

Perth and Kinross Council
Development Management Committee – 9 December 2015
Report of Handling by Development Quality Manager

Erection of 8 dwellings at Rawes Farm Steading, Longforgan, DD2 5HQ

Ref. No: 15/01390/FLL
Ward No: N1 - Carse

Summary

This report recommends approval of a detailed planning application for the erection of eight dwellings on land adjacent to the Rawes Farm Steading, Longforgan as the development is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain detailed planning permission for the erection of eight dwellings on land adjacent to Rawes Farm Steading – a large steading, located outside the Carse settlement of Longforgan, which has been converted into a number of residential units. The southern and eastern areas surrounding the main steading has been subject to a number of individual, detailed planning applications over the years, resulting in detailed consents currently being in existence for five detached units – two to the east of the steading, and three to the south. A further detailed permission for one detached dwelling immediately to the south of the main steading has been built out, and is now occupied. This planning application essentially seeks approval for an amended layout, change of house types and an increase in the number of residential units on the land surrounding the main steading (south and east) from the consented five dwellings, to eight.
- 2 This application proposes four detached units to the south to replace the consented three, and a terrace block of four dwellings to replace the two detached dwellings to the east. The four detached units would be smaller in footprint than the ones already consented and will offer living accommodation largely over two full levels, with some accommodation contained within the roof spaces. The terrace block will also living accommodation over two full levels. The design of both the detached units and the terraced block are similar to that of the converted steading with external finishes being a mix of timber features, render and natural slates.
- 3 The applicant has indicated that the principal reason for the proposed change in house types (and the increase in numbers) is that the current housing market is not reactive to the larger dwellings which already have permission.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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.
- 6 Of relevance to this application are:
- Paragraphs 74 - 83: Rural Development
 - Paragraphs 109 – 134: Enabling the delivery of New Homes
 - Paragraphs 135 – 151: Valuing the Historic Environment.

Scottish Historic Environment Policy

- 7 This document, produced by Historic Scotland (now Historic Environment Scotland) provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

OTHER RELEVANT LEGISLATION

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 8 *Section 59* of this Act requires the Council, when exercising its planning functions, to have special regard to the desirability of preserving the setting of Listed Buildings from inappropriate development.

DEVELOPMENT PLAN

- 9 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

- 10 Whilst there are no specific strategies 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.”*
- 11 **Policy 3 (Managing Tay Plan's Assets)** seeks to protect our cultural heritage assets from inappropriate new developments.

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. Within the Local Development Plan, the site lies within the landward area, where the following policies are directly applicable,

Policy PM1A - Placemaking

- 13 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 PM2 - Design Statements

- 14 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 – Contributions

- 15 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.

Policy RD3 - Housing in the Countryside

- 16 The development of single houses or groups of houses which fall within the six identified categories will be supported. One of those categories is new residential development adjacent to existing building groups.

Policy RD4 - Affordable Housing

- 17 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

OTHER COUNCIL POLICIES

Affordable Housing Supplementary Guide 2014

- 18 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. The guidance should be read in conjunction with Local Development Plan Policy RD4 : Affordable Housing.

Developer Contributions 2014

- 19 This supplementary guidance seeks to secure both A9 junction contributions and Primary Education contributions in certain circumstances. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions.

Developer Contributions, Transport Infrastructure 2014

- 20 This supplementary guidance is about facilitating development and 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.

Housing in the Countryside Guide 2012

- 21 This supplementary guidance relates to new housing in the open countryside and is applicable across the entire landward area. The policy offers support for new housing, when certain criteria can be met and achieved. The guidance should be read in conjunction with Local Development Plan Policy RD3 : Housing in the Countryside.

SITE HISTORY

- 22 The area of Rawes Farm Steading has had a protracted planning history, starting with the initial 2004 conversion of the main steading - which is now complete and occupied. That consent (04/02408/FUL) was approved under delegated powers. Since that initial approval, there have been subsequent approvals of a number of individual planning permissions for new housing surrounding the main steading. Included in these permissions, is the approval for five detached dwellings on the area covered by this planning application – three to the south and two to the east. The planning permissions relating to these dwellings were approved during 2006 and 2007 under delegated powers on the basis of compliance with the Housing in the Countryside Policy of the time. It is the view of the Council that the consents relating to these five dwellings have been commenced by a combination of advanced demolition, works commencing on the access and ground works commencing directly associated with the various permissions.

