

Perth and Kinross Council  
Development Control Committee – 15 April 2015  
Report of Handling by Development Quality Manager

**Modification of permission 12/00431/FLM (Residential development) change of layout and house types on plots 1 to 11, 18 and 21 to 26 inclusive on land south east of Townhead, Auchterarder**

Ref. No: 14/01241/FLL  
Ward No: 7 – Strathallan

**Summary**

This report recommends approval of the application for the modification of permission 12/00431/FLM (Residential development) change of layout and house types on plots 1 to 11, 18 and 21 to 26 inclusive as the proposal is in accordance with the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is situated within Auchterarder to the south east of the Townhead area and extends to 0.2 hectares and comprises the northern part of former agricultural land associated with Townhead Farm which was granted planning consent on the 9 June 2014 on a wider site for the erection of 143 residential units, including 30 affordable flatted units, a play area, landscaping and planting and a SUD's pond. The site is linear in configuration and the land falls in a south easterly direction to the A9 to the south. The site is bounded to the north and east by existing housing and is accessed from the A824, Western Road/Townhead.
- 2 The house types throughout the wider consented site comprise a mixture of flatted mews, terraced villas, semi-detached and detached properties from 2 to 5 bedrooms in size. In terms of height, the properties vary from 2 to 3 storeys. External materials include grey roof tiles, white roughcast, reconstituted stonework in contrasting colours and finishing, grey windows and external doors.
- 3 This application is for a change of layout and house types on plots 1–11, 18 and 21-26 which will result in an overall reduction in the number of dwellinghouses by one unit. The changes in the layout include the replacement of the terraced steading units on plots 1-7 to the north east and their replacement with a mixture of 2 storey detached and semi-detached properties. This will result in a change in the access to the proposed units to the north and south instead of the formerly approved central pend access. The house types on the approved plots 08-11 will be re-orientated to a south facing aspect with gardens to the north and the houses moved further to the south in the site. Plot 12 is omitted in the amended layout proposed. The houses on plots 21 and 22 will be changed in orientation and accessed to the north instead of the south and a footpath access to the proposed adjacent site will be removed. The house types on plots 23 – 26 are changed from 4 detached units to 2 detached

and 2 semi-detached units. All of the proposed house types have been previously approved in other parts of the wider site at Townhead.

## **NATIONAL POLICY AND GUIDANCE**

### **The Scottish Planning Policy 2014**

- 4 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.
- 5 Of relevance to this application are:
- Paragraphs 109 – 134 Enabling Delivery of New Homes

### **PAN 67 Housing Quality**

- 6 A successful place in which to live is one which is distinctive, safe and pleasant, accessible, welcoming, adaptable and resource efficient.

### **Designing Places 2001 & Designing Streets 2010**

- 7 Designing Places 2001 is the first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development. Designing Streets supports Designing Places and is the first policy document in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles.

### **Planning Advice Note 68: Design Statements**

- 8 This notes that design statements will enable the applicant to explain why the selected design solution is the most suitable in the circumstances in terms of the building(s) and the quality of spaces created.

## **DEVELOPMENT PLAN**

- 9 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**

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

### **Policy 5: Housing**

- 11 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**

- 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 application site is within the settlement of Auchterarder where the main relevant policies are:-

#### **Policy RD1: Residential Areas**

- 14 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.

#### **PM1A: Placemaking**

- 15 Development must contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of the development should respect the character and amenity of the place.

#### **PM1B: Placemaking**

- 16 Placemaking criteria are set out including:
  - (a) consider and respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area,
  - (b) the design, density should complement its surrounding in terms of appearance , height, scale, massing, finishes and colours

### **SITE HISTORY**

- 17 An application in principle for the erection of 67 detached houses at Townhead Farm was refused in July 2002 as the access was unacceptable, lack of drainage capacity and a required masterplan had not been completed. (02/00521/OUT).

