

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

**Modification of consent (05/01545/FUL) change of house type on Plots 40-56 at
Phase 2 Mill of Ogilvie, Blackford**

Ref. No: 13/00647/FLL
Ward No:7 - Strathallan

Summary

The report recommends approval of the application as the proposal for changes to the house types on this previously consented site are considered to be acceptable and in accordance with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is part of a wider residential site which was approved on 17 February 2006 under 05/01545/FUL for the erection of 33 houses consisting of Phase 2 of the Mill of Ogilvie development which was identified as H23 housing proposal in the Strathearn Area Local Plan 2001.
- 2 This application is for a change in house type to 16 of the remaining house plots to be developed on the west side of Phase 2 of the Mill of Ogilvie development site. Six house types are proposed consisting of a mixture of single storey pitched roof house types, with 12 detached and 4 semi-detached. The original approval proposed 15 detached 2 storey dwellinghouses and a single storey house type. Materials for this proposal consist of slate grey roof tiles, roughcast-ashton cream to the walls, white painted timber windows and white doors, black upvc downtakings and white fascias.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 3 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.

- 4 Of relevance to this application are:
- Paragraphs 66-91 Housing

DEVELOPMENT PLAN

- 5 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Strathearn Area Local Plan 2001

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 6 Under the TAYPlan the principal relevant policy is:

Policy 5: Housing

- 7 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.

Strathearn Area Local Plan 2001

- 8 Under the Local Plan the application site lies within the village of Blackford.

- 9 The principal policies of relevance are in summary:

Policy 1 Sustainable Development

- 10 Guidelines by which all development should be considered in relation to sound principles of sustainable development.

Policy 2 'Development Criteria'

- 11 Criteria by which all developments will be judged. In particular, that the development should have a landscape framework should have regard to the scale, form, colour and density of development.

Policy 4 'Landscape'

- 12 Developments should conserve landscape features and sense of local identity.

Policy 5 'Design'

- 13 The Council will require high standards of design for all development in Strathearn.

Policy 7 'Flood Risk'

- 14 Development in areas liable to flood or where remedial measures would adversely affect flood risk will not normally be permitted.

Policy 39 'Transport Standards'

- 15 Development should not adversely affect the density, character or amenity of the settlement.

Perth and Kinross Proposed Local Development Plan (PLDP) 2012

- 16 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.
- 17 Under the PLDP the site lies within the settlement boundary of Blackford where the principal relevant policies are:-

Policy PM1 Placemaking

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

Policy RD1 Residential Areas

- 19 The plan identifies areas of residential and compatible uses where existing residential amenity and character will be protected and where possible improved.

OTHER POLICIES

- 20 **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.
- 21 **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

- 22 01/01757/FUL comprised the development of two areas of housing, with 30 dwellinghouses at Mill of Ogilvie and 25 dwellinghouses at Abercairney Place under Phase 1 of the overall Mill of Ogilvie development area with a mix of

detached, semi-detached and single, 1½- and 2-storey houses, approved in July 2003.

- 23 05/01545/FUL Erection of 33 dwellinghouses comprising Phase 2 of the Mill of Ogilvie development site approved in 17 February 2006.

CONSULTATIONS

- 24 **SEPA** have commented on this proposal and although they do not object to the proposal given the previous consent they recommend that the applicant should be made aware by way of an informative that there may be insurance issues arising in relation to the site's proximity to a functional flood plain.

REPRESENTATIONS

- 25 7 letters of objection have been received raising the following issues:-

- Out of character with existing housing
- Encroachment into landscaped area/loss of landscaping
- Increase in density
- Change in materials
- Flood risk assessment required
- Impact on fish spawning tributary
- Lack of pavements/Impact on pedestrian and road safety
- Impact on property values

- 26 Members are reminded that as this site has the benefit of an extant detailed planning consent, issues of flood risk and fish spawning have previously been considered and addressed. All other issues are covered in the Appraisal section of this report with the exception of property values which is not a material planning consideration.

