

Perth and Kinross Council
Development Management Committee – 15 October 2014
Report of Handling by Development Quality Manager

Modification of permission 13/00722/FLL (residential development) Change of house type on plot 11 at Land 30 metres South East of 9 Byres House, Dunning.

Ref: No: 14/01311/FLL
Ward No: 7- Strathallan

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 OF PROPOSAL

- 1 Rossie Farm is located 2km to the west of Dunning and 5km east of Auchterarder.
- 2 The application site forms Phase 2 of a larger planning consent 07/00612/FLL, which consisted in excess of 20 residential units, over 3 phases. The first phase of development included the original Category C Listed steading, directly associated with the principal farmhouse.
- 3 The C Listed steading has now been fully converted with all plots apart from plot 11 now developed out as part of Phase 2. The 2013 planning application (13/00722/FLL) involving plots 11 and 13 was a result of a review of the development scale and plot sizes, with plots 11 and 13 no longer mirroring plots 9 and 10, extending to one storey with accommodation in the roof, instead of a full two storey height. At this time, the modified dwelling types included a reduction in ground floor area of approximately 30%, with a more substantial drop in overall internal floor area lost over the two levels.
- 4 This current application looks for a further modification of plot 11 from planning consent 13/00722/FLL to accommodate an additional garage with ground floor store to rear and living accommodation above, increasing the ground floor area to approximately 175 sqm, extending a further 3 metres north east. The overall build proportions are calculated to remain less than 30% of the overall building plot. A two metre distance will be maintained to the existing northern western boundary edge of plot 11. The overall extended floor area will be approximately 25sqm greater than that approved in application 13/00722/FLL; 35sqm less than the original consent 07/00612/FLL. The hipped roof will rise from 3m at wall-head height to a full ridge height of 6.6m. A velux window is proposed on the north eastern elevation, serving an ensuite bathroom. The materials and architectural details will tie in directly with the

existing consent and remains consistent with the remainder of the Rossie Development.

- 5 Additional changes from planning consent 13/00722/FLL, which were not discussed prior to this formal submission include;
- the introduction of full height glazed doors on the south east elevation serving a master bedroom on the ground floor,
 - fenestration alteration on the south east balcony and timber clad finishing within the balcony gable.
 - an additional dormer has also been proposed on the north west elevation principal roof plane.
 - full height glazing and balcony are proposed instead of the existing approved dormer window on the south west elevation, served off the upper floor hall, which shall be further discussed within the appraisal.

SITE HISTORY

- 6 07/0/00612/FL Demolition of existing redundant farm buildings, alterations and extension to existing farm buildings to form 8 dwellinghouses and erection of 14 new dwellinghouses, Rossie Farm Dunning Approved 31 August 2007 (DC Committee 27/06/2007).

13/00722/FLL Modification of existing consent (07/00612/FLL) Change of house type on plots 11 and 13 – 13 June 2013 Application Permitted under delegated powers.

NATIONAL POLICY AND GUIDANCE

- 7 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, and a series of Circulars.

Scottish Planning Policy 2014

- 8 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.
- 9 Of relevance to this application are:
- Paragraphs 109 – 134: Enabling Delivery of New Homes

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 11 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

- 12 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.
- 13 The principal relevant policies are, in summary:
- 14 **Policy PM1A - Placemaking**
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.
- 15 **Policy PM1B - Placemaking**
All proposals should meet all eight of the placemaking criteria.
- 16 **Policy HE2 - Listed Buildings**
There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

REPRESENTATIONS

- 17 The following points were raised in the 8 representations received:
- Increase in build size versus plot;
 - Access path between plots 11,12 and 13 lost;
 - Symmetry of phase two lost;
 - Cast excessive shadows on communal pedestrian routes – impact on health and safety;
 - Overlooking/loss of amenity through windows in upper levels;
 - Accuracy of plans;

- Impact on common utility access;
- Road safety hazard;
- Massing overall is 'supersized' from approved plans;
- Protruding balconies;
- Introduction of upside down living with sightlines into neighbouring properties.

ADDITIONAL STATEMENTS RECEIVED:

18

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

- 19 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 20 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

- 21 Policy PM1A, PM1B and HE2 are most appropriate in this case. Close consideration has been given to the policy criteria elements in this case. It is also appropriate to fully take account of the previous consents, which remain extant on the site. Historically, the overall design and layout has been heavily compromised on this site and would not necessarily be recommended for approval as part of the 2012 Housing in the Countryside Guide and Policy RD3. When considered against the consented (live) development however, the changes do not constitute a reason for refusal in the immediate and wider context, tying in with the character and architecture of the consented, neighbouring built development.
- 22 The proposals continue to accord with the Development Plan, provided that they do not cause harm to local amenity.
- 23 Policies PM1A and PM1B outline the general criteria which developments should meet and the garage extension element does not raise any specific

issues in relation to these criteria but is addressed in more detail within the Design and Layout section of this report.

