

Perth and Kinross Council
Development Management Committee – 18 January 2017
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse (in principle) on land SW of Strathview, Station Road, Abernethy

Ref. No: 16/01361/IPL
Ward No: 9 Almond and Earn

Summary

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

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the settlement boundary of Abernethy, the site comprising of part of the garden ground of the property Mansefield and with a large outbuilding in situ serving Mansefield.
- 2 To the north of the application site is Powrie Park, to the south is the existing property Mansefield, to the east is the access road with dwellings beyond and to the west is a further dwelling.
- 3 The proposal is for residential development in principle with an indicative site plan submitted with the access proposed to be taken from the existing access road to the east.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014

- 7 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 8 The principal relevant policies are, in summary:

Policy RD1 - Residential

- 9 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

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

Policy PM1B - Placemaking

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

Policy CF1 – Open Space Retention and Provision

- 12 CF1A related to existing open space and development proposals resulting in the loss of Sports Pitches, Parks and Open Space will not be permitted, except in circumstances where one or more of the criteria set out apply.

Policy PM3 - Infrastructure Contributions

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

OTHER POLICIES

- 14 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

SITE HISTORY

- 15 No recent history

CONSULTATIONS

EXTERNAL

- 16 **Scottish Water**

No response received

- 17 **Abernethy and District Community Council**

Object to proposal for the following reasons; poor state of access road and impact of development, road safety and impact on visual amenity.

INTERNAL

- 18 **Transport Planning**

No objection subject to a condition requiring the details of the access and parking to be submitted at the detailed stage.

- 19 **Developer Contributions and Affordable Housing Officer**

Planning condition required for a contribution towards transportation infrastructure and education.

REPRESENTATIONS

- 20 A total of two letters of representation were received, including one from the Abernethy and District Community Council (referred to above) objecting to the application. The letters raise the following relevant issues:

- Overdevelopment
- Loss of parking
- Road safety and road condition
- Impact on residential amenity – loss of privacy
- Damage to trees/loss of trees

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

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy Appraisal

- 23 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 24 The site forms part of the garden ground of what was the former manse. The Powrie Park is located to the north and part of the application site (the garden ground to the west) forms part of the wider open space zoning for the park under Policy CF1A Existing Areas of Open Space. The existing dwelling and the outbuilding to the east are zoned under Policy RD1 Residential Areas.
- 25 Policy RD1 encourages proposals for infill residential development at a density which represents the most efficient use of the site while respecting its environs. It is considered that the area of the application site, within this zoning, could accommodate a modest dwelling if designed and orientated to protect the amenity of the existing dwelling.
- 26 Policy CF1A Existing areas identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the local community for either recreational or amenity purposes. Development proposals which result in a loss of these areas will not be permitted except in circumstances where one of the criteria set out apply. One of the criteria is that the proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

- 27 The site visit has shown that the boundaries of the existing dwelling and its curtilage are well defined and distinctly separate from the adjacent recreational space. The existing east boundary of Mansefield, which is to the park, is formed by mature hedge and tree planting with an access road leading to properties beyond.
- 28 If the dwelling was erected in the area zoned for residential uses it would comply with policy. It is considered that as the remaining area is established garden ground and is to be retained as garden ground it would not be contrary to the open space policy as it forms a minor part which would not affect the continued use of the recreational ground.
- 29 The proposal is therefore considered to comply with the LDP.

Design/Layout

- 30 The proposal is in principle and an indicative plan has been submitted to show how a dwelling could be accommodated within the site. I would consider that the layout as shown could not be supported due to the close proximity to the existing property.
- 31 However an appropriately sized and designed dwelling located on/near the footprint of the existing outbuilding with the same orientation could be accommodated within the site but this would be dealt with at the detailed stage, if consent is granted to this current application.

Residential Amenity

- 32 As this is a planning in principle application, the siting/design/layout of the development is not under consideration at this stage. However, I'm confident that a layout can be achieved which would offer a suitable residential environment for any future resident, would not result in an unacceptable overlooking or loss of privacy to neighbours and would offer sufficient off street parking provision.

Road and Access

- 33 The application is in principle however indicative plans show a new vehicular access in the boundary wall to the west of the existing access. A detailed application would assess the acceptability of this access but the Transport Planner has no objection to the principle.
- 34 The public road ends at the bridge under the railway with the access becoming private after this point. It would therefore be for those who have ownership of the road to be responsible for the roads maintenance and upkeep.
- 35 It is considered that the addition of one dwelling would not have a significant detrimental impact on traffic or road safety.

Trees

- 36 The site has mature Beech trees located along the east boundary which should be retained and protected. The positioning of a dwelling centrally within the plot (where there are no trees existing) would also reduce any impact on trees.
- 37 To the front of the plot where the access is shown there is an orchard. It should be noted however that these trees are not covered by a Tree Preservation Order and the site is not located within a Conservation Area. The site has a stone wall and mature hedge to the road boundary which provide a strong frontage and containment. A tree survey will be required to justify any tree removal on the site and should any trees need to be removed compensatory planting may be required.

Biodiversity

- 38 The existing outbuilding on the site has the potential to provide opportunities for nesting birds and bat roosts. A condition will therefore be added to ensure that surveys are undertaken prior to the submission of an application for approval of matters specified by condition should in principle consent be granted.

Flooding and Drainage

- 39 The site is not located within an area of flood risk.
- 40 The agent has indicated that the development would be connected to the public drainage network and public water supply.

Developer Contributions

Primary Education

- 41 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 42 This proposal is within the catchment of Abernethy Primary School. As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of the appropriate contribution, if required, would be based on the status of the school when a detailed application is received.

Transport Infrastructure

- 43 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 44 The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

LEGAL AGREEMENTS

- 45 Not required

DIRECTION BY SCOTTISH MINISTERS

- 46 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 47 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve, subject to the following conditions:

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 3 Further to Condition 1 above, a Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
 - (b) in relation to every tree identified a schedule listing:
 - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
 - ii. any proposed pruning, felling or other work; and
 - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
 - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
 - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 4 The layout illustrated on the submitted indicative layout is not approved by this permission.

Reason - In order to clarify the terms of the permission which is granted in principle only.

- 5 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 6 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 3 The developer is advised that a suitable surface water drainage scheme (SUDS) will need to be incorporated into any development. Please refer to the Council's guidance note on Flooding & Drainage June 2014.

Background Papers

Contact Officer

Date:

Two letters of representation

Joanne Ferguson – Ext 75320

21 December 2016

NICK BRIAN
INTERIM HEAD OF PLANNING

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