

Perth and Kinross Council
Planning & Development Management Committee – 6 December 2017
Report of Handling by Interim Development Quality Manager

Proposal: Erection of a replacement dwellinghouse

Location: Site of former Bruaich Cottage, Fearnan

Ref. No: 17/01563/FLL

Ward No: P4 Highland

Summary

This report recommends approval of the detailed application for the erection of a replacement dwellinghouse on the site of former Bruaich Cottage, Fearnan. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 Planning permission is sought for the erection of a dwellinghouse on the site of a former cottage at Fearnan. The existing building is a modest single storey timber clad building of no particular architectural value. The proposal is for the construction of a replacement dwellinghouse with accommodation over two levels. The application site extends to around 2190 square metres and is bounded on one side by the public road, a neighbouring property to the east and open ground to the south. There are views of Loch Tay from the site which is accessed from the north using an access shared by the neighbouring property. The new dwelling will utilise the existing access.
- 2 The proposed new dwellinghouse is of one and a half storey form with two bedrooms and a small study at first floor level. At ground floor level there are two further bedrooms and a dining/kitchen area. A gable extension with glazing on the southern elevation contains a sitting area and wood burning stove. There is a lean to style roof to the north that joins the main roof and provides cover for the main entrance. The building will be finished in horizontal timber boarding, slate roof and timber windows. The

NATIONAL POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide.

The Scottish Planning Policy 2014

- 4 The Scottish Planning Policy (SPP) was published on 23 June 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.
- The determination of planning applications and appeals.

5 Of relevance to this application are;

- Paragraphs 36 – 57: Placemaking

National Roads Development Guide 2014

6 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

7 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

8 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that;

“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.”

9 The following section of the TAYplan 2017 is of particular importance in the assessment of this application.

Policy 1: Locational Priorities

10 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Policy 2: Shaping Better Quality Places

- 11 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 9: Managing TAYplans Assets

- 12 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 13 The Local Development Plan (LDP) 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.
- 14 The LDP 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.”*
- 15 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 16 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

- 17 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 18 Where new developments (either alone or cumulatively) exacerbate a current or generate a 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 RD1 - Residential Areas

- 19 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy NE2B - Forestry, Woodland and Trees

- 20 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 21 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER POLICIES

- 22 The following supplementary guidance and documents are of particular importance in the assessment of this application.

Planning Site History

- 23 17/00496/FLL Erection of replacement dwellinghouse 8 June 2017 Application Withdrawn

CONSULTATIONS

EXTERNAL

Scottish Water

- 24 No objection, advice given.

Glen Lyon & Loch Tay Community Council

- 25 Object due to size, scale, materials and impact on the character of Fearnan.

INTERNAL

Transport Planning

- 26 No objections.

Environmental Health

- 27 No objection subject to condition with regard to wood burning stove.

Contributions Officer

Primary Education

- 28 This proposal is within the catchment of Kenmore Primary School.
- 29 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required.

REPRESENTATIONS

- 30 The application has attracted 11 letters of objection. The following issues were raised by the objectors;
- Contrary to local plan policy
 - Design is out of keeping with area
 - Impact on character of rigg system
 - Approval would set a precedent
 - Light nuisance
 - Overlooking
 - Impact on trees

Response to issues

- 31 The issues raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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|----|--|--------------|
| 32 | 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

- 33 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved

TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

- 34 The determining issues in this case are whether; the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

- 35 The site is located within the settlement boundary of Fearnan where Policies RD1 'Residential Areas', PM1A 'Placemaking' and PM1B 'Placemaking' of the Perth and Kinross Local Development Plan are applicable.
- 36 Policy RD1 outlines that the Council will be generally supportive of developments within residential areas that are compatible with the amenity and character of the area and will improve the character and environment of the area or village. In this case the character of Fearnan is defined by a rig system which can be seen in the central and northern sections of the settlement. This rig system is protected within the settlement boundary of the development plan by its designation as open space.
- 37 Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
- 38 Policy PM1B of the Local Development Plan sets out a placemaking criteria against which all proposals should comply.
- 39 It is considered that the principle of the proposal to replace the existing dwellinghouse is acceptable and that the details accord with the policies set out above. This will be discussed in more detail below.

Design and Layout

- 40 The proposal is to replace an existing single storey timber clad dwellinghouse that measures around 9 metres by 8 metres. The height to the roof ridge is 4.6 metres. The building is of no particular value and it is accepted that a replacement building is appropriate. The footprint of the existing house measures approximately 70 square metres. The new house has a footprint of approximately 110 square metres.
- 41 The proposed new dwellinghouse will measure around 11 metres by 9 metres with a 5 metre square gable extension to the south. The height to the roof ridge is 6.6 metres from the finished floor level making it around 2 metres higher than the existing. Provision is made for four bedrooms over two levels. The building is sited partly on the existing footprint although it extends further to the south west with the addition of the gable extension that contains the sitting area and access to the upper floor.

