

Perth and Kinross Council
Development Management Committee – 2 August 2017
Report of Handling by Interim Head of Planning

Erection of 3 dwellinghouses on Land 60 Metres North West Of The Former Masonic Hall, Dunkeld Road, Bankfoot

Ref. No: 16/01251/AML
Ward No: N5 – Strathtay

Summary

This report recommends approval of the application for the erection of 3 dwellinghouses and associated works as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the identified settlement boundary of Bankfoot. The site is bounded to the north by residential properties, to the east by agricultural land, to the west by the public road with housing beyond and to the south by the site of the former Masonic lodge which was recently demolished and has planning permission to be replaced by a dwellinghouse. The site is a steeply sloping area of dense semi-mature woodland which sits higher than the public road and continues to rise towards the eastern boundary.
- 2 In December 2012 planning permission in principle was granted for residential development on this site with access taken from the Dunkeld Road (Ref: 12/01868/IPL). No indicative layout was submitted with this application but it was suggested that there may be 4 plots.
- 3 An application for matters specified by conditions was then submitted in November 2015 for the erection of 4 detached dwellings within the site (Ref: 15/02026/AML). The site was to be split into four similar sized plots with each house located within the eastern half of the plots, towards the top of the steeply sloping site. The proposed houses were all identical in design being 1.5 storey structures of traditional design with rooms in the roof space served by dormers. This application was refused as the layout of the proposed development failed to provide sufficient usable private amenity space, particularly in relation to Plot 4, and the layout of the development also did not reflect the prevailing established building line. The proposals also lacked any details in relation to surface water drainage.
- 4 Following the refusal of the above application the applicant engaged in further pre-application discussions and it was agreed that the development would be reduced in size and the layout would better reflect the prevailing building pattern. It was also agreed that further details relative to both the access and surface water drainage would be submitted.

- 5 An application for matters specified by conditions is again being sought but based on a reduced scheme comprising of 3 detached houses. The site has been split into three large plots with each house built into the slope of the site. The layout of the houses has been staggered in order to better reflect the existing building line and positioning of the houses. This also ensures that each plot will be served with a reasonable area of useable private amenity space. To the south of Plot 3 a belt of woodland will also now be retained in order to provide improved screening to both the proposed housing plot to the east and also reduce the visual impact of the development.
- 6 The proposed houses are 1.5 storey structures of traditional design with rooms in the roof space. The finishing materials are detailed as wet dash render, natural stone, timber cladding, slate roof tiles and timber windows and doors. Access to the development will be taken from a new private access onto the Dunkeld Road which will require substantial engineering works due to the steep gradient of the site, particularly at the access point onto the public road.
- 7 It is proposed that all surface water will be handled on site by a SUDS arrangements comprising of a mixture of soakaway trenches and filter drains. All waste water from the development will be connected to the existing public waste water treatment plant which services Bankfoot.

NATIONAL POLICY AND GUIDANCE

- 8 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

Scottish Planning Policy 2014

- 9 The Scottish Planning Policy (SPP) was published on June 23 2014. It 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.
- 10 Of relevance to this application are:
 - Paragraphs 109 – 134: Enabling Delivery of New Homes

DEVELOPMENT PLAN

- 11 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 12 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.”*

- 13 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

- 14 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 15 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.

- 16 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 17 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

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

Policy PM3 - Infrastructure Contributions

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

Policy RD1 – Residential Areas

- 20 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where 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 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 NE2A – Forestry, Woodland and Trees

- 23 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B – Forestry, Woodland and Trees

- 24 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 – Biodiversity

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

OTHER POLICIES

Developer Contributions and Affordable Housing Guide 2016

- 26 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

SITE HISTORY

- 27 12/01868/IPL – Residential development (in principle), 24 December 2012, Approved

- 28 15/02026/AML – Erection of 4no dwellinghouses (matters specified by conditions),
4 February 2016 Refused

CONSULTATIONS

External:

- 29 **Scottish Water** – No comments received.
- 30 **Auchtergaven Community Council** – Object to the proposals on the basis of lack of capacity of the existing sewage system that serves Bankfoot and the potential of flooding from surface water.
- 31 **Forestry Commission** – Object to the felling of the woodland unless appropriate compensatory planting is agreed with the Forestry Commission prior to the development being approved / commencing.

Internal:

- 32 **Transport Planning** – No objection to proposed development subject to conditions relating to access and visibility.
- 33 **Structures and Flooding (SFT)** – No objection to this application. Flood Team are satisfied with the proposed detailed surface water drainage proposals.
- 34 **Contributions Officer** – No contributions are required in this instance in respect to both education and infrastructure.

REPRESENTATIONS

- 35 7 valid letters of objection have been received from 6 local residents and Auchtergaven Community Council. The grounds of objection can be summarised as follows:
- Impact on road safety
 - Flood risk from increased surface water
 - Lack of capacity at local sewage treatment works
 - Visual impact of proposed development
 - Lack of capacity at Bankfoot Primary School
- 36 These issues are addressed in the Appraisal section of this report.

