

Perth and Kinross Council
Development Management Committee – 21 August 2013
Report of Handling by Development Quality Manager

Residential development (in principle) at Land Between Loyal Road and Airlie View, Alyth

Ref. No: 13/00615/IPL
Ward No: 2 - Strathmore

Summary

This report recommends approval of a planning in principle application for a residential development at the northern end of Alyth, on the grounds that the proposal is consistent with the Development Plan and the Council's proposed Local Development Plan 2012.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to an area of ground, roughly triangular in shape which is located at the northern end of Alyth, with the 'tip of the triangle facing south. The majority of the site is currently used as a grassed paddock, with a small wedge of land to the east of the site covered in mature trees. Mature trees also align the sites northern boundary. The 0.8 ha site is relatively flat on its western section, with the eastern section gently sloping down toward a small burn which runs along the site's northern boundary. The burn is flanked by mature trees on both sides. Along the other boundaries are the rear gardens of existing residential properties.
- 2 The site is accessed by a narrow existing field access from Loyal Road to the west, whilst a second vehicular access is achievable via the end of an existing road known as Airlie View, which butts a section of the southern boundary of the site.
- 3 This planning application seeks to obtain a planning in principle consent for a residential development. Whilst no indicative layout has been submitted by the applicant, they have nevertheless suggested an indicative number of 20 units within their supporting statement. The applicant has also indicated that the main vehicular access into the site will be via Airlie View.

NATIONAL POLICY AND GUIDANCE

- 4 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. Of particular relevance to this planning application are:-

Scottish Planning Policy 2010

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system;
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006;
- concise subject planning policies, including the implications for development planning and development management; and
- the Scottish Government's expectations of the intended outcomes of the planning system.

6 Of relevance to this application are

- Paragraphs 66-91, Housing

DEVELOPMENT PLAN

7 The Development Plan for the area consists of the approved **TAYplan Strategic Development Plan 2012** and the adopted **Eastern Area Local Plan 1998**. Whilst there are broad general policies of relevance contained in the Tay Plan, the key Development Plan Policy is found in the Local Plan.

8 Within the Local Plan, the site lies within the settlement boundary of Alyth, within an area identified as being residential with compatible uses where **Policy 56** is directly applicable. Policy 56 seeks to ensure that the existing residential amenity is protected (and where possible improved) and states that when sites become available for development, housing will generally be the most obvious use, providing that the development does not adversely affect the character, density and amenity of the area concerned. Policy 56 also states that small areas of private open space will be retained when it is of recreational or amenity value.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012

9 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

10 Under the Proposed Local Development Plan, the site lies within the settlement boundary of Alyth where **Policy RD1: Residential areas** and **Policy RD4: Affordable Housing** are directly applicable.

Policy RD1: Residential Areas

- 11 The Plan identifies areas of residential and compatible uses where existing 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 away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable. Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area: (a) Infill residential development of a similar density to its environs; (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area; (c) Proposals which will improve the character and environment of the area or village; (d) Business, home working, tourism or leisure activities.(e) Proposals for improvements to community and educational facilities.

Policy RD4: Affordable Housing

- 12 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

OTHER POLICIES

Developer Contributions 2012

- 13 The Primary Education Contributions element of the Guidance is applicable to all new mainstream housing proposals within Perth and Kinross. In instances when the development is located within the catchment of a school which is at capacity (or would be as a result of the development proposed), a financial contribution towards improved educational infrastructure provision will be required.

Affordable Housing Policy 2005

- 14 This policy seeks to ensure that all new proposals for residential sites comprising 5 or more units address the issue of affordable housing, whether it be onsite provision or a commuted payment in lieu of providing onsite provision.

SITE HISTORY

- 15 There is no recent planning history specifically relevant to this site. It is noted that within the representations reference has been made to a previously

refused application on this site. The Council has checked its records back to 1990, and there is no record of a planning application on this site.

CONSULTATIONS

- 16 **The Executive Director (Education and Children Services)** has indicated that the local primary school (Kinnoull) is currently operating at over 80% capacity.
- 17 **The Flooding Team** has commented on the planning application and raised no objection to the proposal, subject to a detailed Flood Risk Assessment accompanying any detailed submission.
- 18 **Scottish Water** have commented on the planning application and raised no objection to the proposal.
- 19 **Access Officer** has commented on the planning application in terms of the impact on existing core paths and right of ways and recommended that the existing core paths and rights of way are kept free from additional vehicular movements.

REPRESENTATIONS

- 20 Fourteen letters of representations have been received, including one from the local community council all of which are objecting to the proposal. In addition to this, a petition signed by nine local residents has been received. The main issues raised within the representations are,

- Contrary to the Development Plan
- Contrary to the Proposed LDP 2012
- Adverse impact on existing visual amenity
- Adverse impact on existing residential amenity
- Drainage Implications
- Flooding issues
- Traffic / Access Issues
- Adverse impact on existing wildlife
- Tree loss
- Loss of an existing historic bridge
- No requirement for more housing in the local area
- No environmental Statement submitted

- 21 These issues are addressed in the appraisal section of the report.

