

Perth and Kinross Council
Planning & Development Management Committee – 11 April 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL:	Erection of 5 dwellinghouses and garages (revised layout and change of house types)
LOCATION:	Site of former Cruachan House Residential Home, Kenmore Street, Aberfeldy

Ref. No: 17/02161/FLL

Ward No: P4- Highland

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 consent is sought for the erection of 5 dwellinghouses and associated works. The proposal involves the change of house types and alterations to the layout of an existing planning consent (10/00982/FLL) for five dwellinghouses at the former Cruachan House Residential Home on Kenmore Street within the Conservation Area of Aberfeldy.
- 2 There is considerable planning history to this site including various refusals by the Development Control Committee and the dismissal of appeals by the Scottish Government. The planning history is detailed in the Site History section below (paras 29-36).
- 3 This proposal seeks to make a minor alteration to the position of the access into the site and the turning head which is positioned centrally within the site. The proposal also seeks to revise the plot boundaries of each plot and the submission includes a layout plan which demonstrates the differences between the approved site layout plan and the proposed site layout plan. It should be noted that consent has already been granted for the change of house type on plot 4 under application 17/01769/FLL which was approved under delegated powers in February 2018 and therefore this application solely relates to the alterations of the boundaries on plot 4. Following the initial submission which resulted in a series of objections, discussions with the planning agent were undertaken and resulted in a series of amended plans being submitted. These amended plans were subject to a re-advertisement and re-notification procedure. The changes to the 2010 application may be summarised as follows:

Plot 1:

Very minor changes to appearance of dwelling

Plot size increased by extending boundary to the south
Relocating house by approximately 7m to the east
Deletion of detached garage

Plot 2:

Plot size decreased by moving boundary to the south to allow for larger plot 1
Relocation of house to south east
Relocation of garage
Minor change to finishing materials

Plot 3:

Minor reduction in plot boundaries
Change of house type to smaller unit
Relocation of garage

Plot 4:

Increase in plot size to east and north
Change of house type consented in February 2018-17/01769/FLL

Plot 5:

Minor decrease in plot boundaries
Relocation of house to north-west
Minor change to position of detached garage
Minor changes to finishing materials

- 4 The former residential home on the site was demolished a number of years ago and some minor works associated with the 2010 permission have been undertaken on the site and therefore the 2010 permission remains extant.

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

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 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places

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.

Designing Streets 2010

11 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

12 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

- 13 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

- 14 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:
- 15 *“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

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

Policy RD1 - Residential Areas

- 17 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy HE3A - Conservation Areas

- 20 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy PM3 - Infrastructure Contributions

- 23 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 24 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.
- 25 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.

- 26 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

- 27 07/01284/OUT Residential Development (in Outline) 6 August 2007 Application Withdrawn
- 28 07/02835/FUL Conversion of dwellinghouse into 4 flats and erection of 3 dwellinghouses. Application withdrawn 13 May 2008
- 29 08/00021/FUL Demolition of existing building and erection of 9 houses and 6 garages– Appealed on non-determination – Dismissed 2 May 2008
- 30 08/01575/FUL Demolition of dwelling and erection of 9 dwellinghouses and 3 garages Application refused by Development Management Committee 31 October 2008
- 31 10/00982/FLL Erection of 5 dwellinghouses. Application permitted by Development Management Committee 8 June 2011
- 32 17/01769/FLL Erection of a dwellinghouse (revised layout) (plot 4) Application permitted under delegated powers 20 February 2018
- 33 17/02126/FLL Erection of a dwellinghouse, garage and installation of pv solar array– Application returned 12 December 2017
- 34 17/02183/MPO Modification of planning obligation associated with permission 10/00982/FLL (erection of 5 dwellinghouses). Application withdrawn 20 February 2018

CONSULTATIONS

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

External

- 36 **Scottish Water** – no objection

Internal

- 37 **Environmental Health** – condition recommended to ensure appropriate use of proposed stoves in interests of air quality.
- 38 **Local Flood Prevention Authority** – no objection.
- 39 **Transport Planning** – no objection.
- 40 **Contributions Officer** – no contribution required as covered by existing Section 75 Agreement.

REPRESENTATIONS

- 41 The following points were raised in the five letters of objection received during the first neighbour notification and advertisement period:
- Impact on residential amenity
 - Overshadowing
 - Overlooking
 - Overdevelopment
 - Density/plot ratio
 - Setting of precedent
 - Retention of hedge and trees
 - Planning history
- 42 Following receipt of amended plans a second neighbour notification and advertisement period was undertaken and the following points were raised in six letter of objection received which includes letters from the same five households who objected during the first period. The letters indicate that in the main the changes are acceptable but that concerns remain with the proposal on plot 2:
- Impact on residential amenity
 - Overshadowing
 - Overlooking
 - Overdevelopment
 - Density/plot ratio
 - Setting of precedent
 - Planning history
- 43 These issues are addressed in the Appraisal section of the appraisal.

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	Submitted
Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 45 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.

Policy Appraisal

- 46 The principle of development on this site has been established by the extant consent referred to above and the proposal seeks to vary the house types and proposed layout. As such I consider the principle of development to remain consistent with Policy RD1 of the LDP. Consideration of the revised design and layout and any potential impact on residential amenity will be considered in more detail below.