- 18 An outline application for residential development at Castlemains and Kirkton which is part of the northern expansion framework for the town was approved at the Development Control Committee on 13 May 2009 (08/01133/OUT) subject to the signing of a Section 75 Agreement.
- 19 An outline application for residential development at Townhead Farm which is part of the Auchterarder expansion framework for the town was approved at the Development Control Committee on 9 December 2009 (08/01131/OUT) subject to the signing of a Section 75 Agreement to cover the delivery of affordable housing, A9 junction improvements, provision of employment land, provision and maintenance of public open space and play areas, financial contribution towards community facilities, an annual monitoring report on house completions for school capacity evaluation and education contributions.
- 20 A detailed application for the eastern half of the Castlemains site for 147 houses. (08/01279/FUL) was presented to the Development Management Committee on the 24 April 2013, where the Committee was minded to grant consent subject to the completion of the Section 75 Agreement associated with the application in principle 08/01133/OUT.
- 21 A detailed application for the Kirkton site for 261 houses. (09/01290/FUL) was presented to the Development Management Committee on the 24 April 2013, where the Committee was minded to grant consent subject to the completion of a Section 75 Agreement associated with the application in principle 08/01133/OUT.
- 22 Detailed planning consent was granted at Townhead on the 9 June 2014 for the erection of 143 residential units, including 30 affordable flatted units, a play area, landscaping and planting and a SUD's pond under 12/00431/FLM

## **CONSULTATIONS**

### **External**

- 23 **Transport Scotland** - No objections.

### **Internal**

- 24 **Transport Planning** – No objection
- 25 **Education** - No objection

## **REPRESENTATIONS**

- 26 1 letter of representation has been received raising the following issues:-
  - overlooking to existing neighbouring property
  - access for maintenance to existing property is retained
  - affect of building work on existing property from noise and dust/air quality

- 27 These issues are all addressed in the Appraisal section of this report under Residential Amenity.

## **ADDITIONAL STATEMENTS**

28

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None

## **APPRAISAL**

### **Policy**

- 29 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 application site is within an area identified within the Development Plan for housing and there is an existing planning consent for residential development on the site. The principle of residential use is therefore acceptable and other material planning matters will be considered below.

### **Design and Layout**

- 30 The changes in layout are a result of the changes to the house types on the site and a re-orientation of houses which has led to changes in the road access arrangements to the houses. These changes are considered to be acceptable and reflect the overall character and design layout of the wider site. There is a loss of a footpath access to the proposed housing development to the east as a result of the layout changes. This is considered to be acceptable and there are no objections on the grounds of pedestrian access as there are 2 other pedestrian links to any future development to the east proposed further south under the original consented development. There is also an existing footpath link from the north at Townhead to this land to the east of the application site. The proposal is therefore acceptable in terms of pedestrian access. The house type changes are also considered to be acceptable as these are house types which have already been approved in the wider consent 12/00431/FLM.

### **Residential Amenity**

- 31 Concerns were raised by a neighbouring property at 58 Townhead that the proposed changes in layout and house type would have a detrimental impact on their residential amenity, in particular, that their property would be

overlooked by the proposed plots 5 and 6. It is recommended by the neighbour that the proposed plots 5 and 6 should be removed and replaced by a landscaping/amenity area. In terms of privacy and overlooking however, it is considered that the proposed dwellinghouses on plots 5 and 6 will not directly overlook the neighbouring property at Townhead. The nearest window to the east boundary on the dwellinghouse on plot 5 is 4.5m from the boundary and faces northwest rather than facing north and into the neighbouring property and therefore will not directly overlook the neighbouring property.

- 32 Concerns were also raised that the proposed dwellinghouses on plots 5 and 6 would restrict the views from 58 Townhead to the Ochill Hills. The loss of a view within the context of the wider settlement of Auchterarder however, is not a material planning consideration. There were also concerns raised that the road and parking area adjacent to their boundary would be detrimental to their residential amenity in terms of noise and air pollution. It is accepted that there will be a change in the character and activity associated with the former neighbouring field at Townhead Farm, however the proposed change to residential use on this land will not have a significantly adverse impact on the residential amenity of existing neighbouring properties from noise or air quality as a result of the proposed development.

