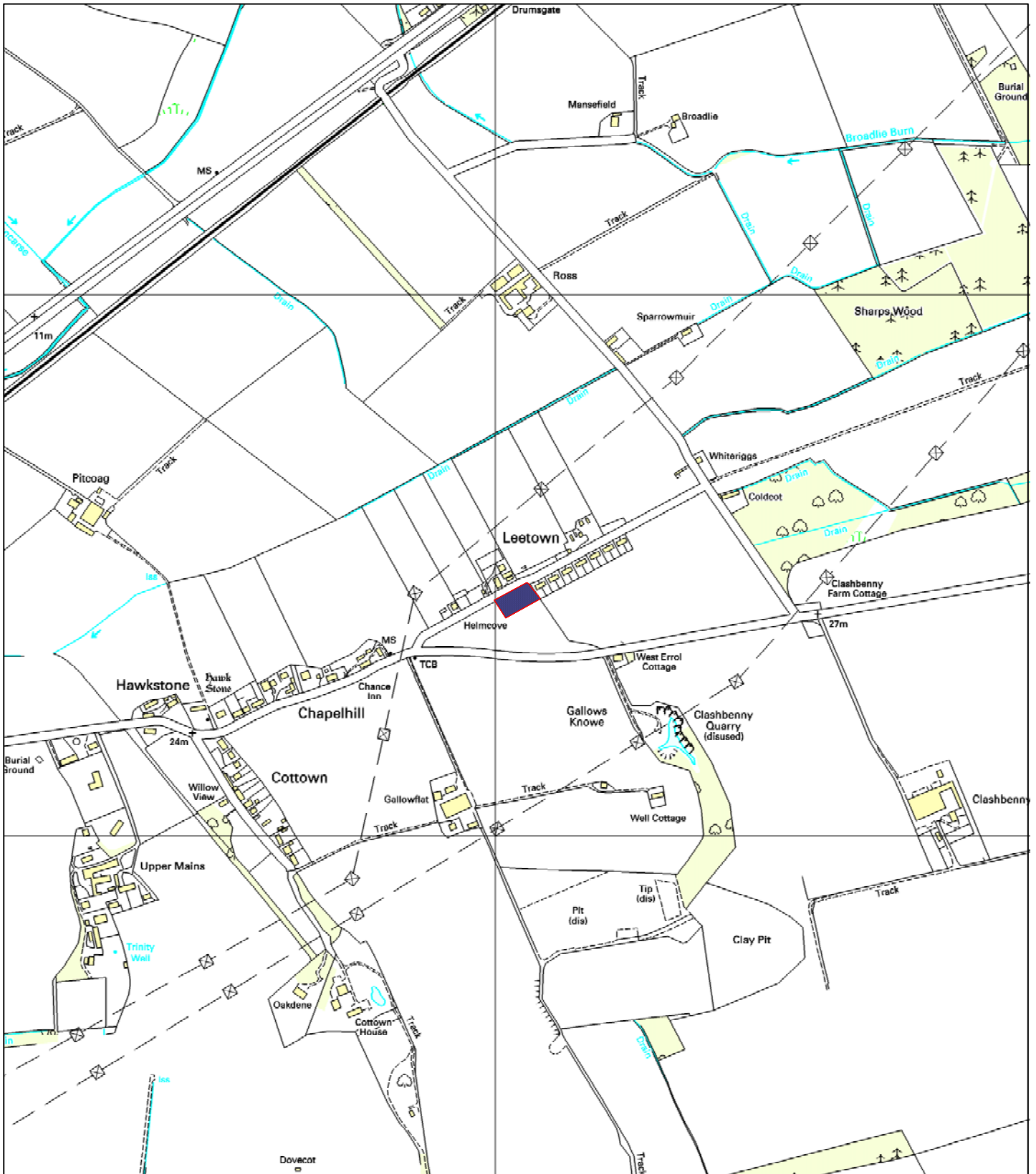
Nick Brian
Development Quality Manager

Perth & Kinross Council

10/00715/FLL

Land 10 metres west of 1 Leetown, Glencarse

Erection of 3 dwellinghouses



This map is for reference only and must not be reproduced or used for any other purpose

↑ Scale
1:10000

