

Perth and Kinross Council
Development Management Committee – 12 August 2015
Report of Handling by Development Quality Manager

Erection of 35 dwelling houses, access and associated works on land west of Shielhill Farm, Stanley

Ref. No: 14/01365/FLL
Ward No: 5 - Strathtay

Summary

This report recommends approval of a detailed planning application for the erection of 35 dwellings on a zoned residential site on the north-eastern edge of the settlement of Stanley, as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain a detailed planning consent for the erection of 35 houses on part of a zoned residential site which is located on the north-eastern edge of the village of Stanley. The 1.6ha site is approx ½ of a larger residential site which has been identified as H33 within the Perth and Kinross Local Development Plan 2014 (LDP). The application site is currently agricultural land and slopes gently from the south to the north and is bounded by a public road to the south, by a private road to the north and by the existing residential edge of Stanley to the west. To the east, the site's boundaries simply merge into the larger field - which is the remaining area of H33.
- 2 This planning application is essentially the 1st phase of the development of the LDP site H33 and a detailed planning application for the remainder of the eastern part of H33 (phase 2) comprising the erection of 44 dwellings, access and associated works is currently under consideration by the Council (15/00495/FLL).
- 3 This application for phase 1 proposes a mix of house types ranging from detached (15 units), semi-detached (10), terraced (6) and one flatted building (4). All the 35 units are to be full two storeys in height and would be finished in dry dash wall finishes and roof tiles. Vehicular access to the site would be through a single access point from Linn Road which would be complemented by a new footway that would join the existing footway at Athole Drive. An element of open space is to be provided onsite, however the applicant is also proposing to make a developer contribution to the upgrade of existing off-site play provision.
- 4 Although this planning application seeks to obtain a detailed consent, the Committee should be aware that a planning in principle consent (13/00406/IPL) for a residential development over a larger site existed at the time when this planning application was initially lodged, but has now expired.

PROCEDURAL MATTER

Change of Suffix

- 5 Members of the Committee should note that this planning application was originally registered by the Council as an application for the approval of matters specified by conditions and consequently given an 'AML' suffix. However, as the site boundaries of this application were different (it was a smaller size) from the parent planning in principle consent, it was not procedurally correct to treat this submission as an application for approval of matters specified. To this end, with the agreement of the applicant, the suffix of this planning application has been changed from 'AML' to 'FLL' to correctly reflect the fact that this submission is an application for detailed planning application and not one for the approval of matters specified.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide and Planning Advice Notes (PAN). Of specific relevance to this planning application are:

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

- 8 Of relevance to this application are:

- Paragraphs 74 - 83 - Rural Development
- Paragraphs 109 – 134 - Enabling the delivery of New Homes

National Roads Development Guide 2014

- 9 This document offers advice to planning authorities on road layouts and introduces the further guidance on Quality Audits.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 11 Whilst there are no specific strategies or policies which are directly relevant to this proposal the overall vision of the TAYplan 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 Within the Local Development Plan, the site lies within the settlement boundary of Stanley where the following policies are directly applicable:

Policy PM1A - Placemaking

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

Policy PM1A – Developer Contributions

- 15 This policy seeks to secure developer contributions in certain instances.

Policy RD1 - Residential Areas

- 16 In identified areas, residential amenity will be protected and, where possible, improved.

Policy NE3 – Biodiversity

- 17 The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

Policy CF1B - Open Space within New Developments

- 18 The Council will seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate.

Policy EP2 - New Development and Flooding

- 19 There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase

the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.

