

Perth and Kinross Council
Development Management Committee – 10 September 2014
Report of Handling by Development Quality Manager

Erection of a dwellinghouse in principle at Viewfar Road, Milnathort

Ref. No: 14/00123/IPL
Ward No: 8 Kinross-shire

Summary

This report recommends approval of this in principle application for the erection of a dwellinghouse as the proposal is considered to be in accordance with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 0.08ha area of land which comprises part of the rear garden of 22 Victoria Avenue, Milnathort which is situated in a residential area between Victoria Avenue and Viewfar Road in the middle of Milnathort. The application site slopes downhill to Victoria Avenue and there are 27 trees on the site, mostly along the western boundary comprising mainly Scots pine and sycamore with 1 elm and 1 apple tree. The site is bounded by residential properties on each side and partly by Viewfar Road on the northern boundary.
- 2 This is an application in principle for the erection of a single dwellinghouse within the garden ground and to the north of 22 Victoria Avenue. A new access is proposed onto Viewfar Road. A Tree Survey has been submitted with the application where it is recommended that 7 sycamore trees will be removed to accommodate the proposed dwellinghouse.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2014

- 3 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - the preparation of development plans;
 - the design of development, from initial concept through to delivery; and
 - the determination of planning applications and appeals.

Council Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032

- 7 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

- 8 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.

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 9 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 10 The application site is within the settlement of Milnathort where the main relevant policies are:-

Policy RD1: Residential Areas

- 11 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

PM1A: Placemaking

- 12 Development must contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of the development should respect the character and amenity of the place.

PM1B: Placemaking

- 13 Placemaking criteria are set out including:
- (a) consider and respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area,
 - (b) the design, density should complement its surrounding in terms of appearance , height, scale, massing, finishes and colours

Policy PM3 - Infrastructure Contributions

- 14 Where new developments (either alone or cumulatively) exacerbate a current or generate a 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.

Developer Contributions November 2012

- 15 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.
- 16 This non-statutory supplementary guidance applies over the whole local authority area of Perth and Kinross. It 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.

SITE HISTORY

- 17 None

CONSULTATIONS

- 18 **Education and Children's Services** No objections.
- Scottish Water** No objections

REPRESENTATIONS

- 19 9 letters of representation were received raising the following issues:-
- concerns over access and parking/road safety
 - impact on bats and birds and other wildlife
 - disruption during construction works
 - loss of stone wall
 - increased flood risk
 - impact on residential amenity
 - increased traffic
 - loss of trees

ADDITIONAL STATEMENTS

20	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None

APPRAISAL

Policy

- 21 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.

Policy

- 22 The application site is within the settlement of Milnathort where the principle of residential use is considered to be acceptable provided other relevant planning matters can be suitably addressed. These matters will be considered below.

Design and Layout

- 23 The application site forms part of the rear garden ground of 22 Victoria Avenue and a new access to the site is proposed to the north off Viewfar Road. The site will have its own separate access and is not considered to be 'backland' development for this reason. The site area is 0.08ha and will be able to comfortably accommodate a single dwellinghouse without any detrimental impact on the character, density and amenity of the surrounding area. There are a number of trees on the site, however, and the Tree Survey Report has indicated that in order to accommodate the proposed dwellinghouse, 7 sycamore trees will be lost to the north east of the site. The Council's Tree Officer has confirmed that this tree loss is considered to be acceptable provided the other 20 retained trees are protected in accordance with the appropriate standards. The layout of the proposed dwellinghouse has been chosen therefore to avoid significant tree loss and to take access to the north of the site off Viewfar Road. The detailed design and final position of the dwellinghouse will be considered at the detailed planning stage. The proposal is considered to be acceptable with regard to Policy PM1 – Placemaking of the Local Development Plan.

Residential Amenity

- 24 The application site at 0.08ha is large enough to accommodate a single dwellinghouse and the detailed design and positioning of the dwelling house will need to ensure that there is no negative impact on neighbouring residential amenity in terms of privacy or overshadowing in accordance with Policy RD1 of the Local Development Plan.

Road and Access

- 25 There are no objections from the Council's Transport Planners on taking vehicular access off Viewfar Road across Council land and also no objections in principle to development of the site on road safety grounds subject to

conditions on turning and parking at the detailed planning stage. In order to take access off Viewfar Road the applicant will be crossing Council owned land and an agreement has been reached with the Council's Estates Section to allow this.