Design and Layout

- 24 Whilst remaining large in form, accounting for the extant consents as a material consideration, the scale and form of the revised house type are considered to remain appropriate in this context, increasing the floor area by 25sqm from consent 13/00722/FLL whilst retaining a reduction from extant consent 07/00612/FLL by approximately 30sqm.
- 25 The original design included three linked buildings and it was originally considered appropriate to condition that these buildings remain 'linked' through walling details. Although the red site line boundary does not sit hard against the gable end of plot 12, consistent with the approach taken in Planning application 13/00722/FLL and recent application across phase four, the original approved scheme had building elements hard against each of the gables and this position is therefore considered to be justified. A lack of linkage details were previously considered to weaken the conceptual courtyard theme of the scheme, which took some design cues from the original steading courtyard as part of phase 1.
- 26 Whilst the proposed balcony element on the south west elevation is consistent with the wider development architecture, it is however considered to have an adverse impact on neighbouring amenity in this situation, addressed in the section regarding neighbouring amenity.

Landscape

- 27 The overall landscaping of the plot is not assessed to change from the extant consents.

Residential Amenity

- 28 In general terms, the principal change of the extended garage and store have been fully assessed and are not considered to have an adverse additional impact on neighbouring amenity. The extension in terms of its location and design would not overshadow or overlook neighbouring properties. It is acknowledged that the proposals will result in some impact on the overall symmetry of phase 2. This is not however considered to be a significant change or constitute a material reason for refusal.
- 29 Contrary to the points made in objections, the scale and footprint of this proposal continue to be of a more modest scale and form of the original extant consent 07/00612/FLL, which replicated the scale and form of plot 9 and 10. It is therefore assessed that the amended footprint and form of this modification proposal remain appropriate in this context. The building percentage of this proposal would remain under 30% of the overall plot, which is satisfactory, with recommendations to appropriately control permitted development.

- 30 Calculations have been undertaken in relation to any associated overshadowing from the proposed extension onto neighbouring property. It has been calculated that there will not be an adverse impact on neighbouring residential amenity as a result of the proposed garage and store extension, with any afternoon shadow cast on a neighbouring driveway.
- 31 The introduction of 'upside down' living was previously addressed and approved through extant consent 13/00722/FLL. The internal configuration of a building can (in most circumstances) be undertaken without the requirement for formal planning permission providing there are no associated external alterations. The choice to flip the living accommodation in this case is not considered to be a material reason for refusal.
- 32 Objection has been received in relation to the introduction of rooflight windows and overlooking. Rooflights can commonly be installed without the requirement for formal planning permission. Through the associated angle and position, rooflights are not considered to impact adversely on neighbouring amenity and would not constitute a material reason for refusal.
- 33 Balcony projections are not generally supported on a public elevation or where there will be a calculated adverse impact on neighbouring residential amenity. The gable balcony projection on the south east elevation was previously consented through planning application 13/00722/FLL, acknowledging that balconies did form part of the character of the Rossie Steading development. This balcony was also assessed to have no adverse impact on neighbouring private residential amenity in this case.
- 34 The introduction of an additional balcony on the upper floor of the South West elevation is however assessed to have an adverse impact on the private amenity space of plot 12 at an elevated distance of less than 5 metres to the private rear garden boundary. The impact of a projecting floating balcony in this context and situation is considered to be far more significant than a dormer window serving a hall, which forms part of the extant planning consent. It is therefore recommended that the balcony element on the south west elevation does not form part of the approved plans, with the approved finish matching that of extant consent 13/00722/FLL at this position.

Visual Amenity

- 35 The visual amenity of the plot and the surrounding area are not considered to be adversely impacted through the introduction of a garage and store extension in this context and is not judged to have an additional impact on the setting of the listed steading buildings.

Roads and Access

- 36 There is no adverse impact calculated on the existing road and access arrangements as a result of the proposals, with no additional conditions recommended. Transport Planning do not have any objection to the proposal on road safety grounds.

Developer Contributions

- 37 The Developer Contributions Guidance is not applicable to this application as it is a change of house type only and therefore no contributions are required in this instance.

Economic Impact

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

LEGAL AGREEMENTS

- 39 None required.

