

Perth and Kinross Council  
Development Management Committee – 9 October 2013  
Report of Handling by Development Quality Manager

**Demolition of existing dwelling and erection of four bedsit dwellings,  
Inverlaggan, 51 Burrell Street, Crieff, PH7 4DG**

Ref. No: 13/00764/FLL  
Ward No: 6 - Strathearn

### **Summary**

This report recommends approval of the application for the demolition of an existing residential property and its replacement with four bedsit dwelling units as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development.

### **BACKGROUND AND DESCRIPTION**

- 1 The application site is a traditional building located to the rear of the main building line of properties which front Burrell Street in Crieff, which is a main road through the town. The site is accessed via a small pedestrian alley way between two buildings which has been gated off. The existing building is of traditional form and construction - stone and Scotch slate with gable chimneys, though the west elevation has been rendered. The building is two storeys in general but there are two ridged dormers to the west elevation serving a third level of accommodation within the attic space. A number of alterations have taken place including enlargement of a window opening and installation of some upvc windows.
- 2 Due to the site's location at the rear of buildings fronting the main street, the building has limited visual impact on the surrounding Conservation Area with it only being readily visible from the land to the west. The land to the west of the application site was granted planning permission for the development of three detached dwellinghouses in 2008 (08/00617/FUL). That permission has been secured by the formation of the access into the site.
- 3 The proposal comprises the demolition of the existing building and its replacement with a building of the same dimensions. The new building is to accommodate four residential units, all in a bed-sit form, that is none are to have separate bedrooms within the units. Externally the building is to be finished in white wet dash render with a natural slate roof. The arrangement and proportions of window openings give a traditional appearance. The applicant has submitted a financial justification which illustrates that the refurbishment costs of the existing building would exceed the potential sale values of two one-bed flats (which would have a higher combined sales value

than four bedsits) thus making the refurbishment of the existing building not economically viable.

## **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 relevant paragraphs are as follows:
- Paragraphs 66 - 91 Housing, in particular paragraphs 77 to 88.

## **DEVELOPMENT PLAN**

- 6 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Strathearn Area Local Plan 2001.

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

- 7 The principal relevant policies are in summary: -

#### **Policy 1: Location Priorities**

- (a) focuses the majority of development in the region's principal settlements and
- (b) and prioritise land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

#### **Policy 3: Managing Tayplan's Assets**

- 8 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;

- and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

### **Strathearn Area Local Plan 2001**

- 9 Under the local plan the application site is located within the settlement of Crieff within an area allocated for residential and compatible uses and also within the Crieff Conservation Area.

The principal relevant policies are in summary:

#### **Policy 2 Development Criteria**

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

#### **Policy 26 Conservation Areas**

- 11 Carries a presumption against development within or adjacent to the designated Conservation Areas which would harm the character or appearance, or which does not preserve or enhance the area.

#### **Policy 66 General Residential and Housing**

- 12 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. Some scope may exist for infill development but only where this will not have a significant adverse effect on the density, character or amenity of the area concerned and where a suitable access can be obtained.

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

- 13 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.
- 14 The relevant policies of this plan are:

## **Policy PM1 Placemaking**

- 15 Policy PMA1: Placemaking 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.
- 16 Policy RD1: Residential Areas is applicable in this instance. 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.
- 17 Policy HE3A carries a presumption in favour of development that preserves or enhances the character or appearance of the Conservation Area. Where a Conservation Area Appraisal has been carried out the CAA should be used to guide the form and design of new development proposals

## **OTHER POLICIES**

### **The Developer Contributions Incorporating Primary Education and A9 Junction Guidance 2012**

- 18 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.

### **Crieff Conservation Area Appraisal**

- 19 The Conservation Area Appraisal (CAA) provides a sound basis for development management and for initiatives to promote environmental and economic improvements. Key issues and features that contribute to the character of Crieff are addressed and proposals are to be put forward for enhancing the character of the area.

### **Scottish Historic Environment Policy (SHEP) 2011**

- 20 The SHEP is the combined Scottish Planning Policy and Historic Scotland's Managing Change in the Historic Environment guidance note series.

## **SITE HISTORY**

- 21 Although there is no previous planning history on this site, there is a concurrent application for Conservation Area Consent in respect of the proposed demolition of the building (13/00849/CON). That application is to be dealt with

under delegated powers. As that application involves the demolition of an unlisted building in a Conservation Area it would need to be referred to Historic Scotland for ratification.