37 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 submitted
Report on Impact or Potential Impact	Surface Water Drainage Proposals submitted

APPRAISAL

Policy

- 38 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 most relevant policy considerations are outlined in the policy section above and will be considered in more detail below.
- 39 The proposed site is located within the village settlement boundaries of Bankfoot where Policies RD1 'Residential Areas' and PM1 'Placemaking' of the Perth and Kinross Local Development Plan 2014 (LDP) are directly applicable.
- 40 Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 41 Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 42 Other relevant policy considerations are identified within the in the policy section.
- 43 The principle of residential development has already been established through the 2012 in principle consent (12/01868/IPL). It is therefore considered that the main issues to consider in the assessment of this application relates to the scale, design and layout and other relevant matters such as surface water drainage and access. The conditions of the relevant in principle consent are also a significant material consideration.
- 44 For reasons stated below, and subject to restrictive conditions being imposed on any consent, I consider this detailed proposal to be consistent with all the aforementioned policies and the conditions of the 2012 in principle consent.

Design and Layout

- 45 As expressed in the assessment of the previous proposals, the scale and design of the proposed houses are considered to be acceptable. The traditional design coupled with use of high quality finishing materials such as natural stone and timber cladding, natural slate and timber windows will appear in keeping within the prevailing style of traditional buildings within the surrounding area.
- 46 The main issues within the previous plans related largely to the layout and number of plots proposed. The original layout comprising of 4 plots with an arbitrary building line that failed to reflect the building line of the housing to the south east. It was also considered that the steep gradient of the site meant that it was not feasible to accommodate 4 plots whilst providing a reasonable area of private amenity space to each property. This was particularly notable on Plot 4, which although having a reasonable size of plot, the gradient of the site meant that the house was pushed to the top of the site and left very little usable private amenity space.
- 47 In order to address the above concerns the applicant has removed Plot 4 and improved the offering of usable private amenity space for each of the three remaining plots. Furthermore, as recommended, the layout of the houses have also been staggered in order to better fit with the building line to the north and south of the site.
- 48 It is therefore considered that the scale, design and finish of the proposed dwellings are acceptable and in accordance with Placemaking Policies PM1A and PM1B.

Residential Amenity

- 49 It is considered that the proposed layout of the development provides an acceptable level of amenity for both the residents of the proposed new houses and the existing neighbouring houses adjacent to the site.
- 50 Whilst on plan each of the plots are relatively sizeable, the sloping gradient of the site provides challenges in terms of providing useable private amenity space. However, as demonstrated in the detailed cross sectional plans, the proposals will involve quite a considerable amount of regrading of the ground levels with a large amount of earth removed to create a developable site. These works also include the formation of reasonably large areas of useable rear garden areas which are of a sufficient size and exceed the Council's normal standards for private amenity space.
- 51 In terms of neighbouring amenity, the position of the proposed houses relative to the adjacent neighbouring properties and the distance of the houses from any mutual boundaries are such that overlooking or overshadowing is not considered to be an issue. The property that would arguable be most affected by the proposals will be the existing house at Ardarth to the North West of the site which will share a mutual boundary with Plot 1. However having reviewed the plans and visited the site it is assessed that proposals will retain a sufficient gap between the two properties (approx.10 metres) which is comparable to prevailing pattern of

development in the area. There will also be no windows at first floor level within 9 metres of the boundary. The other nearby dwellings to the west over the Dunkeld Road and the development plot to south on the site of the former masonic lodge are at least 37 metres and 16 metres from the proposed housing respectively.

- 52 It is therefore considered that the proposed development will not result in any significant impact on neighbouring residential amenity and as such complies with Policy RD1 of the LDP.

Roads and Access

- 53 It is noted that a number of concerns have been expressed in regards to road safety, particularly in relation to parking and the gradient of the proposed new access.
- 54 In this regard the Council's Transport Planner has been consulted and whilst he acknowledges the concerns in relation to the road safety, he has assessed that the proposed gradient of the access is acceptable for a development of this scale and that each plot will have ample off-street parking. It is however noted that suitable measures would need to be put in place to prevent surface water draining onto the road but the applicant has submitted a detailed surface water drainage plan (SUDs) which should adequately deal with this matter and negates the need for the condition regarding the gradient of the access – the SUDs scheme is discussed in greater detail below.
- 55 In regards to the concerns expressed in relation to residents parking their vehicles on the roadside during poor weather, this is not considered to be a relevant issue in the determination of this application. In any case, whilst it is acknowledged that the proposed access will be relatively steep, the gradient is no greater than many other accesses in the area.

Flood Risk

- 56 The site is not located within any areas at risk to a 1 in 200 year flood event, as per SEPAs indicative flood maps. The Structures and Flooding Team (SFT) have also been consulted and they have not raised any concerns specifically in relation to flooding within the proposed site. As such the site is not considered to be at risk to flooding.