DIRECTION BY SCOTTISH MINISTERS

- 40 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

- 41 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 drawings and documents, 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 Notwithstanding aforementioned condition 1; the balcony and dormer details on the south west elevation are not approved as part of this consent. Prior to the commencement of development, revised plans shall be submitted including the removal of this balcony element for further written approval, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of ensuring no adverse impact on neighbouring residential amenity.

- 3 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

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 the site.

- 4 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in the agreed reclamation scheme.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 5 Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use (including walling details of no less than 1.8m high to link building's 11 and 12) and such boundary detailing as may be approved shall be completed prior to the occupation of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and remain consistent with planning consent 13/00722/FLL.

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).

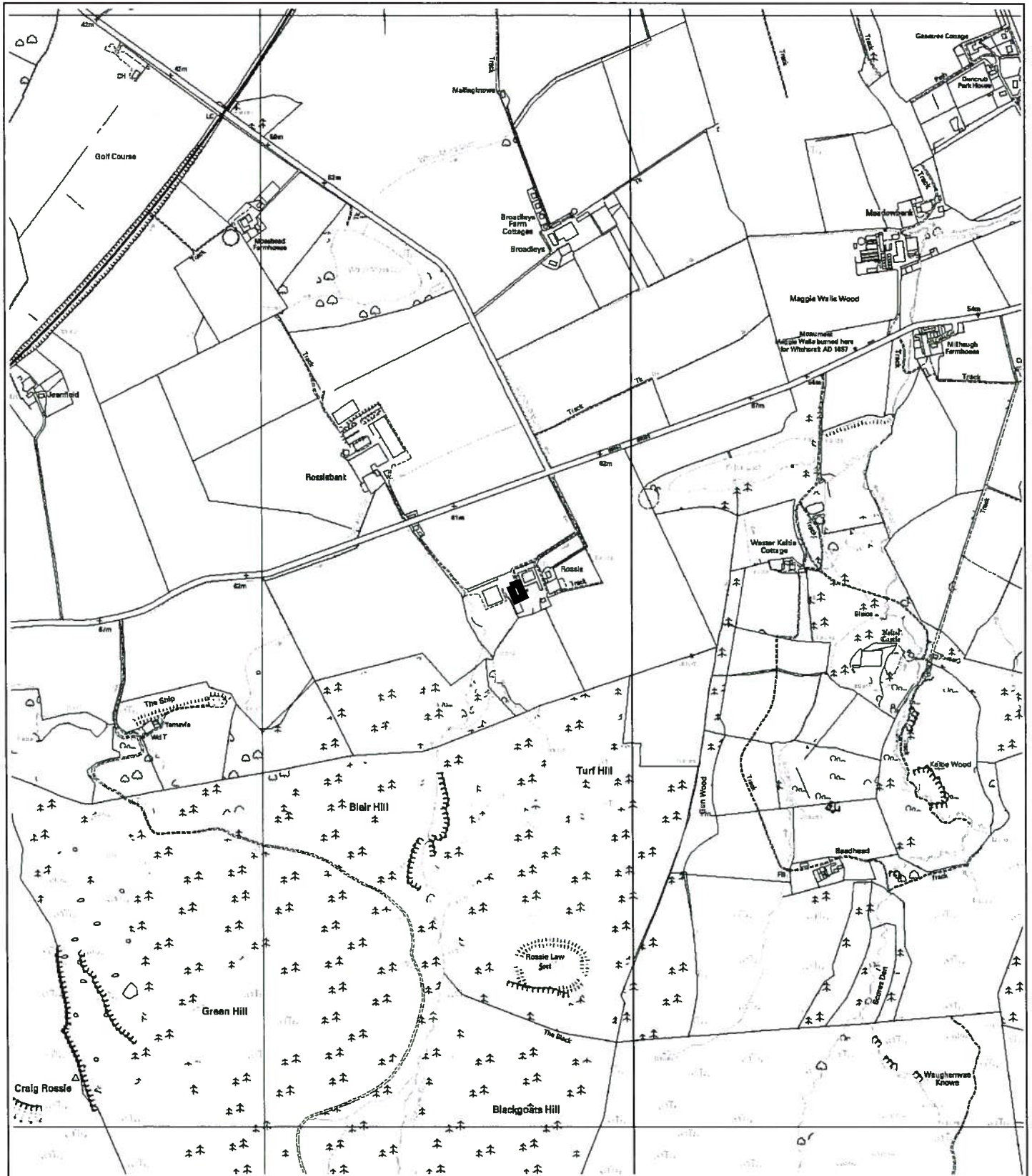
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory 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 ensure that any existing wayleaves for maintenance or repair to existing private water supply, septic drainage infrastructure or any associated communal utilities in the development area are honoured throughout and after completion of the development.
- 6 If connection to the public mains proves impractical, the following should be noted if a private water supply is utilised:

The applicant shall ensure the private water supply for the houses complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 7 The applicant is advised that as bins will be uplifted from the public road end, provision should be made for a bin storage facility, incorporating hardstanding to accommodate wheeled bins of a number appropriate to the size of the dwelling.

