

Perth and Kinross Council
Development Management Committee – 11 September 2013
Report of Handling by Development Quality Manager

**Erection of a replacement dwellinghouse, Quarrybrae, Western Road,
Auchterarder, PH3 1JJ**

Ref: No: 13/00885/FLL
Ward No: 7 - Strathallan

Summary

This report recommends approval of the application for the erection of a dwellinghouse as complying with the relevant policies of the Local Plan.

BACKGROUND AND DESCRIPTION

- 1 Planning permission is sought for a replacement dwelling house at Quarrybrae, Auchterarder. Planning permission was granted for a similar proposal in 2008 (08/01368/FUL) and works are underway to construct the house that was the subject of this earlier application.
- 2 This planning application has been submitted due to inaccuracies being discovered in the site boundary of the previous permission and in the position of the garage. This application seeks to regularise the planning permission. The applicant was advised to cease works until the matter was resolved and was asked to submit a new planning application for the site. The principle of the development of the site has been established and the issue for consideration therefore is the acceptability of the amended application site boundary and position of the garage.
- 3 The site is situated on the southern edge of Auchterarder near to the public park and adjacent to Provost Walk, a Core Path and right of way.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Framework 1& 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of specific relevance to this application are:

Scottish Planning Policy (February 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.

Of relevance to this application is:

- Paragraph 25: Determining planning applications

DEVELOPMENT PLAN

6 The Development Plan for the area comprises Approved TayPlan 2012 and the Strathearn Area Local Plan 2001. The principal relevant policies are in summary: -

TayPlan 2012

7 The principal relevant policy is in summary: -

Policy 2: Shaping better quality places

8 Requires new development to be fit for place and be capable of supporting more sustainable ways of life for people and businesses.

Strathearn Area Local Plan 2001

9 Under the Local Plan the site lies within the Auchterarder settlement boundary in an area designated as open space.

10 The principal relevant policies are in summary: -

Policy 2 Development Criteria

11 Provides 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 within the locality.

Policy 4: Landscape

12 Requires details to be submitted for consideration and to show that satisfactory arrangements will be made for the future maintenance of such areas.

Policy 5: Design

13 Seeks high standards of design for all developments.

Policy 58: General Residential and Housing

- 14 Seeks to retain and, where possible, improve residential amenity and character. Where sites become available for development, housing will be the most obvious alternative use.

Policy 63: Open Space

- 15 Identifies major areas of open space and recreation that are to be retained. Any development proposals that erode these areas will be resisted. Buildings that are ancillary to the recreational use of the site will be accepted provided:-
- a) They are compatible with their surroundings.
 - b) They do not become the main use of the site.

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

- 16 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

The following policies apply:

Policy PM1: Placemaking

- 17 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.

Policy RD1: Residential Areas

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

Policy CF1: Open space retention and provision

- 19 The plan identifies areas as sports pitches, parks and open space. Development proposals relating to the loss of these areas will not be permitted, except in certain circumstances including where the proposed development involves a minor part of the site which would not affect its continued use as a recreational resource.

Other Key Policies

20 None.

SITE HISTORY

- 07/00161/OUT Demolition of existing dwellinghouse and erection of 3 dwellinghouses (3 SEPARATE APPLICATIONS SUBSEQUENTLY SUBMITTED) 14 February 2007 Application Withdrawn
-
- 07/00392/OUT Demolition of existing house and erection of a new dwellinghouse (plot 1) (in outline) Approved 12 September 2007
- 07/00393/OUT Erection of a dwellinghouse (plot 2) (in outline) 12 May 2007 Application Withdrawn
- 07/00394/OUT Erection of a dwellinghouse Plot 3 (In outline) 12 May 2007 Application Withdrawn
- 08/01368/FUL Erection of replacement house, Approved 9 April 2009

CONSULTATIONS

21	Transport Planning	No objection subject to conditions.
	Environmental Health	Condition required in relation to possible land contamination.
	Scottish Water	No objection.
	Access Officers	No objection subject to condition to protect the Core Path and Right of Way.

REPRESENTATIONS

- 22 A total of 9 letters of objection have been received. The grounds of objection may be summarised as follows:
- Loss of trees
 - Scale of development
 - Plans do not appear to be accurate in terms of gable height.
 - Building on site appears more substantial than on the plan submitted.
 - Height of proposed garage is excessive.
- 23 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

24	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None submitted
	Business Plan	No

APPRAISAL

Policy

- 25 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 adopted Development Plan that is applicable to this area comprises of the TayPlan 2012 and the Strathearn Area Local Plan 2001.
- 26 The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.
- 27 The principle of development has been established by previous applications and the design of the house has also been the subject of a previous application (08/01368/FUL). This current application is to regularise the consent as there has been a slight change in the red line, site boundary in the northwest corner of the site. Amended plans were also submitted which show slight changes in the location of windows within the garage.