CONSULTATIONS

External

- 23 **Scottish Water** – No objections to the proposal.
- 24 **Dundee Airport** – No objections to the proposal in terms of aviation safety implications associated with Dundee Airport.

Internal

- 25 **Transport Planning** – No objection to the proposal in terms of the proposed access and parking arrangements or the increase in vehicular movements.
- 26 **Environmental Health** – No objection to the proposal in terms of contaminated land issues, subject to a standard condition being attached to any consent.
- 27 **Flooding Team** – Initially raised an objection to the proposal in relation to the capacity of the SUDS pond and other potential flooding issues in the area. However, the applicant has submitted further technical information to the Council to demonstrate that the existing SUDS pond has the capacity to cope with eight new dwellings (as opposed to the previously approved five) and that the SUDS pond is protected against flood risk from a 1 in 200 year + climate change flood event. After reviewing this information, the flooding team have rescinded their objection.
- 28 **Education and Children Services** – No objection to the proposal, but have indicated that the local primary school is operating at over its 80% capacity.
- 29 **Development Negotiations Officer** – No objection to the proposal, but has requested that Developer Contributions in relation to Affordable Housing and Primary Education are required. The Developer Negotiators Officer has also confirmed that there is no requirement for Developer Contributions in relation to Transport Infrastructure.

REPRESENTATIONS

- 30 Eleven letters of representations have been received, all of whom are objecting to the proposal. The main issues raised within the letters of representations are,
- Contrary to the Development Plan
 - Contrary to the Council's Housing in the Countryside Policies
 - Inappropriate house types
 - Impact on Visual Amenity
 - Impact on Residential amenity
 - Drainage Flooding Issues
 - Impact on Trees
 - Impact on Wildlife
 - General impact on road and pedestrian safety

These issues are addressed in the Appraisal section below.

ADDITIONAL STATEMENTS

31

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	Additional technical information on the SUDs basin capacity and flooding issues submitted.

APPRAISAL

- 32 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.
- 33 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to Developer Contributions as well as due consideration of the previous planning history of the site.

Policy Issues

- 34 The key land use policies are contained within the Local Development Plan 2014. Within that Plan, the site lies within the landward area where Policy RD3, Housing in the Countryside Policy and the associated supplementary 2012 guidance are both directly applicable. These policies offers support for new housing in the open countryside where the development proposed meets with the acceptable criteria listed within the policies.
- 35 In addition to these policies, Policy PM1A of the Local Development Plan 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.
- 36 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

Land Use Acceptability

- 37 In terms of land use issues, the acceptability of this development in land use terms is ultimately an assessment against the Council's Housing in the Countryside Policies.

The previously approved consents for the five detached dwellings were approved on the basis of their compliance with the previous Housing in the Countryside Policy 2005 as the combination of the replacement of former cottages (now demolished) and various infill opportunities between those proposed replacements and the other buildings - such as the main steading and the original farm house aligned itself positively with the 2005 policy. Whilst the extant consents are significant material considerations, I nevertheless consider it reasonable to assess this current proposal against the terms of the current Housing in the Countryside Policy, particularly as there have been changes to the Council's Housing in the Countryside Policies since the previous consents were granted in 2006/7.

