

Perth and Kinross Council
Development Management Committee – 24 January 2013
Report of Handling by Development Quality Manager

Modification of existing consent 12/00230/AMM to revise the on-site affordable housing element for a commuted sum and substitute 20 mainstream housing units

Ref No: 12/01924/FLL

Ward No: 3 - Blairgowrie and the Glens

Summary

This report recommends approval for the modification of matters specified in existing planning consent 12/00230/AMM and original consent 10/01370/AMM and associated legal agreement for residential development in substituting the on-site affordable housing element with a commuted sum and delivery of 20 mainstream housing units.

BACKGROUND AND DESCRIPTION

- 1 The wider site area, to which this site relates, extends to approximately 4.9ha of former agricultural land located alongside Coupar Angus Road (A923), which constitutes the western boundary and a transition between the historic residential areas of Blairgowrie and Rosemount. The northern boundary adjoins a late 20th century residential area at Moyness Park Drive, while the east boundary is delineated by the route of the former railway line. Lower density housing characterises Rosemount to the south.
- 2 The site in question is positioned within the north eastern environs of the original site and extends to a site area of approximately 7000 sqm and originally constituted the on-site affordable housing element for the site, for a total of 22 residential units. The current application includes a modified layout to create 20 main stream housing units, focusing around a courtyard whilst respecting the original layout. Whilst the overall number of units constitute 2 less than the 22 affordable housing originally approved, the overall developed land take up is broadly similar.
- 3 The original approach proposed complied with the Council's Affordable Housing Policy, and at the time whereby 'Hillcrest Housing Association' was to provide the affordable housing through a mixture of social rented units and low cost home ownership (LCHO) options. A Section 75 legal agreement was drafted and agreed between the applicant and the Council which set out the terms of the affordable housing provision, including a cascade approach should Hillcrest (or another RSL) not be able to fulfil their commitment to the development.
- 4 The preceding consents included wholesale development of the site for a total of 89 houses, including 22 affordable units. The original layout was designed taking cognisance of 'Designing Streets and Places', comprising a 7.3m wide main link distributor road with the remaining access roads leading off it including elements of shared use spaces. The existing strong landscape

boundary setting of Coupar Angus Road was maintained and supplemented by open space within the development. Vehicular access was to be taken via a new junction on the A923 forming a new 'T' junction.

- 5 Irregularities were brought to the Council's attention through an unrelated investigation via a complaint regarding unauthorised tree removal on the northeast boundary and possible raised levels through plots 37 – 41, raised by a neighbour. Review of construction drawings on-site raised wider concerns relating to finished floor levels on plots 2 – 17 and road levels adjacent to those plots. The decision was taken that enforcement action to regulate this breach would need to be addressed and formally dealt with through a retrospective planning application. A formal application was deemed to be necessary as the changes in level were considered to be materially different to those approved. Planning application 12/00230/AMM was submitted and presented to the Development Control Committee on 18 April 2012 with a recommendation of approval.
- 6 Over this period, discussions were ongoing with the Council's Affordable Housing Enabling Officer in relation to delivery of the originally agreed 22 on-site affordable housing units. It became apparent in 2011 that Hillcrest HA (nor another RSL) was not going to receive funding for this project from the Scottish Government to subsidise the affordable housing element. Due to the reduced funding available and the high priorities within Perth and Kinross, affordable housing on this site was not able to be considered as a priority for allocated funding within the Council's Strategic Housing Investment Plan (SHIP). On confirmation of this the applicant approached the Council to discuss the affordable housing provision. Subsequently, it was agreed in October 2011, in collaboration with Housing and Community Care, that as an exceptional case where funding could not be provided, coupled with the depressed sales market, that a commuted sum would be the preferred requirement in this situation. This was supported by the difficulties in house purchasers at the affordable end of the market in securing finance which has led to uncertainty in 'Low Cost Home Ownership' units meeting the need.

NATIONAL PLANNING POLICY AND GUIDANCE

- 7 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.