Design/Visual Impact/Landscaping

- 28 The design of the house remains as in the previous application 08/01368/FUL. Objectors have queried that it is being built in line with the plans. However, the agent has taken measurements and confirmed that, in his opinion, it is being built in line with the plans. This has been verified by the Council's Enforcement and Monitoring Officers. Work has now ceased pending the outcome of the current planning application. There has been concern that the proposal is not of an appropriate scale and height and has an adverse impact on the surroundings. The existing house on the site which is to be demolished is single storey. However, it was previously considered that despite its greater bulk, the replacement house will be visually contained within the existing landscape framework and, as such, will have minimal impact on the surroundings.

- 29 Objectors have expressed concern about the loss of trees on the site as a result of the development. A landscape plan was submitted as part of application 08/01368/FUL. The plan includes the planting of a large amount of new trees which once established will complement the existing tree cover and minimise any impact on the surrounding area. Whilst some trees have previously been felled, others including a large monkey puzzle tree are protected by a Tree Preservation Order. The previously submitted landscape plan made provision for mixed planting to replace the woodland which was felled. It is therefore considered that in the long term the development will not result in any significant adverse visual impact on the surrounding landscape. At the time of writing this report the landscape plan had not been re-submitted so I intend to attach a condition requiring that a landscaping plan is submitted for approval as part of this application.

Road Safety

- 30 There are no issues with regard to vehicular access to the site or road safety. It is recommended that conditions with regard to parking and turning be attached to any consent similar to those previously attached

Neighbouring Residential Amenity

- 31 The site is situated below the level of the neighbouring property to the northwest. There have been representations made expressing concern about the scale and height of the new house and garage and the adverse impact this would have on the surroundings including on the residential amenity of this property. The design of the main house has not changed since the previous application. The garage siting has been amended to reflect the revised site boundaries and some minor changes to window positions on the garage have recently been submitted as amended plans. The height of the garage has not changed. It was considered previously that the proposed new house would not impinge on the residential amenities of the adjacent dwelling. I do not consider that the minor changes to the garage will change this view. I do not intend to re-visit the design of the dwellinghouse in this report and consider that the revised site boundary will not have any adverse impact on the residential amenity of any neighbouring property.

Ground Contamination

- 32 The Council's Environmental Health team were consulted on this application and have requested that a condition be attached with regard to potential contamination of the site. A similar condition was previously attached and ground condition investigation was carried out by Envirosoil in November 2009. The condition in relation to contaminated land included as part of the previous application was not formally discharged as the Environmental Health Officer considered that insufficient information was provided on the type, condition or extent of any potential contamination from the adjacent landfill site and that there was no evidence provided to show that any further investigation or remedial work has been carried out to date. The Environmental Health Officer has requested that a contaminated land condition be attached to any consent

relating to this application. This is to ensure that an up to date proposal to remediate the site be provided to satisfy the Council's Environmental Health Officer. It is recommended that a condition requesting the required information be attached.

Public Access and Core Path

- 33 A Core Path and Right of Way (Provost's Walk) provides vehicular access to the site from Western Road, Auchterarder. The path continues past the site, along its southern boundary. The Council's Access Officer has requested that this path should not be obstructed during building works or on completion of the development. I recommend that a condition to safeguard this access be attached to any consent granted.

LEGAL AGREEMENTS REQUIRED

- 34 No legal agreement is required for this proposal.

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 AND REASONS FOR RECOMMENDATION

- 36 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal complies with the Adopted Strathearn Area Local Plan 2001. There are no material considerations that would justify refusing the application. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following 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. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the 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 also be submitted to the Planning Authority.

- 3. The Core Path and Right of Way shown in PURPLE on plan no. 13/00885/3 must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the house is occupied.
- 4. A minimum of two parking spaces shall be provided within the site, to the satisfaction of the Planning Authority, prior to the occupation of the proposed house.
- 5. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
- 6. The dwellinghouse shall be finished in natural slate, white painted wetdash render and stained timber boarding, to the satisfaction of the Planning Authority.
- 7. All existing trees on the site shall be retained and protected and details of the proposed method of protection during construction operations shall be submitted for the approval of the Planning Authority.
- 8. A landscaping plan shall be submitted for the approval of the Planning Authority within six months of the date of this Decision Notice. The approved plan shall be implemented during the first planting season following the completion of the house and thereafter the landscaped areas shall be maintained in accordance with the approved programme.