## **CONSULTATIONS**

### **Scottish Water**

22 No objections.

### **Community Waste Advisor - Environment Service**

23 The standard waste bins requirements would need to be met. It is preferable for residents (where space allows) to have their own individual 240 litre bins rather than using communal facilities.

### **Education and Children's Services**

24 This development falls within the Crieff Primary School catchment area. Based on current information this school will reach the 80% capacity threshold. Therefore it is requested that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

## **REPRESENTATIONS**

25 A total of 12 letters of representation were received during the consideration of this application with three being received during the initial advertisement period.

26 A further advertisement was carried out due to the receipt of further information relating to bin stances, elevations and bats. A further nine letters of representation were received from seven addresses, all objecting to the proposal.

27 The representations have raised the following relevant issues: -

- inaccuracy with the drawings
- effect on parking on Burrell Street
- lack of bin provision
- emergency access provision
- disabled access
- overdevelopment
- communal smoking area provision
- lack of need for this type of accommodation
- inappropriate type of accommodation
- access to the site should be from Mill Wynd only
- any increase in height of building may negatively impact on neighbours' potential to implement solar power

28 The provision of a communal smoking area in association with residential premises, and potential impact on neighbours' ability to implement solar power

are not planning matters. The inaccuracies in the original drawings have been resolved by the submission of corrected plans. Emergency access provision falls within the jurisdiction of the Building Standards regulations rather than the planning regulations and would therefore be considered as part of a warrant application. The remaining issues are all raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

29	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	None submitted.

## APPRAISAL

### Policy

- 30 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. 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. The most relevant policies of the Strathearn Area Local Plan (SALP) in this instance are outlined in the policy section above. The Council's Proposed Local Development Plan (PLDP) 2012 is a relevant material consideration in this instance.

### Design and Layout

- 31 The site is restricted in size and has no outdoor space dedicated to the proposed residential units. Given that the proposal is for the redevelopment of an existing dwellinghouse which itself has no garden and that the site is located close to the town centre in an area where densities are high and garden space is limited, the lack of private garden ground in this particular instance is considered to be reasonable in these circumstances.
- 32 The provision of four bedsits rather than two semis or a single dwellinghouse is a decision for the applicant. The principle of residential use on the site is wholly acceptable in planning terms as is the subdivision of the building to provide four bedsit units.
- 33 The revised block plan shows bin provision to an appropriate standard along the access path between the building and the access onto Burrell Street.

- 34 Due to the site levels involved it is not possible to provide level access to the dwelling units as there is a need for five external steps in the access path. This may restrict the potential for less able people to access the units.

### **Residential Amenity**

- 35 Due to the proposed building being very similar to the existing in terms of massing and window orientation there will be no greater impact on the established residential amenity of the wider area.

### **Parking and Access**

- 36 There is no dedicated parking provision in respect of the current proposal. Whilst this has raised concerns with a few local residents my colleagues in Transport Planning have no such concerns due to it being a redevelopment of an existing site. Furthermore, the type of housing proposed is associated with low car usage and the site is in a town centre location with good links to public transport and walking links. It should be noted that there are no parking restrictions on the public road in the vicinity of the access onto Burrell Street.
- 37 As the proposed pedestrian access onto Burrell Street is satisfactory there is no planning justification to seek an alternative access to the site.

### **Bats**

- 38 Due to the proposed demolition of a slated building of some age, a bat survey was requested of the applicant. The submitted report concludes that there was no sign of bats in or around the application site. No evidence was found to suggest bats used the property as a roost. It is therefore accepted that there will be no impact on local bat populations by the proposed development.

### **Conservation Area**

- 39 As noted above, the site lies within the Crieff Conservation Area. As the proposal involves the demolition of a sizeable building within the designated area a separate application for Conservation Area Consent has been lodged and remains under consideration at the time of finalising this report.
- 40 The design of the proposed replacement building is considered to be appropriate to the character and amenity of the Conservation Area by virtue of its proportions, detailing and finishes of wet dash render and natural slate roof.

### **Developer Contributions**

- 41 The Developer Contributions Guidance applies to the whole of Perth and Kinross and part of it seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. It is noted that there is a capacity issue at the catchment primary school and the terms of the policy are therefore applicable. However, as the residential units are bedsits and do not

have the potential to provide any further bedroom accommodation they are specifically excluded from being liable for contributions.

### **Economic Development**

- 42 The proposal will bring a greater mix of types of residential accommodation to the area which will assist in supporting the vibrancy of the wider local economy.