The Scottish Planning Policy 2010

- 8 The 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 33: Sustainable Economic Growth
 Paragraphs 66 – 91: Housing
 Paragraphs 196 – 211: Flooding and Drainage.

Designing Places – A Policy statement for Scotland

- 9 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.
- 10 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.

Designing Streets: A Policy Statement for Scotland

- 11 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. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these. Designing Streets does not support a standard based methodology for street design, instead requiring a design-led approach.

PAN 44: Fitting New Housing Development into the Landscape

- 12 PAN 44 sets out approaches aimed to assist development to relate housing layout more sensitively to the existing landscape.

Planning Advice Note 67: Housing Quality

- 13 Designing Places, published November 2001, sets out the Scottish Governments aspirations for design and the role of the planning system in delivering them. This Planning Advice Note explains how Designing Places should be applied to new housing.

Planning Advice Note 76: Designing New Residential Streets

- 14 The PAN has been produced in line with the Scottish Governments 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.

DEVELOPMENT PLAN

- 15 The Development Plan for the area comprises the approved Strategic Development Plan TAYPlan 2012 – 2032 and the adopted Eastern Area Local Plan 1998.

TAYPlan Strategic Development Plan 2012 – 2032 (Approved June 2012)

- 16 Under the TAYPlan the principal relevant policies are:-

Policy 2 Shaping Better Quality Places

- 17 New development should be sustainable, enhance green infrastructure, avoids area of flood risk, integrates with existing community infrastructure, is well designed and energy efficient.

Policy 5: Housing

- 18 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Eastern Area Local Plan 1998

- 19 The site is currently zoned for public and private open space in the Eastern Area Local Plan where Policy 64 applies, but all relevant policies are listed in summary below.

Policy 2 Development Criteria

- 20 All developments within the Plan area will be judged against a series of criteria including landscape framework capable of absorbing, and if necessary, screening the development, the scale, form, colour, and density of development, compatibility with its surroundings in land use terms, local road network, sufficient spare capacity in drainage, water and education services, the site should be large enough, buildings and layouts to be energy efficient,

and where possible be located in those settlements which are the subject of inset maps.

Policy 58 Residential Character and Amenity

- 21 Where sites become available for development housing will be the most obvious alternative use. Important landscape features and character should be respected and retained.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 22 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

Under the LDP, the following principal policies apply:

Policy RD1: Residential Areas

- 23 Identifies area of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.
- 24 Generally encouragement will be given to proposals which fall into one or more of a series of categories of development and which are compatible with the amenity and character of the area, with the principle one of relevance in this instance being:-
- (e) Proposals for improvements to community and educational facilities.

Policy PM1: Placemaking

- 25 Development must contribute successfully to the quality of the surrounding built and natural environment.

Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction

- 26 Sustainable design and construction will be integral to new development in Perth and Kinross.

- 27 The site itself has not been identified with a specific designation in the Proposed Plan, but does indicate a link road through to Housing site H62.

Policy PM3: Infrastructure Contributions

- 28 Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:
- (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or
 - (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.
- 29 The requirements of this policy may be secured through legal agreements to deliver planning obligations and will be concluded between the applicant and the Council, prior to the issue of planning permission.

Policy RD4: Affordable Housing

- 30 The Council will seek provision or financial contribution for residential development, including conversions for development of 5 or more units. Where practical, the affordable housing element should be integrated with and indistinguishable from the market housing.
- 31 If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers.

OTHER COUNCIL POLICIES

Affordable Housing Policy 2010

- 32 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; which in the first instance is preferably delivered on site however commuted payments may be acceptable in certain circumstances.

Planning Guidance Note – Developer Contributions May 2009

- 33 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 2009

- 34 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

- 35 An application for residential development was originally submitted in 1990, which was refused as contrary to the former Eastern Area Local Plan adopted in 1983 which at that time zoned the site for agriculture and a subsequent appeal was dismissed in 1991. Outline consent was subsequently granted for residential development under 09/00741/IPL by the Development Control Committee at its meeting on 17 February 2010 in line with officer recommendation. An application was consequently submitted in 2010 10/01370/AMM, representing the matters outstanding in meeting the various planning conditions. In April 2012, application 12/00230/AMM was presented to the Development Control Committee recommending approval to regulate finished house levels of built properties with associated augmented landscaping proposals, which had materially changed from the extant consent 10/01370/AMM.

