

Perth and Kinross Council
Planning & Development Management Committee – 7 April 2021
Report of Handling by Head of Planning & Development (Report No. 21/44)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land East of Robinhill, Kinnaird, Inchtute

Ref. No: [20/01830/FLL](#)

Ward No: N1 - Carse Of Gowrie

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 OF PROPOSAL

- 1 Planning permission is sought for the erection of a dwellinghouse on land east of Robinhill, a modern bungalow located in the village of Kinnaird in the Carse of Gowrie. Permission was granted in 2015 (14/00228/FLL) for the same proposal; however, this permission has lapsed, and a new application has been submitted.
- 2 The proposal is for a contemporary style, single storey, split level house. The house is proposed to be clad in natural red sandstone with smooth render panels. The roof profiles will be mono pitched. Windows will be timber framed.
- 3 The proposed site is within the garden ground of Robinhill and is located between Secret Garden (formerly Christmas Cottage) and Robinhill. The new house will be served off the existing driveway to Robinhill which is a private track serving two properties, Robinhill and Secret Garden. Robinhill, located at the end of the track, is currently in the same ownership as the application site.

PRE APPLICATION CONSULTATION

- 4 There have not been any pre-application discussions with regard to this site.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 2014

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) 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 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 1/2011 Planning and Noise

National Roads Development Guide 2014

- 10 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 12 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. Whilst there are no specific TAYPlan policies or strategies directly relevant to this proposal the overall vision of the

TAYPlan is noted.

“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2

- 13 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 17: Residential Areas
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 15 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 16 This document supports policy 1 (Placemaking) and is used to assist in the placemaking process.

SITE HISTORY

[13/01099/FLL](#) Full Planning Permission was Refused On 16 August 2013 for Erection of a dwellinghouse

[13/01100/FLL](#) Full Planning Permission was Approved On 9 August 2013 for Extension to dwellinghouse

[14/00228/FLL](#) Full Planning Permission was Approved On 18 November 2015 for Erection of dwellinghouse

CONSULTATIONS

- 17 As part of the planning application process the following bodies were consulted:

External

- 18 **Dundee Airport Ltd:** No objection. The development would not impact the safeguarding criteria for Dundee Airport.
- 19 **Scottish Water:** No objection. There is capacity at Clatto Water Treatment Works for water supply. There is no Scottish foul water infrastructure in the vicinity. Private treatment options are required.

Internal

- 20 **Environmental Health (Noise Odour):** No objection subject to condition with regard to noise.
- 21 **Environmental Health (Private Water):** No objection subject to condition and informative notes with regard to private water supply and foul drainage infrastructure.
- 22 **Transport Planning:** No objection subject to condition with regard turning and parking.
- 23 **Development Contributions Officer:** Contributions are required for primary education of £5,164.

REPRESENTATIONS

- 24 A total of 7 letters of representation have been received all objecting to the proposal. The main issues raised within the representations are:
- Design
 - Residential amenity
 - Noise
 - Drainage
 - Visual impact
 - Traffic and road safety
 - Legal issues with right of access on track
- 25 These issues are addressed in the Appraisal section of the report with the exception of the comments with regard to legal issues and right of access along the track. This are private legal matters to be resolved between landowners

and is not a material planning consideration.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 2019 (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely developer contributions and placemaking supplementary guidance.

Principle

- 27 The site is located within the Kinnaird settlement boundary as identified in the adopted LDP2. Policies 17 and 1A both apply. Both policies seek to ensure that all new proposals in residential areas are compatible with existing land uses and that the character and amenity of the existing area is not adversely affected by inappropriate development.

Design and Layout

- 28 The proposed house is to be sited on the north eastern part of the application site. This is close to the boundary with the house known as Secret Garden with the closest part of the proposed new house being around 1.5 metres from this eastern site boundary. This part of the new house contains the utility room and has a maximum height of around 4 metres. The main part of the house is between 3 and 4 metres from this boundary and is around 17 metres from Secret Garden. The new development is at a lower level than Secret Garden. A blockwork wall with timber fence on top is currently in place along this eastern boundary.
- 29 The north elevation fronts the access track and contains the front entrance to the house. The height at this point is relatively low at approximately 4 metres with a monopitch roof which falls from north to south. This elevation is primarily finished in white render with some stone. The ground falls away from north to

south and the rear (south) part of the house is around one metre lower. The roof pitch is highest at the southern end of the house at around 6 metres and falls to the north. The south elevation is extensively glazed with a mainly stone finish.

- 30 There have been a number of concerns expressed with regard to the proposed design of the house, the size of the plot and that the development is not in keeping with its surroundings. The design has not changed since the previous approval. There are a variety of house styles and plot sizes in the area. Robinhill itself is a modern bungalow. The proposed development is on a secluded site, away from general public view and is removed from the main historic core of the village. The design was previously considered acceptable on this site and the policy framework in terms of placemaking is broadly the same. It is therefore considered that the proposal is again acceptable. A condition to confirm external finishes is proposed (Condition 2).

Landscape

- 31 There are a number of mature trees to the south of the property within the grounds of the adjoining property (Gowranes) and there is an existing hedge along the northern boundary, again within the grounds of an adjoining property.
- 32 Objectors note that the area is within the Sidlaws Local Landscape Area and that development would be contrary to the associated supplementary guidance. It is considered that the proposal will not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross as policy 39, Landscape, requires. The small scale of development within existing garden ground and within an existing settlement will have minimal impact on the wider landscape quality of the area.
- 33 A condition was previously attached to require details of landscaping, boundary treatment and upgrading of the access track. A condition with regard to landscaping and boundary treatment will be attached again (Condition 3) with a separate condition added with regard to the access track (see Roads and Access section). A condition to protect existing trees is also attached (Condition 4).

