

Perth and Kinross Council
Development Control Committee – 18 February 2015
Report of Handling by Development Quality Manager

**Erection of 2 dwellinghouses at Land at Broadwood View
Auchterarder**

Ref. No: 14/01864/FLL
Ward No: 7 - Strathallan

Summary

This report recommends approval of the application with the proposal assessed to not adversely affect the visual or residential amenity of the area and as a consequence is considered to comply with the Scottish Planning Policy (2014) and the Local Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site which extends to 1100 sqm is located to the north of Broadwood View; a courtyard development on the southern edge of Auchterarder, which was originally the subject of planning consent in the early 1990s but never fully completed. The wider brownfield site was historically occupied by an industrial user, lying in close proximity to the A9, separated by a landscape buffer. The immediate site area is one of two undeveloped areas of Broadwood View, which are understood to have been historically undeveloped as a result of an historic drainage embargo, which originally limited the development to 12 units.
- 2 The elongated site is bounded by Broadwood View road on the south east, agricultural uses to the south west (subject of planning application 08/01131/IPM), and post-war housing of medium to high density to the north and east. The site itself and the wider site context are situated on a moderate south facing slope, sloping down from Auchterarder High Street.
- 3 In May 2007, in principle planning consent was granted for the erection of up to two houses on the site (06/01859/OUT). The current application seeks detailed consent for two dwellings, representing a townhouse design, which was previously approved under planning reference 08/02207/REM, making use of the site topography.
- 4 The proposals include identical detached units of two storey scale, with basements at street level where the principal entrance and garage would be located. There are existing self-seeded trees within the site, some of which are identified to be retained, with an overgrown leylandi hedge on the northern boundary, which is proposed to be removed and replaced with new tree planting.
- 5 Architecturally, the houses reflect the Broadwood View style, which is relatively contemporary, including the finishing materials. The hipped roof is the fundamental difference to the rest of the development.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 The Scottish Planning Policy (SPP) was published on 23 June, 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.

- 8 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

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

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

National Roads Development Guide 2014

- 10 The 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

- 11 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 – 2032 - Approved June 2012

- 12 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.”

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

Policy 2: Shaping Better Quality Places

- 14 *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 Local Development Plan 2014

- 15 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.
- 16 The principal policies are, in summary:

Policy RD1 - Residential Areas

- 17 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

- 18 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

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

Policy PM3 - Infrastructure Contributions

- 20 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.

OTHER POLICIES

Developer Contributions (2014)

- 21 This document sets out the Council's policy towards obtaining developer contributions in relation to Primary Education and A9 junction upgrades. This Supplementary Guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance.

SITE HISTORY

- 22 06/01859/OUT – Outline planning consent was granted in May 2007 for residential development on the site. Application Permitted (Delegated decision)
- 23 08/02207/REM – Detailed, reserved matters planning was granted for two detached dwellinghouses in March 2009. Application Permitted (Delegated decision)
- 24 14/01418/IPL – In principle consent for residential development was re-established across the two vacant sites. Application Permitted (Delegated decision)

CONSULTATIONS

EXTERNAL

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

INTERNAL

- 26 **Transport Planning** – No adverse impact calculated on pedestrian or traffic safety. Conditions were reviewed and recommended as part of the reassessment to ensure ongoing applicability.
- 27 **Education** – Confirmed that Auchterarder Primary School is over 80% capacity.
- 28 **Developer Contributions Officer** – Clarified contributions required for education and associated A9 upgrade.
- 29 **Environmental Health Officer** – Advised that a condition to include a watching brief was appropriate in relation to potential site contamination.
- 30 **Waste Services** – No specific requirements stipulated.

REPRESENTATIONS

31 A total of 6 letters of representation were received during the advertisement period for the application, all of which objected to the proposal:

32 The representations are summarised as follows: -

- Exacerbating existing vehicle access problems
- Loss of green space
- Adverse impact on neighbouring amenity at Rossie Place and Broadwood View
- Impact on local biodiversity
- Contrary to Plan
- Excessive height
- Inappropriate land use
- Lack or loss of car parking
- Light pollution
- Loss of sunlight or daylight
- Loss of trees
- Loss of visual amenity
- Noise pollution from construction traffic
- Overlooking
- Density of houses

33 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

35 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.

36 Policies RD1, PM1A and PM1B are directly relevant.

- 37 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.
- 38 PM1A and PM1B 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.
- 39 Both historically and more recently in October 2014, the principle for residential development has been consistently established on this site.