Policy EP3B - Foul Drainage

- 20 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer.
- 21 In addition to these policies, the site has been identified within the Local Development Plan as part of residential site H33, where the following site specific developer requirements are applicable:

Ref	Location	Size	Numbers
H30-34	Stanley	25.7 ha	280 by 2024
<p>Site Specific Developer Requirements</p> <ul style="list-style-type: none"> • Comprehensive masterplan required for village expansion. • Development phased to ensure that there is adequate infrastructure to accommodate it. • The identification and provision of 1ha of employment land. • The identification and provision of suitable public open space/playing fields together with changing facilities to support the expanded requirements of the village. • Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir. • Cycle paths, core paths and pedestrian routes incorporated into masterplan. • The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats. • Contributions to enhanced community facilities. • Flood risk assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site. 			

OTHER COUNCIL POLICIES

Affordable Housing Supplementary Guide 2014

- 22 This supplementary guidance was produced by officers at Perth & Kinross Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the affordable housing policy since it was approved in August 2005.

Developer Contributions 2014

- 23 This supplementary guidance seeks to secure both A9 junction contributions and education contributions in certain circumstances. As the site benefited

from a detailed planning consent (when this application was made), there is no requirement for an education contribution. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance.

Developer Contributions, Transport Infrastructure 2014

- 24 This supplementary guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

SITE HISTORY

- 25 A planning in principle application for the erection of 35 dwellings (09/01530/IPL) on a slightly larger site was approved in 2009 by the Development Management Committee. This application was later renewed in 2013 (13/00406/IPL) and was still extant at the time when this application was registered. A detailed planning application for the erection of 44 dwellings on the eastern half of the field has been submitted to the Council and still under consideration by the Council.
- 26 In addition to this, the Committee will be aware of a recent Proposal of Application Notice (PAN) that was included in the July agenda of this Committee in relation to the pending masterplan submission for the Stanley expansion (15/00010/PAN).

CONSULTATIONS

External

- 27 **Scottish Water** - No objections.
- 28 **SEPA** - No objections subject to the SUDS being developed in accordance with their technical standards.
- 29 **Stanley And District Community Council** - No formal comment has been made in relation to this planning application.

Internal

- 30 **Environmental Health** - No objections.
- 31 **Contributions Officer** - Indicated that a contribution in lieu of on-site affordable housing provision is the preferred option for the Council in respect of affordable housing but further discussions are necessary. The Contributions Officer has

also indicated that there is no requirement for any contributions in relation to either Transport Contributions or Primary Education.

- 32 **Transport Planning** - Have been actively involved with the revised layout and the submission of a quality audit and have no objections to the proposal in its amended form.
- 33 **Education and Children's Services** – Confirmed that the local primary school is not operating at over its 80% capacity.
- 34 **Strategy and Policy** - indicated that it would not be reasonable to withhold determining this planning application until such time as the masterplan for the village expansion has been approved, based on the fact that the site has a planning in principle consent for a similar number of units over a similar area.
- 35 **Community Waste Adviser** - Raised general issues regarding the collection of bins and refuse.

REPRESENTATIONS

- 36 One letter of representation has been received from a local resident objecting to the proposal. The main issues raised within their representation are:
 - Road safety concerns
 - Impact on existing residential amenity
 - Drainage / flooding concerns

37 These issues are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

38

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	Quality Audit Submitted

APPRAISAL

- 39 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 40 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP). In terms of other material considerations, this involves considerations of the Council's other

approved policies, namely those which relate to developer contributions. The site's recent planning history is also considered to be a significant, material consideration.

Policy

- 41 In terms of land use policy issues, the key issues for this proposal are whether or not the proposal complies with the requirements of Policies RD1 and PM1A of the LDP. Both these policies seek to ensure that all new developments do not have an adverse impact on the character or amenity of the area concerned.
- 42 For reasons stated below, I consider the proposal to be in accordance with these aforementioned policies.
- 43 It is also noted that the site is subject to specific siting criteria contained within the table listed for housing sites H30-34 - particularly in respect for the need for a masterplan to be approved (covering all the sites identified) - prior to any consents being issued. This particular issue has been discussed in detail with my colleagues in Strategy and Policy and it is the view of the Council that whilst this planning application is not an application for approval of matters specified, it does nevertheless relate to a site which benefitted from a planning in principle consent at the time when this detailed application was lodged – which is a material consideration. It is therefore not considered reasonable to delay the determination of this planning application until such time as a masterplan is approved for the Stanley village expansion.

