

Perth and Kinross Council  
Development Management Committee – 19 June 2013  
Report of Handling by Development Quality Manager

**Renewal of planning permission (09/01530/IPL) Erection of 35 dwellinghouses  
(in principle), Land 160 Metres West Of Shielhill Farm, Stanley**

Ref. No: 13/00406/IPL  
Ward No: 5 - Strathtay

**Summary**

This report recommends approval of the application for the renewal of planning permission 09/01530/IPL for the erection of 35 houses (in principle), contrary to the approved Local Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application is for the renewal of planning permission granted under reference 09/01530/IPL which was approved at Development Control Committee in March 2010. That application was referred to Committee and was subsequently approved in line with recommendation, contrary to the Local Plan. As the adopted policy background has not changed, the proposal remains contrary to the adopted Local Plan but is again recommended for approval.
- 2 The village of Stanley lies on a promontory overlooking the River Tay some 7km north of Perth. It is a planned village with an historic core of former mill workers cottages laid out in the early 19<sup>th</sup> century to serve a large cotton mill located on the banks of the river. Shielhill Farm lies on the eastern edge of Stanley with access from the village by means of a single track road known as Linn Road. A secondary access to the farm is also available from Station Road which runs alongside the Perth-Inverness railway. Between these two parallel roads is an extensive field which forms part of the farm holding and adjoins the edge of the village. The western half of this field is essentially the site to which the application refers. It extends to 1.8 ha and, on the road boundaries, is enclosed by mature hedgerows.
- 3 Planning permission in principle is sought for the erection of 35 dwellinghouses and associated works within the site. A design statement accompanying the submission includes a master plan for the whole field and indicates the manner in which the proposal could fit into a larger development for 69 houses. This means that the boundary between the two phases is irregular and includes the land for Sustainable Urban Drainage Systems (SUDS) to be located in the north-east corner of the field. An indicative layout suggests that the houses would be laid out in terraced blocks around a civic space reflecting the historic building pattern of the village, with vehicular access from Linn Road. The

statement also includes some reference to the detailed design of the houses suggesting this would reflect the local vernacular.

## **NATIONAL POLICY AND GUIDANCE**

### **Scottish Planning Policy 2010**

- 4 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.
  
- 5 The most relevant paragraphs are as follows:
  - Paragraphs 66 - 91 : Housing
  - Paragraphs 86 - 88 : Affordable Housing
  - Paragraphs 92 - 97: Rural Development.
  - Paragraphs 165 -181: Transport
  - Paragraphs 196 -211: Flooding and Drainage.

### **Planning Advice Note 44: Fitting New Housing Development into the Landscape**

- 6 This provides advice to help planners, developers and local communities achieve residential developments which are in harmony with their landscape setting and make a positive contribution to the character of existing settlements.

### **Planning Advice Note 67: Housing Quality**

- 7 Using a series of case studies this document identifies the key elements which successful places for living must embody including that they should be distinctive, safe and pleasant, welcoming, adaptable and resource efficient.

## **DEVELOPMENT PLAN**

- 8 The Development Plan for the area consists of the Approved Tayplan: Strategic Development Plan 2012-2032 and the Adopted Perth Area Local Plan 1995.

### **Tayplan: Strategic Development Plan 2012-2032**

- 9 There are no strategic policies of relevance to this application.

## **Perth Area Local Plan 1995**

- 10 The principal policies of relevance are:
- 11 **Policy 2:** presumes against consent for built development adjoining those settlements which are the subject of inset maps.
- 12 **Policy 71:** indicates village areas where residential amenity and village character will be retained.
- 13 **Opportunity 8:** provides support for residential development within site ref ALT H24  
Station Road/Linn Road Stanley for 20 houses.

## **PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012**

- 14 On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation; the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 15 The site is located within the identified settlement boundary of Stanley. It is identified as part of a larger Housing proposal site.
- 16 The principal relevant policies of this plan are:

### **Policy PMA1: Placemaking**

- 17 This policy requires that all development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design and siting of development should respect the character and amenity of the place and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works where appropriate to the local context and the scale and nature of the development.

### **Policy RD1: Residential Areas**

- 18 This policy seeks to protect and improve existing residential amenity. Proposals will be encouraged where they are compatible with the amenity and character of an area and where they improve the character and environment of the area or village.