### **LEGAL AGREEMENTS**

- 43 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 44 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**

- 45 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Strathearn Area Local Plan and TAYplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. 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.

#### **Reasons**

- 1 To ensure that the development is carried out in accordance with the plans approved.

#### **B JUSTIFICATION**

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

#### **C PROCEDURAL NOTES**

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 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

Background Papers: 12 letters of representation

Contact Officer: Christine Brien – Ext 75359

Date: 18 September 2013

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

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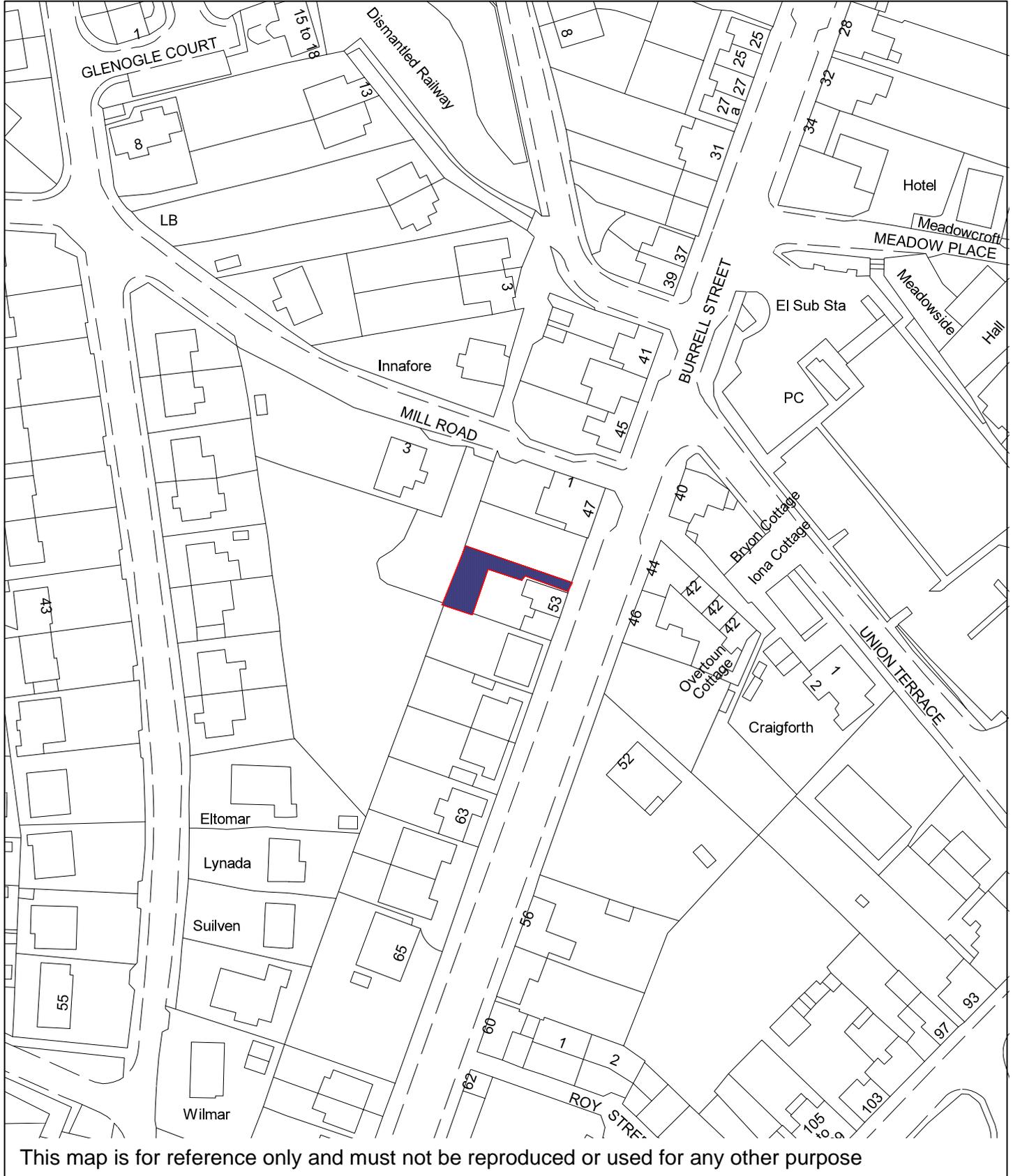


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↑ Scale  
1:1250