CONSULTATIONS

- 36 **Affordable Housing Enabling Officer (Housing)** has been involved from the outset with discussions leading to this application and the associated 12/02090/MPO application. There is no objection to the revised approach proposed, which given the individual site circumstances is outlined as an appropriate approach in this context.
- 37 **The Executive Director (Education & Children Services)** has indicated that the local Newhill primary school is operating at 80% capacity and therefore (where applicable) the requirements of the approved Planning Guidance Note on Primary Education and New Housing Development should be applied.
- 38 **Scottish Water** has raised no objections on drainage grounds.

REPRESENTATIONS

- 39 A total of 2 representations have been received from local residents, citing the affordable housing element as an important consideration of the original consent by committee (10/01370/AMM) and the density proposed is higher than currently being built on site with proposals out of character with existing houses

in Moyness Park Drive in respect of height, scale, massing, design, density and layout. The introduction of terraced houses is also regarded as unacceptable.

- 40 Planning issues raised in regard to the matters outstanding are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS RECEIVED

41	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	Not required

APPRAISAL

- 42 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issue in this case is whether the change to the delivery of affordable housing and the associated changes to the layout through a reduction in the number of units continue to comply with the conditions attached to the outline consent and associated Development Plan Policy. The overarching principle of residential development on the site is considered an established position, which cannot now be challenged.

Policy Background

- 43 The original outline application was contrary to the Eastern Area Local Plan 1998 as the site was zoned for open space, in policy terms the application was however approved as a departure, primarily based on the Council’s Housing Land Supply figures which highlighted a significant shortfall insufficient to cover a five year period. In such circumstances, SPP3 (applicable at the time) advised local authorities to look favourably on new sites and hence in policy terms the site was considered to be suited to residential development and consent in outline was granted subject to conditions. The principle of development was firmly established with the grant of outline consent and the subsequent approval of matters specified by condition and therefore, the policy issues cannot be contested by objectors as a live issue. This submission is strictly concerned with the amendment of the on-site 22 affordable housing element to be substituted by 20 mainstream housing units and an appropriate commuted sum conveyed to cover the affordable housing element.

Affordable Housing

- 44 Due to the exceptional circumstances in this particular context it was agreed that a commuted sum of twice the value of the affordable housing commuted sum in the area would be paid by the applicant in 3 instalments across the

period of development and would be an appropriate solution to address the site circumstances and avoid site development stagnation. A revised Section 75 reflecting this has now been drafted and agreed between the applicant and the Council concurrently with this planning application. Application 12/02090/MPO is therefore being assessed in tandem and concurrently with this application regarding the proposed modification of the existing legal agreement covering the whole site to appropriately reflect the proposed amended physical and financial position to remain consistent with the development and in accordance with adopted Council policy.

Traffic

- 45 The original road layout attempted to respect 'Designing Streets' national policy in seeking to create a definable, pedestrian friendly neighbourhood. This approach is considered to have been broadly respected through the current application and there are no associated concerns identified on road safety grounds.

Design and Layout

- 46 The proposed housing layout and house design remains in accordance as was previously agreed through original detailed application 10/01370/AMM, including the provision of a link distributor road, a street hierarchy with a focus on the central open space element all designed to reduce vehicle speeds and create a more pedestrian friendly environment. The range of two storey house types is consistent with previous consents on the site, with the details and finishes agreed through condition of any grant of consent. The overall design principles of the related planning consents have therefore not changed, with no adverse visual or landscape impact calculated. The terraced housing with associated courtyard layout is not considered an inappropriate density solution in the context of what was previously approved. Material finishes are recommended to be further controlled by condition including a more appropriate uniform approach to roofing material.

