

Perth and Kinross Council
Planning & Development Management Committee – 29 August 2018
Report of Handling by Interim Development Quality Manager (Report No 18/265)

PROPOSAL:	Erection of 138 dwellinghouses and associated works (change of house type to include sunrooms for plots 59-60, 63-65, 67-68, 71-72, 75-84, 86-94, 97-105, 114-120, 131 - 160 and 165 - 217)
LOCATION:	Land north east of Lindale, Glenalmond Road, Rattray

Ref. No: 18/00856/FLM
Ward No: P3- Blairgowrie and Glens

Summary

This report recommends approval of this detailed application for a change of house types on land north east of Glenalmond Road, Rattray for the inclusion of rear sun rooms.

The development is considered to comply with the Strategic Development Plan TAYPlan and the Perth and Kinross Local Development Plan 2014. These documents identify residential development at Glenalmond Road. The allocated site (H63) is a key element in delivering the land requirement for the Strathmore and Glens.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site, which extends to over 11.5 hectare (Ha), is bounded to the south by Glenalmond Road and by Blairgowrie Holiday Park to the west, within the settlement boundary of Rattray. To the far eastern tip is the Rattray burn, with woodland to the northern point, associated with Parkhill Farm. The site is characterised as agricultural land with rough vegetation along the southern and western boundaries, sloping from north down to south, towards Glenalmond Road. Glenalmond Road terminates at Back Row, with a bollard preventing motorised traffic from passing through. The site sits on the northern edges of Rattray settlement, with a robust existing landscape framework flanking its edges. Core path (BLA 17) exists along the eastern boundary extents.
- 2 The current proposal seeks to alter the design of dwellings approved by planning permission 16/01861/FLM through the incorporation of sun rooms on various house types. Previously, a generic sun room specification was included in supporting information, but did not form part of the approved documentation; so in effect this current application would provide a sun room option for buyers. The sun rooms proposed are a standard size and design, measuring 3.6m x 4m, with the pitched roof rising to 3.6m and would be located on the rear

elevations. The finishing material specifications are proposed to match those of the approved house type.

- 3 The following approved plots are now being proposed as part of the sun room choice offered (as per site layout plan 18/00856/14):

- Plots 59 - 60
- Plots 63- 65
- Plots 67 – 68
- Plots 71- 72
- Plots 75 – 84
- Plots 86 - 94
- Plots 97 – 105
- Plots 114 – 120
- Plots 131- 160
- Plots 165 - 217

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:

- Placemaking : paragraphs 36 – 57

Creating Places

- 8 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

- 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:
- 11 *"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

- 12 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.
- 13 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 14 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

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

Policy EP2 - New Development and Flooding

- 16 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 17 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 18 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 19 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

SITE HISTORY

- 20 16/00845/SCRN Residential Development of Circa 220 Homes, Open Space, Landscaping and Associated Infrastructure. Screening Determination issued 20 July 2016
- 21 16/00009/PAN Residential development, landscaping, open space and associated infrastructure. Decision issued 6 July 2016
- 22 16/01861/FLM Erection of 217 dwellinghouses, formation of open space, landscaping and associated infrastructure works. Application Approved at Development Management Committee August 2017
- 23 17/00521/FLL Formation of a construction yard and associated works for a temporary period (in retrospect) Application Approved 12 May 2017 under delegated powers.
- 24 17/02210/FLL Erection of 48no. dwellinghouses, formation of landscaping, open space and associated infrastructure 19 February 2018 Application Approved 19 February under delegated powers.

CONSULTATIONS

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

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 26 No objection to revision of planning 16/01861/FLM with no further impact anticipated.

Scottish Natural Heritage (SNH)

- 27 No adverse comment received.

Scottish Water

- 28 Have no objection to the application, highlighting that there is sufficient capacity at both the Perth Water Treatment Works and the Perth City Waste Water Treatment Works.

Blairgowrie and Rattray Community Council

- 29 No adverse comment received.

INTERNAL

Environmental Health - Contaminated Land

- 30 No objection with no records of contamination.

Environmental Health (Noise & Odour)

- 31 No objection, simply reiterating the Councils current policy in terms of operational hours for site construction.

Contributions Officer

- 32 No objection providing the consent remains to be covered through the associated Section 75 (S75) agreement pertaining to planning consent 16/01861/FLM.

Community Greenspace

- 33 No adverse comment received.

Community Waste Advisor

- 34 No adverse comment received.