Residential Amenity

- 34 There is concern from objectors that the construction of a house on this site will impact on the privacy of surrounding properties. Whilst there are some tall windows on the south elevation, the dwellinghouse is single storey and views out will be limited. Any views to the east or west will be at an angle and will not overlook either Robinhill or Secret Garden. The new house has a lower roof ridge than Secret Garden and is unlikely to affect privacy of either property due to the distance and proposed arrangement of windows on the new dwellinghouse. In addition, there is a substantial fence/wall along the eastern boundary which varies in height between 2 and 3 metres. A new 1.8m high fence is proposed to the west boundary between the application site and Robinhill. The views to the south, to the property known as Gowranes, are

screened by the mature trees within the garden ground of this property. The proposed dwellinghouse is far enough away from neighbouring properties to have no impact in terms of overshadowing.

- 35 The proposals include the installation of an air source heat pump to the east side of the property. There have been concerns from objectors that this will cause disturbance due to noise. Comments have been received from Environmental Health in this regard and it is not considered that residential amenity will be adversely affected by the proposal. However, a noise rating condition is recommended (Condition 7).
- 36 Concern has also been raised that there will be noise and disruption during construction. This is expected to be limited as the development is for a single house and it is for the developer to ensure that working practices do not cause unacceptable levels of noise and disturbance.

Visual Amenity

- 37 There have been comments from objectors that the building will be visible from surrounding hills and will impact adversely on visual amenity. It is considered that any impact will be localised due to the secluded setting of the site. Existing trees will be protected during development and new landscaping required to help to integrate the new development into its setting (Conditions 3 and 4). Development will primarily impact on views out from Robinhill which is in the same ownership as the application site. The development will not impact on the wider visual amenity due to its scale and siting away from the main centre of the village.

Roads and Access

- 38 The site is accessed by a private track around 40 metres in length from the public road in Kinnaird village. Concern has been expressed about the suitability of the vehicular access to the proposed site and the potential increase in traffic that will be created by the development proposal. Whilst it is accepted that the access is narrow, it is not considered that a significant amount of extra traffic will be generated by this development. The nature of the roads in the village is such that vehicle speeds will be low. The site plans show a parking area which can accommodate at least two vehicles. The Council's Transport Planners do not object to the application but have asked for conditions to be attached with regard to turning and parking provision (Conditions 8 and 9).

The proposals indicate that the existing gravel driveway will be upgraded. A condition requiring details of this will be attached (Condition 10).

Drainage and Flooding

- 39 There have been a number of objections with regard to potential drainage issues within the site.

40 There are no public sewers in the area and a private foul drainage system is proposed. The new septic tank will be located in the garden of the existing property, Robinhill and the existing septic tank will be abandoned. The applicant has submitted drainage details that incorporate a mound soakaway system which is suitable for this site where there is limited porosity.

41 Surface water for this house and Robinhill will be collected and re-cycled as “grey water” within the dwellings which will help to reduce the amount of surface water on the site.

42 There is also concern that development of the site might affect the soakaways from neighbours' septic tanks and that the development will be built on top of the soakaways. Environmental Health (Private Water) have been consulted and a condition and informative notes are attached to safeguard existing septic tanks, water supply storage facilities and / or private water supply pipes (Condition 5, Informatives 5 and 6).

Waste Collection

43 An area for waste and recycling bins has been included on the site plan, which is adequate.

Conservation Considerations

44 The site is not within a Conservation Area. There are a number of listed buildings in Kinnaird; however, due to the distance from any Listed Buildings, this proposal will not impact on the setting of any Listed Building.

Natural Heritage and Biodiversity

45 The site is largely grassed and development will not impact on natural heritage or biodiversity. An informative note will be added to highlight the possible presence of nesting birds in any trees or shrubs on the site (Informative 8)

Zero carbon technologies

46 Policy 32 of the Local Development Plan requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy the requirement of Policy 32 will be required by condition (Condition 6).

Developer Contributions

Primary Education

47 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be

operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

- 48 This proposal is within the catchment of Inchtute Primary School where the following contribution is required:

- Education: £5,164

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 50 There is an existing section 75 legal agreement associated with the previous planning permission for this site. Discussions are on ongoing with Legal Services to ascertain whether this agreement could be used to cover contributions required as part of this planning application or whether this agreement will need to be modified or re-written.

DIRECTION BY SCOTTISH MINISTERS

- 51 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 53 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of development, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include details of proposed hard and soft landscaping. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 4 All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 5 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

- 6 Prior to commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building: a) the technology types; b) illustrate, through technical calculations, that these will meet at least the 10% reduction; c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason - To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

- 7 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 8 Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

Reason - In the interests of pedestrian and traffic safety.

- 9 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason - In the interests of pedestrian and traffic safety.

- 10 Prior to the commencement of development, a plan showing details of the upgrading of the access track shall 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 - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

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

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 6 The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the

filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

- 7 The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 8 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 9 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 10 There is a Section 75 legal obligation associated with this site, which relates to developer contributions for primary education provision. The applicant should seek clarification as to whether this agreement is applicable to this application or will require to be modified or re-written.

Background Papers: 7 letters of representation
Contact Officer: Persephone Beer
Date: 25 March 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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