Education

- 47 Financial contributions are now being sought for all new housing developments within the catchment of Newhill primary school for main-stream residential applications submitted to the Council, in accordance with Planning Guidance Note on Primary Education and New Housing Developments (2009). The current contribution figure of £6395 will, where applicable be applied therefore to calculate the level of payment required and reflected in any associated legal agreement as per planning application 12/02090/MPO.

Neighbouring Amenity

- 48 With less residential units proposed overall (-2) and the scale of the units now proposed being largely consistent with that previously approved, there is no adverse impact calculated on neighbouring amenity. Application of conditions applied in applications 10/01370/AMM and 12/00230/AMM will continue to be

respected and enforced as part of the wider site development, ensuring appropriate landscaping to provide an appropriate setting and buffer between the proposed development and existing neighbouring properties.

Landscaping & Boundary Treatment

- 49 As part of the planning submission there are not fully worked up landscaping elevations landscaping or boundary treatment details submitted. There are notional details provided, which are considered to require further detailing and minor amendment, which can be suitably addressed and controlled through the application of suspensive conditions. This includes clarification on the surfacing of the courtyard, control of planting species and revised plot boundary details to successfully fulfil the aims of 'Designing Streets' and associated Proposed Development Plan Policy.

LEGAL AGREEMENTS

- 50 A revised legal agreement for the staged, deferred payments for Affordable Housing and associated Education contributions will require to be concluded prior to the issuing of any consent, assessed and managed through planning application 12/02090/MPO.

DIRECTION BY SCOTTISH MINISTERS

- 51 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, all in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 52 Planning consent has been granted for a fully detailed scheme as part of consent 10/01370/AMM and subsequently regulated in planning application 12/00230/AMM. This current application has arisen as a result of a change in circumstances out with the control of the developer to the delivery method of affordable housing, which in turn has provided an opportunity to redevelop the associated land for additional, main-stream housing.
- 53 Due to the exceptional circumstances in this particular context it was agreed that a commuted sum of twice the value of the affordable housing commuted sum in the area would be paid by the applicant in 3 instalments across the period of development would be an appropriate solution to ensuring compliance with the affordable housing policy. In addition, the proposed main-stream housing units and amended layout now proposed in place of the original 22 affordable units is considered to be consistent with the general approach and detail previously approved.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 2 The detailed landscaping and boundary scheme for the site as part of this submission is not approved. A further revision of the current landscape and boundary proposals shall be submitted for the further written approval of the Planning Authority, prior to the commencement of development.
- 3 The approved detailed boundary landscaping and planting scheme for the site as approved shall thereafter be fully implemented as part of the site development programme, prior to the occupation of any part of the development and maintained in perpetuity.
- 4 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
- 5 The proposed public courtyard element as identified on site plan 12/01924/9 shall be universally finished in an agreed mono-block treatment as detailed, in isolation to the structural tree planting as proposed through a revised detailed landscape and boundary plan in accordance with condition 2.
- 6 The proposed roofing material of all properties shall be finished in a slate grey concrete roof tile to the satisfaction of the Council as Planning Authority.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 4 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
- 5 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 6 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

Planning Consent 10/01370/AMM and 12/00230/AMM were approved contrary to the extant Development Plan and this application is considered to continue to accord with the salient points of aforementioned consents, with no other material considerations to justify a departure therefrom.

C PROCEDURAL NOTES

A revised legal agreement for the staged, deferred payments for affordable housing and associated education contributions will require to be concluded prior to the issuing of any consent, assessed and managed through planning application 12/02090/MPO.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.
3. 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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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.
6. The applicant is advised that this application is dually predicated on the direct association and agreed outcome of planning application 12/02090/MPO.