### **Traffic and Road Layout**

- 33 The Council's Transport Planner has no objections to the proposed changes in road layout as part of this application and the proposed changes are satisfactory in terms of parking, access and turning. The conditions attached to the previous wider consent are applicable for this modification and are attached to any consent.

### **Drainage and Flooding**

- 34 This proposal at Townhead and the wider expansion area has been accommodated by a major upgrade to the Waste Water Treatment Works at Auchterarder. Surface water will be dealt with through a SUDs scheme which is included to the south of the application site. There will be no adverse impact on flood risk. Essentially drainage and flooding considerations will be the same as under the consented scheme.

### **Economic Benefits**

- 35 Through the construction phase there will be a significant spend within the local economy. Once occupied the residents will provide added value to the local economy through spending on goods and services. There is a significant contribution being made by the developer to local infrastructure and community facilities for the overall development at Townhead of which this proposal forms part of, and which will provide both economic and social benefits to the local community.

## **LEGAL AGREEMENTS REQUIRED**

- 36 A Section 75 legal agreement has been completed for the previously approved application 12/00431/FLM and any modified consent for part of the wider development will require to accord with the terms of this agreement.

## **DIRECTION BY SCOTTISH MINISTERS**

- 37 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**

- 38 The principle of providing housing on the allocated site at Townhead has already been established and this modified proposal will contribute towards the housing supply for the Strathearn Area. The design and layout of housing is in accordance with the recommendations set out in the masterplan and is similar to previously approved housing within the wider development at Townhead and will provide good quality housing with no adverse impact on neighbouring development.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

#### **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. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

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

3. The approved landscaping and planting scheme for the site shall be fully implemented within 6 months of the completion of the development and thereafter shall be maintained by the applicants and/or their successors to the satisfaction of the Planning Authority, maintenance shall include the replacement of plant stock which fails to survive for whatever reason as often

as is required to ensure the establishment of the approved landscaping scheme.

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

4. Prior to occupation of the development the recommendations contained in the report titled 'Noise Impact Assessment, Townhead Farm, Auchterarder' dated 23 November 2011 from RMP shall be implemented to the satisfaction of the Planning Authority.

Reason - In the interests of residential amenity.

5. The houses shall be designed and constructed such that at the time of completion internal noise levels in bedrooms from road traffic noise shall not exceed  $L_{Aeq} 2300-0700$  35dB, with windows open. In any bedroom where such a level is not achievable with windows open, sound insulating mechanical ventilators shall be installed. This would be in addition to any acoustic trickle ventilators to be provided. Details of the required noise mitigation shall be submitted for the approval of the Planning Authority prior to occupation of the development.

Reason - In the interests of residential amenity.

6. The development shall be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey dated October 2011 and the Bat Survey dated June 2012 by URS Scott Wilson to the satisfaction of the Planning Authority.

Reason - In the interests of biodiversity.

7. Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation and use of the approved development.

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

8. Prior to the occupation and use of the approved development 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.

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

9. Prior to the occupation or use of the approved development the passenger waiting facilities on the A824 opposite and adjacent to the new development access shall be upgraded to include new 3-bay enclosed bus shelters in



conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority.

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

- 10 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

Reason - In the interests of surface water runoff and flood risk.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

## **C PROCEDURAL NOTES**

This consent shall be implemented in accordance with the terms of the Section 75 Agreement concluded for planning consent 12/00431/FLM.

