

Perth and Kinross Council
Development Management Committee – 18 November 2015
Report of Handling by Development Quality Manager

Modification of permission 10/00351/FLL (erection of a dwellinghouse and detached garage with residential annex) change of house and garage type and erection of a garden building at Land 40 Metres South East Of Arnlarach, Caledonian Crescent, Gleneagles

Ref. No: 15/01400/FLL
Ward No: N7 - Strathallan

Summary

This report recommends approval of the application 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 The application is for a modification of permission 10/00351/FLL to change the house and garage type and erect a garden building at Land 40 Metres South East of Arnlarach, Caledonian Crescent, Gleneagles. The previous permission was granted under delegated powers.
- 2 The site lies within the settlement boundary of Gleneagles. The application site previously formed part of the gardens of two properties ('Arnlarach' and 'The Lythe'). Since the previous approval on the site, new boundaries have been formed and the development has been commenced.
- 3 The main dwelling footprint and location within the plot are mainly as previously approved. The changes are the addition of an orangery on the southeast elevation, covered entrance porch on the front and extension of the central rear projection in length (by 1 metre) and height to incorporate an additional room at first floor. In addition to this is an increase in the footprint of the garage/ancillary accommodation block and the erection of a garden room.

NATIONAL POLICY AND GUIDANCE

- 4 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, National Roads Development Guide and a series of Circulars.

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.

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 – 2032 - Approved June 2012

- 7 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

- 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. Within the Local Development Plan, the site lies within the settlement boundary of Gleneagles.
- 9 The principal policies are, in summary:

Policy RD1 – Residential Areas

- 10 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

Policy PM1A - Placemaking

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

Policy PM3 – Contributions

- 12 Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

OTHER POLICIES

Developer Contributions 2014

- 13 This supplementary guidance seeks to secure both A9 junction contributions and education contributions in certain circumstances. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance.

SITE HISTORY

- 14 10/00351/FLL Re-positioning of boundaries at 'Arnlarach' and 'The Lythe' and erection of a dwellinghouse and detached garage with residential annex. Approved under delegated powers 28th April 2010.

CONSULTATIONS

External

- 15 No external consultees required

Internal

- 16 **Transport Planning** - No objection and no conditions recommended.

REPRESENTATIONS

- 17 A total of 6 letters of representation were received during the advertisement period for the application.
- 18 The representations have raised the following relevant issues: -
- Out of character
 - Maintenance of sewer pipe and private road
 - Site does not have a right of access or confirmation of sewer connection
 - Erection of two separate properties
 - Height of building
- 19 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

ADDITIONAL STATEMENTS

20

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Reports on Impact or Potential Impact	Not required

APPRAISAL

Policy Appraisal

- 21 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.
- 22 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

Principle

- 23 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Gleneagles where Policy RD1 is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.
- 24 In addition to this, Policy PM1A is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 25 The application site currently has an extant planning permission and the principle of residential development, in terms of an additional dwelling, on the site has been established. Therefore the policy considerations are in relation to the change in design and addition of the garden room.
- 26 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

Design and Layout

- 27 The dwelling is in the same location on the plot as was previously approved. The design has overall remained the same; two storeys in height (no increase in height from original) with hipped ends and a mix of gables and hipped projections on the front and rear. The materials are as previously approved wet dash render, stone and ashlar detailing with a slate roof.
- 28 The core dwelling footprint is as previously approved. The changes are the addition of an orangery on the southeast elevation, covered entrance porch on the front and extension to the central rear projection in length (by 1 metre) and height to incorporate an additional room at first floor.
- 29 The changes to the design are in keeping with the original approval. The addition to create an additional first floor room is substantial however as it is to the rear and restricted to the central projection it does not detract from the overall design.
- 30 The garage has been repositioned to be closer to the road and increased to accommodate three cars and a two bedroom ancillary unit at first floor. This is a substantial increase in size however as the dwelling is set back 24metres from the road there is ample room for a larger building within the entrance courtyard. Also as the building is gable on to the road and a boundary hedge and planting are proposed therefore the impact is significantly reduced. I consider the building to relate in terms of scale to the proposed dwelling. There are also other properties along the development which have separate structures to the front of the dwelling.
- 31 A garden room has been added to the proposal. It has been positioned in the far southwest corner of the site. The building is pavilion style, single storey in height with full height glazing on the north east elevation which faces the garden. The proposed materials are to match the dwelling. Permitted development rights were not removed in the original approval for this site and I consider the building could be accommodated retaining an acceptable amount of amenity space for the size of dwelling and plot.
- 32 The site area is 2450 square metres and the area of development within the site is approximately 610 square metres. The overall built development is therefore 25% which is acceptable and does not constitute overdevelopment. In addition I consider the design of all new elements to be acceptable as they reflect the original design of the dwelling.

