

Perth and Kinross Council  
Development Management Committee – 16<sup>th</sup> November 2016  
Report of Handling by Interim Head of Planning

**Erection of 9no. flats and associated works at Land 30 Metres North Of Springside,  
Main Street, Bankfoot.**

Ref. No: 16/01364/FLL  
Ward No: N5 - Strathtay

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the erection of a block of nine flats on an infill site located on the Main Street of Bankfoot. The application site is currently vacant and has been for a number of years. The application site is currently overgrown and rises by approximately 6.5m from south west to the north east. There is an existing timber crib retaining wall positioned approximately a third of the way into the site. The application site is bound to the south west by Main Street, to the south east and north west by existing residential dwellings and to the north east by the garden ground of further residential properties which sit at a higher level than the majority of the application site.
- 2 The proposal seeks consent to erect a flatted block with three levels of accommodation which is to front directly onto the footpath on Main Street. A pend is proposed centrally within the flatted block to allow vehicles to access nine car parking spaces which are located to the rear (north-east) of the proposed building. A new/repositioned timber crib retaining wall is proposed further into the site with a stairway to provide access to communal garden ground.
- 3 The building is proposed to have three storeys of accommodation with the upper level served by dormer windows with the accommodation located within the roof space. The building is to be approximately 10.5m from ground to ridge. The windows and doors on the front elevation are proposed to be vertically proportioned. The finishing materials include a grey/white wet dash roughcast to match the adjacent properties and a natural slate roof. To the rear two stair wells are proposed to provide access to the upper floors.
- 4 The floor plans indicate that a total of 9 flats are proposed. At ground floor there are two, 2 bedroom flats together with the shared access pend to the car park. At first floor three, 2 bedroom apartments are proposed. At second floor level are two further, 2 bedroom apartments together with 2 small studio apartments which are proposed to be “affordable units”.

- 5 This application is a re-submission following the withdrawal of a previous application for 8 units after concerns were expressed regarding the design of the flatted block including the roof proportion and the detrimental impact which it would have on the streetscene of Main Street.

## **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.

## **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 – 2032 - Approved June 2012**

- 8 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.”*

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

- 9 The Local Development Plan(LDP) 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 principal relevant policies are, in summary:

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

- 11 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. 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. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

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

### **Policy PM2 – Design Statements**

- 14 Design statements will normally need to accompany an application where development involves five or more dwellings.

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

- 15 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 TA1B - Transport Standards and Accessibility Requirements**

- 16 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy NE3 - Biodiversity**

- 17 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy EP3B - Water, Environment and Drainage**

- 18 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

- 19 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **OTHER POLICIES**

- 20 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

## **SITE HISTORY**

- 21 98/01405/FUL – Erection of 10 flats with parking – Refused under delegated powers January 1999
- 22 99/01807/FUL – Erection of 6 flats – Approved under delegated powers April 2000
- 23 06/00813/FUL Erection of 3 dwellinghouses – Approved under delegated powers February 2007
- 24 12/00070/FUL – Renewal of (06/00813/FUL) – Approved under delegated powers March 2013
- 25 16/00430/FLL – Erection of 8 flats and associated works – Withdrawn June 2016

## **CONSULTATIONS**

### **EXTERNAL**

- 26 **Scottish Water** – no response

### **INTERNAL**

- 27 **Transport Planning** – no objection subject to condition
- 28 **Developer Contributions and Affordable Housing Officer** – contribution towards transportation infrastructure and commuted sum for affordable housing required.

## **REPRESENTATIONS**

- 29 A total of seven letters of representation were received, including one from the Auchtergaven Community Council all of which object to the application. The letters raise the following relevant issues:
  - Height and scale – impact on visual amenity
  - Overdevelopment
  - Lack of available drainage infrastructure
  - Surface water drainage design
  - Lack of parking
  - Road safety
  - Landscaping of upper section of site
  - Earthworks
  - Bin storage
  - Design/finishes
  - Impact on residential amenity – overlooking/overshadowing
  - Landscaping
  - Maintenance of neighbouring property.

