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Council Building
2 High Street
Perth
PH1 5PH

14 October 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 23 October 2019** at **10:00**

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

KAREN REID
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Councillor Roz McCall (Convener)	Councillor Willie Wilson
Councillor Bob Brawn (Vice-Convener)	
Councillor Henry Anderson	
Councillor Bob Band	
Councillor Michael Barnacle	
Councillor Eric Drysdale	
Councillor Tom Gray	
Councillor David Illingworth	
Councillor Ian James	
Councillor Callum Purves	
Councillor Crawford Reid	
Councillor Richard Watters	

Planning and Development Management Committee

Wednesday, 23 October 2019

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 24 SEPTEMBER 2019 FOR APPROVAL AND SIGNATURE
(copy to follow)**
- 5 APPLICATIONS FOR DETERMINATION**
 - 5(1) MAJOR APPLICATION**
 - 5(1)(i) 19/00907/AMM - AUCHTERARDER - FORMATION OF NEIGHBOURHOOD EQUIPPED AREA FOR PLAY (NEAP) (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 16/01809/IPM) PHASE 3B, LAND NORTH EAST OF STEWART MILNE HOMES, HUNTER STREET, AUCHTERARDER** **5 - 20**

Report of Handling by Head of Planning and Development
(Recommendation - Approval) (copy herewith 19/290)
 - 5(2) LOCAL APPLICATIONS**
 - 5(2)(i) 19/00961/FLL - PERTH - FORMATION OF DECKING (IN RETROSPECT), 14 WILLOWGATE DRIVE, PERTH** **21 - 32**

Report by Head of Planning and Development (Recommendation - Approve) (copy herewith 19/291)
 - 5(2)(ii) 19/01246/FLL - CRIEFF - RENEWAL OF PERMISSION 15/01435/FLL (ERECTION OF DWELLINGHOUSE, STORE, FORMATION OF PARKING AND BIN STORE AREA), LAND NORTH WEST OF ORWELL COTTAGE, ACADEMY ROAD, CRIEFF** **33 - 52**

Report by Head of Planning and Development (Recommendation
- Approve) (copy herewith 19/292)

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Perth and Kinross Council
Planning & Development Management Committee – 23 October 2019
Report of Handling by Head of Planning & Development (Report No. 19/290)

PROPOSAL: Formation of neighbourhood equipped area for play (NEAP) (approval of matters specified in conditions of 16/01809/IPM) Phase 3B

LOCATION: Land north east of Stewart Milne Homes, Hunter Street, Auchterarder

Ref. No: [19/00907/AMM](#)

Ward No: P7 - Strathallan

Summary

This report recommends approval of the application for the proposed formation of the NEAP as part of an allocated residential development, which benefits from planning permission in principle (PPP). The proposals are considered to comply with the relevant provision of the Development Plan and the terms of the PPP. There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, which extends to 1.67 hectares (ha), is situated on the north-eastern settlement edge of Auchterarder, forming part of the wider Auchterarder Expansion Development Framework (AEDF) for the northern expansion of Auchterarder. Planning Permission in Principle (PPP) Ref: 16/01809/IPM and the associated Section 75 legal agreement relates. The applicant has described the proposed NEAP as Phase 3B, as per location plan 19/00907/1.
- 2 The site slopes up from the A824 (Feus) to a proposed north western pedestrian access off Benton Road, where the site levels out with a profiled 1:4 slope accommodating an overall vertical height difference of approximately 10 metres.
- 3 The principal elements of the proposal include:
 - Retention and integration of existing historic natural and man-made features, including a dry stone dyke and two protected trees adjacent to Pow Hillock archaeological feature
 - Oak trees planted along the south western boundaries of the site, adjacent to Benton road, serve as an entrance feature to the site and Auchterarder;
 - Village green area on the upper plateau, with enough space set aside for five –a-side kick about pitch;
 - The NEAP itself, including 11 pieces of individual play equipment, set within 900sqm;
 - Formal community orchard;

- Path network, linking existing approved residential development with the park area, the key areas within the park and identifying openings and links to connect with future development.
- 4 The application has been accompanied by supporting information required by matters specified of the PPP and associated Section 75 legal agreement. Updated drawings were submitted responding to original comments from the Community Greenspace team and biodiversity officer in relation to layout, planting specification. The updates were considered a refinement rather than material change and therefore not requiring re-advertisement or re neighbour notification.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and 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:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Valuing the Natural Environment: paragraphs: 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 60 Planning for Natural Heritage
- PAN 65 Planning and Open Space
- PAN 77 Designing Safer Places

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016-2036

- 12 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

Policy 2 – Shaping better quality places
Policy 6 – Developer Contributions
Policy 8 – Green Networks

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 15 The principal relevant policies are, in summary:

Policy PM1A B & C – Placemaking
Policy RD1 – Residential Areas
Policy CF1B – Open Space Retention and Provision
Policy CF2 –Public Access
Policy HE1B – Scheduled Monuments and Non Designated Archaeology
Policy NE1 – Environment and Conservation Policies
Policy NE2A & B – Forestry, Woodland and Trees
Policy NE3 – Biodiversity
Policy NE 4 – Green Infrastructure

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 16 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.
- 17 The following LDP2 allocation is relevant:

The site is identified within H228 - North West Kirkton

Other Policies

- 18 Auchterarder Expansion Development Framework 2008

SITE HISTORY

- 19 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle). Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).
- 20 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 21 [18/01591/AMM](#) Erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works (approval of matters specified in conditions 16/01809/IPM) (Phase 2) Approved by Planning and Development Management Committee January 2019 (Decision Issued 17 January 2019).

- 22 [18/01592/AMM](#) Erection of 12 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A) Approved by Planning and Development Management Committee January 2019 (Decision Issued 24 January 2019).

CONSULTATIONS

- 23 As part of the planning application process the following bodies were consulted:

INTERNAL

- 24 **Structures and Flooding** - No comment received in relation to the existing dry stone dyke structures. The Flood team are satisfied with the drainage plan and proposed run off from paths, subject to clarification of the capacity of the wider network.
- 25 **Community Greenspace** - Sought clarification on elements and were resistant to some detailing.
- 26 **Development Negotiations Officer** - No objection
- 27 **Transport Planning** - No objection
- 28 **Biodiversity Officer** - Supportive of proposals with recommendations for refinement set out in original response, reflected in a further consultation response.

REPRESENTATIONS

- 29 No letters of representation were received.

ADDITIONAL STATEMENTS

30	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environment Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Planning statement & landscape specification submitted.
	Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 31 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in

the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as set out.

Principle

- 32 The proposal for a NEAP and associated open space facilities remains consistent with the PPP (including the S75) and the wider AEDF. The AEDF provides the vision and design principles for the site, stating that a NEAP is to be located on site to ensure play areas can be accessed from residential areas by foot. The AEDF also sets out standards for the NEAP, which was incorporated into the application submission. The principle of the NEAP and open space is acceptable.

Delivery and Maintenance

- 33 The terms of the delivery of the NEAP has been set out in line with a phasing plan required through the S75 agreement. The NEAP will be delivered within the timeframe of the permission, over the next 24 months which accords with the S75. The S75 also addresses adoption and maintenance requirements for the open space. Confirmation is required by the Council that the areas are complete, and, once completed; the developer must thereafter maintain it for 12 months prior to transferring the title and maintenance to the Council. Within one month of completion, the developer shall pay the 'Appropriate Maintenance Payment' as a capital sum for maintenance of the NEAP. This sum has been agreed on the basis of the Council's adopted policy at the time of the S75 being concluded and would amount to £22,000. The delivery timescales and maintenance obligations of the proposal are, subject to proposed conditions, considered to be acceptable (Condition 2-4).