ADDITIONAL STATEMENTS

27	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	Not required

APPRAISAL

Policy

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals

comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

- 29 The principle of residential use on the site has already been established through the approval of the previous consent for dwellinghouses on the site. The application site is within the village of Blackford where the site forms part of a wider housing development site identified as H23 in the Strathearn Area Local Plan 2001. The principle of housing on the site is therefore acceptable and other relevant material planning considerations will be examined below.

Scale and Design

- 30 There were concerns raised through representations that the proposed house types would be out of character with the existing developed housing in this development and that the materials proposed would be inappropriate. There are similar bungalow house styles already built and occupied within this development and it is considered that the proposed mix of housing situated on the western edge of this development will not have an adverse impact on the existing character and appearance of the wider housing scheme. Minor changes, such as moving from artificial stone to a facing brick on the base courses and white to cream roughcast whilst differing slightly are not considered to be so significant to be detrimental to housing character. However, a condition is recommended requiring all details relating to external finishes to be agreed.

Residential Amenity

- 31 In terms of residential amenity the proposed changes in house types will not have any adverse impact on the amenity of neighbouring property within the wider residential development in terms of overlooking or overshadowing as there is adequate private garden ground provided for each plot with suitable distances between houses and house boundaries. There will be no increase in housing density or loss of open space impacting on residential amenity as a consequence of the change in house types.

Traffic and Pedestrian Safety

- 32 There were concerns raised about pedestrian safety through representation. In this application there is no change to the originally approved road layout. It is considered therefore that there will be no detrimental impact on traffic and pedestrian safety as a result of the changes in house type subject to the attachment of the conditions applied to the previous consent.

Flood Risk and Drainage

- 33 There were no objections to the previous proposal from SEPA generally and in terms of flood risk subject to conditions for the implementation of a suitable SUDs scheme. The finished floor levels of the proposed new house types are the same as consented in 2005 and it is considered therefore that the proposed change in house types will not result in any increased level of flood risk than

previously approved subject to the attachment of a similar SUD's condition. SEPA have recommended an informative be attached to any consent informing the applicant of possible insurance issues in relation to the site's proximity to the functional flood plain. A condition is also recommended on any consent to ensure that any possible pollution to nearby watercourses is mitigated satisfactorily during the construction phase.

Landscaping

- 34 Landscaping of the site including the open space provision, its implementation and the future maintenance of this will be controlled by condition. There are no trees on the site, however through the original Section 75 structure planting will be provided to the edges the wider development site.

Developer Contributions

- 35 There is no requirement for any affordable housing or education contributions as a result of this proposal as the previous consent pre-dated the implementation of these policies and numbers of houses have not changed from that approved..

Sustainability

- 36 Housing provision within existing settlements is in accordance with the goals of sustainable development where residents have access to social, economic and community facilities and good access to differing modes of transport.

LEGAL AGREEMENTS

- 37 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 38 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

- 39 The proposed change in house types are considered to be acceptable and will not have any adverse impact on the residential amenity or character of the area and are therefore in accordance with the Development Plan and recommended for approval.

RECOMMENDATION

A Approve the application subject to the following conditions:

Conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to commencement of work on site details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority.
- 3 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 4 Prior to commencement of work a fully detailed landscaping plan, including any planting and boundary treatment shall be submitted in writing for the approval of the Planning Authority. The approved landscaping scheme shall be fully implemented within six months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the Planning Authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
- 5 The disposal of surface water shall be by means of a satisfactory sustainable urban drainage system to meet requirements of best management practices. The system shall be submitted for the approval in writing of the Council prior to the commencement of works on site.
- 6 Prior to the commencement of development the applicant shall provide a fully detailed Construction Method Statement including pollution prevention measures to mitigate any adverse effects to nearby water courses adjacent to the site.

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 pedestrian and traffic safety.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 5 To ensure that adequate service facilities are provided.
- 6 In the interests of environmental quality and neighbouring residential amenity.

B JUSTIFICATION

- 1 The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

C PROCEDURAL NOTES

- 1 None

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 should be aware that the application site is close to a functional flood plain where there may be insurance issues arising over any buildings in this vicinity.