Residential Amenity

- 40 The proposed layout and detailing, which is identical to the 2008 planning consent, was assessed to satisfy technical site planning requirements, with the development not considered to impact adversely on the amenities of the surrounding area. All of the points of the objections have been fully taken into account, but none are considered to constitute a reason for refusal or have an adverse impact on neighbouring residential amenity.
- 41 Specifically, the amenity between the two proposed dwellings is considered reasonable in this context, with indirect inter-visibility between bedroom windows on the east and west elevations of the two proposed properties at a distance of 15 metres. A principal concern relates to neighbouring amenity across the road, where the inter-visibility of living room window separation at this point is a minimum of 15.5 metres, which is considered reasonable. On a public elevation, 18 metre separation distances are not enforced as the resultant windows are on a public elevation, with many established street elevations having a building separation of less than 18 metres. To the rear elevations, the proposed window arrangements only include bathroom windows in the upper floors, with no associated impact on neighbouring amenity to the north.

Environmental Health

- 42 Consistent with previous assessments on this site, it has been identified that there is a potential for noise issues from A9 road traffic, which may affect the amenity of future residents of this site. It will however be no worse than the impact on current residents at Broadwood View. It is concluded that prospective future residents could not fail to be aware of road traffic noise. Any noise disturbance from construction traffic would be for a temporary period only.

Contaminated Land

- 43 An inspection of the proposed development site did not raise any real concerns. The wider Broadwood View did identify hydrocarbon contamination associated with a previous industrial use of the site. This contamination was delineated, remediated and verified in line with the requirements of the Planning Authority.

While the footprint of the previous industrial use did not include this proposed development site, it remains possible that it may have been impacted via off-site migration of contaminants. A watching brief during redevelopment is therefore considered appropriate, which shall be controlled by condition.

Visual Amenity

- 44 Broadly speaking, there is not considered to be any adverse impact calculated on visual amenity, which is consistent with the historic detailed consent, which lapsed in March 2011. The current site is scrubland with a mixture of self-seeded trees and non-native species hedging. Developing out the site in line with the proposed plans is considered to remain appropriate and in line with the historic consent and the surrounding townscape.

Landscape

- 45 It is acknowledged that there will be a loss of approximately 1000sqm of open space as a result of this development. This has however historically been the case, with no consideration of the site being designated as open space in the Local Development Plan. The removal of non-native species hedging with replacement and supplementary boundary planting is considered a reasonable, appropriate approach in this case with no adverse landscape impact calculated overall. Biodiversity is not considered to be adversely compromised as a result of this development, which benefits from in principle consent for residential development. More detail is required with regard to the landscape specification, which is recommended to be covered by condition.

Roads and Access

- 46 The existing and proposed traffic movements have been assessed and are considered to result in a negligible increase in traffic for the wider development (not withstanding construction traffic). It is also noted through the objection comments that the parking issues identified are not considered to exacerbate the existing situation, with both plots benefiting from in-curtilage parking. On street parking is not managed through the planning process.
- 47 The Council are content for both vehicle access points to be taken from Broadwood View, with the road considered to be of a standard width, allowing two cars to pass.
It has been deemed appropriate to ensure that the current footpath on Broadview View be extended to cover the frontage of this proposed development.
- 48 In summary, there is no adverse impact calculated on the existing road and access arrangements as a result of the proposals.

Drainage

- 49 There are not considered to be any drainage or flooding issues associated with the development of this site.

Design and Layout

- 50 The two plots remain on a consistent design to that of the historic consent (08/02207/REM) in relation to the architecture, scale and form. The dwellings are two storeys with an additional basement level. This presents three storeys in character to the front, principal elevation. A mixture of material finishes is proposed, remaining consistent with neighbouring properties at Broadwood View. The density of the development is considered to remain appropriate in the wider context, with both sites extending to over 500sqm.

Economic Impact

- 51 Redevelopment of this site will count towards the fulfilment of 2 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 Auchterarder and the wider area of Perth and Kinross.

Developer Contributions

- 52 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. In this case the development falls within the Auchterarder Primary School catchment.
- 53 The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety, which is currently £3,450 per dwelling.
- 54 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, contributions towards education provision and A9 transport infrastructure are required for both dwellings.
- 55 The developer contribution requirements are summarised as follows:
- Education: £12,790 (2 x £6,395)
A9 Junction: £6,900 (2 x £3,450)
- 56 It is advised that the preferred method of payment would be upfront of release of planning permission, but due to the scale of the contribution requirements, it may be appropriate to enter into a S.75 Legal Agreement.

LEGAL AGREEMENTS

- 57 A legal agreement may be required to secure contributions towards Education and A9 upgrade requirements. Any legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

DIRECTION BY SCOTTISH MINISTERS

- 58 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

- 59 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. I have taken account of material considerations 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 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 Prior to the occupation or use of the approved development the vehicular accesses shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 3 Prior to the occupation or use of the approved development a 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontage with the proposed development.