Background Papers: 8 letters of objection
 Contact Officer: Callum Petrie Ext 75353
 Date: 01 October 2014

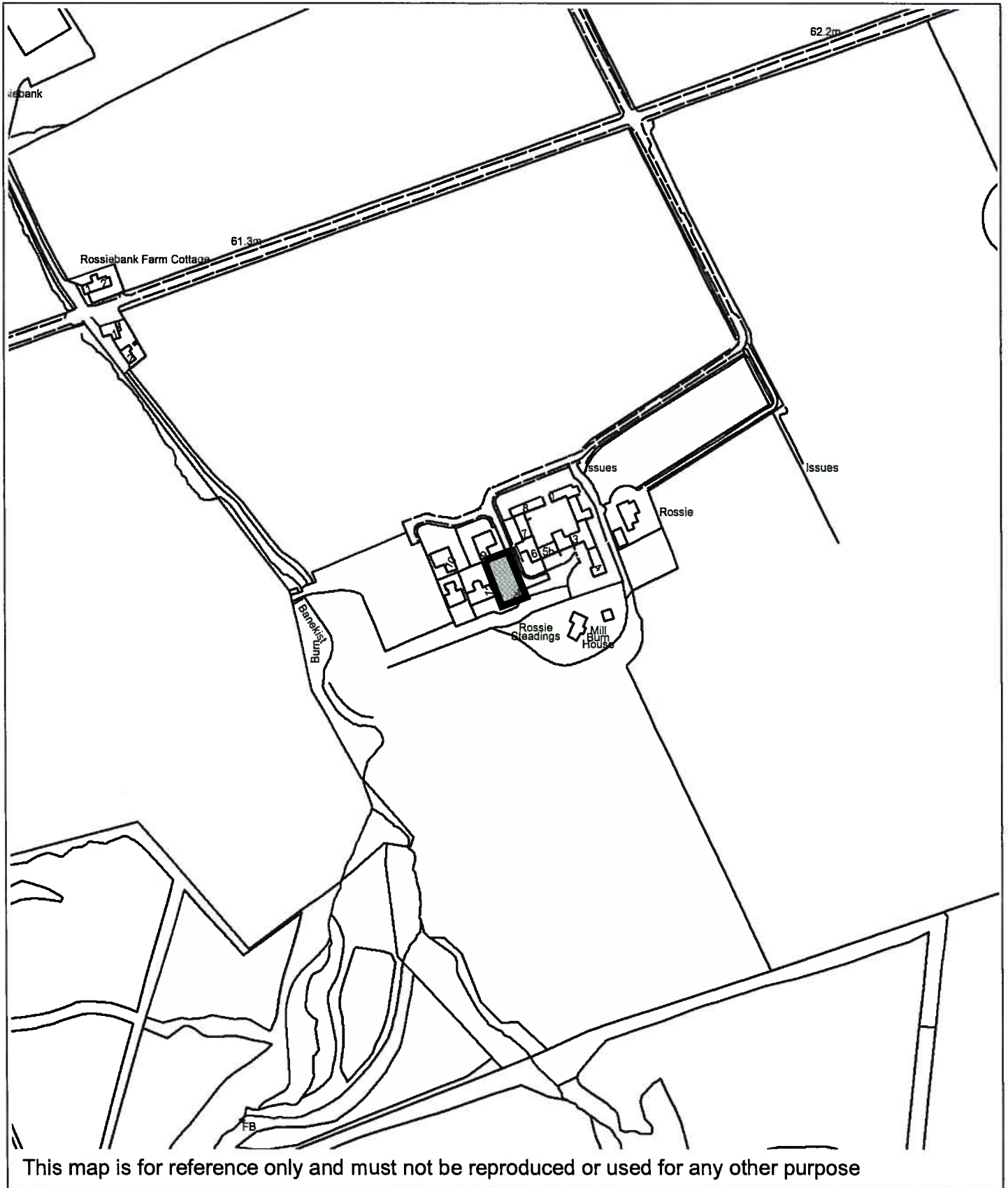
Nick Brian
Development Quality Manager

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