Residential Amenity

- 33 The garden room, orangery and garage has been designed so that that there are no windows within 9 metres of the boundaries (with the exception of rooflights and a bathroom window in the garden room). The new windows on these elements are facing onto the applicants garden ground/courtyard with the exception of the garden room window which faces onto the golf driving range.

- 34 On the previous approval there was a planning condition added for the provision of a screen to the flank of the first floor balcony. This was to remove the potential for overlooking of the patio areas immediately to the rear of The Lythe. This condition is recommended to be repeated on any consent .
- 35 Because of the distance between adjacent properties and the orientation of the properties either side, it is not considered that the amenities of occupiers of residential properties adjacent and nearby would be materially affected by changes to the proposal.
- 36 The garage which incorporates accommodation at first floor level, although large, is considered to be reasonable in the context of a dwelling of this scale but is recommended to be conditioned as ancillary accommodation to the main dwellinghouse and would be retained within the same ownership.

Biodiversity

- 37 The previous application for the site was accompanied by a Tree, Bat and Red Squirrel Survey. On the basis of these surveys it was considered that the erection of a dwellinghouse within the site would not detrimentally impact any protected species or habitat.
- 38 The development has been commenced and there is an extant planning consent on the site. It has been agreed with the Biodiversity Officer that new surveys would not be required but the conditions from the original approval in relation to biodiversity would be repeated.

Landscape

- 39 Extensive tree works have been carried out on the site prior to the submission of this application. The previous approval required a landscape plans to submitted and agreed prior to commencement of site works. A further landscaping plan will be required to be submitted by condition due to the addition of the garden room and the extension to the garage/ancillary accommodation. This will be covered by condition.

Road and Access

- 40 Transport Planning have noted the comments from the objectors in relation to Caledonian Crescent being a private road. However a road whether public or private, is a public right of way. A private road merely refers to the maintenance status of a road in that it would be maintained by the frontagers rather than the Council. In any event, this matter is a civil matter, rather than a planning matter.
- 41 The current access from the A823 is adequate for the minimal increase in traffic and the applicant has shown adequate turning and parking facilities on their plans.

Drainage

- 42 The drainage provisions for the site are as previously submitted in that the development will be connected to Gleneagles Hotel's private system.

Developer Contributions

- 43 Developer contributions towards transport infrastructure and education have been secured through the previous approval.

Economic Impact

- 44 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.

Discharge of Previous Conditions

- 45 It has been confirmed in correspondence logged under the previous approval that all pre-commencement conditions have satisfied and that work commenced on site.
- 46 Therefore in relation to this permission any conditions that were prior to commencement of works on site will not be repeated on this permission.

LEGAL AGREEMENTS

- 47 Not required

DIRECTION BY SCOTTISH MINISTERS

- 48 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no following 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

- 49 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 Perth and Kinross Local Development Plan 2014.
- 50 It is considered that the site is large enough to accommodate the revisions and additions as they would respect the character of the immediate locality and without adversely affecting the amenities of neighbouring residential occupiers. The scale, design and layout of the proposed changes would rest comfortably within the setting of Caledonian Crescent without adversely affecting local amenity.

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 new dwelling hereby approved being first occupied a fixed screen shall have been erected along the southern edge of the first floor balcony off Bedroom 6 in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority. The approved screen shall remain in place at all time thereafter unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 3 Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to any construction or engineering works on site. Any such scheme as may be approved shall be completed prior to the occupation of the development.

Reason - In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the adjoining dwellinghouse.

- 4 All existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.

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

- 5 The unit of residential accommodation within the curtilage buildings hereby approved shall only be used as ancillary facilities to the main house as staff / guest , or family accommodation and shall not be occupied as an independent residential unit and shall be retained within the same ownership as the main dwellinghouse.

Reason - To clarify the extent of the permission for the avoidance of doubt and to safeguard the amenities of occupiers of the residential unit which, because of their size and relationship to the main house would experience a poor standard of amenity.

