

Perth and Kinross Council
Development Management Committee – 19 October 2016
Report of Handling by Interim Head of Planning

Erection of four dwellinghouses on land north of Willowside, Edradour

Ref. No: 16/00710/FLL
Ward No: N4- Highland

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 Full planning consent is sought for the erection of four detached dwellinghouses at land 50 metres north of Willowside, Edradour. The application site is located within a walled garden which is associated with the adjacent Edradour House. The walled garden has a square footprint and slopes from north east to south west. There is an existing vehicular access into the walled garden adjacent to Edradour House in the north east corner of the site which is to be closed off, however a new vehicular access is proposed in the south east corner of the site which will link to an existing tree lined access drive which serves four other properties and Edradour House. An existing building (a former chapel) which is located in the south east corner is proposed to be demolished to accommodate the access and new development. The houses are proposed to be laid out in a courtyard fashion with the plots being split relatively evenly in terms of footprint. Each house is proposed to be similar in design and scale, with accommodation provided on two levels with upstairs accommodation served by dormer windows. A rear projection is proposed on each house. Detached garages are proposed on plots 3 and 4 and a semi detached garage block is proposed for plots 1 and 2. There is a large mature hedge on the south boundary which is proposed to be retained. There are a group of trees on the eastern side of the site, including an attractive Yew tree, one tree is proposed for felling in this location.
- 2 The proposed soakaway system is to be located to the south east of the site on an area of grassland.
- 3 It should be noted that the site layout has been revised following discussions with the planning officer. This revised layout was subject to re-notification and re-advertisement.

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.

DEVELOPMENT PLAN

- 5 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

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan 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

- 7 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.
- 8 The principal policies are, in summary:

Policy RD3 - Housing in the Countryside

- 9 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy PM1A - Placemaking

- 10 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 adaption.

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 12 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 TA1B - Transport Standards and Accessibility Requirements

- 13 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE2B - Forestry, Woodland and Trees

- 14 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

- 15 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.

Policy EP3B - Water, Environment and Drainage

- 16 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 17 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

OTHER POLICIES

- 18 Housing in the Countryside Guide 2012
- 19 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

SITE HISTORY

- 20 00/01934/FUL Change of use of vacant chapel to business use at 29 January 2001 Application Permitted
- 21 08/00693/FUL Demolition of existing chapel and erection of dwellinghouse and garage 18 August 2008 Application Withdrawn

- 22 08/01659/FUL Demolition of existing chapel and erection of dwellinghouse and garage 6 October 2008 Application Permitted

CONSULTATIONS

EXTERNAL

- 23 **Scottish Water** – no response within statutory period

INTERNAL

- 24 **Community Waste Advisor** - Environment Service
- 25 **Transport Planning** – no objection subject to condition requiring provision of additional passing place
- 26 **Contributions Officer** – no contributions required
- 27 **Environmental Health** – comments relating to private water supplies and contaminated land

REPRESENTATIONS

- 28 A total of four letters of representation were received during the first advertisement period for the application, including one from the Pitlochry Community Council and have raised the following relevant issues: -
- Access/traffic generation
 - Design
 - Soakaway location
 - Waste storage/collection
 - Impact on trees
 - Residential amenity (overlooking/privacy)
 - Contrary to policy
 - Overdevelopment
 - Core Path
- 29 During the second period of advertisement, following the submission of amended plans a further two letters were received both of whom had objected during the first advertisement period. These reiterate the comments raised above.
- 30 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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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	Bat Survey

APPRAISAL

Policy Appraisal

- 32 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. The most relevant policies are outlined in the policy section above. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 33 Policy RD3 refers to Housing in the Countryside where Supplementary Guidance in the form of the Housing in the Countryside Guide 2012 is relevant in this instance. This allows for residential development in the countryside provided a proposal falls into a specific category of development. Category 3 refers to "New Houses in the Open Countryside" and specifically section 3.1 (b) allows for development within walled gardens where development would not affect the integrity of the structure of the garden and may assist in the preservation of the wall. Part of the garden is utilised as storage for farm machinery and the remainder partly hardstanding and part landscaped garden. It was clear from my site visit that the walled garden was in good condition. The integrity of the wall is to be retained as part of the development with an existing opening to be utilised to provide vehicular access. The garden is well enclosed on all sides by both the existing walls and mature landscaping (all of which are to be retained) which provides for an appropriate contained site within this rural location for residential development. As such I consider the principle of residential development to meet the requirements of category 3.1 (b) of the Housing in the Countryside Guide 2012. The overall site layout, design and detail of the proposal will be considered against policies PM1A and B which relate to placemaking and against the siting criteria outlined in the Housing in the Countryside Guide 2012. Other relevant planning policies are outlined in the policy section above and relate to residential amenity, access and traffic, infrastructure contributions and bio diversity.