Design and Layout

- 34 A pre-application meeting was carried out in advance of this submission with detailed input from Community Greenspace colleagues. The proposed NEAP and associated open space area is considered to be well thought out, incorporating different themes and recreational options. A community orchard, formal play area, kick about pitch within a wider village green, associated boundary planting, path networks and seating areas are all integrated in the proposal. The layout and design works with the existing natural and man-made features of the site, whilst also tying into existing approved residential areas and providing pedestrian links to approved and future residential areas.
- 35 Overall, the proposals are considered to be acceptable (conditions 1, 2 and 4), in accordance with LDP placemaking Policy PM1A and B and consistent with the PPP.

Landscape and Visual Amenity

- 36 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if

necessary, can be screened. The proposals include a good proportion of native species and will provide a positive, pleasant outcome, working with existing landscape form and features. Once the structural planting is established, the wider open space area will be an asset to the area and provide a robust landscape framework for this side of Auchterarder.

- 37 Overall, the detailed landscaping, play and open space provision (see condition 2) is considered to address the PPP, the terms of the S75, and LDP Policy ER6.

Residential Amenity

- 38 The proposal will provide substantial recreational and community benefit with no direct adverse impact.
- 39 The proposal satisfies the requirements of the PPP and the criteria for LDP Policy RD1, with a high level of amenity benefit for the new residents catered for, whilst causing no unacceptable impact on the amenity of occupants of nearby properties.

Roads and Access

- 40 No issues are identified, with level pedestrian access into the site proposed, avoiding steps and no direct conflict with motorised vehicles. As established above, the proposal benefits from good pedestrian accessibility to the wider development.

Drainage and Flooding

- 41 A drainage plan was submitted in support of the application to ensure good drainage. There are no concerns in relation to flooding or drainage arising through this proposal. Clarification of the wider capacity of the drainage network is requested to ensure capacity meets the identified run-off rates from the hardstanding areas (set out in plan 19/00907/7) (Condition 5).

Natural Heritage and Biodiversity

- 42 LDP Policy NE3 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. In summary, it is anticipated that positive outcome for natural heritage and biodiversity will be provided including mature trees and dry stone field dykes, whilst introducing a good mix of native species hedging and trees alongside an orchard. This will complement the natural heritage features already present that are being retained.
- 43 The proposals are considered to address the requirements of LDP Policy NE3 and PPP.

Cultural Heritage

- 44 The Pow Hillock stone has been identified as a key non-designated archaeological feature of the wider site within the original AEDF.
- 45 The proposal retains the Pow Hillock stone as a feature of the site and it is considered that the proposed development would not have any adverse impact on archaeological features. In this regard, the terms of the PPP and LDP Policy HE1B have been satisfied.

Developer Contributions

- 46 A Section 75 legal agreement covering the 16/01809/IPM requires the Council to take on maintenance and adopt the NEAP subject to payment of a maintenance contribution currently set at £22,000.00 (in line with current policy).
- 47 The legal agreement secures all necessary matters and no further changes are required.

Economic Impact

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

LEGAL AGREEMENTS

- 49 The S75 legal agreement for planning permission 16/01809/IPM secures infrastructure and/or contributions that will be impacted by the current and wider phased proposals. This includes the provision of this NEAP and Council adoption along with an associated maintenance payment.

DIRECTION BY SCOTTISH MINISTERS

- 50 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and, in this case, I am content that the development proposed does not conflict with the Development Plan or terms of the PPP. There are no material considerations that would warrant a departure from these considerations.
- 52 Accordingly the proposal is recommended for approval, subject to the following conditions.

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

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 decision notice.

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

2. The detailed landscaping and planting scheme which is hereby approved (plan ref 19/00907/16 and 17) shall be completed within the first available planting season (October to March) after the completion or bringing into use of the Neighbourhood Equipped Area of Play, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

3. All trees identified for retention (19/00907/2) and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

4. Notwithstanding the submitted play equipment specification as per plan 19/00907/10; prior to the installation of any play equipment final detailed fixing and feet details shall be submitted to, and approved in writing by, the Council as Planning Authority in consultation with the Council's Community Greenspace team. The fixing and feet detail as approved shall be installed in accordance with the agreed detailing prior to the equipment being brought into use.

Reason – In the interests of sustainability and longevity of the play equipment and to ensure the play area is signed off and adopted as a Council asset.

5. Prior to the commencement of development, details shall be provided to, and approved in writing by, the Council as Planning Authority, in consultation with the Council's Structures and Flooding Team, confirming that the wider drainage network can accommodate the run off rates resulting from the proposed development hardstanding elements (19/00907/7).

Reason: In the interest of ensuring appropriate surface water drainage arrangements.

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

None.

D INFORMATIVES

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.

5. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

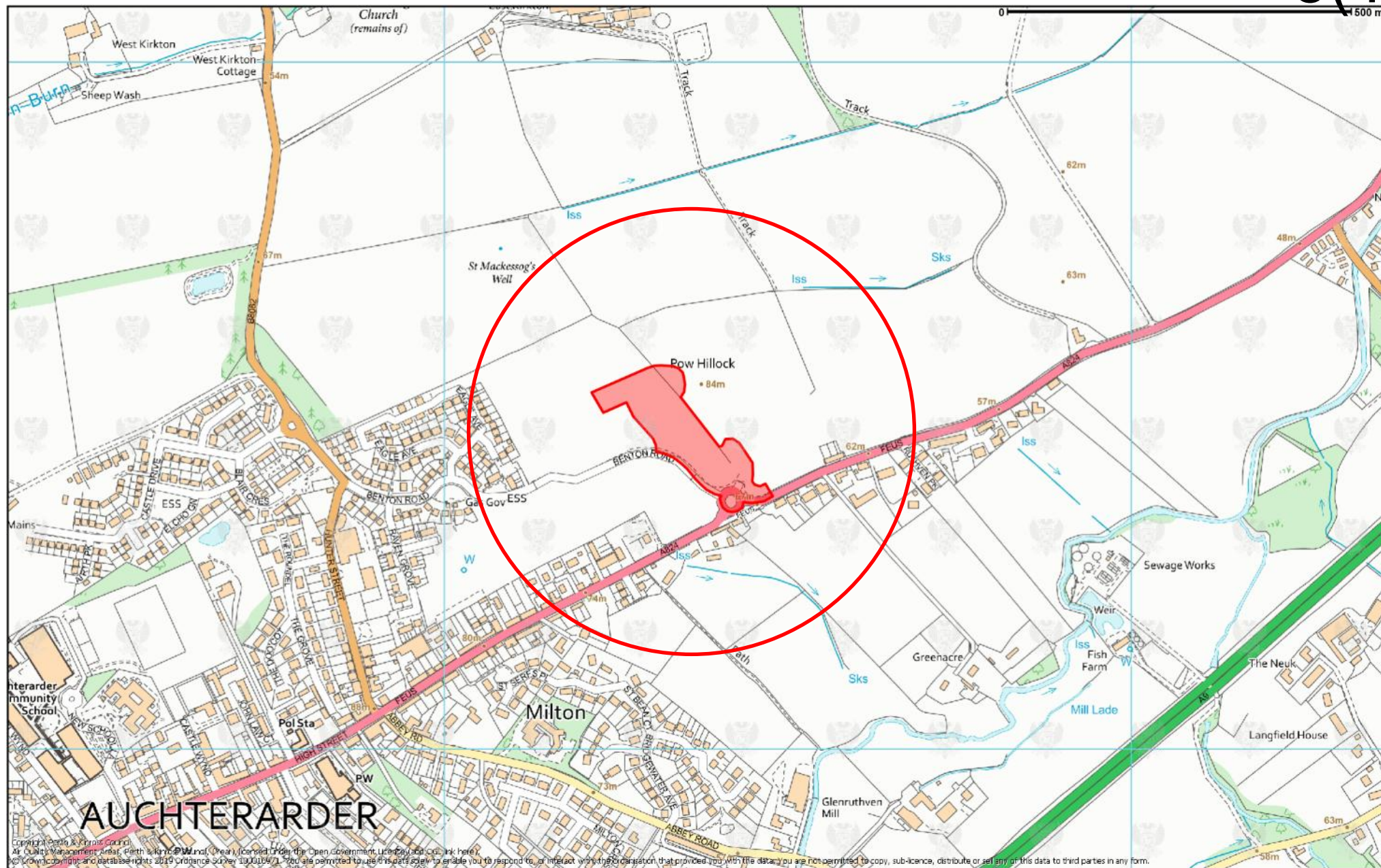
Background Papers: None
Contact Officer: Callum Petrie 01738 475353
Date: 10 October 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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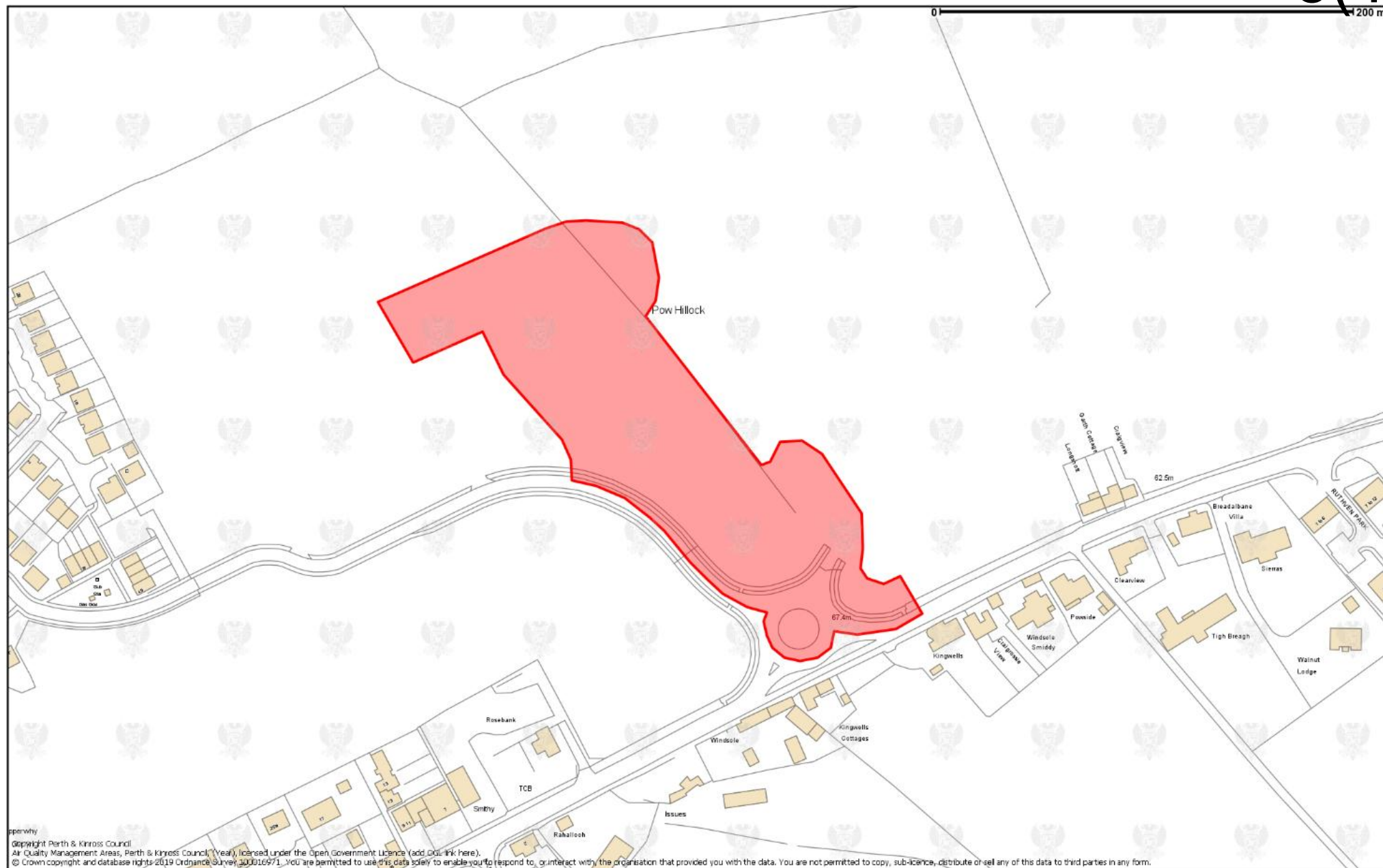
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19/00907/AMM

Formation of neighbourhood equipped area for play (NEAP) (approval of matters specified in conditions of 16/01809/IPM) Phase 3B at Land North East of Hunter Street, Auchterarder





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19/00907/AMM

Formation of neighbourhood equipped area for play (NEAP) (approval of matters specified in conditions of 16/01809/IPM) Phase 3B at Land North East of Hunter Street, Auchterarder



Perth and Kinross Council
Planning & Development Management Committee – 23 October 2019
Report of Handling by Head of Planning & Development (Report No. 19/291)

PROPOSAL: Formation of decking (in retrospect)

LOCATION: 14 Willowgate Drive, Perth PH2 7FA

Ref. No: [19/00961/FLL](#)

Ward No: P12 - Perth City Centre

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 OF PROPOSAL

- 1 The applicant is seeking planning permission for the erection of timber decking (in retrospect) within the rear garden of 14 Willowgate Drive, Perth. The site relates to a two storey residential property which forms part of a modern housing development of 19 detached dwellinghouses.
- 2 A raised deck has been erected against the south east boundary within the rear garden. A complaint was received by this Service which was investigated by the Enforcement Team and found to breach Class 3D (2)(b) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) due to the decking floor level exceeding 0.5 metres in height. The applicant was advised that planning permission was required for the decking to be retained in its current form or alternatively the deck could be removed or altered to meet the criteria set out under the permitted development order.
- 3 The applicant's preference is to retain the decking in its current form for which planning permission is now sought in retrospect. It should also be noted that the applicant has erected a bamboo screen to the rear of the deck in an attempt to prevent overlooking; however, it does not form part of the planning application. The bamboo screen requires planning permission in its own right due to its height.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 5 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and 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:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 77 Designing Safer Places

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 10 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 12 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Perth and Kinross Local Development Plan (LDP) 2014

- 13 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary;
- Policy RD1 - Residential Areas
 - Policy PM1A - Placemaking
 - Policy PM1B - Placemaking

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 15 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

SITE HISTORY

- 16 None.

CONSULTATIONS

- 17 None.

REPRESENTATIONS

- 18 12 letters of representation were received from 7 households. In summary, the following points were raised in the representation(s) received:
- Visual impact
 - Contrary to Development Plan
 - Overlooking/loss of privacy
 - Noise
- 19 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

20	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environment Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 21 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Perth & Kinross Council's Draft Placemaking Guide 2017.

Principle

- 22 The determining factors in the assessment of this application are ultimately whether the principle of the development is acceptable and if the proposed scheme accords with the relevant provisions of the Local Development Plan. In this instance, the application site is located within the identified settlement boundary of Perth, where Policy RD1 'Residential Areas' is directly applicable. As this proposal is within an identified Residential Area, the principle of decking is therefore considered acceptable. Nevertheless, full consideration must be given to the design, layout, scale, massing and potential impact upon other residential properties. Other policies are also directly applicable to ensure that all new developments do not have an adverse impact on the amenity or character of existing areas.