- 38 In relation to the terrace block of four dwellings, proposed to the east of the steading, this proposed block is located on the site of a former cottage (now removed) and on an area which is immediately adjacent to the existing steading and the existing farm house. Favourable support is offered within the current Housing in the Countryside Policies for extensions of existing 'building groups' into definable sites, providing that the development proposed does not adversely affect the character and /or amenity of the existing group. In this case, I consider the combination of the existing steading, the new detached dwelling to the south of the steading, the existing farmhouse and the various detailed permissions for new dwellings to the south (and east) of the steading to clearly constitute a 'building group' arrangement, which is typically defined by 3 or more buildings. I'm also of the view of that the creation of a tastefully designed terrace block of a similar style and design to the existing steading, would not have an adverse impact on the character or amenity of the 'existing group', and that the space in which the terrace block is proposed is a reasonably definable site which is capable of absorbing the development proposed.
- 39 In relation to the proposed four detached units to the south of the existing steading, these proposed dwellings would also fall to be considered against the 'building groups' section of the Housing in the Countryside Policy and again, their siting is considered to be within a definable site which, in turn would not have an impact on the character or amenity of the existing group.
- 40 Whilst the proposal accords with the requirements of the current Housing in the Countryside Policy in its own right, the significance of the extant consents is a significant material consideration which must be borne in mind when considering the acceptability of this application. As the extent of the area covered by the extant permissions is directly comparable to the area which is subject to this current application, it is the case that five of the proposed eight dwellings are essentially for a change of house type only, which only offers further support for the case for supporting this slightly higher density development within an area which already been accepted for built development. I therefore consider the proposal in land use terms to be acceptable, and that the proposed increase in density is acceptable and in line with the requirements with the Council's Housing in the Countryside Policy.

Impact on Residential Amenity

- 41 I note that within the letters of representations, some concerns have been raised regarding the potential impact that this proposal would have on the existing residential amenity which is enjoyed by the residents of the existing steading. Both the proposed terrace block and the four detached units are suitably separated from

the existing steading to ensure that direct overlooking or loss of privacy does not occur to an unacceptable level. I'm also conscious of the fact that the positions of the dwellings approved under the extant consents are comparable to the location of the dwellings which are now proposed. Likewise, the layout proposed would provide each dwelling with a suitable level of usable, private amenity space. To this end, I have no concerns in relation to residential amenity issues.

Visual Impact

- 42 In terms of the impact on the visual amenity of the area, the area subject of this application has already been earmarked for built development by virtue of the extant consents for the five detached dwellings. To this end, I do not necessarily consider this proposal to have any more of an impact on the visual amenity of the local area and on the wider countryside than what already has planning permission. In any event, the design of both the detached units and the terrace block are of a good standard and are extremely similar to the design style to the already approved detached dwelling (in the case of the proposed detached units), and the existing steading (in the case of the proposed terrace block). In addition, I do not agree with the views of some of the objectors who consider the terrace block to be out of keeping with the main steading and the listed farmhouse, but to the contrary, I consider the terrace block to be a design improvement from the consented detached house types on the eastern side of the steading, and the terrace block would sit comfortably beside the existing steading and the listed farmhouse.

Impact on the Setting of Listed Building

- 43 The existing farm house is listed, and both the proposed terraced block to the east of the main steading and the detached dwellings to the south would be within the setting of this building. However, bearing in mind what already has consent and the scale and design of what is now proposed, the setting of the listed building is not considered to be compromised by this development and this view is shared by the Council's Conservation Officer.

Contamination Land Issues

- 44 Previous planning approvals in the area have sought the further submission of technical information relating to ground contamination, including verification that the proposed mitigation measures have been carried out. Whilst some information has been lodged to discharge the pre-commencement elements of previous planning conditions, verification information is still required in relation to the sites surrounding the main steading. To this end, it is recommended that the standard contaminated land condition which was attached to previous consents is repeated on this permission.

Impact on Wildlife

- 45 There are no known protected species or local wildlife which are directly affected by this proposal. As the area subject of this application already has consents to allow it to be developed, it is unlikely that this proposal would have any additional impact on any local wildlife from that which already has consent.

Impact on Trees

- 46 The site is largely unaffected by trees, however there are some trees to the north eastern corner of the site which could potentially be affected by the erection of the terrace block. However, these trees are located a reasonable distance away from the proposed footprint of the building, and I also note that the extant permissions located the proposed dwellings at a similar distance from the affected trees. Nevertheless, I consider it appropriate to ask the applicant for a detailed landscaping plan prior to starting any works on site which must show the existing trees, new planting, and clearly identify the proposed protection areas for the existing trees which are to be retained.