## OTHER POLICIES

- 19 **Affordable Housing Policy 2005:** This policy requires that 25% of the development is for affordable housing as defined in the policy. Where the number of units is ten or more then the provision is required on site.
- 20 **The Developer Contributions Incorporating Primary Education and A9 Junction Guidance 2012:** The Primary Education Contributions element of the Guidance is applicable to all new houses. Where proposed houses sit within specific primary school catchment areas where capacity of the school is likely to be breached, a financial contribution towards improved educational infrastructure provision is required, subject to the criteria set out in the policy.

## SITE HISTORY

- 21 09/01530/IPL - Erection of 35 Dwellinghouses in principle land west of Sheilhill Farm, Stanley. Approved 6 April 2010

## CONSULTATIONS

- 22 **Education and Children's Services:** This development falls within the Stanley Primary School catchment area. As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.
- 23 **Scottish Environment Protection Agency:** no objection subject to a condition requiring the discharge of surface water to the water environment to be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.
- 24 **Scottish Water:** no objections.
- 25 **Environment and Regulatory Services:** no objections but advises that minimum specifications with regard to waste collection should be met.
- 26 **Stanley and District Community Council:** no response at time of report.
- 27 **Community Greenspace** has no objections subject to a condition safeguarding adjacent core paths.

## REPRESENTATIONS

- 28 Three representations have been received in relation to this proposal. The following issues were raised:
  - Loss of agricultural land and wildlife
  - No masterplan
  - No information on layout

- Flooding
- Privacy
- Contrary to adopted policy
- Premature in respect of Proposed Plan

29 For clarification, a masterplan is submitted, no information on layout has been provided as the application is made only in principle and concerns regarding privacy can only be considered at the detailed application stage. The remainder of the issues are covered in the Appraisal below.

## ADDITIONAL STATEMENTS

30	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Masterplan lodged
	Report on Impact or Potential Impact	None submitted.

## APPRAISAL

31 The application raises the following issues:

### Masterplan

32 This proposal must be considered on its individual merits, but is envisaged by the applicant as being the first phase of a larger scheme and a master-plan has been submitted. There is no support for this in the Local Plan and no commitment has been made to any such proposal, but, since there is a possibility of development beyond that submitted for approval, then it would be prudent to be aware of possible future development when dealing with the current application.

### Policy

33 The majority of the proposed development site is zoned for residential use in the Perth Area Local Plan as Site ALT H24 Station Road/Linn Road Stanley, with a notional capacity of 20 No. units. In the order of 0.5 ha of the site lies outwith the zoned area, including the SUDS land, and therefore beyond the defined village boundary. This means the proposal is contrary to Policy 2 of the Local Plan which presumes against permission for built development outwith and adjoining those settlements which are the subject of inset maps. However it is felt that a Development Plan Departure is justified due to the following material considerations:

- The local plan boundary is arbitrary and does not relate to any physical feature on the ground.
- The local infrastructure in terms of education, drainage and roads, has the capacity to accommodate the development.

- The enlarged housing site would not significantly increase the impact of the development on the surroundings and the irregular boundary will provide a softer edge to the village.
- There is a previous grant of planning permission in principle for this development on this site.
- The application site forms part of a larger proposed housing site contained within the Proposed Local Development Plan 2012.

34 With regard to the Proposed Local Development Plan, representations were received on Stanley which included references to the larger site. These will be heard at the forthcoming examination.

### **Affordable Housing**

35 The Council's Policy on Affordable Housing requires 25% of the development to be affordable. For developments of more than 10 units the preference is for on-site provision rather than a pro-rata financial contribution and where the site lies adjacent to an existing community this is considered particularly appropriate. The applicant's view is that a reduced figure should apply due to a perceived over-supply of social housing in the area, but this would not justify an exception to the policy. The actual requirements in line with the appropriate Developer Contributions Guidance would be determined when a detailed proposal is made.

### **Education**

36 As this application is submitted "in principle" it is not possible to provide a definitive answer at this stage as to whether there would be capacity issues at the catchment primary school which may result in the requirement for a financial contribution towards increased provision in line with the current Developer Contributions Guidance 2012. The determination of appropriate contribution, if required, would therefore be based on the status of the school when a detailed application is received.