Design, Layout and Visual Amenity

- 23 The rear garden gently slopes away from the south east and north east boundaries which has required the decking to be built up at its lowest point which is approximately 0.9m above ground level. A timber balustrade has been erected around the deck at a height of 1.05m. The overall structure reaches a maximum height of 1.95m with an approximate footprint of 25sqm.
- 24 Bamboo screening has been added along the existing fence at the rear of the decking in an attempt to reduce any potential overlooking. No drawings have been submitted for the bamboo screen, however, it is evident it exceeds the height of the existing shared fence. The shared fence has also been double boarded which prevents direct views through it and as such see no requirement for it. It is therefore recommended this screen be removed (Condition 2). Concerns have been raised in respect of the visual impact of the decking. The decking is a well-constructed structure, though, given the layout of rear gardens there is no doubt it will be seen from neighbouring properties. In time, as the structure weathers and integrates into its surroundings, its visual appearance will be reduced. It is therefore considered the proposal is in keeping with the character of development in the area.
- 25 It is considered the proposed design, scale and materials of the proposal is appropriate and has no detrimental impact on the visual amenity of the area. As such the proposal is considered to be in accordance with policies RD1, PM1A and B of the LDP.

Landscape

- 26 The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

Residential Amenity

- 27 The main concern from neighbouring properties relates to potential overlooking of garden ground resulting in a loss of privacy. The most affected property relates to number 10 Willowgate Drive, located to the east of the application site. The house and garden ground sits at a higher level, at an approximate distance of 10 metres from the deck/shared fence. The property to the west (number 16) sits at a lower level than the application site, the distance from the decking to the shared boundary is approximately 12m.
- 28 The layout of rear gardens in this residential area allows mutual overlooking between neighbouring plots due to the topography of the land and boundary treatments. Whilst many have made attempts to mitigate overlooking through planting along communal boundaries, it is understood the applicant removed planting along the south east boundary in order to maximise garden ground, opening up views between the application site and number 10 Willowgate Drive.

- 29 The decking has since been erected along the boundary raising concerns of overlooking across rear gardens. Whilst the height of the decking would be such that it would be possible for a person standing on it to see over the top of the existing boundary fence, the pre-existing situation allowed for mutual overlooking.
- 30 Whilst it is regrettable planting has been removed along this boundary, there is no restriction in planning terms to prevent the applicant from doing so. In the absence of the raised deck, existing ground levels would allow, to a degree, overlooking across rear gardens in any case. Furthermore, planting/boundary treatments at number 10 Willowgate Drive would allow the occupants control over and help mitigate overlooking into the application site.
- 31 Concerns have also been raised in respect of noise from the decking due to its elevated position. The proposed decking is not considered to intensify the use of the rear garden and whilst it is 0.4m higher than what could be erected under permitted development this is not considered significant enough to raise concerns of noise from a domestic property. As is the case with any situation where noise levels are considered to be excessive and thereby unacceptable, awareness would need to be brought to the attention of the Council's Environmental Health Service which would be investigated under their legislation.
- 32 The juxtaposition of existing residential properties and associated garden ground is such that there is a degree of inter-visibility over garden ground. It is considered that the development will not exacerbate this and that the decking can be accommodated without resulting in any significant loss of residential amenity. As such the proposal is considered to be in accordance with policy RD1 of the LDP.

Drainage and Flooding

- 33 The site is not within an area at risk of flooding. There are no concerns with drainage as part of this proposal.

Developer Contributions

- 34 No developer contributions are required in this instance.

Economic Impact

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

LEGAL AGREEMENTS

- 36 None required.

DIRECTION BY SCOTTISH MINISTERS

37 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

38 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.

39 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

1. Within 3 months of the date of this decision notice, the bamboo screen shall either be removed or reduced to the same height as the existing communal fence 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

None.

D INFORMATIVES

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.

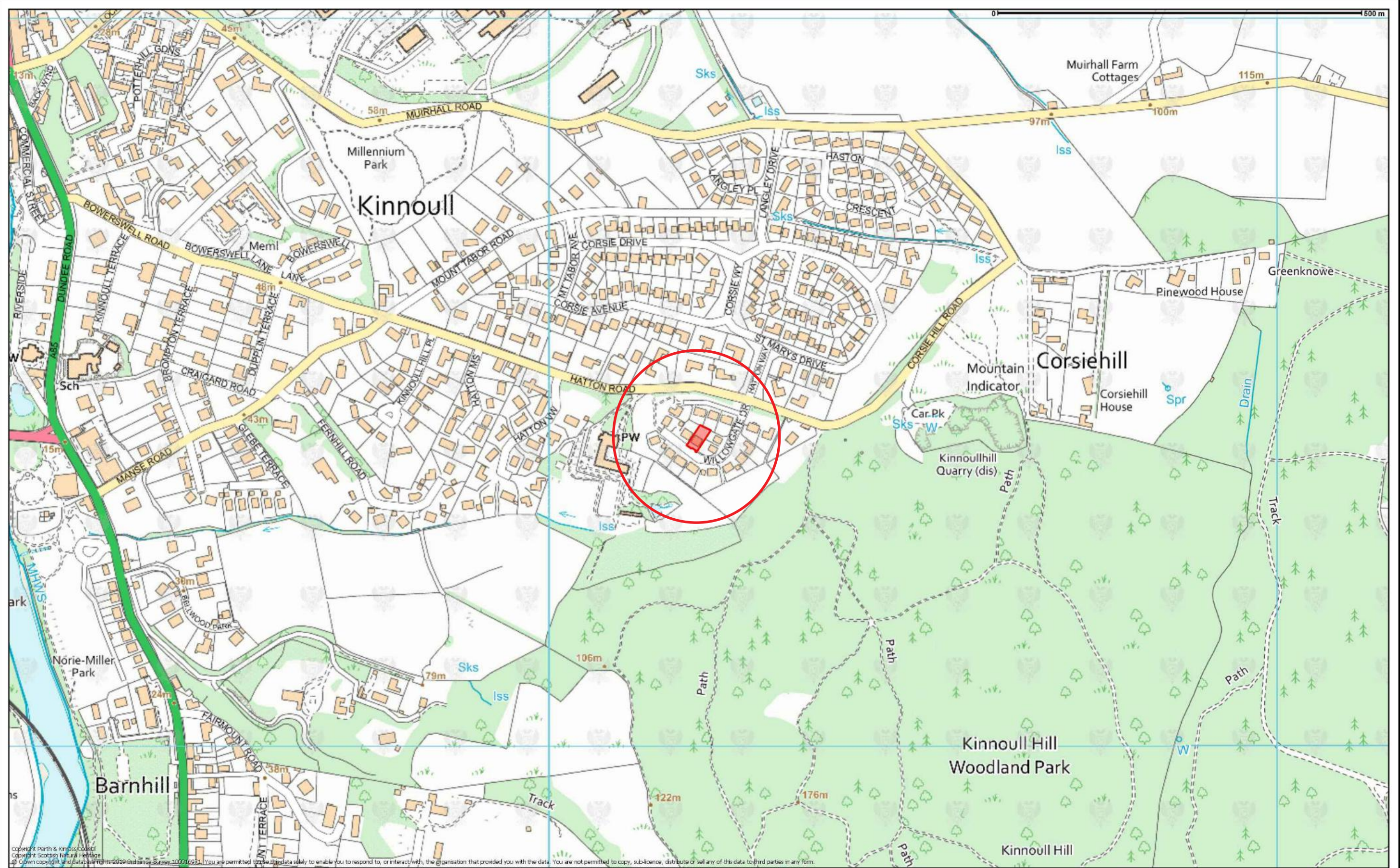
Background Papers: 7 letters of representation
Contact Officer: Gillian Peebles 01738 475330
Date: 10 October 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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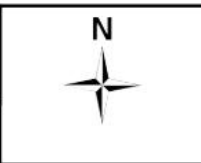
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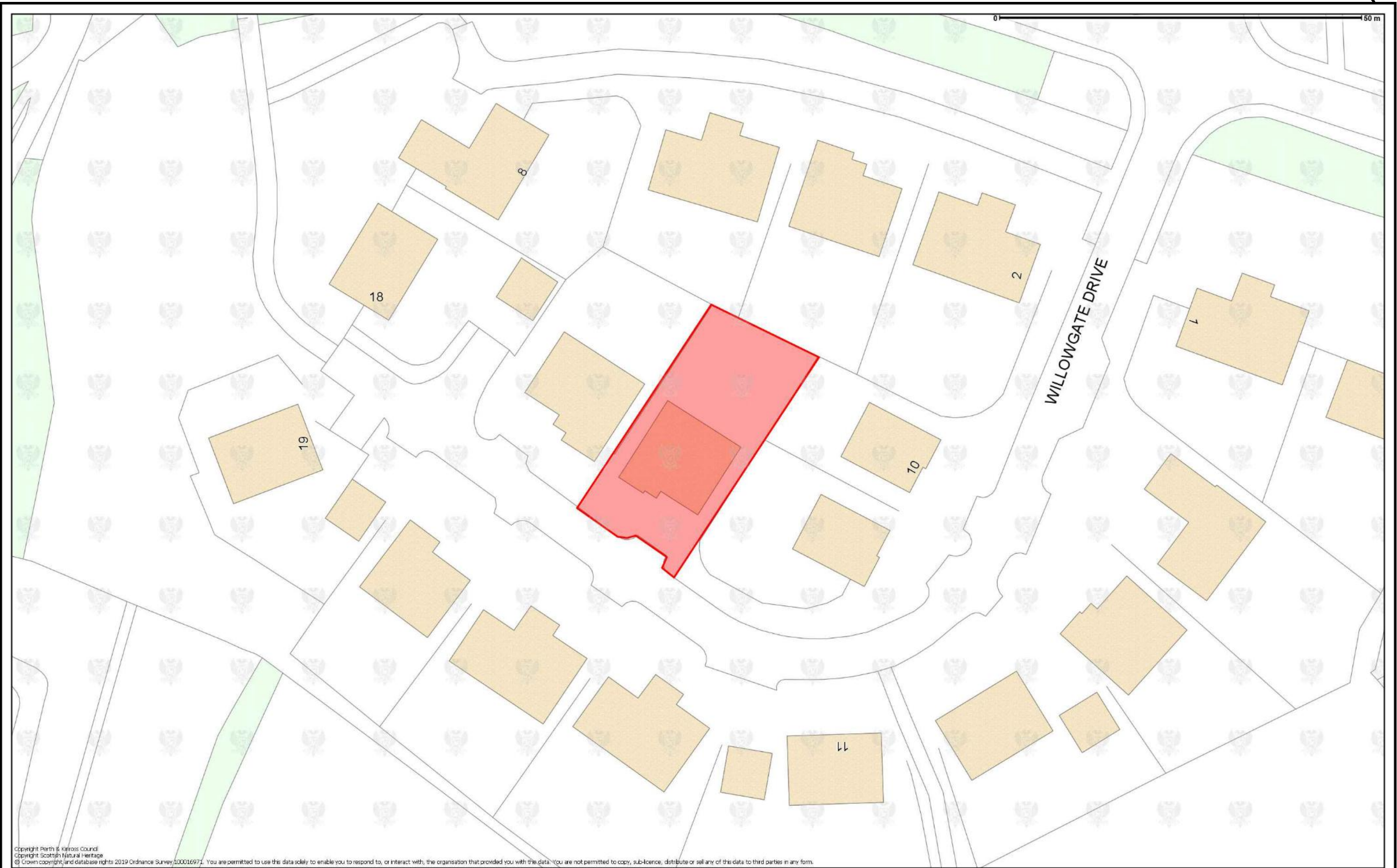
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Scale 1:5000



