

Perth and Kinross Council  
Development Control Committee – 14 January 2015  
Report of Handling by Development Quality Manager

**Modification of permission 11/01660/FLL (erection of 13 dwellinghouses) change of house type and revised layout on land to the east of Stormont Road, Scone.**

Ref. No: 14/01773/FLL  
Ward No: 2- Strathmore

**Summary**

This report recommends approval of the application for the modification of planning consent 11/01660/FLL for the erection of 13 dwellinghouses, including a change of house type and revised layout. The revisions largely come about through integration of a SUDs pond, house types relating to developer house types and retention of the electrical substation.

Whilst the development is acknowledged to fail to comply with Policy CF1 (Open Space) of the Local Development Plan, an extant consent remains in place, which can be delivered at any time.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located within the settlement boundary of Scone, located on the north west boundaries of the settlement, off Stormont Road. The site extends to 0.5Ha and is relatively flat in aspect, with a marginal drop in levels from west to east. The site benefits from consent for 13 dwellings (11/01660/FLL), consistent with the general form and scale to that currently consented.
- 2 The current application is for the erection of 13 dwellinghouses, including 4 semi-detached dwellings and 5 detached dwellings. All revised dwellings now include dedicated garaging. A mix of house types are still being proposed throughout, ranging from floor areas of 90 to 147 sqm. Finished roof heights of the revised buildings will be no greater than the existing building heights. In some cases there will be a drop of up to 1 metre.
- 3 All the dwellings are two storey in height with slate grey roof tiles and mixed, light coloured material finishes including dry dash renders and timber cladding. Plots 1, 2, 12 and 13 are to be accessed directly off Stormont Road, with the remaining plots accessed via the proposed new internal road, which will lead to a turning head.
- 4 Following a request from the case officer to reconsider the initial submission, a revised set of plans were submitted with re-advertisement undertaken through agreement. The current road and property layout now remains broadly consistent with the extant consent.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **Scottish Planning Policy 2014**

- 6 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.

- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Paragraphs 36 – 46: Placemaking
- Paragraphs 109 – 110: Enabling Delivery of New Homes
- Paragraphs 269 – 291: Promoting Sustainable Transport & Active Travel

### **Designing Places (2001), Designing Streets (2010) and Creating Places (2013)**

- 8 Policy statements setting out the Scottish Government's determination to raise standards of urban and rural development.

### **National Roads Development Guide 2014**

- 9 This National Roads Development Guide has been produced by the Society for Chief Officers of Transport in Scotland, supported by Transport Scotland and Scottish Government Planning and Architecture Division. This document dovetails with Designing Streets and expands on its principles to clarify the circumstances in which it can be used.

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 11 Whilst there are no specific policies or strategies 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.”*

*Within the approved Strategic Development Plan, TAYplan 2012, the primary policy of specific relevance to this application is:*

#### **Policy 2: Shaping Better Quality Places**

- 12 Part F of Policy 2 seeks to *“ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government’s Designing Places and Designing Streets and provide additional green infrastructure where necessary”*

### **Perth and Kinross Council Local Development Plan 2014**

- 13 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.

The principal policies are, in summary:

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

- 14 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.

### **Policy PM1A - Placemaking**

- 15 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

### **Policy PM1B - Placemaking**

- 16 All proposals should meet all eight of the placemaking criteria.

### **Policy PM2 - Design Statements**

- 17 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy PM3 - Infrastructure Contributions**

- 18 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.

### **Policy CF1A - Open Space Retention and Provision**

- 19 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

## **OTHER POLICIES**

### **Affordable Housing Policy**

- 20 The Council's Affordable Housing Policy is applicable to all residential development of 5 units and above. It therefore remains relevant to this application. A minimum of 25% of affordable units should be provided on site, in accordance with the terms of the Policy and extant planning consent.

### **Developer Contributions (2014)**

- 21 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. Currently a contribution of £6,395 per qualifying house is required where a primary school; is at or would reach capacity as a result of the development proposed.