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
Report on Impact or Potential Impact	None

APPRAISAL

Policy

- 22 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. Accordingly, the key test of the acceptability of this proposal is whether or not the proposed land use (for residential) accords with the Development Plan, and whether other material considerations, including the Proposed Local Development Plan, offer sufficient weight to approve or refuse consent. For reasons stated elsewhere, I consider the proposal to be entirely in line with the Development Plan i.e. the adopted Local Plan and the Proposed Local Development Plan.

Land Use

- 23 The application site lies within the settlement boundary of Alyth in both the adopted Local Plan and the proposed Local Development Plan. Both Plans indicate that when sites within settlement boundaries become available for development, their most obvious use will be for residential. However, both the Local Plan and the proposed Local Development Plan seek to restrict new development when it would adversely affect the density, character or amenity of the area concerned. To this end, I consider the key test of the acceptability (or otherwise) of this proposal in land use terms to be whether or not a residential development on this site would have an adverse impact on the character, density or amenity of the area.
- 24 In terms of the impact on the character of the area, as the site is surrounded by existing housing on two of its three sides the general character of the surrounding area is clearly a residential one. A suitably designed residential development on this site, reflecting the surrounding house types, layout and densities, would in my view, be perfectly in keeping with the existing, surrounding character of the area and would not in my opinion have an adverse impact on the general character of the surrounding area. However, I note that within the representations concerns have been raised regarding impact that the proposal will have on the visual amenity value associated with the openness of the site, which is considered by some objectors to be a key characteristic of the local area, and that its removal would be to the detriment to the general amenity of the area. Although I appreciate the concerns of the local residents, it is a matter of fact that the site is within private ownership and is not operating as (or likely to be) a functional area of open space for the community, or even one which is available for public use. Whilst the historic openness and 'green' appearance of the site undoubtedly has a degree of visual amenity value for the neighbouring residents who overlook it, the lack of a functional recreational purposes makes it extremely difficult to make a valid argument for its retention as a private area of open space, particularly as the land in question has not

been identified in either the current Local Plan or the proposed Local Development Plan as an area of open space which should be retained and / or protected. Both these plans identify areas of both private and public open space within settlements which have a high amenity value and should be protected, however this site is not one of them.

- 25 In terms of the impact on the density and residential amenity, as this is a planning in principle application no numbers or layout are to be approved as part of this development. Nevertheless, I am satisfied that a suitably designed development can be achieved which would be inkeeping with the existing surrounding building pattern and density, whilst not adversely affecting the residential amenity presently enjoyed by neighbouring residents.

Impact on Wildlife

- 26 Within the representations, concerns have been raised regarding the impact that this proposal will have on the local wildlife. Although there are no known protected species within the site, or within the immediate area, as part of a detailed planning application a detailed wildlife habitat survey of the site and surrounding trees will be requested to ensure that no local wildlife is adversely affected by the proposal.

Loss of Agricultural Land

- 27 The site is currently used for rough grassing, with horses occupying the site at the time of the site visit in June. The land in question is not prime agricultural land and to this end, and bearing in mind its physical size, its potential permanent loss does not comprise the functionality of agricultural operations in the area.

Impact on Trees

- 28 Although the majority of the site is grassed, there are a number of trees which align the burn to the north which are within the sites boundaries, as well as a small section of trees on the area to the east of Airlie View. It is expected that the applicant will seek to remove some of the mature trees in both these sections; however I see no reason as to why the majority of the trees cannot be retained. Whilst I acknowledge that the trees are not prime examples of specimen trees, collectively, they nevertheless have a visual amenity value which should be retained and incorporated into a detailed scheme.

Impact on Residential Amenity

- 29 In terms of the potential direct impact on existing residential amenity i.e. overlooking or loss of privacy, I am satisfied that an appropriately designed development can be accommodated on this site which will not compromise existing residential amenity and be in line with the Councils standards in terms of separation distances, depth of rear gardens etc.

Impact on Visual Amenity

- 30 As stated previously, the development will have an impact on the visual amenity of the area as it will result in the removal of an existing area of open space. However, subject to a suitability designed detailed submission (which includes the retention of the existing trees), I am confident that the development can be visually compatible with the existing surrounding area.

Road and Pedestrian Safety

- 31 I note that within the representations, considerable concerns have been raised regarding the potential increase in traffic movements on the local roads that this development may generate and the suitability of the means of accessing the site via Airlie View. Whilst the development will inevitably increase the amount of vehicles on the local roads, the local road network is capable of accommodating any increases without jeopardising road or pedestrian safety. With regard to the means of access to the site, vehicular access to the site will be via Airlie View, which is an existing adopted public road with associated footpath. My colleagues in Transport Planning consider Airlie View as being a suitable means of accessing the site, and I have no reason to offer a different view on this matter. A secondary non-vehicular access onto Loyal Royal may be requested, to allow movement from the development site (either by foot or cycle) in either an easterly or westerly direction.