- 30 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## **ADDITIONAL STATEMENTS**

31

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Not required

## **APPRAISAL**

### **Policy Appraisal**

- 32 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. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### **Principle**

- 33 The application site is located on the Main Street of Bankfoot on land which is allocated for residential and compatible uses in the Local Development Plan (LDP) where Policy RD1 applies. This states that infill residential development will be accepted where it represents the most efficient use of the site whilst respecting its environs, improving the character and environment of the area and protecting the residential amenity of the area. As such, according to this policy the principle of residential development on the site is accepted given the established residential character of Main Street. A total of 9 units are proposed which is considered to be high density in comparison with the surrounding buildings. The nine units do, however, include two much needed affordable studio flats. Furthermore there is appropriate parking, together with a large area of shared amenity space available on the site. These will be considered in more detail below. Given the size of the site and the nature and size of each individual flats, the number of units is considered to be appropriate for the site. The details of the proposal in terms of its scale and design, impact on the street scene of Main Street, together with other issues including parking, residential amenity, drainage, developer contributions and others will be considered in more detail in the paragraphs below.

## Design/Layout

- 34 The character of Main Street is considered to be very mixed with a number of styles, designs and heights of buildings apparent. It is noted that the majority of buildings front directly onto the footpath. The overriding finishing materials on the street are slate on the roofs and natural stone to the walls, but there are some buildings finished in harling and some painted stone buildings. The application site has been a long standing gap site and is considered to be of detriment to the visual amenity of Main Street and as such it is considered important to secure the redevelopment of the site with an appropriate proposal.
- 35 The proposed building is to front directly onto Main Street and will follow the well established historic building line. Furthermore it is proposed to be relatively narrow in its footprint resulting in the building having narrow gable ends and a 45 degree pitched roof which reflects the design and form of other buildings on Main Street. The previously withdrawn application proposed a roof design and proportion which did not reflect the overriding character of the area. The roof design, given the scale of the building, will be visible as one travels in both directions along Main Street, rising above the adjacent buildings, as such this element of the design is considered to be key.
- 36 Letters of representation have raised concern regarding the height of the building and it will be higher than many existing properties along Main Street. The building will have a ridge height which is taller than the buildings either side of the application site and I can understand the concerns expressed by local residents regarding the height in relation to these buildings. However this has to be seen in the context of the rest of Main Street as policies PM1A and B and RD1 of the LDP require new development to reflect the overriding character of the area. As described above the character of Main Street is mixed and there are a number of varying scales of building along the entirety of the street including Kealy's Buildings to the north west which is taller than the proposed building and is fully three storeys. The proposed building is broken up with the upper floor served by dormer windows within the roof space which helps to reduce the vertical proportion of the building. Therefore given the varying heights of buildings which are apparent on Main Street and the up and down nature of ridge heights I consider a building which is taller than the adjacent buildings to be appropriate in this context.
- 37 Following discussions with the applicant's agent the design and size of the windows and the pediment have been amended to give them a more vertical proportion to relate more closely to the fenestration design on adjacent buildings. The design of the dormer windows on the front elevation have also been simplified and given a more vertical proportion which is again considered appropriate.

- 38 There are a mixture of finishes apparent on Main Street including natural stone, dry dash harling, wet dash harling and painted stonework. The building is proposed to be finished in a grey/white wet dash roughcast. Generally a colour of this nature and the use of wet dash harling is considered to be appropriate. The exact detail of the harling can be secured through a condition. A sample of the wet dash harling, including the colour detail, together with a sample of the proposed natural slate roof will be requested through condition. The exact detail of the window design and colour of the frames and materials, together with the rainwater goods will also be secured through condition. Subject to the above conditions the proposal is considered to comply with the relevant placemaking policies and the criteria contained with Policy RD1 relating to design.