Layout

- 34 Policies PM1A and B relate to placemaking and seek to ensure that, amongst other criteria, new development relates to the overall character and density levels within a given area. It was clear from my site visit that recent development has occurred on the land to the south of the application site with three new houses being developed in addition to the Edradour Lodge. This new development to the south has resulted in a total of four properties within an area similar in size to the application site. This extent of development, in my view, provides a clear indication of the overall character and density of development within this small grouping of buildings. The layout and density of the proposed development reflects this character by proposing a total of four plots, each of which is similar in footprint to the plots to the south resulting in a layout which is considered to successfully reflect the established character of the area in accordance with the requirements of policies PM1A and B and the criteria outlined in the Housing in the Countryside Guide 2012. The retention of the existing trees and hedging on site will also help to ensure an immediate landscape setting and containment for the site. A condition is recommended to ensure the retention and protection of these trees during construction and in perpetuity. Furthermore the vehicular access into the site is also considered to reflect the character of the development to the south as it extends into the site centrally allowing the houses to face into the site similar to the layout and access arrangements for the plots to the south. Overall I consider the layout, number of plots and overall character of the proposal to relate successfully to the established character and density levels in the area in accordance with the requirements of the above mentioned policies.

Design

- 35 The proposed design of the dwellings is relatively contemporary but with traditional materials and proportions proposed. The elevations are broken up by using varying finishing materials including natural stone cladding, smooth render and timber cladding and a slate roof. These finishing materials are considered to accurately reflect the rural character and visual amenity of the area and are similar to those utilised on the new build development to the south. Overall the proportions and design of the dwellings are considered to be appropriate and therefore in accordance with the relevant policies relating to visual amenity. It is noted that concern has been expressed through letters of representation relating to each house having a very similar design. Given the appropriateness of the design I do not consider this to be a significant concern.

Residential Amenity

- 36 Concerns have been expressed through letters of representation regarding the potential impact the development may have on residential amenity in terms of overlooking and overshadowing. The properties closest to the existing houses to the south are plots 1 and 2. In terms of the proposed houses the rear elevation of plot 1 faces towards the south boundary and towards Willowside. The windows on the closest part of the rear elevation are located 9.3m from the boundary. This distance is considered to meet the Council's guidance relating to window to boundary distances which requires 9m between windows and boundaries to mitigate

overlooking. Furthermore the well established mature hedge on the boundary is to be retained which will provide screening and further negate overlooking from plot 1 to the south. This distance is also considered to negate any concerns relating to overshadowing from plot 1. Whilst the garage block is located closer to the boundary, this is proposed to be single storey and given its position in relation to the rising and setting sun there is not considered to be any impact in terms of overshadowing from this block.

- 37 Plot 2 is proposed to be orientated with a gable facing south towards the neighbouring properties and specifically Arvingerne. Similar to plot 1, the windows on this elevation are positioned more than 9m from the boundary with the neighbouring property and the retained mature hedge will also provide enclosure and screening. A condition will ensure the retention of the hedge. I am satisfied that the revised layout of the site will not result in any detrimental impact on the amenity of neighbouring properties subject to conditions.
- 38 In terms of the proposed properties, as outlined in the layout section above, each property is considered to have an appropriate level of amenity space and the layout allows for appropriate distances between windows to ensure overlooking between properties is minimised. The layout does not present any concerns relating to overshadowing between the proposed plots.
- 39 One letter of representation raises concerns relating to noise generation from vehicles associated with the proposals. Whilst it is accepted that construction vehicles will generate noise this will be for a temporary period only and is therefore not considered to be significant. Furthermore it is accepted that the additional housing will generate additional traffic movements which will increase noise levels to an extent however this is not considered to be significant or to a level which would merit refusal of the application on noise grounds.

Access

- 40 Access to the site is proposed along an existing vehicular access which serves the properties to the south and Edradour House. There is an existing bellmouth junction onto the public road and vehicles can turn north out of the access towards Pitlochry or turn south through Edradour and Donavoured to the A9. Whilst concerns have been expressed regarding the ability of the public road to cater for the increase in vehicles associated with this development I am satisfied that the provision for alternative routes through Moulin and through Donavoured to and from the site will ensure that the traffic numbers will be split to a certain extent along each access route, reducing the pressure of traffic through Donavoured.
- 41 The existing bell mouth onto the public road is considered sufficient to cater for the development proposed here and adequate visibility splays already existing. Transport Planning have offered no objection to the proposal subject to the provision of an additional passing place on the existing access given the increase in traffic which will result. This can be secured through a condition. Subject to this condition the proposal is considered to comply with Policy TA1B of the LDP.