Road Related Issues

- 47 I have no issues concerning parking provision or access arrangements, and this view is shared by the Transport Planner. All the proposed dwellings will use the existing access which is perfectly acceptable to accommodate number of dwellings proposed. In terms of the increase in traffic movement, the additional three dwellings will inevitable increase vehicle movements on the local road network and also along the existing private access from the public road to some degree. However, the additional volume that three dwellings would generate would be minimal and both the local road network and the private access are of a standard that can absorb any increases without comprising road and pedestrian safety.

Drainage

- 48 Both the foul drainage and surface water are subject to a private system which is currently in operation. It is noted that within the letters of representations some concerns have been raised regarding the functionality of the existing system, and its ability to cope with the extra capacity of the additional units in terms of both foul and surface water. Regardless of whether or not this is correct, issues over drainage outwith sewered areas are ordinarily considered to be matters that are best addressed through Building Standards regulations and also through regulation through SEPA.

Archaeology Issues

- 49 There is no known scheduled or local archaeology within the area.

Flooding Issues

- 50 The Council's Local Flooding Team have been consulted on the proposal, and after an exchange of information between the applicant's engineers and the flooding team, the flooding team have no objection to the proposal, in terms of the flooding issues in general and those specifically relating to the SUDs basin.

DEVELOPER CONTRIBUTIONS

Affordable Housing

- 51 As this development is for more than 5 units (8) there is an affordable housing requirement. However, as the site has an extant consent for 5 units, the affordable housing provision is only applicable to the 3 extra units, which equates to 0.75 of a unit (25% of 3). In this location, it would be desirable for the applicant to pay a commuted sum of £19,875 (£26,500 x 0.75) in lieu of onsite provision.

Transport Infrastructure

- 52 In terms of Transport infrastructure contributions, as the proposal would create less than 5 units from extant consents, there is no requirement for any Transport Infrastructure Contributions.

Primary Education

- 53 In terms of Primary Education contributions, as the local primary school is operating at over 80% of its capacity there is a requirement of Developer Contributions as part of this proposal for the mainstream housing element, which equates to 2.25 units. To this end, Primary Education contributions of £14,388.75 (£6,395 x 2.25) are required from the applicant.

ECONOMIC IMPACT

- 54 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

- 55 The applicant has indicated that he wishes to pay the required Developer Contributions 'up front', which will negate the requirement for a legal agreement. However in the event that this was not done then a Section 75 Agreement would be required to secure the developer contributions.

DIRECTION BY SCOTTISH MINISTERS

- 56 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

- 57 The principle of a residential development on this area has been established by the extant consents, and the small increase in the residential numbers and design/scale of the proposed dwellings aligns itself positively with the land use policies contained in the Local Development Plan 2014 and associated supplementary guidance. Whilst I note the concerns of local residents, it is my view that 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 or wider countryside, and as such it is considered to be 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 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 Prior to the commencement of any works on site, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. That plan must clearly show all existing trees which are located within the site and along its boundaries. The approved plan 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 and to ensure that the visual amenity of the area is protected.

- 3 All existing trees within the sites boundaries, as identified through condition 2 shall be retained and adequately protected during the course of construction. Prior to any works commencing, details of the proposed protection measures must be submitted 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.

Reason – In the interest of proper site management and to safeguard the trees which are to be retained.

- 4 Prior to the commencement of any works on site, full details of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented as part of the development, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect existing visual amenity.

- 5 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. condition of the site on completion of decontamination measures.

Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

Reason – In order to ensure that any land contaminates are adequately dealt.

B JUSTIFICATION

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

C PROCEDURAL NOTES

No formal planning consent shall be issued until such time as the following Developer Contributions have been secured,

Contribution	Amount
Affordable Housing	£19,875 (£26,500 x 0.75)
Primary Education	£14,388.75 (£6,395 x 2.25)
Total of Contributions	<u>£34,263.75</u>

The applicant has indicated that it is his intention to make the required payment ‘upfront’ to negate the need for any legal agreements to secure payment. This payment must be received within 28 days from the date of the committee; otherwise the application will be refused under delegated powers. However if the applicant opts to delay the payment then that legal agreement must be concluded within a 4 months’ timescale from the date of this Committee, otherwise the planning application will 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.