19/00961/FLL
Formation of decking (in retrospect), 14 Willowgate Drive, Perth





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Perth and Kinross Council
Planning & Development Management Committee – 23 October 2019
Report of Handling by Head of Planning & Development (Report No. 19/292)

PROPOSAL: Renewal of permission 15/01435/FLL (Erection of dwellinghouse, store, formation of parking and bin store area)

LOCATION: Land North West of Orwell Cottage, Academy Road, Crieff

Ref. No: [19/01246/FLL](#)

Ward No: P6 - Strathearn

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 OF PROPOSAL

- 1 Full planning permission is sought for the renewal of an existing permission for the erection of a dwellinghouse, store and formation of a parking and bin store area together with a turning area at land adjacent to Orwell Cottage on Academy Road in Crieff. The proposal seeks to develop two sites as one to enable improvement to the character of the Conservation Area as a whole and seeks to provide improvement to traffic and service provision within Academy Road. The application site occupies the eastern and western sides of Academy Road. To the west of Academy Road the proposal involves the erection of single storey store building, formation of six car parking spaces, a bin store and a turning/passing place for vehicles using Academy Road. This area of the site is currently derelict and unused and does not contribute positively to the character of the Conservation Area. This area of the site is currently contained by residential development on all sides. It is also identified within the Crieff Conservation Area Appraisal as an area in need of improvement.
- 2 The site to the east was previously occupied by two buildings which have been recently demolished following the approval of an application for Conservation Area Consent in 2016 (15/01436/CON).
- 3 The proposed replacement building on the eastern site is a contemporary dwellinghouse in form and is relatively small in scale, with two bedrooms and only a small garden area to the front (north) of the property. The proposal intends to utilise a range of traditional materials including stone walling, together with a green, sedum roof. The upper level of the house is proposed to be clad in timber with a profiled metal roof. Similar materials are proposed for the store building on the western site.

- 4 The previous 2015 application was referred to the Development Management Committee and the Committee added a further condition (condition 8) to the recommendation from the Planning Service which stated that :
- 5 "The store building shown on the western part of the site is not hereby approved." This was due to the impact which it was considered to have on residential amenity.
- 6 Therefore the store building on the western side of the site was not approved as part of the previous permission.
- 7 A further application was then submitted which sought to delete this condition (18/00715/FLL). This application was refused under delegated powers and subsequently dismissed by the Local Review Body. Therefore the current permission does not include permission for the store building.
- 8 The planning history of the site is a material planning consideration.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 10 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 11 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

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

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

- 14 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 15 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 16 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 18 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2014

- 19 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 20 The principal relevant policies are, in summary;
- Policy PM1A - Placemaking
 - Policy PM1B - Placemaking
 - Policy PM2 - Design Statements
 - Policy PM3 - Infrastructure Contributions
 - Policy HE2 - Listed Buildings
 - Policy HE3A - Conservation Areas
 - Policy TA1B - Transport Standards and Accessibility Requirements
 - Policy RD1 - Residential Areas
 - Policy RC1 - Town and Neighbourhood Centres
 - Policy EP3B - Water, Environment and Drainage
 - Policy EP3C - Water, Environment and Drainage

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 21 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

SITE HISTORY

- 22 [14/02201/IPL](#) Erection of dwellinghouse Decision Issued 13 March 2015 – Application Withdrawn
- 23 [14/02202/IPL](#) Erection of a dwellinghouse Decision Issued 13 March 2015 Application Withdrawn
- 24 [15/01435/FLL](#) Erection of dwellinghouse, erection of store and formation of parking and bin store area Decision Issued 17 August 2016 Application Approved
- 25 [15/01436/CON](#) Demolition of buildings Decision Issued 9 March 2016 Application Approved
- 26 [18/00715/FLL](#) Erection of a workshop/store Decision Issued 5 June 2018 – Application Refused and subsequently dismissed by Local Review Body

CONSULTATIONS

- 27 As part of the planning application process the following bodies were consulted:

EXTERNAL

- 28 **Transport Scotland** – no objection
- 29 **Scottish Water** – no objection

INTERNAL

- 30 **Development Negotiations Officer** – developer contribution for education infrastructure secured through Section 75 Agreement on previous application
- 31 **Transport Planning** – no objection

REPRESENTATIONS

- 32 The following points were raised in the seven representations received:

- Impact on residential amenity
- Visual Impact
- Previous permission did not grant permission for workshop building.
- Land ownership
- Necessity
- Road safety and traffic congestion
- Contrary to Development Plan
- Overdevelopment
- Odour
- Manner in which land has been advertised for sale

- 33 These issues are addressed in the Appraisal section of the report. The manner in which a developer advertises land for sale is not a material planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 35 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Crieff Conservation Area Appraisal and the Developer Contributions and Affordable Housing Supplementary Guidance. The specific legislative requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant. Section 64(1) of the Act places a duty on planning authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. These are material considerations in the determination of applications for planning permission which effect conservation areas.