## SITE HISTORY

- 22 Extensive site history exists on this site, which is partly highlighted in the policy section of this appraisal. Fundamentally, planning consent was issued in January of 2014 for 13 dwellinghouses (11/01660/FLL) following approval by the Development Management Committee in March 2012 and the subsequent conclusion of a legal agreement to secure affordable housing and education.

## CONSULTATIONS

### INTERNAL

- 23 **Strategy and Policy** – Acknowledged the complex development plan history surrounding this site and its policy relationship, principally through open space Policy CF1A and the position of the extant consent.
- 24 **Transport Planning** – No adverse impact calculated on pedestrian or traffic safety. The extant conditions were reviewed as part of the reassessment to ensure ongoing applicability.

### EXTERNAL

- 25 **Scottish Water** – No representation received.

## REPRESENTATIONS

- 26 A total of 3 letters of representation were received during the first advertisement period for the application, all of which objected to the proposal:

The representations are summarised as follows: -

- Density of houses
- Inappropriate land use
- Loss of open space
- Loss of sunlight or day light
- Loss of visual amenity
- Out of character with the area
- Over intensive development
- Overlooking
- Road safety
- Noise from construction traffic
- Delivery of affordable housing
- Removing safe means of escape from the rear of existing private property
- Impact on drainage infrastructure
- Compliance with original conditions

These issues are addressed in the appraisal section of this report.

## ADDITIONAL STATEMENTS

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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.

## APPRAISAL

### Policy Appraisal

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require 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. The most relevant policy in terms of the principle of the proposal is policy CF1 and RD1.
- 29 The current Local Development Plan allocates the site as Open Space under the terms of Policy CF1, which seeks its retention "...for recreational or amenity purposes..." because of its value to the community. The policy outlines the circumstances where development of the site would be permitted but none of these apply in this context.
- 30 There are two material considerations of particular relevance to this proposal.
- 31 Firstly, there is an extant (but as yet un-implemented) consent for development at the site, which is referenced above in the Description of Development.
- 32 Secondly, the Proposed Local Development Plan, (published 2012), did not allocate the site as Open Space and a number of representations were received specifically asking for this site and other sites in the area of Woolcombe Square to be allocated as Open Space. As such, this was one of the unresolved issues considered by the Reporter at the Plan's Examination.
- 33 In considering the unresolved issues in the Scone area, the Reporter recommended a change to the Plan to identify the small grass area at Woolcombe Square as Open Space. Clarification on this point was sought from the Reporter because this recommendation could refer to any or all of the sites in the Woolcombe Square area that had been mentioned in representations.
- 34 A position was agreed with the Directorate for Planning and Environmental Appeals (DPEA) where it was acknowledged that the scope of the examination is to consider issues raised in unresolved representations and not to consider

each and every representation individually. The Reporter therefore did not deal with the individual representation seeking the application site allocated as Open Space but left it open to the Council to allocate the site as such should the current consent for 13 houses lapse.

- 35 On the basis of the aforementioned, it is considered that on balance it remains reasonable to continue to support residential development through the current submission, which directly relates to the modification of the extant consent.

### **Economic Impact**

- 36 Redevelopment of this site will continue to count towards the fulfilment of 13 residential dwellings in terms of local and wider housing targets, which will account for short term economic investment through construction and sustained indirect economic investment of future occupiers of the associated development to Scone and the wider area of Perth and Kinross.

### **Landscape and Loss of Open Space**

- 37 The loss of open space in this context is not considered to have an adverse impact in relation to the existing natural and built landscape framework, setting or in relation to associated community benefit. Overall, the re-assessment of this crucial element remains consistent with the historic assessment of this site. The site and surrounding properties are within an area where dwellings have private amenity space, located close to the edge of settlement with access to Scone Wood and locally Stormont Park and Woolcombe Square which in the Local Development Plan are zoned as areas of zoned open space, which the Council wish to retain.
- 38 As previously identified in the 2011 assessment, there is acknowledged to be a surplus of amenity greenspace in this part of Scone, taking title to the application site and maintaining this area in perpetuity would be contrary to the council's Open Space adoption procedures in this case, which are to adopt well designed, well located and multi-functional greenspaces, which justify the proportionate deployment of maintenance resources. The Community Greenspace team verbally clarified that this remains a consistent position, further advising that the council open space audit has now been completed in several areas, with the remaining elements being actively developed.