Reasons:-

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In order to safeguard the residential amenity of the area.
- 3 To ensure continued public access along the public paths.
- 4 In the interests of road safety.
- 5 In the interests of road safety.
- 6 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 7 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 8 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 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.
- 2 An application for Building Warrant may be required.

Background Papers: 9 letters of representation
Contact Officer: Persephone Beer – Ext (4)75354
Date: 22 August 2013

Nick Brian
Development Quality Manager

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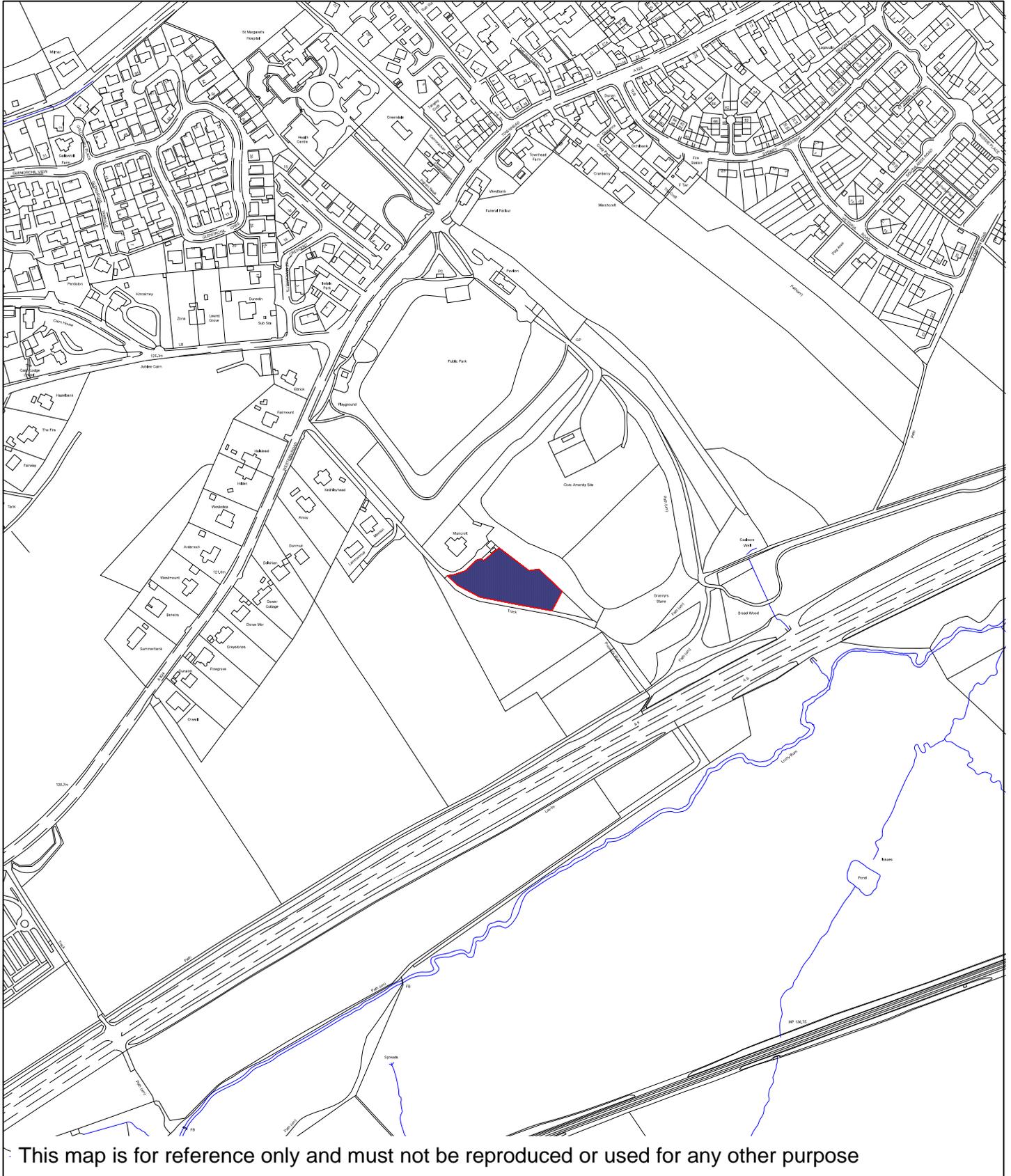
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Perth & Kinross Council

13/00885/FLL

Quarrybrae, Western Road, Auchterarder

Erection of a replacement dwellinghouse



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↑ Scale
1:5000