Landscape and Visual Amenity

- 26 The application site is wooded in character which provides enclosure of the site to the south and west boundaries. It is considered that a suitably designed house in this wooded context will not be detrimental to the visual amenity of neighbouring properties or the wider area in Milnathort. There were concerns raised over the loss of the stone wall. The wall has been damaged along the northern boundary by existing trees on the site. The wall is not listed and there are no objections on planning grounds against removal of part of the wall to form the access. It is recommended that a condition be attached to any consent to salvage and re-use the stone within the development.

Drainage and infrastructure

- 27 The applicant intends to connect foul drainage to the public network and at the detailed planning stage suitable surface water treatment arrangements (SUDs) will be provided in order to protect neighbouring properties from surface water runoff. The application site is not within a flood risk area according to SEPA's indicative flood risk maps and there are no objections to the proposal on flood risk grounds from the Council's Flooding Engineers.

Loss of Trees and Impact on Biodiversity

- 28 As indicated above there will be some tree loss on the site with the loss of 7 sycamore trees and the retention of the remaining 20 trees which are mainly Scots Pine. There are no objections from the Council's Tree Officer to the tree loss; however there are concerns from neighbours that there may be an impact on bats and birds on the site. In consultation with the Council's Biodiversity Officer, it is recommended that a bat, bird and red squirrel survey is submitted at the detailed planning stage. A condition on any consent will protect hibernating animals. Furthermore if consented the development of the site will need to be carried out in accordance with the Tree Survey Report from Eamonn Wall dated July 2014 where under section 4.3 the following recommendations will apply:-

“Should any tree surgery or felling work be required we recommend that it complies with BS 3998:2010 ‘Tree Work’. Additionally bat roosts should not be disturbed. Trees may host numerous species of animals, birds, bats, insects and fungi, some of which are protected by British and European legislation. The destruction or disturbance of any of these species or their habitat is an offence. It is therefore paramount that checks are conducted prior to tree works to identify if there are protected species using the trees or nearby habitats which may be disturbed. Expert help may be required to identify and/or protect protected species.”

Developer Contributions

- 29 This development falls within the Milnathort Primary School catchment area. However, as this application is only “in principle” it is not possible to provide a definitive answer at this stage. 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 an appropriate contribution, if required, will be based on the status of the school when the full application is received.

Economic Impact

- 30 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Sustainability

- 31 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 REQUIRED

- 32 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 33 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 REASON FOR RECOMMENDATION

- 34 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. Account has been taken of the material considerations and none found 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

Conditions and Reasons for Recommendation

- 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 Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (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.

Reason - 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 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 and surface water treatment.

Reason - 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 The development shall be carried out in accordance with the recommendations of the Tree Survey Report carried out by Eamonn Wall & Co dated July 2014 to the full satisfaction of the Planning Authority and only trees indicated in the Tree Report for removal shall be felled.

Reason - In the interests of tree protection.

- 4 The design of the dwellinghouse shall respect the scale and character of nearby surrounding properties to the satisfaction of the Planning Authority.

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

- 5 The development shall be in accordance with the requirements of the Perth and Kinross Council Education Contribution Policy 2012, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of educational capacity.

- 6 At the detailed planning stage the applicant shall submit a Biodiversity Report including a bat, bird and red squirrel survey for the approval of the Planning Authority in consultation with the Council's Biodiversity Officer.

Reason – In the interests of biodiversity.

- 7 Any suitable stone from the removal of part of the northern boundary wall shall be re-used within the development to the satisfaction of the Planning Authority.

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

- 8 Any vegetation clearance that takes place between October and March inclusive must be preceded by a check for hibernating mammals, e.g. hedgehogs. Any mammals found should be wrapped in a towel and placed in a cardboard box with a dish of water and cat food and the SSPCA Animal Helpline 03000 999 999 should be contacted for advice and assistance.

Reason – In the interests of hibernating animals.

B JUSTIFICATION

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

C INFORMATIVES

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Milnathort Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 9 letters of representation

Contact Officer: Mark Williamson – Ext 75355

Date: 21 Aug 2014

Nick Brian
Development Quality Manager

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