Principle

- 36 The application site is located within Town Centre of Crieff where Policy RC1 applies. This indicates that there is a presumption in favour of commercial development. The site in question is surrounded by residential uses and Academy Road is residential in character as it sits behind and to the north of High Street, Crieff. Whilst Policy RC1 supports the provision of commercial uses in this area it is considered that the proposal for residential use on the eastern part of the site is acceptable in principle as it relates closely to the established uses in the immediate surroundings. The provision of a car parking area and bin store are also considered to be acceptable in principle. The proposed store was excluded from the existing permission by the Development Management Committee due to concerns relating to residential amenity. Given that this is the established position of the Council, the same condition, deleting the store from the permission is proposed.

- 37 Policy RD1 which relates to residential development, whilst not specifically applicable to this site, is relevant given the development proposed. Two previous applications were submitted for this site which included the erection of a dwelling on the western site. These were subsequently withdrawn due to the concerns expressed by Transport Scotland regarding the access onto the A85 Trunk Road. Following extensive discussions, the applicant's agent proposed this revised scheme in 2015 which sought residential development on the eastern part of the site but for one dwellinghouse only. It is that permission which the applicant now seeks to renew.
- 38 The land to the west of the site as outlined above is identified as an area in need of improvement in the Crieff Conservation Area Appraisal. This proposal seeks to achieve that by removing what it is effectively a derelict area of unused land and replacing it with a functional development which will serve to improve the visual amenity and character of the Conservation Area.
- 39 The proposal is therefore seeking to both erect a residential dwelling but also to improve the amenity and overall character of the Conservation Area. The detail of the proposal and assessment under other LDP policy will be assessed in more detail below. The renewal of the permission remains in accordance with the Local Development Plan.

Impact on Character of Conservation Area/Visual Amenity/Design

- 40 Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. The western side of the site is currently vacant, unkempt land which does not contribute positively to the character of the Conservation Area.

Western Site

- 41 This site is identified in the Crieff Conservation Area Appraisal as one which is in need of improvement. The introduction of a parking area and bin store will bring the area back into use and is considered to make a positive contribution to the Conservation Area by visually tidying up an unkempt site but also ensuring that it becomes a functional part of the area utilised by the residents of Academy Road. It therefore introduces overall benefit to the immediate surroundings of Academy Road. As mentioned above, the store building is not approved. The proposed bin store area is to be a hardstanding, however it is not clear if any boundary treatments are proposed so this will be requested by condition (Condition 4)
- 42 It is recommended that a condition is attached to any permission given to ensure full details of the surface materials of the hardstanding are submitted for approval (Condition 4). Overall the proposals for the western side of the site are considered to result in a significant improvement to the character and appearance of the Conservation Area in accordance with Policy HE3A of the LDP.

Eastern Site

- 43 The site on the eastern side is proposed to accommodate a relatively modest yet contemporary dwellinghouse. The previous buildings on the site have been demolished and the site is now vacant. The proposed replacement building is considered to be of a scale which is conducive to this Conservation Area location. The land slopes gently from north to south which helps to ensure the proposed house sits within its setting comfortably. The back drop to the rear of the buildings which front onto High Street will also help to provide setting and containment for the new house. The finishing materials are considered to be appropriate for this location utilising natural stone at ground floor level and timber cladding on the upper floor. The highest part of the proposed house sits above the ridge of the buildings located immediately to the west of the site, however, there are a series of much larger buildings which surround the site which will ensure the scale and mass of the proposed house is appropriate. The neighbouring buildings will also help to screen the building from any wider views from within the Conservation Area and therefore the north elevation of the house is likely to be the only elevation which will be visible from the public realm. Overall the house is considered to be of a scale and design which is appropriate for this specific site and relates appropriately to the scale and proportion of buildings in the immediate vicinity. The proposal is clearly a contemporary one and the relatively simple design, use of high quality materials and modest scale is considered to be appropriate. The renewal of the permission remains in accordance with Policy HE3A relating to the Conservation Area and Policy PM1A and B which relate to placemaking.

Residential Amenity

Western Site

- 44 The bin store area has potential to detrimentally impact on residential amenity in the immediate vicinity. The bin store area will not result in an increase in the level of bin storage and will solely be utilised by those bins which are currently already stored in the immediate area, as such, the impact on residential amenity of the bin store is considered to be negligible. It is noted that there is no guarantee that the properties will utilise the bin store, however it is considered that its availability will be of benefit and the applicant's agent has made it clear that it is the intention is to ensure it is brought into use.
- 45 It is noted that concerns relating to loss of light to adjacent properties from the store building have been identified. The store building is proposed to be 8m x 5m in footprint and 5.5m to ridge. The Council's previous decision on the proposed store building was to omit it from the previous permission due to the significant detrimental impact it would have on residential amenity. As this proposal is identical to the previous submission the concerns relating to residential amenity remain. The workshop building will sit at a higher elevation than the properties to the south and will therefore overlook the garden ground of these properties and their rear windows and may have the potential to result in overshadowing to garden ground. It will also appear as a recessive structure given its elevated nature.

- 46 In response to a representation, the proposed store building is not considered to result in overshadowing to the property at 3 Duff Court due to the distance between the proposal and the nearest windows on this property, However, this is no longer relevant as the recommendation is to delete the store from any planning permission.
- 47 A workshop/store has the potential to generate additional traffic and noise associated with it which may affect residential amenity given the close proximity to residential properties. As such the proposed store is considered to be of detriment to the nearby residential amenity because of its proposed use and resultant noise. The proposed store is therefore considered to be contrary to Policy RC1 and PM1A and B. Similar to the existing permission on the site a condition is recommended to omit the store from the permission (Condition 6).

Eastern Site

- 48 There is a residential property immediately adjacent to the proposed dwellinghouse and as described in earlier paragraphs, the site is surrounded by other buildings of varying scales. There is a residential property to the north with a gable end which faces directly towards the proposed dwellinghouse. There are no residential windows on this gable and therefore the window which is proposed on the upper storey of the new dwellinghouse will not overlook any existing dwellings to the north. Whilst there are other properties to the north, the angle at which the proposed house sits will negate any overlooking to these properties. Furthermore, due to the location of the building, sitting amongst a number of existing buildings, it is not considered that the scale of the proposed house will result in any overshadowing to neighbouring properties.
- 49 In terms of the residential amenity for future occupiers of the dwelling, there is a small external amenity space proposed at the northern side of the site which is considered to be appropriate for a dwellinghouse of this scale. Given the town centre location, a number of residential properties have limited garden areas and therefore the renewal is considered to remain in accordance with LDP policy.
- 50 Overall the proposals are considered to be an improvement to the residential amenity of residents of Academy Road and the allocated parking bays and bin store area are considered to improve the overall character and amenity of the Conservation Area in accordance with LDP policy.

