

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

**Demolition of dwellinghouse and erection of four dwellings at Land 30 Metres  
North Of 1 Dunsinnan Road, Dunsinnan Road, Wolfhill**

Ref. No: 14/00769/FLL

Ward No: N2 - Strathmore

**Summary**

This report recommends approval of a detailed planning application for a small residential development in Wolfhill as the application is considered to comply with the relevant provisions of the Development Plan, and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This planning application seeks to obtain a detailed planning permission for a small residential development in the centre of the village of Wolfhill. The 0.17 ha site measures approx. 45m metres in its depth (east to west) and approx 40m along its frontage with Birnam Way (north to south). On the site at present is an existing single storey dwelling which is located adjacent to, and facing, Birnam Way, and a large rear garden area which is associated with the existing dwelling. The existing dwelling and garden area are separated by a run of small trees and hedging. The rear garden area is relevantly flat and is enclosed to the north and east by some small trees/hedging and by a 1.8m (approx.) slatted fence to the south. To the south and east, the site is adjacent to existing residential properties and their associated garden areas, whilst to the north there is an existing play park. Birnam Way runs along the sites western boundary.
- 2 The proposal is for the demolition of the existing dwelling, and the erection of four new dwellings. Three of the four houses will be in a terraced block located in the middle of the site orientated north to south with the gables of the block facing east and west. A fourth dwelling will be located adjacent to Birnam Way to the east, approx. on the location of the existing dwelling. Parking provision and turning facilities are proposed to the front (south) of the dwellings with the private amenity to the rear, (south). Access from the gardens of all the units is proposed to into the park to the north.
- 3 Both the terraced block and the detached unit are of a contemporary, bespoke design which offers living accommodation over two levels, with the upper level contained within the roofspace. The design of all the buildings incorporates 'green roofs', metal sheeting roofs and half mansard style roofs as well as timber features. The external wall of the detached unit will be finished in natural stone on its Birnam Way elevation.

## **NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of specific relevance to this planning application is,

### **Scottish Planning Policy 2014**

- 5 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.

- 6 Of relevance to this application are:

- Paragraphs 109 – 134: Enabling Delivery of New Homes

## **DEVELOPMENT PLAN**

- 7 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012**

- 8 Whilst there are no specific strategies or policies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **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 Within the Local Development Plan, the site lies within the settlement boundary of Wolfhill where the following policies are directly applicable.

### **Policy RD1 - Residential Areas**

- 11 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space will be retained and 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.

### **Policy PM1A - Placemaking**

- 12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM3 – Contributions**

- 13 Where the cumulative impact of new developments will exacerbate a current or generate a future 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. In calculating the impact of new developments the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:
- (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or
  - (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.
- 14 Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required. In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.

*Note:* Supplementary Guidance explaining how Developer Contributions will be implemented is published, with detailed contribution policies for Primary Education and the Auchterarder A9 junction with this Plan. Further Supplementary Guidance covering other issues including: Transport, Infrastructure

## **OTHER COUNCIL POLICIES**

### **Developer Contributions 2012**

- 15 This document sets out the Council's policy towards obtaining developer contributions in relation to Primary Education and A9 junction upgrades.

### **Developer Contributions, Transport Infrastructure 2014**

- 16 The following Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure

improvements which are required for the release of all development sites and to support the growth of Perth and Kinross.

- 17 This Supplementary Guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

## SITE HISTORY

- 18 The most recent planning history on the site was a planning in principle application for a residential development on the garden ground associated with the existing dwelling (12/01634/IPL) was approved in 2012.

## CONSULTATIONS

- 27 **Scottish Water** have commented on the planning application and raised no concerns.
- 28 **Education and Children Services** have commented on the planning application and indicated that the local primary school is operating at over 80% capacity.

## REPRESENTATIONS

- 29 Seventeen letters of representations have been received from local residents, ten of which are objecting to the proposal and seven are in support. The main issues raised by the objectors are,
- Visual impact
  - Inappropriate house types
  - Impact on residential amenity
  - Loss of trees
  - Over development of the site
  - road safety issues
- 30 These issues are addressed in the main section of the report.
- 31 The letters of support offer support for the development on design terms and also the view that the development will provide new housing for the area.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Carried out by PKC
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	None

## APPRAISAL

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to developer contributions and the site previous planning history.

### Policy

- 33 In terms of the Development Plan, the key land use policies are contained within the Local Development Plan 2014. Within that Plan, the site lies within the settlement boundary of Wolfhill where *Policies RD1 and PM1* are directly relevant. *Policy RD1* identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 34 *PM1A* is applicable to all new proposals within the area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 35 For reasons stated elsewhere, I consider the principle of a residential development on this site to be in line with the Local Development Plan.

### Land Use

- 34 In terms of land use issues, the site is located within a residential area, with a mix of housing types. To this end, and bearing in mind the site planning history, I have no objection to the principle of a small housing development on this site. The key issue is to whether or not the proposal is suitable for this site, but whether the design and layout of what is proposed is acceptable.
- 35 For reasons stated elsewhere, I consider the proposal acceptable on both fronts.

### Layout

- 36 As well as a detached unit, the proposal incorporates a block of three terraces units, which will result in an increase in density and a change in building pattern in the immediate area. However, whilst there may not be many terraces within the area there are nevertheless examples of long linear buildings in the village which do, to some extent relate to the linear form and proportions of a small terrace. The proposed terrace has been positioned in the centre of the site which results in suitable separation to existing properties, and offers a suitable level of residential amenity for future occupiers as well as suitable parking /

turning provision. To this end, I therefore have no objection to the layout proposed and consider it to be generally in keeping with the building pattern of the area.