### **Affordable Housing**

- 39 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing. The extant consent includes a legal agreement, which will require to be modified with current planning reference number, obliging a commuted sum to be paid in this case, with dedicated on-site provision not deemed necessary or appropriate.

## **Education**

- 40 The Developer Contributions Guidance (2014) require that new housing developments which fall within a primary school catchment area will require an education contribution. In this case the development falls within the Robert Douglas Memorial Primary School catchment. Consistent with the extant consent, contributions for education will still be required, which are to be secured through a modification of the legal agreement.

## **Residential Amenity**

- 41 Following assessment of the current submitted plans, the assessment of the impact on residential amenity is consistent with that of the extant planning consent. With the site extensively bounded by existing residential properties, the upper floor window to window and boundary distances were reconsidered. The proposals are comparable to the extant consent, where crucially no direct upper floor window to window relationship of less than 18 metres would be established.
- 42 Loss of light and overshadowing due to the height and location of the dwellings has been raised as concern, consistent with the 2011 submission. Consistent with the 2011 assessment, the sun path will cast a shadow in the early morning and at midday over the proposed development gardens, but not over existing neighbouring gardens. In the afternoon and early evening the shadow will cast to the east from the west which could have some impact on dwellings to the east. Calculating the impact of the proposed buildings (following BRE guidelines), any loss of light will be isolated within the development site and not on existing neighbouring residential land and crucially not on existing neighbouring dwellings living and amenity space. In some cases, the overall height of the revised dwellings shall be less than the extant consent.

## **Visual Amenity**

- 43 Broadly speaking, there is not considered to be any adverse impact calculated on visual amenity, particularly when compared to the extant consent. Delivering development on this site is considered to improve the streetscape overall on the edge of the settlement boundary.

## **Roads and Access**

- 44 The proposed modifications to the road layout of the extant consent, including parking and turning provisions within the site are considered to remain acceptable in the interests of pedestrian and traffic safety. The original identified requirement for dedicated cycle parking, conditioned as part of the extant consent is deemed to be no longer applicable to this revised proposal as a result of all units now benefitting from integral garaging that can accommodate any anticipated cycle storage requirements. This is considered to be a reasonable revision in this context.

- 45 In pursuance of associated sustainable transport serving the site, including the use of public transport, it has been consistently assessed that bus boarding facilities provided at and opposite the site entrance should be a conditional requirement of any recommendation of approval.

### **Drainage**

- 46 A Sustainable Urban Drainage System (SUDS) is now proposed with surface water run-off from external hard surfaces draining in accordance with Council Policy.
- 47 The site is proposed to connect to the public waste water drainage system. The proposed drainage arrangements are considered to meet the requirements of the LDP and will be further detailed and controlled by the Roads Construction Consent.

### **Design and Layout**

- 48 The layout of the site is constrained by the neighbouring uses of the land as the site is landlocked on three sides by dwellinghouses and the only access into the site narrows leading onto Stormont Road, serving the garage lock ups. The layout considerations are also constrained by the density and layout of the extant consent.
- 49 A revised layout was initially submitted, which was assessed to depart from the general layout of the extant consent and failed to achieve competent placemaking and roads development guide policy principles. There was a general lack of synergy between the plots and plot rhythm in comparison to the extant consent. There were also considered to be compromises with the proposed revised layout, lacking a general sense of place.
- 50 A revision of this layout was ultimately accepted to include an improved layout of the proposed dwellings, better respecting the access road and more closely relating to the layout of the extant consent. The current layout therefore broadly reverts to dwellings arranged and facing the access road, with the Sustainable Urban Drainage facility and electrical substation integrated within.
- 51 All of the plots remain on a consistent design to that of the extant consent in relation to the scale and form. The dwellings are two storeys in height, with a mixture of materials proposed, remaining broadly consistent with neighbouring properties, which include a range of architectural styles and finishes. To that end, I continue to recommend a condition requiring samples of the external finishes to be submitted for further approval.
- 52 The details of all communal planting, including the landscaping of the Sustainable Urban Drainage facility, all boundary treatments and the long-term maintenance of any communal areas will be conditioned.