Land Use

- 44 In terms of land use issues, the site has been identified within the LDP as a site which is being promoted for a residential use. In addition to this, the site also benefits from a planning in principle consent for a residential development. To this end, I consider the proposed land use (for residential) to be acceptable and the key issue for this proposal is ultimately whether or not the proposed layout, house types and road layout are acceptable or otherwise.

Residential Amenity

- 45 One letter of representation has been received from a neighbouring resident raising issues regarding the potential for the loss of light and the impact on their personal residential amenity as a result of this development. Whilst the development of the site for housing would inevitably change the appearance of the area, I do not consider the proposed layout to adversely affect any existing residential amenity. The separation distances between the proposed dwellings and boundaries with the existing dwellings to the west are at least 9m, which meets with the Council's acceptable standards and offers a suitable separation distance to ensure that direct overlooking or loss of privacy should not occur. In terms of the impact on sunlight afforded to the existing residents, as the proposed dwellings are only two storey and are set back a suitable distance from the boundary, I do not consider there to be a significant loss of sunlight to existing properties. In terms of the residential amenity which would

be afforded to the occupiers of the new dwellings, all the internal separation distances between the proposed units are acceptable as is the depth of the back gardens. All the proposed gardens will offer a suitable level of private amenity space which is in line with the Council's standards. To this end, I have no concerns regarding issues of residential amenity.

Visual Amenity

- 46 In terms of the impact on the visual amenity of the area, a residential development within the existing open agricultural field would inevitably change the visual appearance of the area. However, the site has been identified for some time as a housing opportunity site and I consider it reasonable to expect some change in the visual character of the area. However, a change in appearance of a site is not necessarily an adverse impact. The house types proposed are fairly simple in their design but, in this location, next to existing housing which is also of a fairly simple design and of a similar scale. The scale of the proposed houses is similar to the existing and therefore will sit comfortably adjacent to them. I do not consider the impact on the visual amenity of the area to be a negative one but simply one of change. As part of the proposal, an area of open space is being provided which is welcome and will help create a softer feel to the development. To this end, I do not have any concerns regarding the visual amenity aspect of the development.

Roads and Access

- 47 In terms of access matters the proposal raises no particular issues. The submission has been amended slightly in terms of its layout from the originally submitted proposal to align it with the requirements of Designing Streets and also the National Roads Development Guide. In addition to this, the applicant has submitted a Quality Audit to help demonstrate how they have arrived at the layout proposed and this is considered acceptable by Transport Planning. It is also welcome that the applicant intends to connect a footpath to the existing footpath network to the south west of the site as the development progresses. To this end, I have no concerns in relation to road or pedestrian matters.

Drainage and Flooding

- 48 There are no issues regarding drainage or flooding issues. The foul water drainage from the development will be disposed of via the public sewage system, whilst the surface water will be disposed of via new SUDS system which has already been approved by the Council after consultation with both SEPA and the Council's Flooding Team.

Open space Provision

- 49 As part of the requirements of Policy CF1A of the Local Development Plan 2014, the applicant has incorporated an area of open space within the development which, based on its regular shape, would be a functional area of space that can be used by future residents. Prior to any works commencing on

site, precise details of the proposed maintenance arrangements for the areas of open space will be required to be submitted to the Council for further approval.

