

Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
(Report No. 23/109)

PROPOSAL: Erection of a dwellinghouse (in part retrospect)

LOCATION: Land 40 metres north of Easter Auchtar, Fearnan, Aberfeldy

Ref. No: [22/02005/FLL](#)

Ward No: P4 – 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 OF PROPOSAL

- 1 The application site is located to the north of Easter Auchtar, on the west side of the C449 public road between Fearnan and Fortingall. The site currently comprises a single storey timber-clad cottage and is enclosed on its northern boundary by a beech hedge, which partially screens views of the site from the north. In views from the south, the site is obscured by the mature conifer trees within Easter Fearnan itself. To the west, the land rises sharply upwards towards the foothills of the Lawers mountain range.
- 2 The site is also within the Loch Tay Local Landscape Area, and within the Catchment Area of the River Tay Special Area of Conservation (SAC). The Fearnan Cowpark Site of Special Scientific Interest (SSSI) is located approximately 140 metres south of the site, on the opposite eastern side of the public road. The Loch Rannoch and Glen Lyon National Scenic Area is located approximately 440 metres to the north.
- 3 A previous planning permission was approved in March 2010 for the demolition of the existing cottage and construction of a two storey house to the west of it (ref: 10/00127/FLL). Whilst the two storey house was not built, the permission is considered to have been commenced following the installation of utility infrastructure. The approved design has a curved aluminium roof and a mixture of fibre cement panels, harling and timber cladding as wall finishes.

- 4 The current application seeks to alter the position and design of the approved dwellinghouse within the western end of the site, with associated changes to the driveway. The bespoke and contemporary proposal would still be two storey with the primary living and bedroom areas on the first floor, and a store/workshop, garage and utility room on the ground floor. The dwellinghouse would have a shallow double-pitched roof with wide east and west-facing gables and an off-centre ridge of height 6.96 metres. It would be clad in black timber cladding, with a black aluminium roof and aluminium-clad timber fenestration. There would be a zinc-clad box feature window on the front and rear elevation, and a stove flue is also proposed close to the roof ridge.
- 5 The application has received an objection from Glenlyon and Loch Tay Community Council and is therefore required to be considered at Planning and Placemaking Committee.

Pre-Application Consultation

- 6 Pre application Reference: None.
- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 8 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 3: Biodiversity
 - Policy 4: Natural places
 - Policy 14: Design, quality and place
 - Policy 16: Quality homes
 - Policy 17: Rural Homes
 - Policy 29: Rural Developments

Perth and Kinross Local Development Plan 2019

- 12 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.
- 13 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 19: Housing in the Countryside
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38B: Environment and Conservation: National Designations
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - 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 57: Air Quality
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

- 14 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 16 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy, and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 17 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

SITE HISTORY

- 19 [00/01448/FUL](#) Full Planning Permission was approved on 18 October 2000 for erection of a replacement conservatory.
- 20 [07/00777/FUL](#) Full Planning Permission was approved on 25 May 2007 for replacement of dwellinghouse.
- 21 [07/02085/OUT](#) was refused on 22 November 2007 for residential development (in outline).
- 22 [09/01734/FLL](#) Full Planning Permission was approved on 16 December 2009 for erection of a dwellinghouse.
- 23 [10/00127/FLL](#) Full Planning Permission was approved on 15 March 2010 for demolition of bothy and erection of a dwellinghouse and garage (commenced).

CONSULTATIONS

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

External

Scottish Water

- 25 No objections, subject to standard advice. Private waste water treatment required.

Internal

Development Contributions Officer

- 26 There is extant permission for a dwellinghouse on the site (10/00127/FLL). No comments to make.

Transportation And Development

- 27 The applicant is proposing a new house design for the property which has an existing approval for a dwellinghouse (Ref: 10/00127/FLL). The existing approval is deemed to have commenced with the installation of services. The new house design is for two bedrooms. The vehicle access to the public road network for the property will be via the existing vehicle access into the site off the C449 public road to Fearnan. The applicant plans to upgrade this access to a bellmouth junction. Visibility from the junction is suitable. Parking will be provided on site for four vehicles, which is in line with the requirements of the National Roads Development Guide. The applicant has proposed the use of gravel within the driveway; however, the applicant should consider a method for

ensuring that the gravel remains in place, with one consideration may be for gravel grids, but other options may be available.

- 28 No objections, subject to conditions and informatives regarding the proposed access, surface aggregates and surface water on the proposed driveway.

Environmental Health (Noise Odour)

- 29 No objection, subject to informative regarding proposed stove system.

REPRESENTATIONS

- 30 One representation was received from Glenlyon and Loch Tay Community Council. The main issues raised within the representation are:
- Inappropriate design which would appear out of place relative to existing buildings and the surrounding landscape.
 - Concern that discharge of waste water or surface water to a nearby burn could exacerbate flooding at the point the burn is culverted beneath the public road.
- 31 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 33 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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. 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, as identified elsewhere in this report.