- 6 Prior to any construction or engineering works on site a detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within 12 months of the occupation of the house; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Reason - To ensure details are acceptable to the Local Planning Authority and to enhance the appearance of the development in the interests of the amenity of the area.

- 7 Prior to any construction or engineering works on site the location of bat and bird boxes shall be submitted to and approved in writing by the Council as Local Planning Authority. The approved boxes shall be sited in accordance with the approved details prior to commencement of works on site and remain in place at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enhance habitat opportunity for wildlife in the interest of the amenity of the area.

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 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

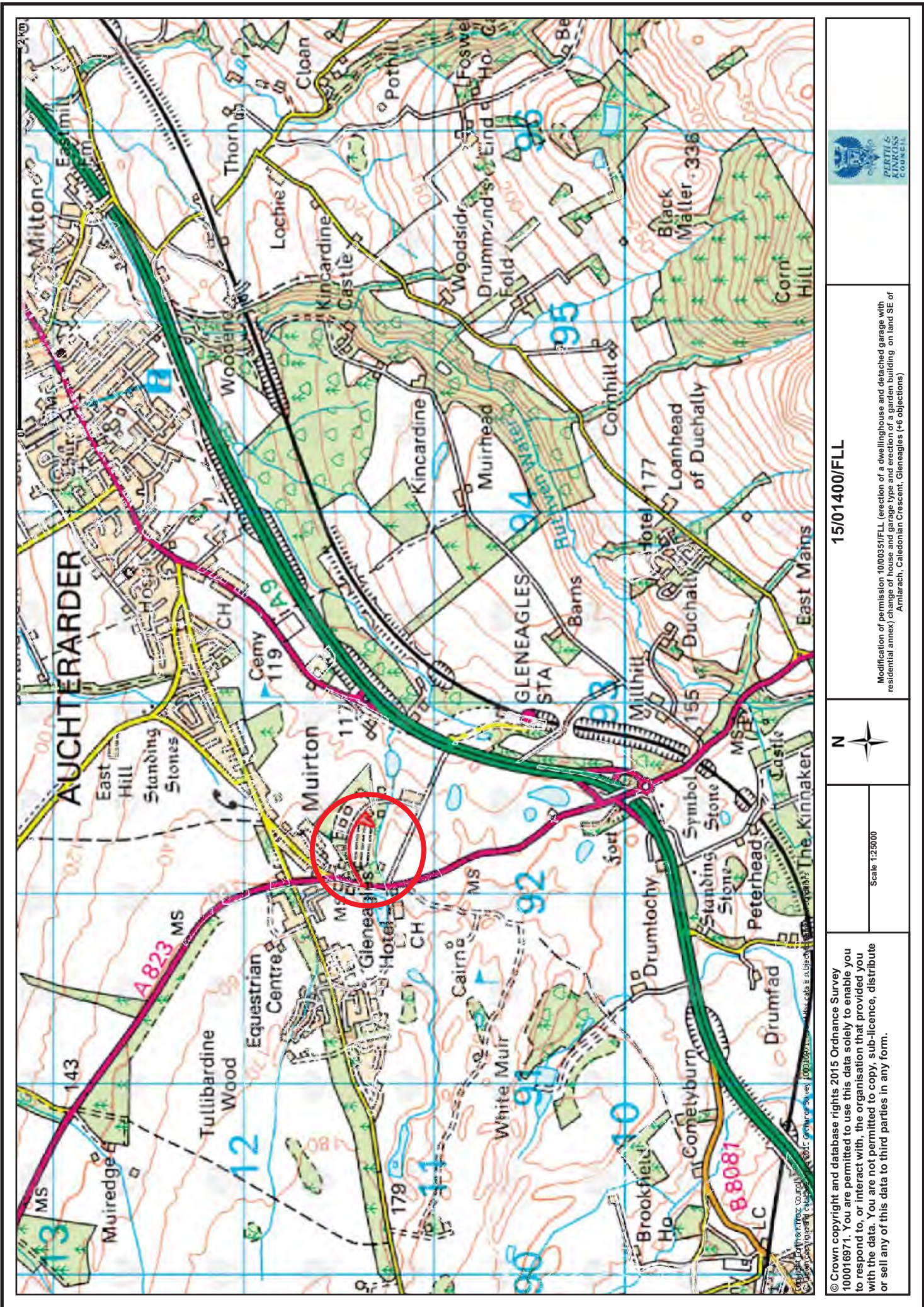
**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers: 6 letters of representation
Contact Officer: Joanne Ferguson – Ext 75320
Date: 30 October 2015