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

- 4 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

Reason - In the interests of proper site management.

- 5 All existing trees on the site identified for retention shall be retained and protected in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations, with all associated measures in place in advance of the commencement of development and thereafter retained for the entire duration of construction, unless otherwise agreed with the Planning Authority.

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

- 6 Details of the proposed boundary treatment and associated landscaping for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development and such scheme as may be approved shall be completed prior to the occupation/use of the development.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 7 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

B JUSTIFICATION

The proposal is considered to comply with the approved TAYplan 2012 and remain in accordance with the Local Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

Consent shall not be issued until a Section 75 Agreement relating to planning contributions has been concluded. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

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 The applicant is 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. 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.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

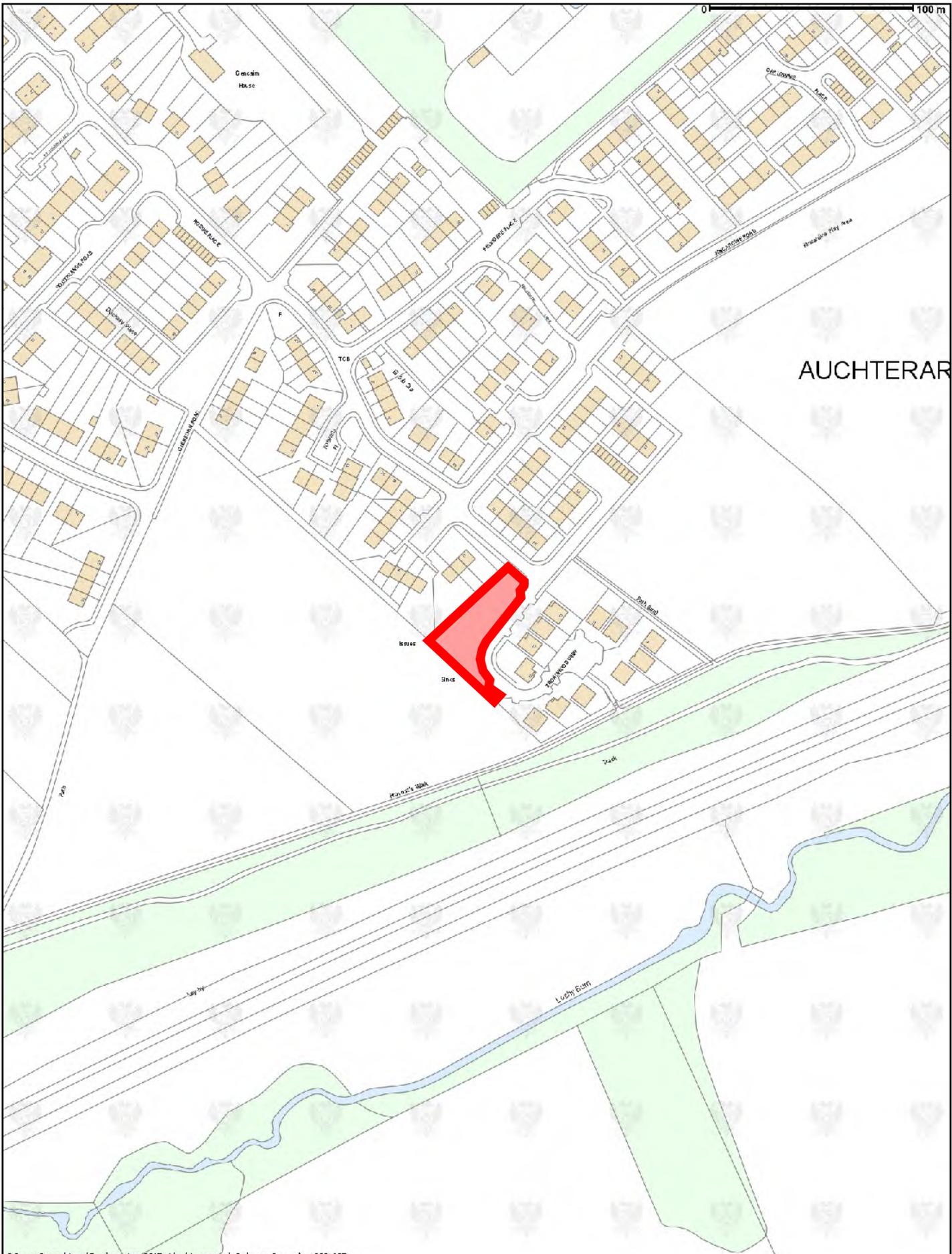
**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers: 6 letters of representation
Contact Officer: Callum Petrie – Ext 75353
Date: 4 February 2015

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