## **D INFORMATIVES**

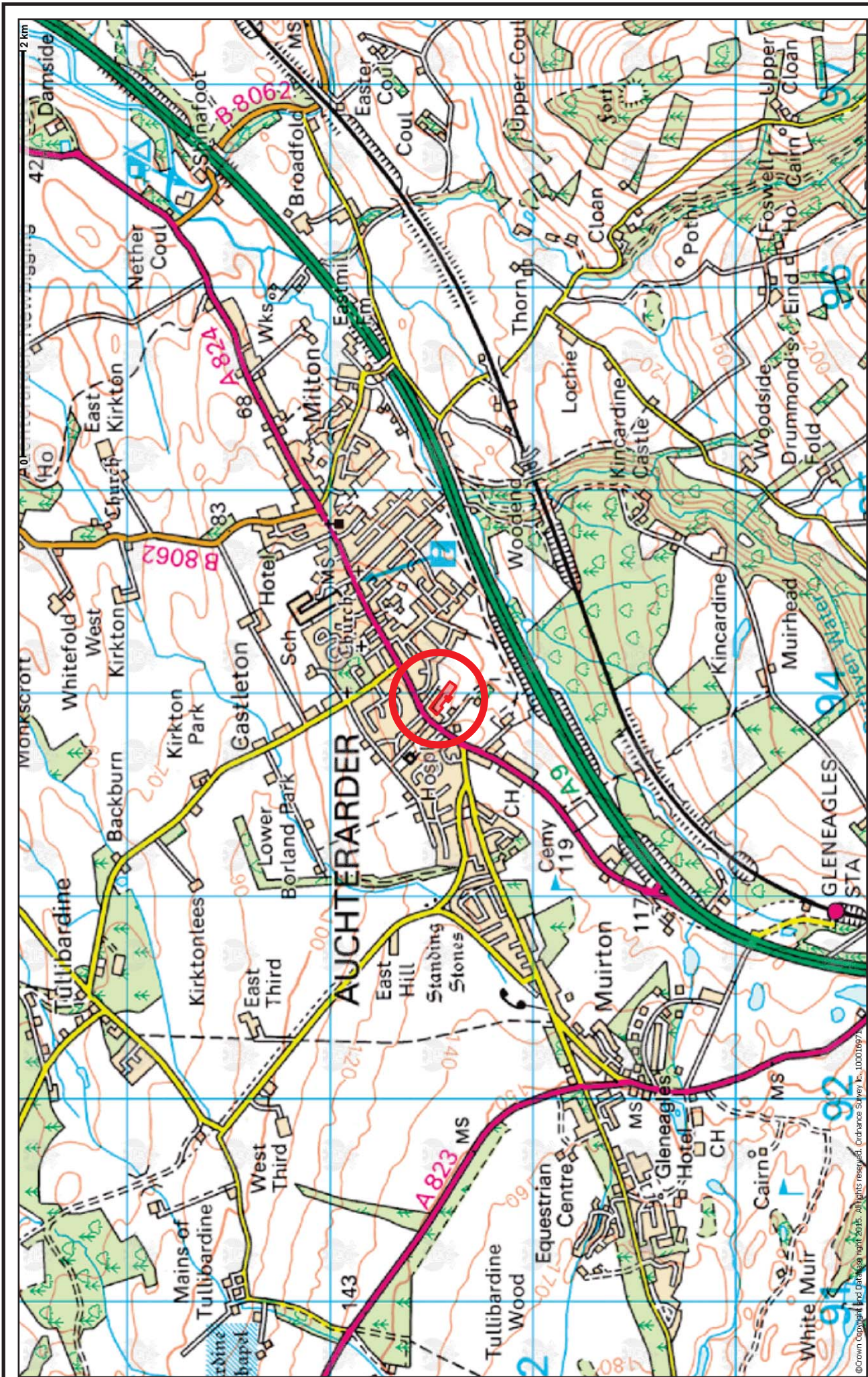
- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they 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 Environmental Protection Agency.
- 5 The applicant should be 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.

- 6 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)).