Access/Traffic/Transport

- 51 There is a history of concerns regarding new development served by the Academy Road access onto the A85 Trunk Road. This proposal is part of an attempt by the architect to improve the overall situation whilst also providing a new dwelling on the application site. As outlined elsewhere in this report this proposal will seek provide allocated parking spaces for residents and a bin store area. This will in turn serve to increase the operational width of Academy Road by removing parked cars and avoiding bins and bin bags being stored on the access, allowing for improved access. It should be noted that there is no

guarantee that residents of Academy Road will utilise the car parking area or the bin store, however, the applicant's agent has indicated that he intends to seek this and a condition is also recommended to ensure the car parking spaces and the bin store are made available solely to residents of Academy Road (Condition 3). Following extensive discussions with Transport Scotland as part of the 2015 application they have indicated that they do not advise against the proposal due to the improvements which are being made to the access onto the A85. Transport Scotland has retained that position having been consulted on this renewal application. It is accepted that the visibility from Academy Road onto the A85 is limited but it is considered that the improvements to the access arrangements as a whole on Academy Road result in an overall betterment to the current situation, particularly with the provision of a passing and turning place which currently does not exist.

- 52 The proposed new house on the eastern side of the site will result in additional traffic utilising the access. There is an argument that there may have been some traffic which utilised the store building before it was demolished although it is appreciated that this would not be of the same extent as a residential dwellinghouse. Nevertheless the increase in traffic associated with the residential use is considered to be balanced by the improvements which are proposed on the western side of the site which will be of benefit to the character of the Conservation Area. As such, the proposed renewal remains in accordance with Policy TA1B of the LDP and it is noted that neither Transport Scotland nor PKC Transport Planning have objected to this renewal. In order to secure the traffic and amenity improvements in the interests of enhancing the Conservation Area it is considered prudent to recommend a condition that the dwellinghouse cannot be occupied until the parking and bin store areas on the western side of the site have been completed in their entirety and are available for use (Condition 2). It is also intended to attach a condition to ensure that the parking spaces and bin store area on the western side of the site are made available for use by residents of Academy Road only, to ensure they are of benefit to the local community (Condition 3).

Waste Collection

- 53 In the past there have been issues with commercial bins limiting the width of Academy Road but these commercial bins have now been removed. Currently domestic waste is collected from Academy Road using a "Tipmaster" vehicle which travels up Academy Road and collects pink bags from individual properties. The formation of the bin store area and hardstanding will improve the way in which domestic waste is collected from Academy Road by providing a collection area and a turning area for the collection vehicle.

The proposed bin store remains a welcome proposal which will improve visual amenity and provide improvements to domestic waste collection on Academy Road.

Drainage

- 54 The site is served by the public drainage system in Crieff and the application form indicates that the intention is to connect into this system. It also states that the proposal is to connect to the public water supply network and that a SUDS system will be utilised to cater for surface water drainage. This remains in accordance with policies EP3B and C of the LDP.

Use of Car Park

- 55 Given that one of the key aspects of this proposal relates to improving access and amenity on Academy Road a condition is recommended to ensure that the parking spaces on the western side of the site are made available solely to residents of Academy Road (Condition 3). This will serve to reduce the number of vehicles parked at the side of the road which restricts the width of the road and causes difficulties in manoeuvring. The new spaces will provide an allocated area for users and residents on Academy Road, should they wish to use them. Whilst it is appreciated that there is no guarantee that the residents of Academy Road will agree to a lease/rental with the owner of the site to utilise the car parking spaces, a condition restricting their use should result in an improvement to the current situation. Furthermore and most importantly the formation of the car park will allow for removal of the existing unkempt land and result in significant overall improvement to the character and appearance of the Conservation Area and meet the aims of the Conservation Area appraisal for this part of Crieff.

Developer Contributions

- 56 The application site is located within the Crieff Primary School catchment area. The previous permission on the site was subject to a Section 75 Agreement to secure a developer contribution towards education infrastructure of £6395 which has now expired. Therefore because of this the applicant requires to enter into a new Section 75 Agreement or pay the developer contribution upfront to allow the permission to be issued.

Land Ownership/Right of Access

- 57 Letters of representation have raised concerns regarding land ownership and rights of access issues. The previous approval included a land ownership certificate which indicated that the applicant is the sole owner of the land referred to within the application. This issue was raised with the applicant during assessment of the 2015 application who confirmed the land ownership certificate was accurate. As this application is a renewal, the same documentation applies. Nevertheless if there are alleged discrepancies regarding land ownership these would be a private civil matter between the parties involved and does not prevent a planning decision being made on the proposal.
- 58 Any rights of access to properties would still apply and these are a private civil matter between the parties involved. It should be noted that the granting of

planning permission does not overwrite any legal rights of access or land ownership issues and an applicant requires to ensure all legal matters are attended to when developing any site.

Biodiversity

- 59 Having examined the Council's mapping system with regard to biodiversity there are not considered to be any protected species apparent on the site. As such the proposed renewal remains in accordance with Policy NE3 which relates to Biodiversity.

Flooding

- 60 There are no flooding concerns at the site and therefore the proposed renewal remains in accordance with Policy EP2 of the LDP.

Economic Impact

- 61 There is considered to be limited economic benefit associated with the proposed development and this is likely to be limited to the construction phase of the development.

LEGAL AGREEMENTS

- 62 The previous permission on the site was subject to a Section 75 Agreement to secure a developer contribution towards education infrastructure of £6395 which has now expired. Therefore the applicant requires to enter into a new Section 75 Agreement or pay the developer contribution upfront to allow the permission to be issued.

DIRECTION BY SCOTTISH MINISTERS

- 63 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 64 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 be in accordance with the Development Plan. There are no material considerations which would justify refusal of the application. The proposal as a whole is considered to result in significant improvement to the visual amenity and character of the Crieff Conservation Area through the development of an identified area of need. On balance the benefits of the works on the western part of the site to improve the character and visual amenity are considered sufficient to merit the approval of an additional dwellinghouse to the east. Furthermore the formation of a bin store and car parking area will also be of benefit.
- 65 Given the improvements to parking and turning facilities on Academy Road and the lack of any objection from either Transport Scotland or PKC Transport

Planning, the proposal is also considered to be appropriate in terms of access and parking arrangements for users of Academy Road. The proposal will help to improve the overall character and appearance of the Conservation Area by redeveloping the eastern site which is currently derelict and also by developing an area of unused unkempt land on the western side of the site which is identified in the Crieff Conservation Area Appraisal as a site requiring action. Overall, therefore, there remains a level of benefit to the Conservation Area associated with both parts of the proposal. Furthermore, the policy position has not changed since the approval of the previous application and therefore the renewal of the permission is considered to be acceptable.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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 decision notice.

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

2. The east and west areas of the site shall be developed concurrently and the dwellinghouse hereby approved shall not be occupied until the parking, bin store and passing place have been completed in their entirety and are available for use to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the positive benefits of the scheme are realised in order to improve the character and appearance of the Crieff Conservation Area.

3. The six parking spaces & bin store (identified on drwg 15/01435/15) shall be made available to residents of Academy Road and the properties which utilise the Academy Road access onto the A85 only. Prior to occupation of the dwellinghouse hereby approved, written details of the management of the parking and bin store area shall be submitted to and approved in writing by the Council as Planning Authority. The management plan, as approved in writing, shall be fully complied with to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the parking spaces result in an overall benefit to the parking and access situation on Academy Road in the interests of pedestrian and traffic safety.

4. Prior to the commencement of any development full details of any proposed boundary treatments for the bin store area and surface materials for the hardstanding areas shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - In order to protect the character and appearance of the Conservation Area.

5. Prior to the commencement of any development a sample of the proposed natural stone, timber cladding, and profiled metal sheet roofing shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - In order to protect the character and appearance of the Conservation Area.

6. The store building shown on the western part of the site is not approved.

Reason - In the interests of residential amenity in that the proposed store is considered to have a significant loss of residential amenity on the neighbouring property.

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

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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.

