

Perth and Kinross Council
Development Management Committee – 10 September 2014
Report of Handling by Development Quality Manager

Erection of 4 dwellinghouses (change of house type in retrospect), Land to the North of High Street, Rattray

Ref: No: 14/01161/FLL
Ward No: 3 Blairgowrie & Glens

Summary

This report recommends approval of the application as the proposal is assessed to not adversely affect the visual or residential amenity of the area and is considered to comply with the Scottish Planning Policy (2014) and the Development Plan for the area.

BACKGROUND AND DESCRIPTION

- 1 The application relates to plots 1-4 of Kinloch Gardens in Rattray which are two semi-detached pairings extending to approximately 615 sq m and all fronting Rattray High Street. The wider site forming part of planning consent 10/01372/FLM extends to approximately 3 hectares of previously undeveloped agricultural land with a frontage to the High Street in Rattray. Rattray Primary School lies immediately adjacent to the western site boundary next to the High Street and public open space adjoins the remainder of the west boundary.
- 2 Plots 1-4 were built out respecting current building standards, but without applying to alter or modify the approved planning drawings, which related to original planning application 10/01372/FLM. As a result, the dwellings are built outwith the original footprint of the approved consent, extending by 600mm on each semi-detached unit, resulting in a building line 1.2 metres closer to the boundary of residential property Fairfield, fronting onto Rattray High Street.
- 3 This planning application seeks retrospective planning consent for the increased footprint and revised situation of residential dwellings referred to as plots 1-4 of Kinloch Gardens. As part of the planning submission, mitigation measures have been proposed in the form of a 300mm high trellis fixed on top of the existing boundary fence with ivy planters along the eastern boundary of plot 4 and 3 rowan trees planted along the common boundary, adjacent to Fairfield.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of relevance to this application is,
Scottish Planning Policy 2014
- 5 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.

Of relevance to this application are:

- Paragraphs 109 – 134: Enabling Delivery of New Homes

DEVELOPMENT PLAN

- 6 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

- 7 Whilst there are no specific strategies or policies 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

- 8 The Local Development Plan 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.
- 9 Within the Local Development Plan, the site lies within the settlement boundary of Rattray within an approved housing site where the following policies are directly applicable.

Policy RD1 - Residential Areas

- 10 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained, 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

- 11 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

12 All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES

13 None

SITE HISTORY

14 10/01372/FLM – erection of a residential development of 81 dwellings (16 flats & 65 houses). Approved.

CONSULTATIONS

15 None

REPRESENTATIONS

16 There has been one letter of representation relating to the application, which can be summarised as follows:

- Loss of direct sunlight into dwelling.
- Loss of daylight.
- Loss of privacy in dwelling and garden.
- Concern of flooding into garden.
- Lack of consideration to neighbouring properties as a result of development and throughout the development process.

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	None submitted
Report on Impact or Potential Impact	None submitted

APPRAISAL

Policy

17 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 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.

- 18 The proposals continue to accord with the development plan, specifically policies, RD1, PM1A and PM1B, provided that they do not cause harm to local amenity.

Design and Appearance

- 19 There are no fundamental changes to the design and appearance of the extant consent. Principally, the overall development and plots has increased in floor area to encroach a further 1.2m overall towards the eastern boundary. There are associated mitigation measures of the trellis arrangement and landscaping of ivy and tree planting along the eastern boundary. The design, appearance and amended situation of the dwellings remain to be considered as appropriate in this context.

Residential Amenity

- 20 In assessing the physical, built situation currently on site, the case officer has been in a position to fully appreciate the impact of the amendments in relation to the impact on residential amenity of the neighbouring property. The points of objection have all been fully considered in relation to the application and the resultant built form. There is acknowledged to be some additional impact experienced through the loss of natural sunlight to parts of the residential unit through late afternoon and evening sun, but in its overall context, the impact is not assessed to result in an significant adverse impact to neighbouring amenity.
- 21 There will be indirect overlooking experienced from plot 4 bedroom windows across parts of the garden of neighbouring 'Fairfield'. This and the overall arrangement experienced through the built development is not uncommon in a semi-detached and terraced building arrangement, particularly in a High Street context and would not constitute a material reason for refusal when compared to the extant consent or in relation to Policy RD1, PM1A and PM1B of the Development Plan. In addition, this is also not considered to be significantly greater than would have been the case of the previously approved layout.
- 22 There should be no resultant flooding into neighbouring gardens from this development, with sustainable urban drainage an integral element factored into all development of this nature and scale. Run-off rates should conversely be no worse or improved from that experienced when the site was operating as an agricultural field.
- 23 Fundamentally, the nature and extent of the changes experienced in this situation, whilst representing a material change to the extant planning consent, is not assessed to constitute a material reason for refusal in this context. The overall situation, aspect and scale of the built development are not assessed to generate an adverse impact on neighbouring amenity in this case, importantly in comparison to the consented development. The impact of built development compared to an undeveloped agricultural field is considered a natural and relevant factor in relation to the objection received. The point relating to the lack of consideration to neighbouring properties as a result of the development is not a material consideration which the planning authority can comment on.

Economic Development

- 24 This forms part of an extant consented development. Failing to achieve this amendment would impact on securing a building warrant and viably marketing and selling the individual residential premises. This however has limited weighting on the overall recommendation.

Mitigation proposals

- 25 A 300mm trellis fixed on top of the existing boundary fence between Fairfield and plot 4 has been included as part of the application, alongside ivy planting and 3 rowan trees planted along the boundary with Fairfield, on an area of common land. Whilst the mitigation measures do not constitute an overarching material reason in relation to whether or not to support the application for the amended house types and situation in this context, they are nonetheless welcomed as part of the submission, providing an improvement to the situation overall, assisting in softening the boundary edge with Fairfield through natural landscaping.

Traffic Safety/Access

- 26 The access and parking arrangements remain as per the approved development and there would be no change to the traffic generated by the proposals

LEGAL AGREEMENTS

- 27 None required.

DIRECTION BY SCOTTISH MINISTERS

- 28 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

- 29 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In respect of the above assessment, the proposal is considered to comply with the overriding aims and policy objectives of the approved TAYplan 2012 and the adopted Local Development Plan 2014.

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 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse (referred to as plots 1-4) are hereby revoked in full.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of individual plots.

- 3 All associated landscaping elements shall be planted within the next available planting season to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 4 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan and there are no overriding material reasons which justify departing from the Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 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.
- 2 An application for Building Warrant will be required.

Background Papers: 1 letter of objection
Contact Officer: Callum Petrie Ext 75353
Date: 20 August 2014

Nick Brian
Development Quality Manager

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