- 53 The requirement for a design statement under policy PM2 was not actively pursued on this occasion due to material weight of the extant consent in place with a modification of this consent and no increase or decrease in overall dwelling numbers.

### **Density of Development**

- 54 The site is bounded by existing development of varying footprints and densities and overall, the revised dwelling types are considered to continue to broadly relate to the density in the surrounding area. The smaller three bedroom dwellings are similar in terms of their footprint and amenity space to the dwellings on the Stormont Road side of the site. The larger dwellings are in plots, which relate to the density of residential development within Pinedale Terrace.

### **Rights of Access**

- 55 It has again been stated that the development of this site will cut-off existing pedestrian access that the residents of Stormont Road currently benefit from via rear gardens. No evidence has however been provided that any associated accesses are legally established rights of access through title deeds. If there is legal right this element would be a legal civil matter to further pursue.
- 56 It is common for back gardens of individual plots to back onto each other without a dedicated secondary access/exit point from a rear garden. In line with the previous assessment it is not considered reasonable to pursue dedicated rear accesses for the affected properties.

### **Developer Contributions**

- 57 Policy PM3 of the Local Development Plan refers to infrastructure contributions and states that contributions will be sought where the development is considered to generate additional impact on local infrastructure. In this instance, a legal agreement has been historically secured in relation to the delivery of contributions towards affordable housing and education provision.

## **LEGAL AGREEMENTS**

- 58 A legal agreement was previously secured in relation to the original planning reference 11/01660/FLL. A modification of this legal agreement will be required in this instance, prior to any issue of a decision notice. The modification of the legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

## **DIRECTION BY SCOTTISH MINISTERS**

- 59 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

- 60 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. Whilst the development does not comply with Policy CF1 (Open Space) of the Local Development Plan, the material consideration of the extant consent is assessed to carry significant weight in this case, contributing to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy RD1 and complies with other relevant policies contained within the Development Plan. On that basis the application is recommended for approval subject to conditions.

## RECOMMENDATION

### **A Approve 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.

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

- 2 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 prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of any part of the development.

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

- 3 Prior to the occupation and use of any part of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

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

- 4 Turning facilities shall be provided within each plot to enable all vehicles to enter and leave in a forward gear prior to the occupation or use of the individual dwelling.

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

- 5 A minimum of 2 No. car parking spaces per dwelling shall be provided prior to the occupation or use of the individual dwelling.

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

- 6 Prior to the occupation or use of any part of the approved development 'Pick up and drop off' areas for school children / bus passengers shall be provided on both sides of Stormont Road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

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

- 7 The public elevation boundary details of plots 2 and 12 are not approved as high level timber fencing. Alternative walling or hedging solutions should be submitted for further approval, prior to the commencement of development.

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

- 8 A detailed landscaping and planting scheme with a long term landscape maintenance plan for communal areas of the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, boundary treatments to the properties on Woolcombe Square, Pinedale Terrace and Stormont Road and the scheme as subsequently approved shall be carried out and completed within the first planting season available after the commencement of development or prior to the occupation of the dwelling; unless otherwise agreed in writing with the Planning Authority and thereafter maintained according to the maintenance plan which shall be agreed in writing with the Council as Planning Authority.

Reason - To ensure that the landscaping plan is submitted, completed and maintained.

## **B JUSTIFICATION**

The proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply directly with the site designation of the Local Development Plan it does directly relate to an extant planning consent, which can be developed out at any stage. Development of this site will aid sustainable growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet associated criteria outlined in Policy RD1 and complies with other relevant policies contained within the Development Plan.