Nick Brian
Development Quality Manager

Background Papers: 2 letters of representation
Contact Officer: Callum Petrie: Ext 75353
Date: 21 December 2012

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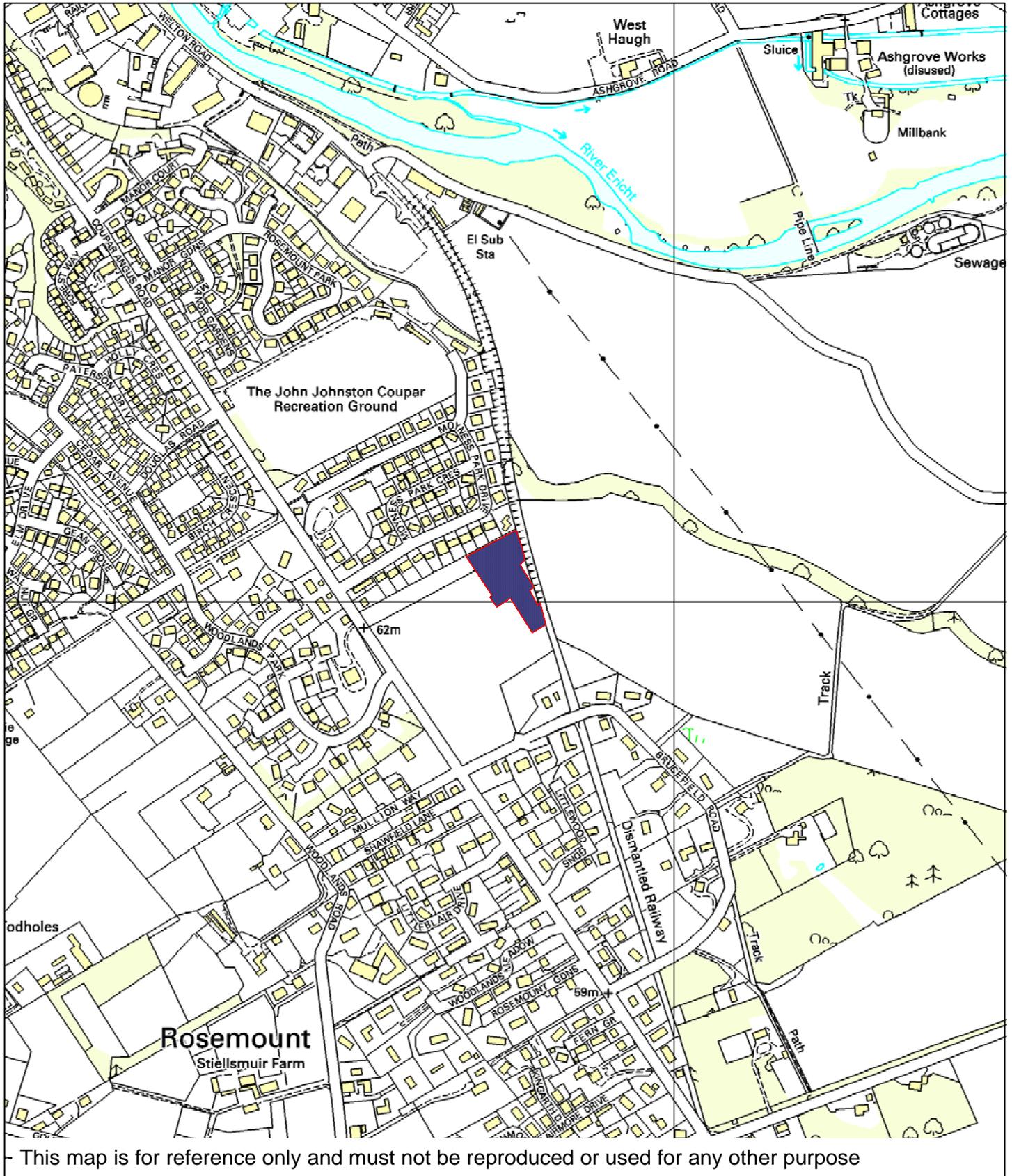
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Perth & Kinross Council

12/01924/FLL

Land E. of Junction of Woodlands Pk & Coupar Angus Rd, Blair

Mod. of 12/00230/AMM to delete afford. housing element & substitute with 20 dwellings