### **Traffic**

37 As previously noted the main access to the site will be from Linn Road which forms the south-eastern boundary. There is the potential for the widening of this road to the required standard where it abuts the site, ie 5.50 m carriageway with 1.8 m footway along the frontage. The traffic which would be generated by the development can be readily absorbed by the local road network.

### **Drainage**

38 Foul drainage is to be taken to the public system and Scottish Water has no issues with that. Surface water run-off will drain to a SUDS system located in the north east corner of the field. This fits in with the overall master-plan concept.

## **Residential Amenity**

- 39 Although the site adjoins the rear gardens of an existing residential street, and very little exists in the way of screening, the indicative layout suggests that the distance between existing and proposed houses would be in the order of 24 to 36 metres. This is well in excess of the normal standard of 18m for housing layouts which is considered to be the minimum requirement to provide an acceptable level of privacy, daylight and sunlight within a low-rise development. However the issue of residential amenity cannot be properly addressed until full details of the site layout and house types have been submitted.

## **Design and Layout**

- 40 An attempt has been made in the master-plan to reflect the street and building pattern within the historic core of Stanley and in doing so some potentially attractive, safe and welcoming spaces have been created which, in terms of urban design, follows the advice contained in government guidance. This has been achieved however without compromising on technical site planning requirements with regard to road geometry, parking provision and house to plot ratio.

## **LEGAL AGREEMENTS**

- 41 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 42 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 43 All applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal exceeds the village boundary but this can be justified on the basis that the majority of the site is zoned in the current Development Plan for residential use with the entire site being included within the settlement boundary of the Proposed Local Development Plan. It is held that the area which lies outwith the current boundary will enable a better layout to be achieved as it will allow the site to dovetail with the larger development envisaged in the master-plan, should this receive permission in the future. There are no technical constraints on the development and it can be accommodated without adverse impact on the amenities of the surrounding area. The design information which has been provided would form the basis of an attractive development and one which reflects the local vernacular. Finally, the site was granted permission previously, which in itself is a material consideration. As the Proposed Local Development Plan supports the previous grant of permission, shown by the proposed extension to the settlement boundary, there is no justification in

planning terms to set aside the weight previously given to the positive determination of the earlier application.

## **RECOMMENDATION**

### **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) (Procedures) (Scotland) Regulations 2008 and of Section 59(2) and (3) of the Town and Country Planning (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 proposed development shall be carried out in accordance with the approved plans herewith unless otherwise provided for by conditions imposed on the planning consent.
- 4 This permission relates to the site outlined red on page No 8 of the submitted Design Statement and referred to as Part 2 of that statement.
- 5 The development shall be laid out and designed broadly in accordance with principles as set out in the Supporting Planning and Design Statement (09/01530/IPL/1), to the satisfaction of the Planning Authority.
- 6 Prior to the occupation of any dwelling unit, the carriageway of Linn Road along the site frontage shall be widened to give a minimum width of 5.50 metres together with a 1.80 metre footway at Athole Drive constructed to the standard and specifications required by the Council to the satisfaction of the Planning Authority.
- 7 Prior to the occupation of any dwelling, all matters regarding access, car parking road layout design and specification, including disposal of surface water, shall be in accordance with the standards required by the Council to the satisfaction of the Planning Authority.

- 8 Surface and storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems, to accord with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.
- 9 The proposed core paths on the south-east, north-east and north-west boundaries of the site shall not be obstructed during building works or on completion. Any damage done to the route during building works shall be made good prior to the occupation of the first house.
- 10 The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary School Education and New Housing Developments May 2009.
- 11 At least 25% of the development shall constitute affordable housing as defined in the Council's Approved Policy on Affordable Housing-2005.

**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 To ensure the development is carried out in accordance with the approved plans.
- 4 In order that the Planning Authority might retain proper control over the development.
- 5 In the interests of visual amenity, to ensure a satisfactory standard of environmental quality.
- 6-8 In the interests of road safety to ensure an acceptable standard of construction within the highway boundary.
- 9 To ensure continued public access along the proposed core path.
- 10-11 To ensure the proposals accord with Council policy.

**B JUSTIFICATION**

The application is contrary to the Development Plan but there are material considerations to justify a departure.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

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.

Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

Background Papers: None

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Date: 3 June 2013

**Nick Brian**  
**Development Quality Manager**

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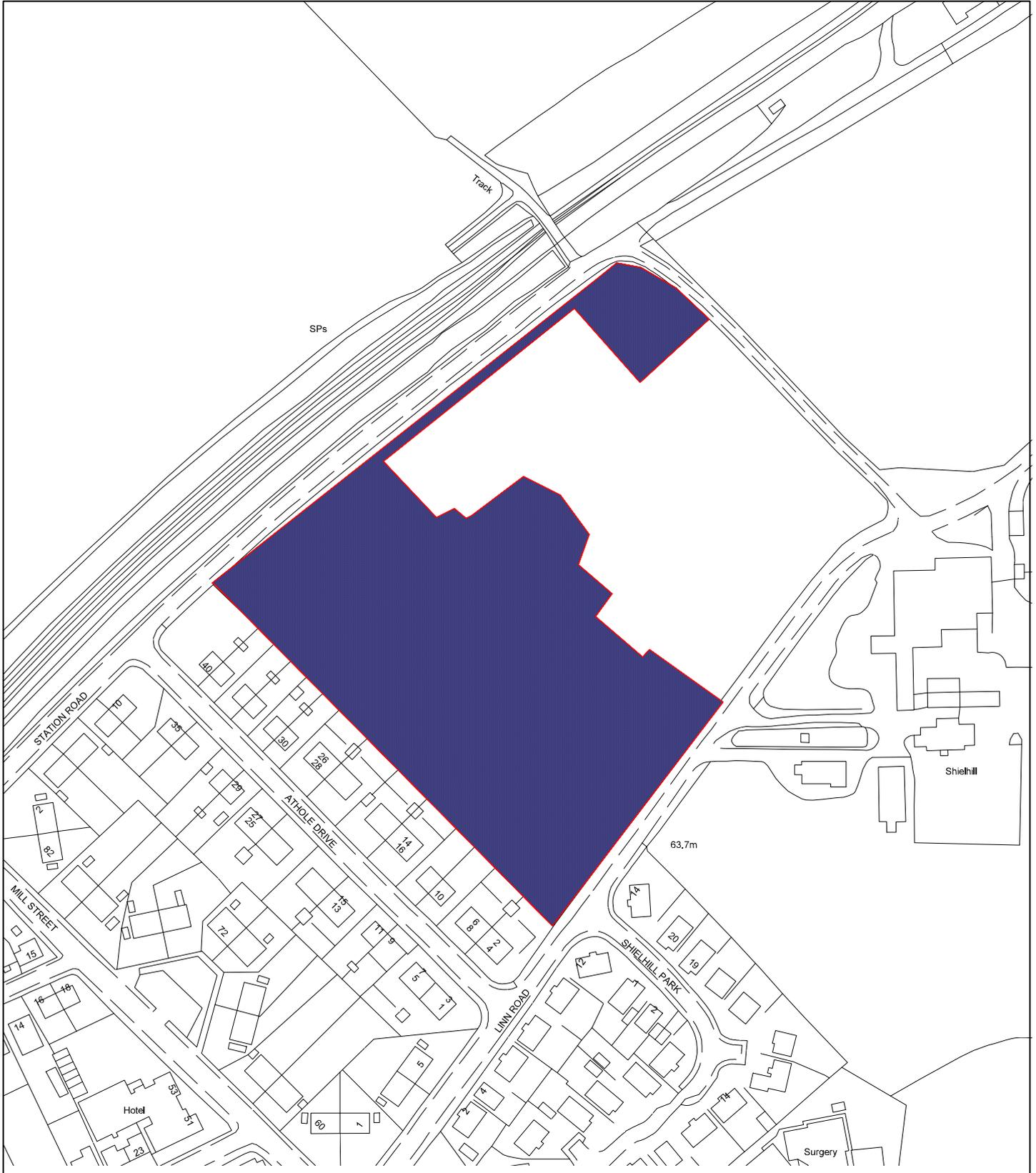


# Perth & Kinross Council

## 13/00406/IPL

### Land 160 Metres West of Shielhill Farm

Renewal of planning consent (09/01530/IPL) Erection of 35 dwellinghouses



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↑ Scale  
1:2000