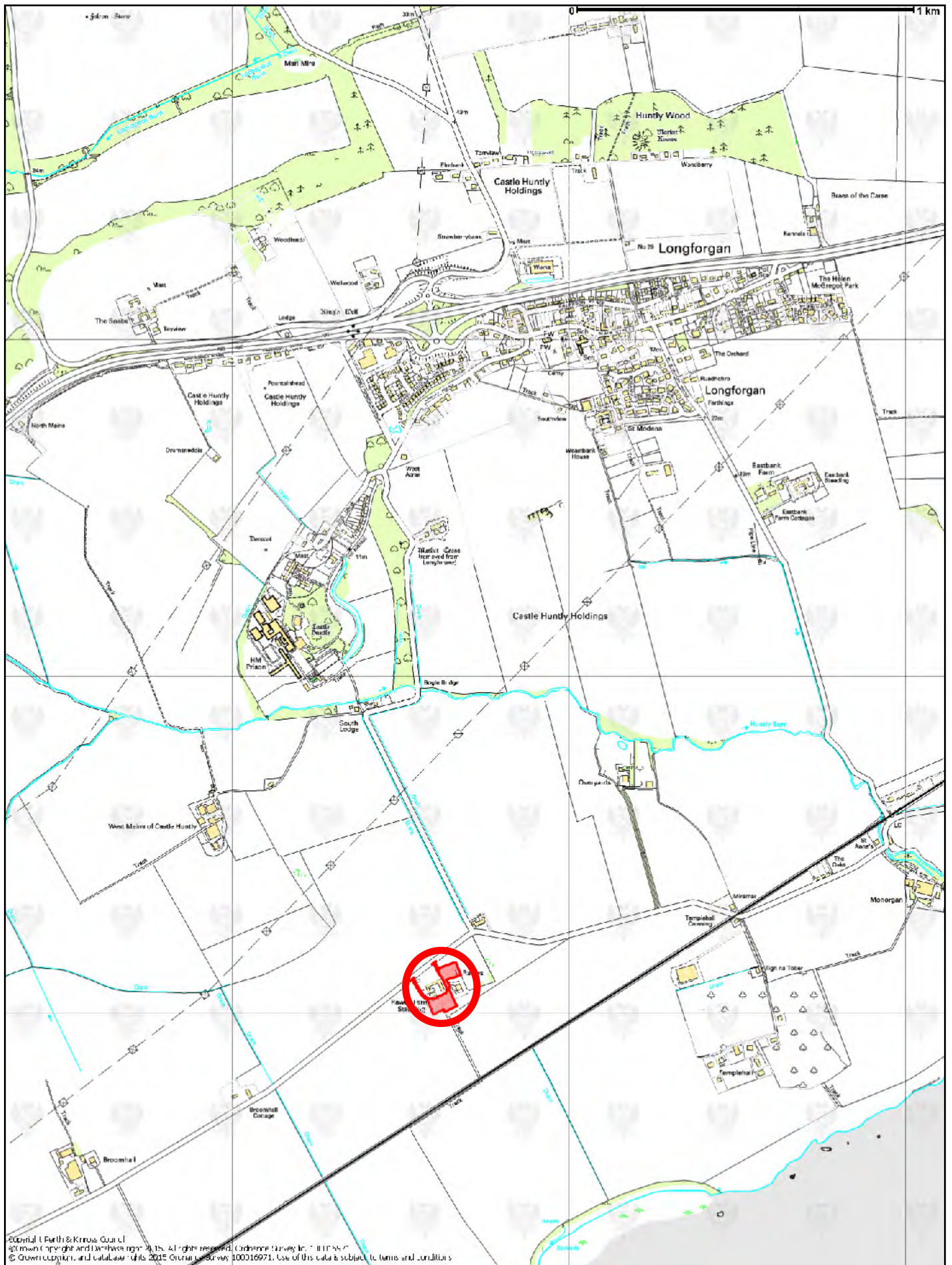
Background Papers: 11 letters of representation
Contact Officer: Andy Baxter – Ext 5339
Date: 23 November 2015