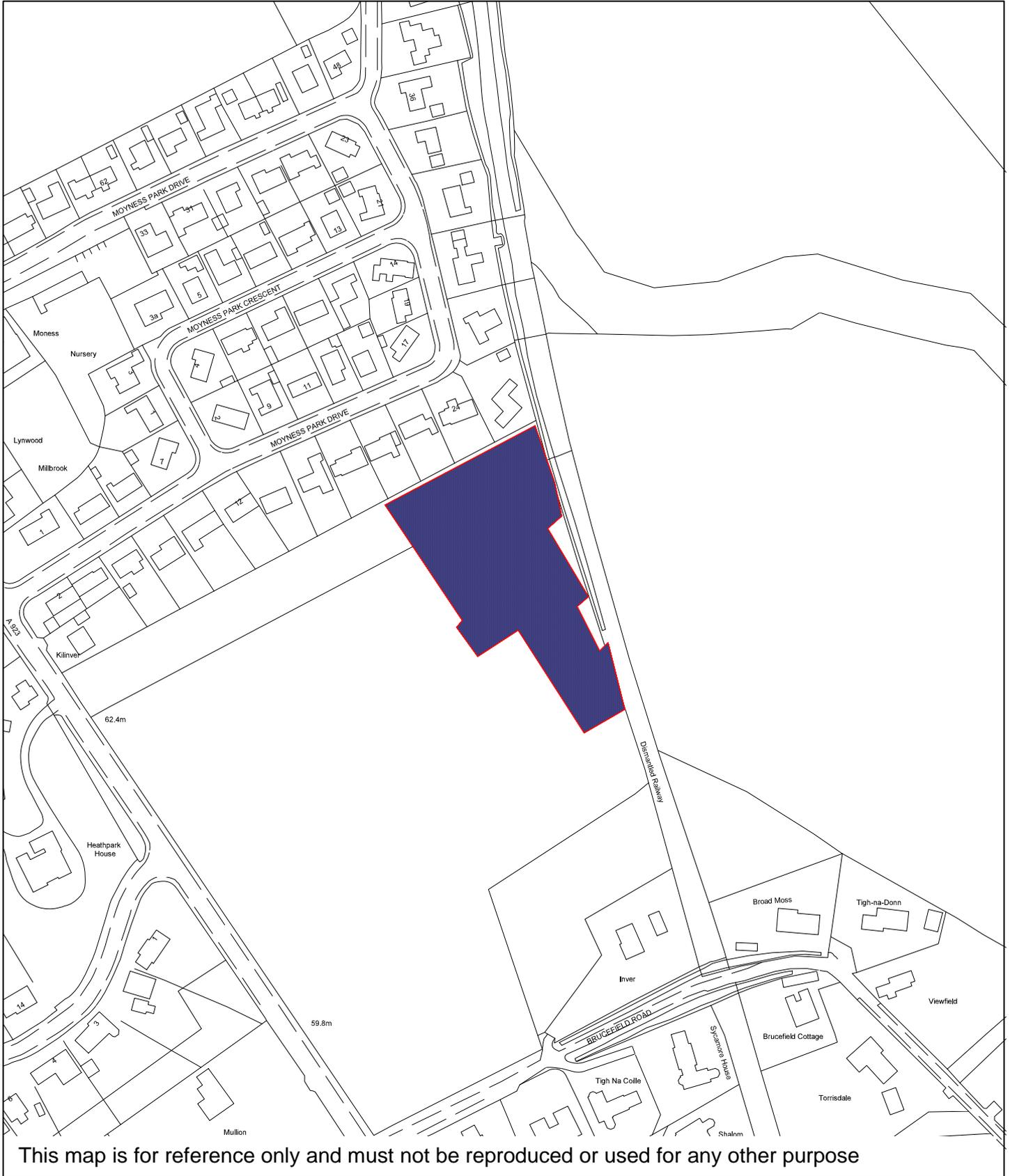
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12/01924/FLL

Land E. of Junction of Woodlands Pk & Coupar Angus Rd, Blair

Mod. of 12/00230/AMM to delete afford. housing element & substitute with 20 dwellings



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