Principle

- 34 LDP2 Policy 19 – Housing in the Countryside acknowledges that opportunities exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations whilst safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved.
- 35 The proposal is considered a replacement of an existing house under category 4 of LDP2 Policy 19 and is required to meet the criteria outlined in the Housing in the Countryside Supplementary Guidance, including high quality design appropriate to its setting and surrounding area, similar siting and scale to the house being replaced, use of an established site with a good setting and landscape fit, and suitable enclosure by site boundaries. Whilst most of the above criteria shall be discussed in the remainder of this appraisal, it is acknowledged that the scale is different by virtue of being a two storey house. In this instance, the site history forms a significant material consideration as a planning permission for a two storey house has been approved and commenced (ref: 10/00127/FLL). As such, that approved two storey house could be constructed on site without need for further planning permission.
- 36 National Planning Policy Framework (NPF4) Policy 17 – Rural Homes also supports development proposals which meet a number of criteria, including the reinstatement of a former dwellinghouse. In addition, NPF4 Policy 9(a) is supportive of the sustainable reuse of brownfield land including vacant and derelict land and buildings, subject to consideration of the biodiversity value of brownfield land which has naturalised.
- 37 As such, the principle of a two storey house to the rear of the existing cottage it seeks to replace is acceptable subject to detailed consideration of matters including but not limited to design, landscape impact, and biodiversity.

Design and Layout, Landscape

- 38 The appearance, orientation, modern design and dark colour of the proposed contemporary two storey dwellinghouse would be acceptable and well-integrated into the surrounding landscape, by virtue of its position at the western rear of the site. This is further enhanced by the existence of established natural screening from trees to the south and the boundary hedge to the north. The front elevation of the dwellinghouse would be set back at least 54 metres from the edge of the public road, wholly to the rear of the current cottage's position. The existing northern boundary hedge would be maintained at a 1.8 metre height. The proposed layout of the site is also considered to be acceptable. Furthermore, the site also benefits from the rising topography of Creag a Mhadaidh to the west as a backdrop which helps integrate the proposal into the existing landscape. As such, this element of the proposal accords with This element of the proposal therefore accords with NPF4 Policies 14: Design, quality and place and 17: Rural

homes, and LDP2 Policies 1A and 1B: Placemaking and 19: Housing in the Countryside.

Residential Amenity

- 39 The proposed dwellinghouse would be sited sufficiently far from the nearest residential neighbour as not to cause concern regarding overlooking. There would be no overshadowing as the nearest residential neighbour is located to the south of the application site.
- 40 A stove and flue is proposed, and the flue shall terminate above the eaves of the proposed dwellinghouse, which will aid with the dispersal of smoke. As such, and subject to an informative reminding the applicant to adhere to the stove specifications, the impact on nearby residences would be acceptable.
- 41 The amount of private garden ground associated with this proposal is acceptable.
- 42 As such, this element of the proposal accords with NPF4 Policies 14: Design, quality and place and 16: Quality homes.

Roads and Access

- 43 The proposed plot includes a long driveway with sufficient parking and turning provision. The driveway would connect to the C449 public road. The Council's Transportation and Development team has raised no objections, subject to conditions and informatives relating to the creation of the access, and the management of surface aggregates and surface water on the proposed driveway. As such, the proposal accords with NPF4 Policy 13: Sustainable transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals (condition 3).

Drainage and Flooding

- 44 The representation from Glenlyon and Loch Tay Community Council regarding flooding is acknowledged. However, the application site and the road adjacent is not identified by SEPA as being vulnerable to surface water or river flooding. Furthermore, the plot size and driveway design are such that drainage can be satisfactorily accommodated. An informative shall draw attention to Scottish Water's advice note.

Waste Collection

- 45 A bin store is proposed at the front of the site between the proposed gate and the public road, and this is considered acceptable.

Conservation Considerations

- 46 There are no conservation implications associated with this proposal.

Natural Heritage and Biodiversity

- 47 The existing site is overgrown with grass and some self-seeded trees, and is enclosed by an existing beech hedge to the north. Several new trees are proposed along the driveway leading to the dwellinghouse, and the hedge is proposed to be limited to 1.8 metres in height. A condition shall require further details of the proposed landscaping strategy for the site. An informative shall also remind the applicant of their legal responsibilities in terms of the impact of site works on nesting birds (condition 2).
- 48 The Fearnan Cowpark SSSI is approximately 140 metres to the south of the application site and is important for its grassland and spring fen habitat. The proposal's modest size and scale, and its position slightly downhill from the SSSI means that it would not adversely impact this nature conservation designation.
- 49 As such, subject to the above condition and informative, the proposal accords with the intent of NPF4 Policies 3: Biodiversity and 6: Forestry, woodland and trees, and LDP2 Policies Policy 38B: Environment and Conservation: National Designations, 40B: Forestry, Woodland and Trees: Trees, Woodland and Development and 41: Biodiversity.

Developer Contributions

- 50 The Developer Contributions Guidance is applicable to this application, but it is acknowledged that an existing planning permission has been commenced on the site. As such, no contributions are required in this instance.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 52 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 53 None required.

DIRECTION BY SCOTTISH MINISTERS

- 54 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

- 55 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

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. Within six months of the approval of this development, a detailed landscaping and planting scheme for the site shall be submitted for the 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 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.

3. Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radii kerbing, of Type A Road construction detail. The Type A Road construction detail shall continue to the entrance for a minimum distance of 3 metres.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

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. 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.
2. A building warrant is required to be submitted and approved.
3. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
4. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
6. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings.

Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

7. 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.
8. 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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 1 letter of representation from Glenlyon and Loch Tay
Community Council.
Contact Officer: John Cooney
Date: 7 April 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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