Nick Brian
Development Quality Manager

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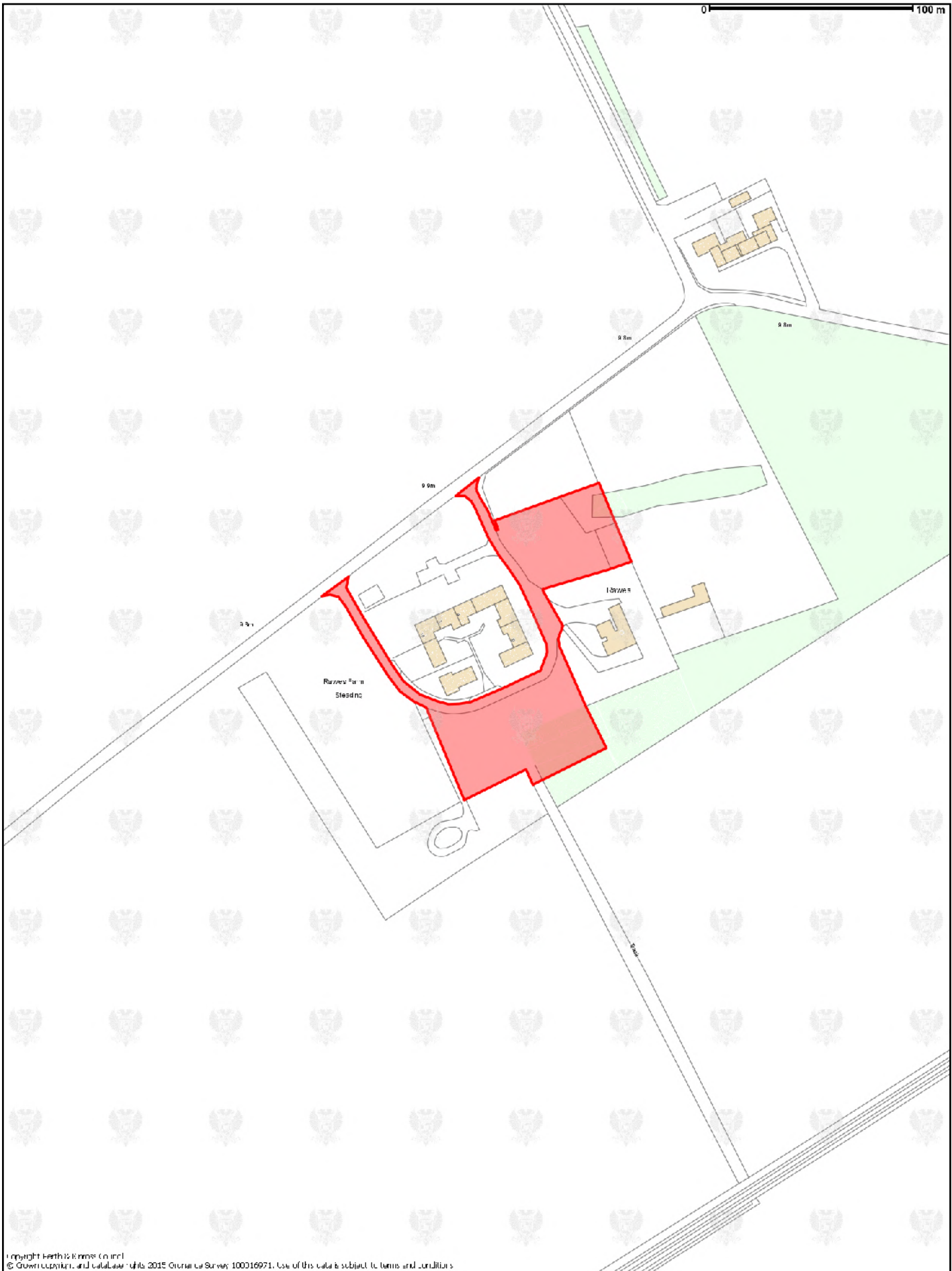
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15/01390/FLL

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PERTH & KINROSS COUNCIL



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