Developer Contributions

- 50 **Affordable Housing** - As the proposal comprises 5 or more residential units, there is a requirement for affordable housing provision. The applicant has indicated that they are willing to meet with their affordable housing requirement (equivalent of 8.75 units) but are still in discussions with the Council regarding the best means of providing this. Depending on what means are agreed, additional conditions / and or a legal agreement may be required to secure and deliver the affordable housing provision.
- 51 **Transport Infrastructure** - The application site is located within the catchment area for Transport Contributions. However, as the site benefitted from a planning in principle consent for the same number of units on a larger site at the time when this planning application was lodged, it is the view of the Council's Developer Negotiations Officer that it would not be reasonable to seek Transport Contributions and I agree with this position.
- 52 **Primary Education** - As the local primary school is not operating at capacity, there is not a requirement for a Developer Contribution in relation to Primary Education.
- 53 **Parks Upgrade** - Community Greenspace has requested a Developer Contribution for off-site upgrades of existing parks as part of this proposal. The applicant has indicated that they have no objection to this proposed requirement.

Archaeology

- 54 There are no direct impacts on any local or scheduled archaeology as a result of this development.

Biodiversity / Wildlife

- 55 There are no known protected species or protected habitats which are affected by the proposal. In terms of the impact on local wildlife, the proposal also raises no concerns.

ECONOMIC IMPACT

- 56 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area.

LEGAL AGREEMENTS

- 57 The applicant has indicated that they wish to delay the payment of their Developer Contributions. Whilst I have no objection to this, this requirement will

require the need for a legal agreement to be finalised. In addition to this, depending on the method of delivery of affordable housing, the legal agreement may also include the provision of affordable housing, whether that be on-site provision or a commuted payment in lieu of on-site provision.

DIRECTION BY SCOTTISH MINISTERS

- 58 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

- 59 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. The site has been identified for a residential use within the Local Development Plan, and as the development proposed is entirely compatible with the existing uses and would not have an adverse impact on the character or amenity (visual or residential) of the existing area, it is considered to be entirely acceptable 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 permission.

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

- 2 Prior to the commencement of any works on-site an updated landscaping plan (including boundary treatments) shall be submitted, which shows the amended layout of the dwelling and access roads, for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority as the development progresses.

Reason – In the interest of proper site management and in the interest of visual amenity.

- 3 Prior to the commencement of any works on-site, the footpath link to the existing footway at Athole Drive shall be implemented in full, 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.

- 4 Prior to the commencement of any works on-site, precise details of the proposed maintenance arrangements for the areas of open space shall be submitted for the approval in writing by the Council as Planning Authority and thereafter adhered to in full.

Reason – In the interest of proper site management.

- 5 The discharge of surface water must be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual C697 and C698 Site Handbook for the Construction of SUDS, both published by CIRIA, to the satisfaction of the Council as Flooding Authority.

Reason - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 6 Prior to the commencement of any works on-site a Construction and Environmental Management Plan shall be submitted for the approval in writing by the Council as Planning Authority. The approved plan shall be implemented in full for the entire duration of the construction phases, all to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure that the risk of a pollution incident during the construction phase is kept to a minimum.

- 7 Prior to the commencement of any works on-site, updated engineering drawings demonstrating site levels and which shows the amended layout of the dwellings and access roads shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full as the development progresses all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of proper site management.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

The formal planning consent shall not be issued until such time as:

- a) the required Developer Contributions have been secured via the completion of a legal agreement; and
- b) the provision of affordable housing has been agreed and its provision (whether on-site, off-site or a commuted payment) secured.

Both matters must be resolved / completed within a 4 month timescale; otherwise the planning application may be refused under delegated powers.

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 An application for Building Warrant will be required.
- 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. 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

Background Papers: One letter of representation
Contact Officer: Andy Baxter – Ext 5339
Date: 22 July 2015

Nick Brian
Development Quality Manager

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.



© Crown Copyright and Database right 2015. All rights reserved. Ordnance Survey Licence No. 100016971.
 © Crown copyright and database rights 2015. Ordnance Survey 100016971. Use of this data is subject to terms and conditions.

© Crown copyright and database rights 2015 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Management Committee



Scale 1:10000

14/01365/FLL

Erection of 35 dwellinghouses, access and associated works at Land West of Shielhill Farm, Stanley