Background Papers: 1 letter of representation  
Contact Officer: Mark Williamson – Ext 75355  
Date: 30 March 2015

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

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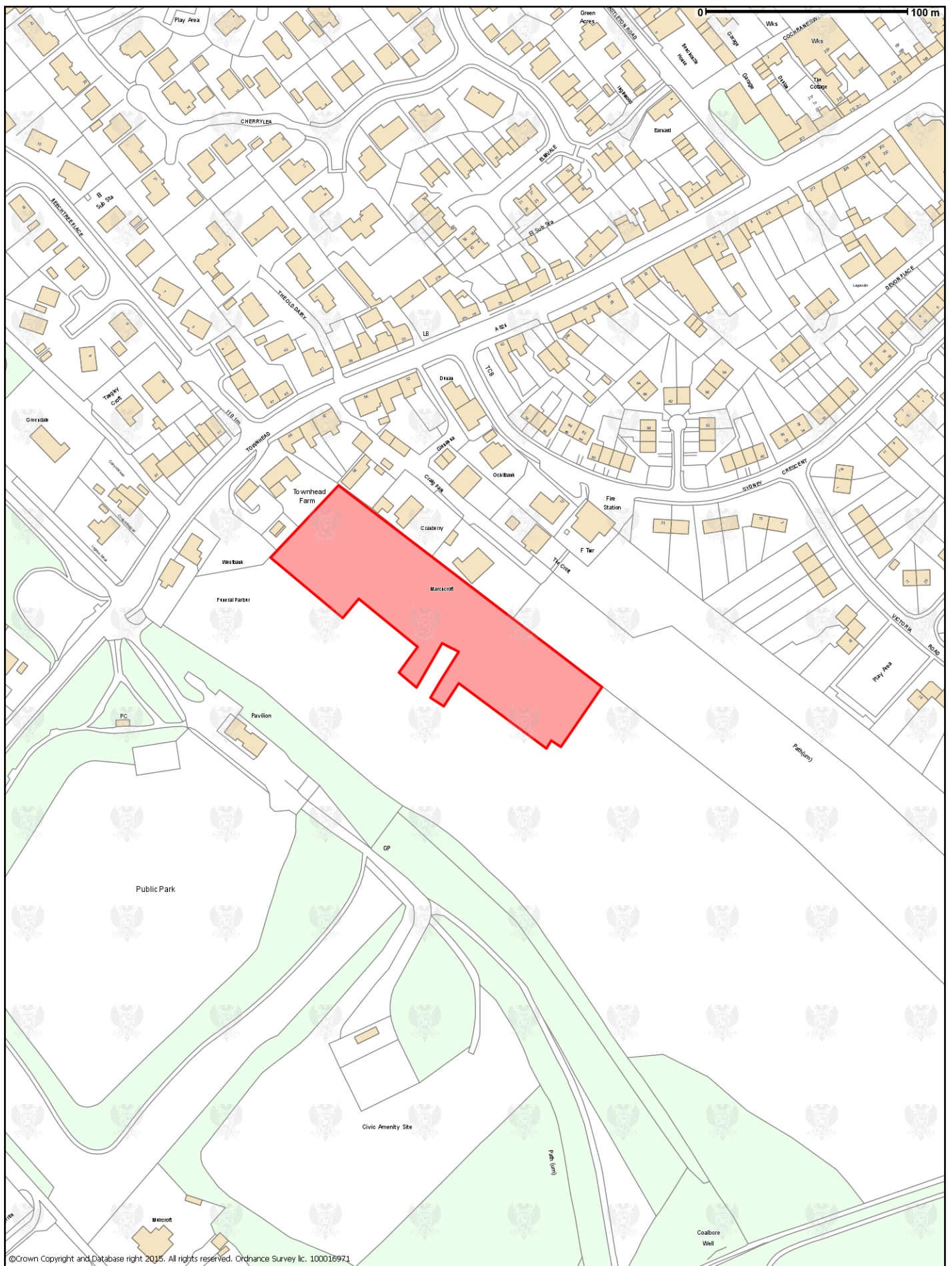
14/01241/FLL

Modification of permission 12/00431/FLLM (Residential Development) change of layout and house type at land SE of Townhead, Auchterarder Previous Committee Decision)



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