### **Design and Visual Amenity**

- 37 In terms of design issues, and the impact that the development will have on the visual amenity of the area, I note that this is the area where the majority of the representations focus on – both for and against. The design of all the houses is one which will result in a change in the streetscene with a clear introduction of a modern, contemporary building alongside the more traditional dwellings in the area. However, something different (in terms of appearance) should not necessarily be considered unacceptable simply because it is different. In this case, a more reasonable assessment of this proposals acceptability in design terms is whether or not the proposal would have a negative impact on the streetscene and would ultimately cause harm to the local environment.
- 38 In my view, the design of the proposal will result in an impact on the streetscene, but I do not consider the impact to be negative one. Whilst the design of the proposed roofs in particular may look slightly awkward on one dimension elevational drawings, I'm confident that the actual proposal (as demonstrated in the schematic drawing) will result in an interesting building which will add character to the area as opposed to detract from it.
- 39 The issue of design is an extremely subjective manner which is highlighted by the fact that a number of letters of support have been received as well as objections, the majority of which specifically comment on the design of the building. However, on balance I consider this proposal acceptable in terms of its design, layout and impact on existing visual amenity and samples of the proposed external finishes will be sought prior to any works commencing on site to ensure that they are of a suitable high standard.

### **Developer Contributions**

#### Primary Education

- 40 In terms of primary educational matters, as the local primary school, at Guildtown, is operating at more than 80% of its capacity, a financial contribution for this development is required. However, as there is currently one dwelling on the site at present, contributions are only necessary for the three additional units. The applicant has the option of either paying the sum upfront to release the formal planning consent or completing a legal agreement securing the delayed payment. I have no objection to either option.

#### Transport Infrastructure

- 41 In terms Transport infrastructure contributions, the site lies within the catchment area for contributions. However, as there is currently one dwelling on the site at present, contributions are only necessary for the three additional units. As per the education contribution, the applicant has the option of either paying the sum

upfront to release the formal planning consent or completing a legal agreement securing the delayed payment. I have no objection to either option.

### Affordable Housing

- 42 As this development is for less than 5 residential units, there is no requirement for a financial contribution (or onsite provision) in relation to affordable housing.

### **Road Related Issues**

- 43 In terms of roads related matters I have no concerns. The proposal meets with the Council's standards in terms of onsite parking provision and the geometrics of the new access is acceptable. The traffic generated by the net addition of a further 3 dwellings could be satisfactorily incorporated in to the local road capacity.

### **Residential Amenity**

- 44 In terms of the impact on the existing residential amenity of neighbouring properties, the main area of concern is with the existing residential properties to the south and west. Whilst there will be some direct interaction between these properties, I do not consider the proposal to cause any significant degree of overlooking or loss of privacy to the existing properties or indeed overshadowing,. The proposed houses are of a suitable distance from the boundaries of the site to ensure that the amenity of existing dwellings will not be adversely affected and would meet the Council's standards
- 45 In terms of the residential amenity which will be available to the occupiers of the new dwelling, whilst the rear gardens are small, they nevertheless meet with the general standards of the Council and a suitable level of usage private amenity space is provided.

### **Drainage**

- 46 The proposal raises no issues in terms of either surface water or foul drainage.

### **Trees**

- 47 I note that within the representations concerns have been raised regarding the removal of existing trees. Some small trees and hedging will be removed from within the site however these are not specimen trees and do not have any amenity value. The trees and hedges which are along the sites west boundary are proposed to be removed, however I have no objection to this providing at suitable replanting is provided.

### **ECOMONIC IMPACT**

- 48 There will be limited economic impact from the development with the exception of temporary employment opportunities for construction workers, however this has limited weighting on the overall recommendation.

## **LEGAL AGREEMENTS**

- 49 A legal agreement may be required if the applicant wished to delay the payment of the financial contributions. In the event of the up-front payment or the Section 75 Agreement not having been executed by the applicant, landowner and any other relevant party within 2 and 4 months respectively of date of the decision taken on this application, then the application shall be refused.

## **DIRECTION BY SCOTTISH MINISTERS**

- 50 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**

- 51 I note that the design of the proposal has raised a number of objections from local residents, and bearing in mind the location of the site I acknowledge the design of the proposed two buildings is the key issue for this application. However, as stated previously whilst the design will bring a new contemporary designed developing into the streetscene, it will not in my view be one which will have an adverse impact on the character or appearance of area. To this end, I recommend the application for approval as being in accord with the development plan policies.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 Prior to the commencement of any works on site, a detailed landscaping plan shall be submitted for the approval in writing by the Council a Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting visual and residential amenity

- 3 Prior to the occupation of any dwelling, the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 4 Prior to the commencement of any works on site, samples of all external finishes must be made available for inspection by the Council as Planning Authority and subsequent approval in writing. The approved details must be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing visual amenity.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

- 1 The formal decision notice must not be issued until such time as the applicant has either paid the required financial contributions or signed a legal agreement securing a delayed payment.
- 2 Where the contributions are by way of an up-front payment then if it is not concluded within 2 months of the date of the decision taken on this application, or 4 months in the case of a Section 75 legal agreement then the application shall be refused for the following reason;-

*Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Guildtown Primary School and the proposal would therefore be contrary to the Council's approved guidance on Primary Education and New Housing Development.*

## **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 An application for Building Warrant will be required.

- 5 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.

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

Background Papers: 17 letters of representation

Contact Officer: Andy Baxter – Ext 5339

Date: 24 August 2014

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