Structures and Flooding Team

- 35 Following clarification from the applicant, the structures and flooding team are comfortable that the drainage capacity calculations would accommodate the additional surface area from the sun room

Transport Planning

- 36 No objection to proposed revisions.

REPRESENTATIONS

- 37 No letters of representation were received.

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental 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

Policy Appraisal

- 39 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 and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.
- 40 The principle of development has already been assessed against Development Plan policy and continues to be considered acceptable, subject to continued conditional control and compliance with the extant S75 agreement. This application and its associated amendments now seeks the addition of sun rooms on 127 plots only, with the remaining 82 plots (planning consent 17/02210/FLL includes a reduction of 8 dwellinghouses from the original 217) remaining as per already approved.
- 41 The revisions proposed are minor and would otherwise be considered permitted development if the dwellinghouses were already built and occupied. It is considered that the proposed sun room elements do not raise any policy concerns as discussed below.

Design and Layout

- 42 Policies PM1A and PM1B set out the objectives in seeking to achieve good placemaking in respect of the immediate and wider site context. The design of the house types remain to be acceptable with the addition of sun rooms, which respect the character and scale of the dwellings. There is no adverse impact on the overall design or layout of the wider site area.

Residential Amenity

- 43 It is important and consistent to seek an outside area that can perform the minimum to be expected of a garden; i.e. clothes drying, waste and recycling storage requirements and sitting out. The private garden ground incorporated into this layout through the requested amendments is considered to cater for the occupants' needs both present and future. Across the identified units, a minimum undeveloped rear garden ground of 80 square metres would still be achieved, which is considered acceptable in this context.
- 44 It is not considered that the house designs would result in overlooking to neighbouring properties. This is due to the single storey nature of the sun rooms alongside the associated boundary fences that would ensure an 18 metre window-to-window separation between properties would be maintained.
- 45 A reasonable level of daylight and sunlight is maintained for all properties and the extent of overshadowing of amenity ground between properties is considered acceptable.

Roads and Access

- 46 There are no implications regarding traffic and road safety resulting from the proposal. The previously requested planning conditions, to address this matter, are included in this recommendation (Conditions 2 and 8).

Drainage and Flooding

- 47 SEPA and the Council's Structure and Flooding Team have no objection to the proposed amendment to the previous planning permission (16/01861/FLM). The previously requested planning conditions to address this matter are included in this recommendation (Conditions 1, 2 and 7).

Natural Heritage and Biodiversity

- 48 There will be no additional impact on the biodiversity of the site as a result of supporting the proposals. The recommendations for the original extant application (16/01861/FLM) still apply and the conditions (4, 5 and 6) attached to this permission still apply and is therefore carried forward in this recommendation.

Developer Contributions

- 49 The Section 75 Legal Agreement for 16/01861/FLM secures the necessary infrastructure required in association with developing this area of land. No further contributions are required as the legal agreement has secured contributions on the same number of dwellings regardless of the dwelling size. It

is considered appropriate to ensure the extant legal agreement relationship is clarified through an informative.

Economic Impact

- 50 During the construction period, jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. New residents would also existing employers and services in the local area.

Conditions

- 51 All salient conditions attached to planning consent 16/01861/FLM are recommended to be repeated on this new permission. It should be noted however that some original conditions are either no longer necessary or have been amended to ensure they remain relevant.

LEGAL AGREEMENTS

- 52 No additional agreement required as the site remains covered by the original agreement associated with planning consent 16/01861/FLM.

DIRECTION BY SCOTTISH MINISTERS

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 54 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.
- 55 Accordingly the proposal is recommended for approval subject to the following conditions.

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 that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00, Saturday 08:00 to 13:00 hours and no working on a Sunday.

Reason: In the interests of public health and to prevent noise pollution.

- 4 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 5 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 6 Prior to the completion of the development, a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each 2 storey buildings at eaves height.

Reason: In the interests of employing best practice ecology and enhancing biodiversity.

- 7 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

- 8 The development shall be fully undertaken in accordance with the agreed Construction Environment Management Plan (CEMP) associated with planning consent 16/01861/FLM.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 9 The approved structural landscaping works associated with planning consent 16/01861/FLM covered within this site area shall be installed in accordance with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 57 None.

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 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.
- 6 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 & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.
- 8 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

- 9 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 10 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
- 11 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning consent 16/01861/FLM. This consent continues to be tied by this legal agreement and the associated requirements will continue to apply.

Background Papers: None
Contact Officer: Callum Petrie 01738 475353
Date: 16 August 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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