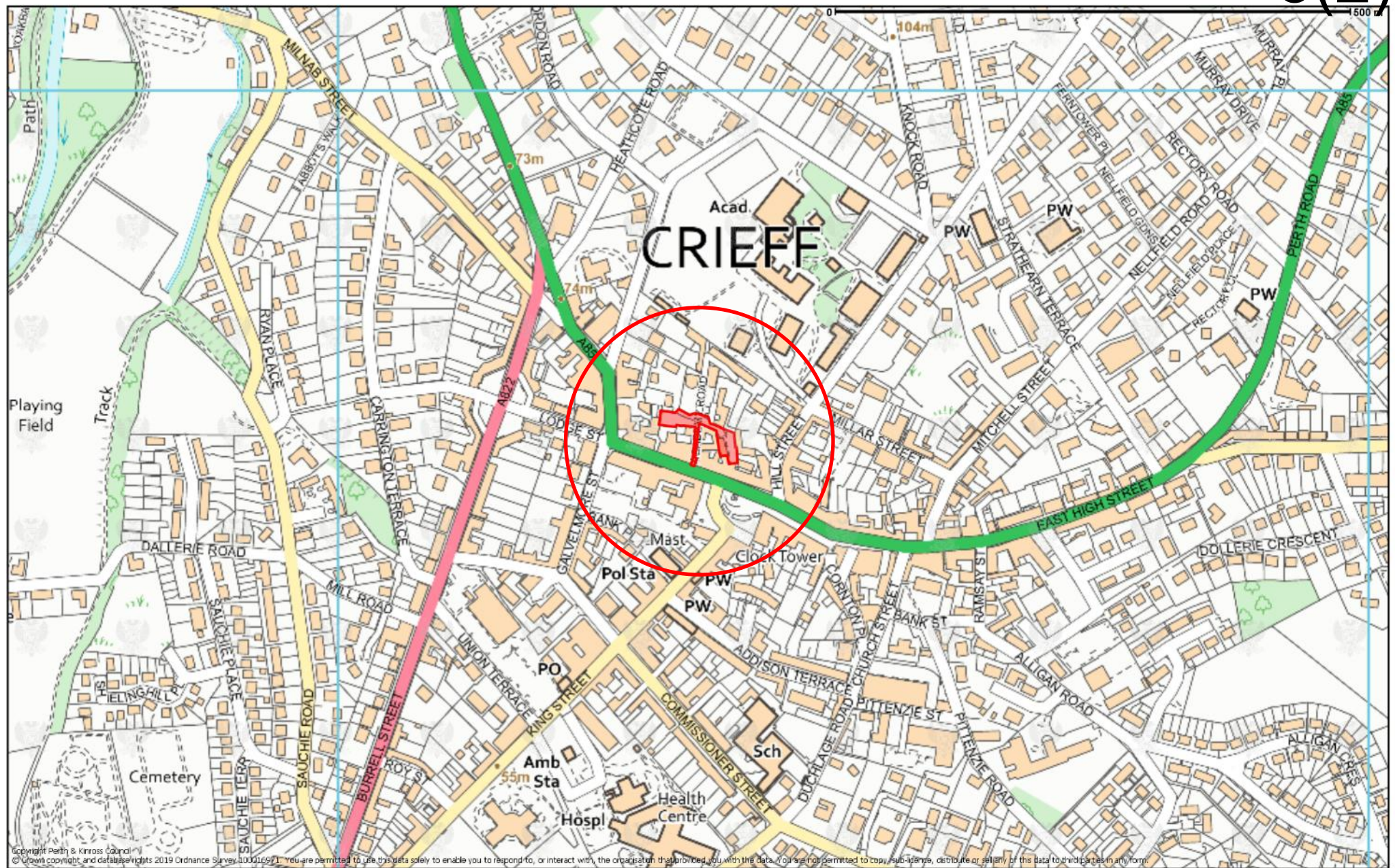
Background Papers: Seven letters of representation
Contact Officer: John Williamson 01738 475360
Date: 10 October 2019

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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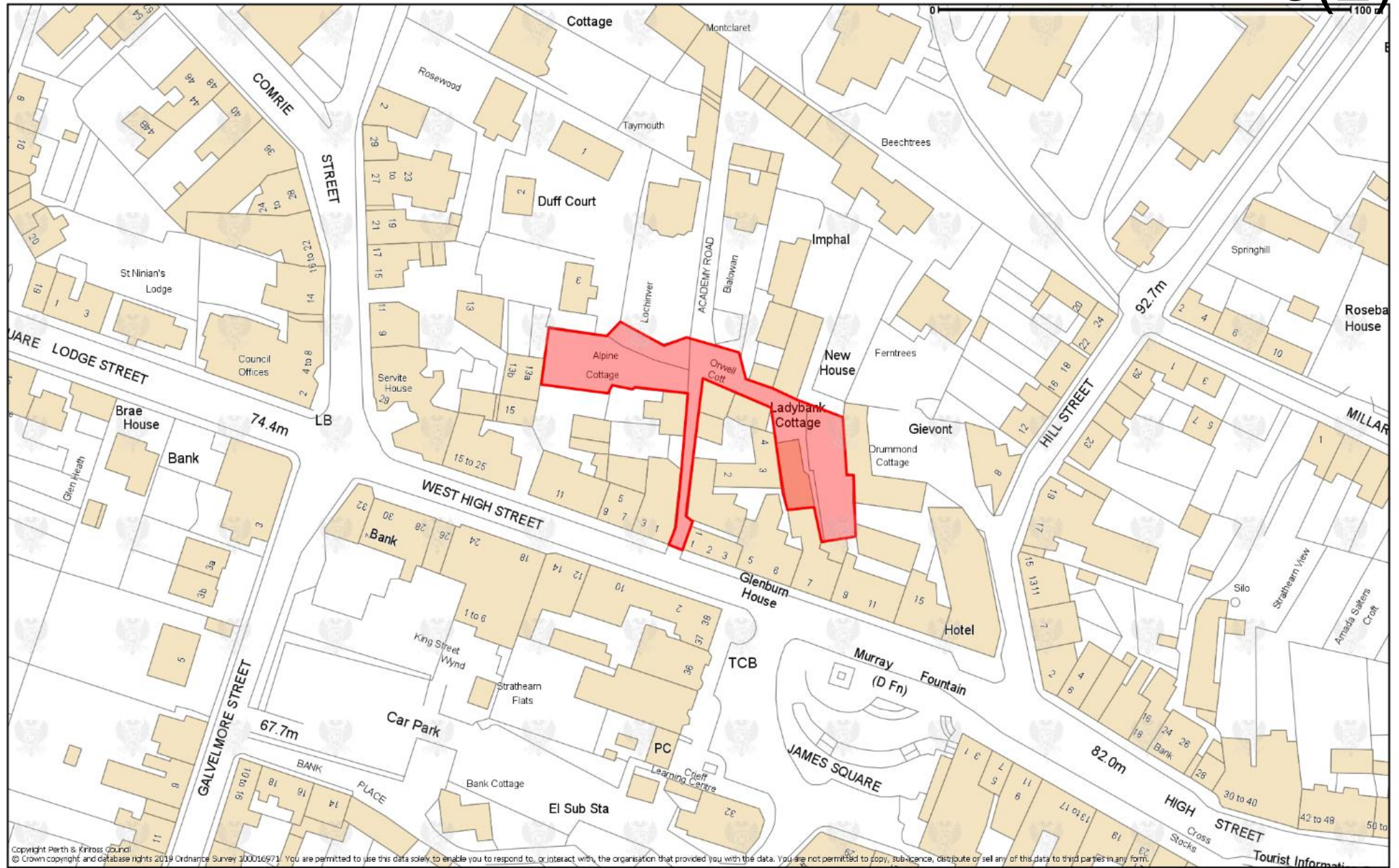
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19/01246/FLL

Renewal of permission 15/01435/FLL (Erection of dwellinghouse, store, formation of parking and bin store area) - Land North West of Orwell Cottage, Academy Road, Crieff





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