### **Residential Amenity**

- 39 As outlined above, there are residential properties in close proximity to the site which have the potential to be impacted upon by the development due to its scale. It should be noted that the nature of the relatively high density development on Main Street means that there is an element of mutual overlooking from properties. In this instance the new building is proposed to sit immediately adjacent to Main Street and follow the established building line. As such, due to the nature of the site all windows on the block will face either onto Main Street or to the north east towards the car parking and proposed communal garden ground. Given the position of the properties surrounding the development site and the topography I am entirely satisfied that the proposed development will not result in any direct overlooking to neighbouring properties to a significant degree.
- 40 As indicated above, the building is proposed to be 10.5m in height and the height of the building in relation to the neighbouring buildings is larger as indicated on the street elevation. However given the position of the building on the site the level of overshadowing which would result from a building of this scale is not considered to be significant. It is recognised that some daylight to the garden ground of Springside/Sunnybrae will be restricted during the evening due to the orientation of the land and simply because the site is currently a gap site where daylight can penetrate. Furthermore because the proposed building sits in line with "Nairn" to the north and has a smaller depth, the proposed building will overshadow the car parking area of the application site rather than any significant portion of the garden ground or any of the windows of "Nairn". Overall, whilst there may be some minor overshadowing which will occur, this is not of a significant level and will not be of such a level to merit refusal of the application on these grounds given the position and the orientation of the proposed building.
- 41 It is recognised that the redevelopment of this site will alter the residential amenity of the area, particularly with vehicles entering the rear of the site, however the building will be in residential use which relates to the established amenity of the area and I am satisfied that whilst the residential amenity of neighbours will change, this will not be detrimentally. As such the proposal is considered to comply with the relevant provisions of policies PM1A and B and RD1 where they relate to residential amenity.

### **Access/Traffic/Transport**

- 42 As indicated above the proposal is to provide a total of nine car parking spaces to the rear of the building with access through a pend area. It is noted that a number of letters of representation have been received regarding the lack of parking provision associated with the proposal. The level of parking provision for units of this size is in line with current guidelines laid out in the National Roads Development Guide.
- 43 Furthermore there is also unrestricted on street car parking available on Main Street. In this regard the level of car parking proposed is considered to be appropriate and in accordance with the relevant LDP policy. A total of nine cycle parking spaces are also proposed within the stairwells of the building. Transport Planning have offered no objection to the proposal subject to conditions relating to the detail of the vehicular access design.

### **Waste Collection**

- 44 A designated bin storage area is proposed within the pend area of the building where individual wheelie bins can be accommodated. This is a revision from the previously withdrawn application following discussions with PKC Waste Services. These bins can then be presented onto Main Street on collection day by residents. The proposed waste collection provision is considered sufficient to cater for the proposed development and is in accordance with Council policy. Waste Services have indicated that the arrangements proposed are acceptable.

### **Drainage**

- 45 The submission indicates that the site is proposed to be served by the public drainage system with surface water to be catered for through a Sustainable Urban Drainage System (SUDS). This proposal is in accordance with policies EP3B and C of the LDP. Letters of representation raise concern regarding the lack of drainage capacity in Bankfoot. Whilst this position is noted, nevertheless, there is a separate application process which any developer requires to make should they wish to connect to Scottish Water's assets and this is entirely separate from the planning application process. As such the granting of planning consent provides no guarantee that a connection to these assets is forthcoming and it will be entirely up to Scottish Water whether a connection to their assets is acceptable or not. Clearly failure to obtain the necessary consent to connect to Scottish Water's assets will result in the development not progressing. Notwithstanding the above the principle of the proposed drainage arrangements on site complies with LDP policy. An Informative note is recommended to ensure the applicant is aware of this separate application process.



- 46 The detailed design and position of the SUDS system is secured through the building warrant process. At this stage the application indicates that a rainwater storage system can be installed within the rear car parking area which would allow rainwater to discharge into the existing system and a reduced flow rate. The use of a SUDS system can be secured through a planning condition to ensure compliance with Policy EP3C.