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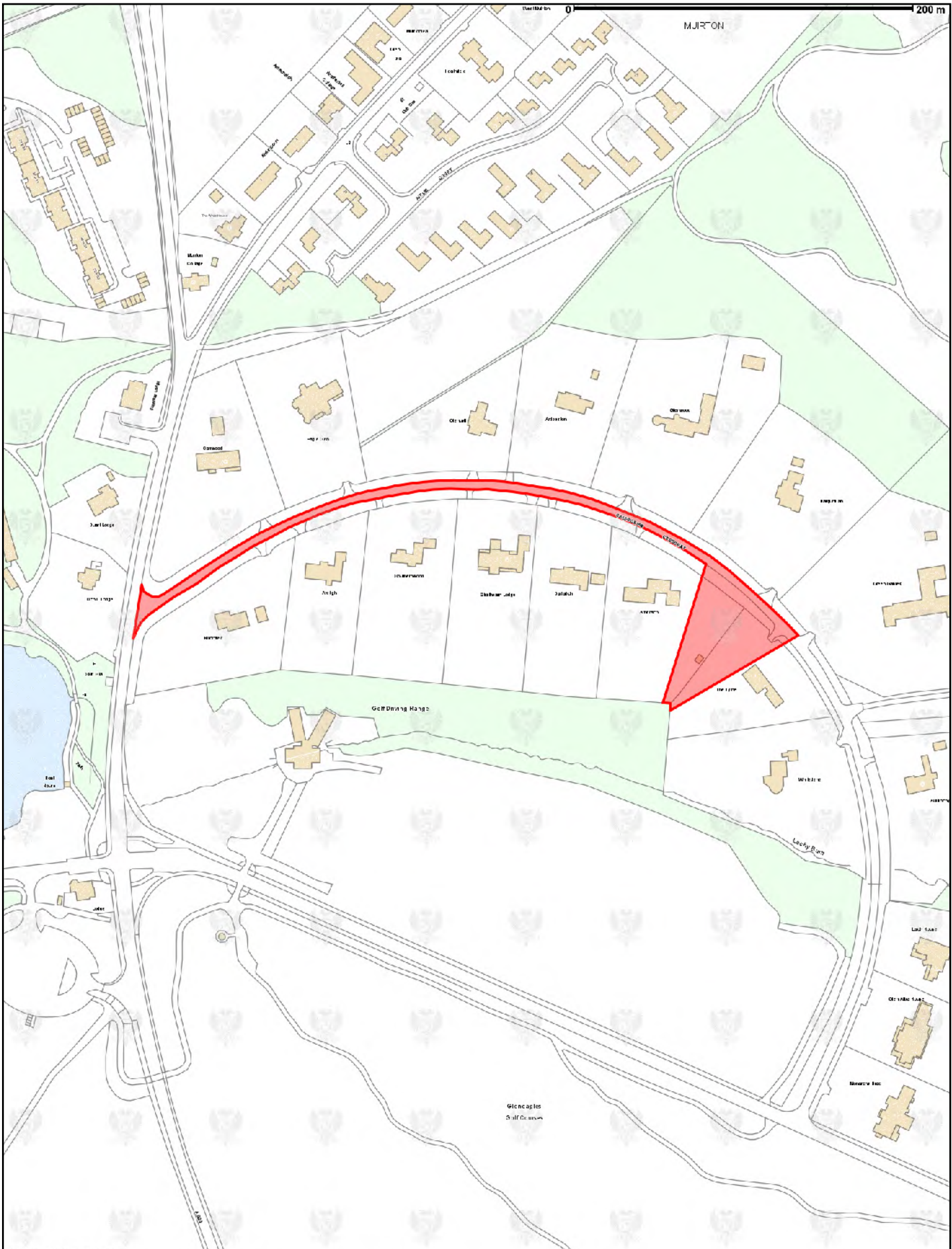
15/01400/FLL

Modification of permission 10/00351/FLL (erection of a dwellinghouse and detached garage with residential annex) change of house and garage type and erection of a garden building on land SE of Artharachi, Caledonian Crescent, Gleneagles (4 objections)



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15/01400/FLL

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