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a modification of the Section 75 Agreement relating to planning reference 11/01660/FLL has been completed and signed to reflect the current planning reference. The modification of the legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

## **D INFORMATIVES**

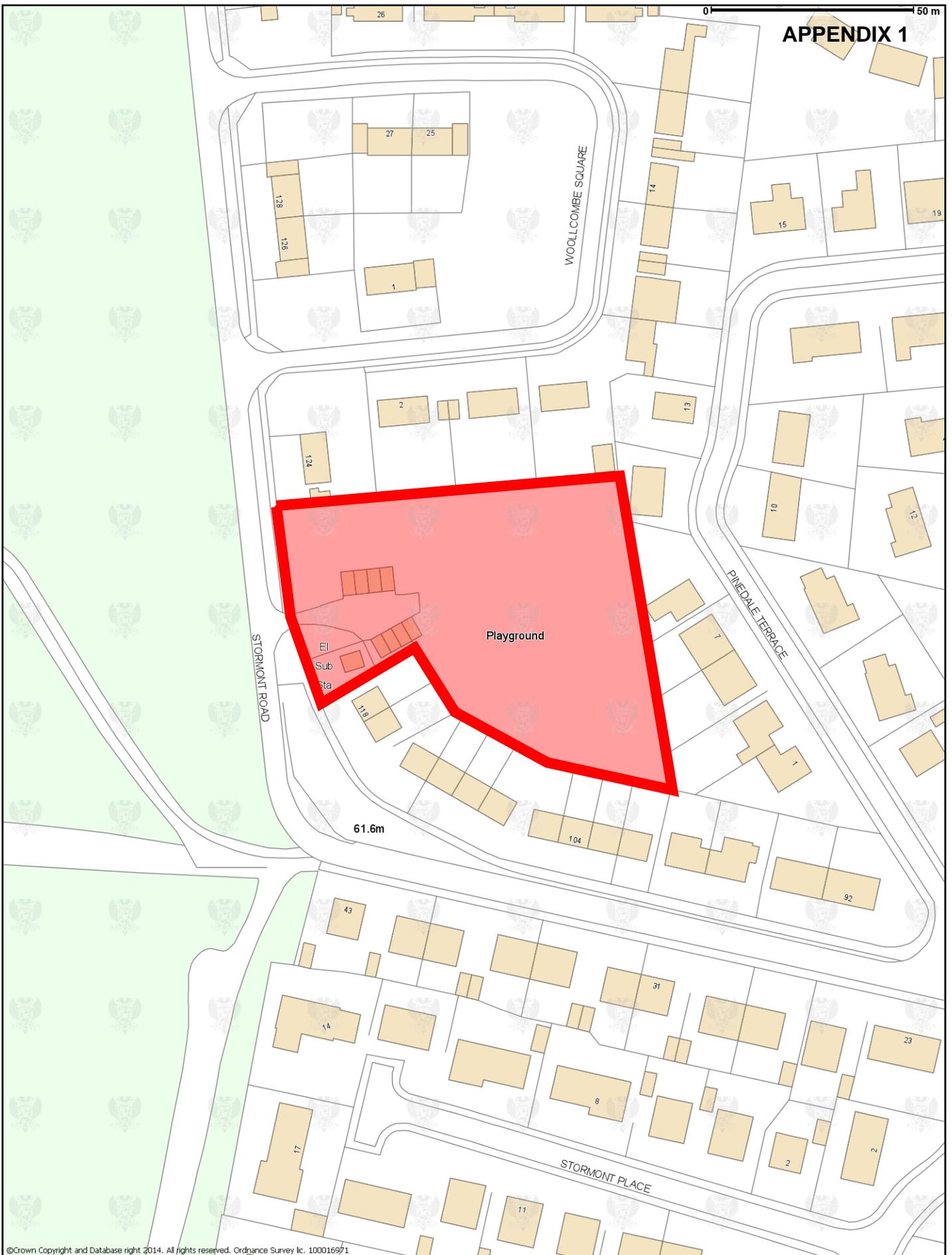
- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 2 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.
- 3 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of road works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 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.

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

Background Papers: 3 letters of representation  
Contact Officer: Callum Petrie – Ext 75353  
Date: 16 December 2014

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**Development Management Committee**



Scale 1:1250

**14/01773/FLL**

Modification of permission 11/01660/FLL (erection of 13 dwellinghouses) change of house type and revised layout at Land East of Stormont Road, Scone