Layout

- 47 The proposed layout is similar in overall terms to the extant consent although some plots have been increased in size (1 and 4) and some have decreased in size (2 and 3). The plot ratios proposed on the site remain consistent with those in the surrounding area which vary from approximately 14% to 28% in terms of built footprint to plot size. The plot ratios of the proposal vary from plot to plot with plots 1, 4 and 5 being the largest. Plot 2 and 3 are the smaller plots. The same is the case in the consented 2010 layout. Plot 2 has a site area of 384sqm and the house and garage equate to a footprint of 98sqm resulting in a build to plot ratio of 25%. Plot 3 has a site area of 444sqm and the house and garage equate to a footprint of 78sqm resulting in a plot ratio of 17.5%. Whilst the build to plot ratio of plot 2 is relatively high it is not uncommon in the surrounding area. Policy RD1 requires new development to respect the character and density levels in the surrounding area and the layout and resultant build to plot ratios are considered to successfully achieve this. The proposed layout therefore accords with policy RD1 of the LDP. Furthermore, whilst it is noted that concerns have been expressed by neighbours regarding the density of the site and the potential for a precedent to be set, any increase in density levels elsewhere on the site would be subject to

a further planning application which would require to be considered on its own merits.

Design and Visual Impact

- 48 Under the extant permission each house utilises similar design styles but each house type is slightly different. The scale of each house is similar to others in the area. The changes which are proposed to the house types are considered to be acceptable in design and visual amenity terms with the majority of the alterations relating to alterations to finishing materials, including replacing render areas with timber cladding. A condition (6) is recommended to ensure full details of all finishing materials are submitted for approval. The variations to the design of each unit maintains the aesthetic granted under the extant consent and as such the revisions are considered to comply with the criteria outlined in policies PM1A and B and RD1 where they relate to design and visual amenity.

Residential Amenity

- 49 The proposed development meets the Council's guidelines in terms of window to boundary distances of 9m and amendments were made to the original scheme to ensure this. Whilst it is noted that the windows on the east (rear) elevation of plot 2 are within 8m of the eastern boundary this boundary backs onto an access track rather than directly onto another dwelling and is therefore considered to be acceptable as it results in no reduction in amenity levels for neighbours. A window serving the kitchen on south elevation of plot 2 is located within 7.5m of the boundary with Orchard Cottage to the south. Given the position of Orchard Cottage, which is elevated above plot 2 the position of the windows is not considered to result in any significant detriment to the amenity of Orchard Cottage.
- 50 The garden ground of each plot is considered to be of sufficient size to ensure adequate private amenity space for the size of each dwelling.
- 51 A condition (5) is recommended to control the use of the proposed stoves within each house in the interests of air quality.
- 52 The proposal is considered to accord with policies PM1A and B and RD1 of the LDP where they refer to residential amenity.

Landscaping and Trees

- 53 The site benefits from some existing landscaping in the form of small scale trees and hedges. A condition (2) is recommended to ensure the provision of a detailed landscaping and planting scheme in order to soften the impact of the built form on the site and to complement the existing planting.
- 54 There are existing trees and hedging on the site which offer some existing landscape framework and containment to the site and these can be utilised within the wider proposed landscaping scheme to improve the visual amenity of

the site. A condition (4) is recommended to ensure the retention of the existing trees in the interests of visual amenity.

Drainage

- 55 The site is proposed to connect to the public drainage system with a SUDS system proposed to cater for surface water drainage. The Structure's and Flooding Team consider this to be acceptable. This is considered to comply with policies EP3B and C of the LDP.

Access and Traffic

- 56 Minor changes to the position of the access track and turning head into the site are proposed but these do not alter the overall layout of the site in terms of pedestrian and traffic safety to any significant degree. Each plot is proposed to have its own parking and turning facilities and there is an appropriate existing access onto Kenmore Street from the site. Transport Planning have offered no objection to the application. The proposal complies with policy TA1B of the LDP.

Developer Contributions

- 57 There is an existing S75 Agreement in place regarding the provision of an affordable housing contribution of £23,750 for the five plot development. Whilst there was initially an Modification of Planning Obligation (MPO) submitted to vary the terms of the legal agreement (17/02183/MPO) this has now been withdrawn following discussions between Legal Services and the applicant's solicitor. It has now been agreed that the existing Section 75 agreement can be utilised in this situation which will ensure receipt of the required contribution.

Waste Collection

- 58 As the access is proposed to be to an adoptable standard, the Council's waste collection vehicles will be able to enter the site to collect waste.

Natural Heritage and Biodiversity

- 59 There are not considered to be any issues relating to natural heritage associated with the current application.

LEGAL AGREEMENTS

- 60 Existing Section 75 Agreement applies.

DIRECTION BY SCOTTISH MINISTERS

- 61 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

- 62 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.
- 63 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 the development is carried out in accordance with the approved drawings and documents.

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

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 4 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

- 5 The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

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

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

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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain Road Construction Consent from the Council as Roads Authority if they wish to offer the Road up for adoption by the Council.

Background Papers: 6 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 29 March 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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