### **Structure of Land**

- 47 The proposals involve the repositioning of an existing timber crib retaining wall on the site and letters of representation have raised concern regarding whether this proposed work is sufficient to suitably maintain the structure of the land. These concerns relate to the existing timber crib wall together with other sloping areas of the site. It is noted from site visits that the existing structure is not in particularly good condition and the repositioning and re-development of the site will allow for this situation to be improved. The purpose of assessment of this planning application is to determine whether the proposed works are appropriate in land use planning terms and not to assess the engineering merits of the proposed retaining structures. Nevertheless should additional retaining structures be required on site these would require separate planning consent. An Informative note to the applicant has been added to ensure that the applicant is aware of this requirement should additional retaining structures be proposed in addition to the re-positioned timber crib wall.
- 48 Notwithstanding this, the submission indicates that the design of the revised retaining structure will be ensured through a competent structural engineer. Following discussion with PKC Building Standards they have advised that the detailed design and structural stability of any retaining structure above 1.2m in height will be secured through the building warrant process.

### **Developer Contributions**

#### **Education Infrastructure**

- 49 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Auchtergaven Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no contribution is required towards education infrastructure.

## Transport Infrastructure

- 50 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is within the reduced contributions area. The contribution requirement is £2,639 per open market unit and £1,319 per Affordable Unit. This equates to a total of  $(6.75 \times £2639)$  and  $(2.25 \times £1319) = £20,781$ . The applicant has indicated that they wish to enter into a Section 75 Legal agreement to pay this, together with the commuted sum required for affordable housing referred to below.

## **Affordable Housing**

- 51 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.
- 52 The proposal is for 9 units. The affordable housing requirement is 2.25 units  $(9 \times 0.25)$ . The proposal includes two studio apartments which would be considered as being affordable in perpetuity due to their size. The remaining 0.25 unit equivalent can be secured through a commuted sum payment. The commuted sum level for the Perth Housing Market Area is £26,500 per unit. As such the commuted sum required in this instance equates to £6,625.
- 53 The applicant has indicated that they wish to enter into a Section 75 Legal Agreement in order to pay the above.

## **Bio Diversity**

- 54 The application site is a vacant site which is overgrown to some degree with an area of hardstanding to the site frontage. In that regard the Council's mapping system has been examined to determine the presence of any protected species on the application site. No evidence of any protected species is indicated on the system. Given the nature of the site I am satisfied that the presence of any protected species on the site is unlikely and as such the proposal is considered to comply with Policy NE3 of the LDP.

## **Maintenance of Neighbouring Property**

- 55 Concerns have been expressed relating to the required maintenance of the adjacent gable of neighbouring buildings due to the location of the proposed building. This is considered to be a private civil matter between the parties involved and is not a material planning consideration.

## **Flooding**

- 56 Having examined SEPA's flooding maps, the site is not considered to be at risk from flooding and is therefore in accordance with Policy EP2 of the LDP.

## **LEGAL AGREEMENTS**

- 57 A legal agreement is required to secure the transportation contribution and affordable housing commuted sum.

## **DIRECTION BY SCOTTISH MINISTERS**

- 58 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**

- 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 development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this planning permission.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the communal amenity ground to the rear of the building shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site including the treatment of mutual boundaries, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 4 Storm water drainage from all paved surfaces, including the access, shall be disposed by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practises

Reason – To ensure the provision of effective drainage for the site.

- 5 All windows on the development shall have white frames to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions and Commuted Sum have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

## **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 the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning and Development Services team for permission to connect to the public waste water system and/or water network and all their requirements must be fully adhered to.
- 6 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.
- 7 It has been highlighted in letters of representation that additional retaining structures may be required on site. Should additional retaining walls or structures be required these will be subject to a separate planning application and the applicant should enter dialogue with the Planning Authority to discuss the requirements should these be required.

Background Papers  
Contact Officer  
Date:

Seven letters of representation  
John Williamson – Ext 75360  
1 November 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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