Bio Diversity

- 42 The Council's Bio Diversity Officer identified the site as having potential bat roosting potential and given the demolition proposed, a bat survey of the site was requested and this has been received. Whilst some evidence of bats has been identified through the survey, nevertheless, no roosting bats were found. The survey recommends that bat friendly roost features should be incorporated into the design of the new houses and recommends mitigation to allow for protection of bats. The recommended mitigation is considered appropriate and will be secured through condition. A letter of representation has asked why the bat survey is not available on public access. The survey contains sensitive information regarding the habitat of a protected species and to ensure their ongoing protection the contents of the survey have been made sensitive. This is standard practise for a survey of this nature. The proposal is therefore considered to be in accordance with Policy NE3 of the LDP.

Drainage

- 43 The application form indicates that the development is to be served by a private drainage system with discharge to a soakaway and watercourse. Concerns have been expressed regarding the outflow and the potential for flooding to nearby properties given the sloping topography from the soakaway to neighbouring properties. The principle of this type of private drainage system within a rural area is considered to meet the requirements of Policy EP3B relating to foul drainage and is similar to proposals found elsewhere within rural area of Perth and Kinross. The detailed designed of the drainage system will be secured through the building warrant process to ensure its design meets Council standards.

Trees

- 44 The eastern side of the site is occupied by a number of trees which contribute to the overall setting and visual amenity of the area. Whilst one tree is proposed to be felled to accommodate the development this is one of the smaller trees within the grouping and its loss is not considered to be significant in terms of visual amenity. The remainder of trees on the site and along the access drive are proposed to be retained. A condition is recommended to ensure they are protected and that the new access is installed using appropriate methods to ensure the root areas of the trees are not damaged. Subject to these conditions I am satisfied that the proposal will not be of detriment to the trees on site.

Waste Collection

- 45 It was evident from a site visit that there is a small informal bin storage area adjacent to the bellmouth onto the public road. The proposed development will generate additional waste where facilities will require to be provided. Waste Services have indicated in their consultation response that an improved bin storage area will be required. An upgraded bin storage area to meet the requirements of Waste Services can be secured through planning condition. The plans indicate that the bellmouth, where the storage area is required, is within the applicant's control.

Core Path

- 46 A letter of representation seeks for the developer to make a financial contribution to the core path network in the local area. There is no planning policy justification for seeking for a contribution to be made towards public access in the area for a development of this scale. The PLRY/102/1 core path is located to the south and west of the application site with part of the path located close to the vehicular access into the site. I am satisfied that a development of this scale will not have a detrimental impact on the core path and to ensure this a condition is recommended to ensure the core path is not obstructed or damaged during construction works. Subject to this condition the proposal is considered to comply with Policy CF2 of the LDP.

Developer Contributions

- 47 There is no requirement for a contribution towards education infrastructure in this location and the site is located outwith the area where transportation contributions are required.

LEGAL AGREEMENTS

- 48 None required

DIRECTION BY SCOTTISH MINISTERS

- 49 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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

- 50 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 approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve, 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 planning permission.

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

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

- 3 The mature hedge on the south boundary of the site and the full extent of the wall around the walled garden shall be retained in perpetuity to the satisfaction of the Council as Planning Authority.

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

- 4 Prior to the commencement of any development on site, details of an additional passing place to be installed on the existing access to the site shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented prior to the commencement of residential development hereby approved to ensure the passing place can be utilised during construction operations and upon completion of the development.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 5 The conclusions and recommended action points within the supporting biodiversity survey (doc ref:16/00710/11) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

- 6 Prior to the commencement of any development on site full details of an upgraded bin storage/collection area adjacent to the bell mouth of the access at the public road shall be submitted to and approved in writing by the Planning Authority. The details shall meet the requirements of Perth and Kinross Council Waste Services as outlined in their consultation response dated 4th May 2016 and shall also ensure minimal visual impact. The details, as approved in writing, shall be implemented as part of the site development and fully installed prior to any of the houses being occupied.

Reason - To ensure adequate provision for bin storage and waste collection and in the interests of visual amenity.

- 7 The asserted right of way/core path shown on approved drawing 16/00710/13 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

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 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. 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.
- 6 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Background Papers: Four letters of representation

Contact Officer: John Williamson – Ext 75360

Date: 29 September 2016

NICK BRIAN
INTERIM HEAD OF PLANNING

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