- 42 The new house will be finished in horizontal timber cladding with slate roof and timber doors and windows. A condition will be attached to confirm details (Condition 2).
- 43 The design of the proposal has attracted a number of objections particularly due to the inclusion of the glazed central element to the rear. The objectors comment that such a design is not appropriate in Fearnan which is characterised by single storey properties and that this proposal would set an undesirable precedent for other similar proposals.
- 44 A previous application that included a large decked area and more extensive glazing to the east side of the central section was withdrawn. This revised submission has removed the decking to the south and west as well as the glazing on the east side of this section. The whole central section was also lowered by around half a metre to bring it below the main ridge level.
- 45 There has also been concern expressed by objectors that the proposal would not be in keeping with the historic rigg system for which Fearnan is noted. In this case the development site is to the west of the main rigg system and already contains built development. The development area does not extend significantly beyond the existing building footprint. I would note that there are a variety of house styles in Fearnan although close to the site there is a predominance of single storey properties. This proposal represents a more contemporary design that seeks to make the best use of a constrained site.

Landscape and biodiversity

- 46 The site is in an area where there are existing trees, the majority of which will be retained. There is an existing beech hedge to the rear (north east) of the property which is proposed for retention. There has been an objection to the proposals with regard to potential tree loss however the plans show that the majority of trees will be retained and that these are a sufficient distance from the replacement dwellinghouse to be unaffected by the proposal. A condition will be attached to ensure that the trees to be retained are protected (Condition 4).
- 47 An informative note will be attached to ensure that account is taken of any protected species (Informative 5 and 7) that may be present during the works and that any demolition or site clearance is undertaken at an appropriate time of year with regards nesting birds (Informative 6).

Residential Amenity

- 48 The site is close to an existing residential dwellinghouse. The new house will be around the same distance from its neighbour as the existing. There are two windows proposed on the east elevation serving a bedroom and kitchen. Whilst the window to boundary distance at 4.6 metres is less than 9 metres which is normally preferred the new proposal will be at the same distance as the existing dwellinghouse where there historically have been windows. The glazed central element has velux windows in the roof however there is no

internal access to these so there will be no overlooking from them. The neighbour is concerned with overlooking of the garden area however the angle of view from the new property will generally be away from the neighbour's garden. There is also a blank wall to the side of Drummond View in the form of a bedroom extension as well as an existing shed and trees that will restrict any views from the new property.

- 49 Environmental Health has commented that the application contains provision for a wood burning stove and associated flue. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 50 However there is the potential for smoke or odour nuisance from the stove. This can be minimised by the applicant using fuel recommended by the manufacturer. It is therefore proposed to attach a condition as recommended by Environmental Health (Condition 5).
- 51 I am therefore content that residential amenity will not be adversely affected by the proposed development.

Visual Amenity

- 52 There have been objections to the proposal due to its potential adverse visual impact. This is primarily due to the height of the proposed house and the glazed rear element that objectors feel is out of keeping with the area. When viewed from the north the new building will be around 2 metres higher than the existing. This increase is made visually less severe by a lean-to element to the rear that covers a log store and entrance area. The rear is also relatively plain and will not stand out to any significant degree. The existing site is well wooded and it is not anticipated that this will change. A condition will be attached to protect existing trees during construction (Condition 4) and full landscaping details will be requested by condition (Condition 3)
- 53 The glazed area to the front has been included to take advantage of its setting looking out towards Loch Tay. This style of building is relatively common in the area including example close to Fearnan. Objectors are concerned that it will be visible from the minor road that runs along the western boundary. The new house will be around 10 metres from this boundary. There is extensive vegetation and tree cover along the roadside boundary which reduces any adverse impact.

Roads and Access

- 54 The site is accessed from the public road by the existing access which also serves the neighbouring property, Drummond View. There has been no objection from my colleagues in Transport Planning

Drainage and Flooding

- 55 There are no known issues in relation to the flooding or drainage. The site is also not located within any areas at risk to a 1 in 200 year flood event, as per SEPA's indicative flood maps.

Light Pollution

- 56 There has been concern from objectors that light from the property could cause a nuisance on the road to the west. However the new house will be over ten metres from the road and it is unlikely that any domestic scale lighting used on the property would impact on users of the public road.

Waste and recycling

- 57 The existing arrangements on site for waste and recycling provision will not be affected by this proposal. A site for a bin store is shown on the plans.

Developer Contributions

58 Primary Education

The Council 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

- 59 This proposal is within the catchment of Kenmore Primary School.
- 60 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required.

Economic Impact

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

LEGAL AGREEMENTS

- 62 No legal agreements are required as part of this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 63 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

- 64 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case the application seeks consent for the erection of a replacement dwellinghouse. This proposal complies with LDP policies which support development within settlement boundaries. It is therefore considered that the proposal does comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the Development Plan. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 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 the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 4 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in

Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

- 5 The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

Reason - To ensure the correct operation of the stove.

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 NOTE

None required.

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 may be required.
- 5 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are

the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

- 6 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.
- 7 The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.

Background Papers: 11 letters of representation
Contact Officer: Persephone Beer Ext 75354
Date: 23 November 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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