Drainage

- 32 Within the representations concerns have been raised regarding the proposed drainage of the site, and the implications that the development will have on existing private drainage systems which are located within the site. The site lies within a publicly sewered area and to this end the site will be connected to the public system. With regard to the existing infrastructure which may be located on the site, this is a civil matter between the parties involved which would be resolvable through a suitable technical solution.

Affordable Housing

- 32 As the site is likely to comprise more than 5 residential units, there will be a requirement for the applicant to comply with the Council's affordable housing policy. As per standard practice for planning in principle applications, it is recommended that a standard condition is attached to any consent to ensure that the development complies with Council policy.

Primary Education Contributions

- 33 As the site is likely to comprise some mainstream housing, there will be a requirement for the applicant to comply with the Council's Developer Contributions 2012 document, which requires a financial contribution if the local primary school is operating at over 80% capacity. As per standard practice for planning in principle applications, it is recommended that a standard condition

is attached to any consent to ensure that the development complies with Council policy.

Housing Need

- 34 Within the representations, comments have been made in respect of the number of houses being proposed within the Alyth area, through the various consented developments or proposed sites and / or allocations in the current Local Plan and the proposed sites suggested in the Local Development Plan 2012. Although this site has not been allocated specifically for housing in either the adopted Local Plan or the proposed Local Development Plan, settlement boundaries are typically drawn in such a way as to allow for additional development opportunities to come forward if they are appropriate, and this position is explicitly stated in the text of the proposed Local Development Plan. The question of whether or not there is a need for new housing in an area is one for the developer involved to consider fully prior to starting a building programme, however I do not consider the perceived slow movement on some housing sites to be a valid reason for rejecting this proposal.

Impact on Existing Bridge

- 35 Within the representations concerns regarding the potential removal of an old WW2 bridge have been raised. A small bridge is located within the site at the eastern end of the site, and although it may have some local relevance is not specifically protected in any way. As this structure has the potential to influence the sites potential to flood, its retention (or otherwise) will be fully considered as part of a detailed submission.

Flooding

- 36 The site is adjacent to a small watercourse, which is locally known as the 'Back Burn'. Whilst this watercourse is not identified by SEPA on their flood risk maps, the Council's Flooding Team nevertheless consider there to be potential for some of the northern part to be affected by flood waters. However, as the implications of flooding are likely to affect only a small section of the site (if any) they are content that this matter can be addressed further at the detailed planning application stage and I agree with this approach. In terms of surface water run off, although it is unlikely that the development of the site will affect neighbouring properties due to the natural topography of the site, the satisfactory disposal of surface water will be fully considered as part of any detailed submission.

LEGAL AGREEMENTS

- 37 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 38 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

- 39 The proposal is for a residential development on a logical infill site within the settlement boundary of Alyth. Whilst I appreciate the concerns of the objectors, the principle of housing on this site raises no issues in land use terms and subject to an appropriate layout being developed will not adversely affect the visual or residential amenity of the area.

RECOMMENDATION

A Approve the planning application subject to the following conditions:-

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site, a detailed flood risk assessment, a detailed drainage investigation and a wildlife survey of the site.
- 3 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 and to the satisfaction of the Planning Authority. Additional access points to the site should be explored to ensure that the layout accords with the Scottish Governments Designing Streets policy.
- 4 Unless otherwise agreed in writing, all trees shall be retained to the satisfaction of the Council as Planning Authority.
- 5 The proposal must accord fully with the Council's approved Developer Contributions 2012 document.

- 6 The proposal must accord fully with the Council's approved Affordable Housing Policy 2005.
- 7 The numbers of dwellings are not approved as part of this consent.

Reasons:-

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 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 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 4 In order to protect existing visual amenity.
- 5-6 In order to comply with Council Policy.
- 7 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.

B JUSTIFICATION

The proposal is considered to in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 The applicant is advised that in terms of Section 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 Environment Protection Agency.
- 3 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 Environment Protection Agency.

- 4 The applicant should be aware of existence of the core path, right of way and CATERAN Trail which runs north-west of the site. It is recommended that these paths should be excluded from any construction traffic movements.
- 5 The applicant is advised that there are septic tanks located within the application site and the applicant should ensure these are dealt with satisfactorily when designing the proposed development.

Background Papers: 14 letters of representation, and one petition.
Contact Officer: Andy Baxter – Ext 75339
Date: 01 August 2013

Nick Brian
Development Quality Manager

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Perth & Kinross Council

13/00615/IPL

Land between Loyal Road and Airlie View, Alyth

Residential development (in principle)



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↑ Scale
1:7500