Background Papers: 7 letters of representation
Contact Officer: Mark Williamson – Ext 75355
Date: 3 June 2013

Nick Brian
Development Quality Manager

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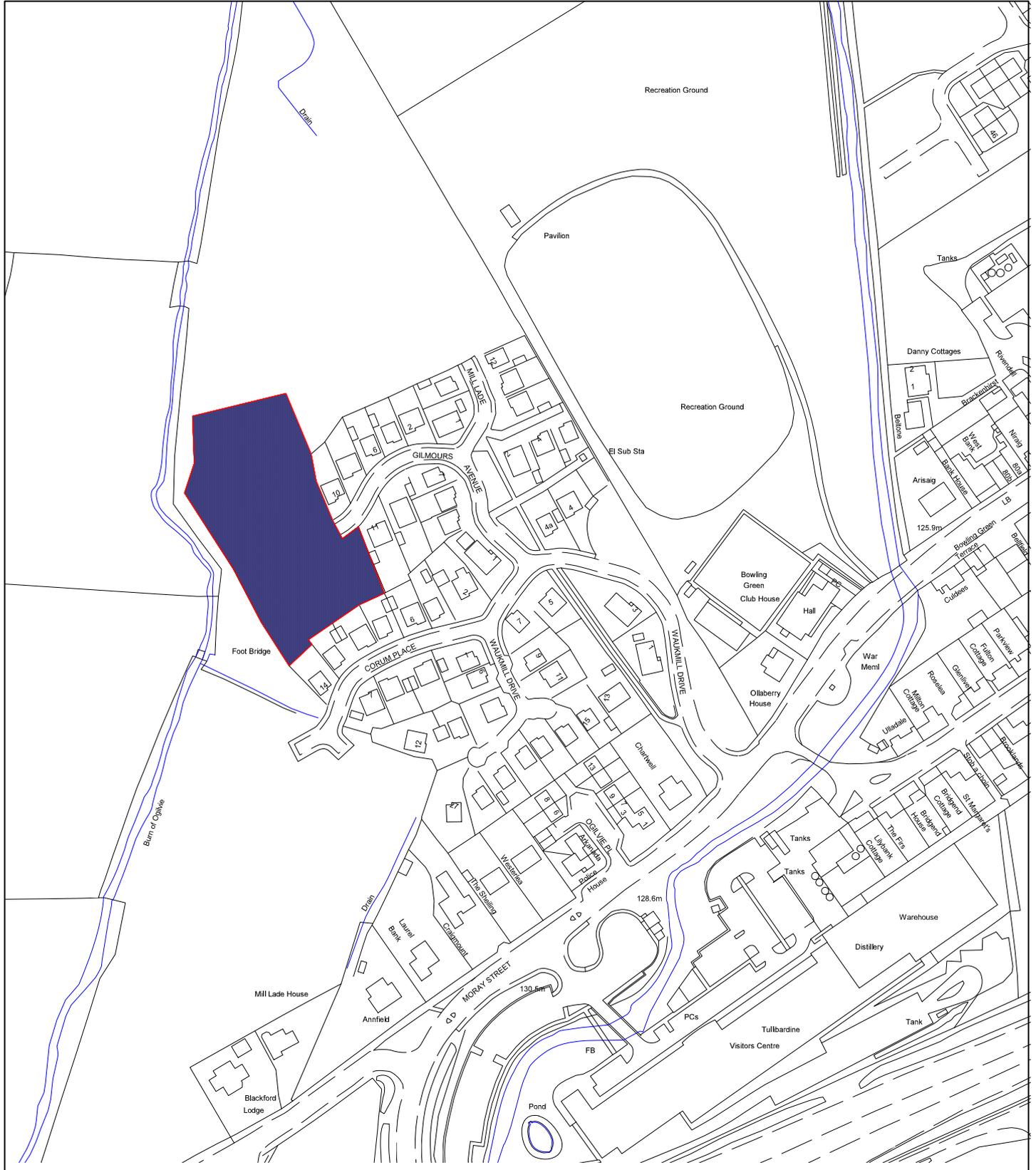
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Perth & Kinross Council

13/00647/FLL

Phase 2 Mill of Ogilvie Moray Street Blackford

Modification of consent (05/01545/FUL) Change of house types Plots 40-56



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↑ Scale
1:2500