Surface Water Drainage

- 57 As stated above the site is not at risk to flooding but concerns have been expressed about the potential for surface water flooding from the proposed development. The main concern is that the removal of the trees and shrubs along with the introduction of surfaced areas, such as the access, may result in increased surface water running from the site and possibly exacerbating the existing flooding nearby and elsewhere in Bankfoot.
- 58 As stated in under Policy EP3C of the LDP any proposed development must employ SUDS measures. In order to demonstrate that the proposed development will adequately deal with all surface water the applicant has submitted detailed

drainage proposals which details how surface water will be attenuated within the site. The initial drainage assessment submitted with the application was considered to be insufficient and failed to adequately demonstrate that the ground conditions on the site were suitable to provide workable SUDS measures. However the applicant has now undertaken a far more thorough assessment of the site including trial pits and percolation tests in order to design a detailed SUDS scheme which will be capable of attenuating any surface water within the site. SFT has reviewed the revised drainage proposals and confirmed that they are satisfied with the proposed SUDS measures.

- 59 It is therefore considered that the applicant has now adequately demonstrated that the proposed development can comply with the requirements of Policy EP3C.

Foul Water Drainage

- 60 The applicant is proposing to dispose of foul effluent to the public sewer which is the preferred method of disposal and complies with the requirements of Policy EP3B 'Water, Environment and Drainage'.
- 61 It is noted that concerns have been expressed regarding the capacity of the public waste water treatment works. In this regard Scottish Water has been consulted but no response has been received. However it is understood that there may presently be limited capacity at the Bankfoot Wastewater Treatment Works. The lack of drainage capacity would obviously have a direct impact on the ability to develop the site but it is considered to be a separate matter that the applicant should discuss directly with Scottish Water.

Removal of Woodland

- 62 At present the site is quite heavily wooded with mixed native woodland which was planted during the early 1990's as part of a Woodland Grant Scheme. The proposed development will result the loss of the vast majority of the trees within the site but it is important to highlight these trees are not protected and principle of residential development has already been established on the site.
- 63 However it is noted that the Forestry Commission have objected to the felling of the woodland unless appropriate compensatory planting is agreed with the Forestry Commission prior to the development being approved / commencing.
- 64 In response to this objection the applicant has advised the Forestry Commission that they would be more than willing to carry out compensatory planting in consultation with the Commission and the Council in association with the commencement of the development. A condition has therefore been applied (Condition 4) which requires the submission and approval of a compensatory planting plan prior to the commencement of any works.

Biodiversity

- 65 As outlined above the site is heavily wooded and the proposed development will result in the removal of the vast majority of the trees. The removal of the trees has been discussed with the Council's Biodiversity Officer and it has been agreed that the existing site is quite overgrown and is not of any outstanding value in terms of wildlife habit. As such the clearance of the site is unlikely to have any significant impact on wildlife provided that the tree felling and ground clearance works are undertaken out with the bird breeding season which is covered by condition (Condition 11).

DEVELOPER CONTRIBUTIONS

Education

- 66 The Council's 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.
- 67 This proposal is within the catchment of Auchtergaven Primary School which at the time this application was submitted had no capacity concerns.
- 68 As such no education contributions are required in this instance.

Transport Infrastructure

- 69 The Council's 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.
- 70 The site had in principle consent which pre-dated the adoption of the Guidance. Whilst this consent is no longer valid, it is considered to be a significant material consideration as it was still valid when the previously refused application was submitted in 2015. As this application is a resubmission within a year following the refusal of the 2015 application it has been agreed that it would be unreasonable to apply the guidance in respect to transport infrastructure contributions. As such the Transport Infrastructure Supplementary Guidance has not been applied in this instance.

ECONOMIC DEVELOPMENT

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

LEGAL AGREEMENTS

72 None required.

DIRECTION BY SCOTTISH MINISTERS

73 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

74 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 the application subject to the following conditions:

1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

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

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

3 All foul drainage from the proposed development must be connected to the existing public drainage system.

Reason - To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

4 Prior to the commencement of development a detailed scheme of compensatory woodland planting, including timescales for completion shall be submitted for the approval of Planning Authority in consultation with the Forestry Commission.

Thereafter the approved scheme shall be implemented in full to the satisfaction of both the Planning Authority and the Forestry Commission.

Reason - In order to ensure that adequate compensatory planting is undertaken to mitigate against the loss of the existing woodland.

- 5 The detailed sustainable urban drainage system (SUDS) shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of any dwellinghouse.

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

- 6 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles 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 - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 7 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 8 Prior to the commencement of the development hereby approved, full visibility splays of 2.4m by 43.00m shall be provided to the left and right of the access measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 9 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 10 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 11 The removal of vegetation, including trees and shrubs shall not take place between 1st March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted for the approval of the Planning Authority prior to commencement of works.

Reason - In order to protect any nesting birds during the breeding season.

- 12 The ground works associated with the redevelopment of the site shall be undertaken strictly in accordance with the approved plans. Upon the completion of the ground works and prior to the formation of the foundations of the proposed houses the developer shall notify the Planning Authority for the purposes of inspecting and verifying the finished ground levels.

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 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.
- 2 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.
- 3 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.

- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & 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
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: 7 letters of representation

Contact Officer: David Niven – Ext 75345

Date: 12 July 2017

Nick Brian
Interim Head of Planning

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.