

Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
(Report No. 23/273)

PROPOSAL:	Erection of a dwellinghouse (in principle)
LOCATION:	Land 75 metres North West of Mullmac, Saucher, Kinrossie, Perth, PH2 6HY

Ref. No: [23/01262/IPL](#)

Ward No: P2 – Strathmore

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 in principle is sought for the erection of a dwellinghouse and formation of a new access within a small hamlet called Saucher which is located approximately 9.5 miles to the north east of Perth, a short distance from the A94. There are approximately 14 dwellings within the hamlet set around a square green. The application site is located in the north east corner of the hamlet and extends to 0.27 hectares. The application site is rectangular and an indicative site plan has been submitted showing the possible position of a dwelling in the southern corner. Access is proposed to be taken from the public road to the east partly utilising an existing access which serves properties within the group.
- 2 This is a follow up application following the refusal of a previous application on a similar site but which sought to utilise an alternative new access track which was located outwith and along the edge of the building group (ref: [23/00923/IPL](#)).

Pre-Application Consultation

- 3 Pre application Reference: 23/00047/PREAPL
- 4 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

- 5 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

- 6 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.
- 7 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 8 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 16: Quality Homes
 - Policy 17: Rural Homes
 - Policy 22: Flood Risk and Water Management
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2 – Adopted November 2019

- 9 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 10 The principal policies are:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 19: Housing in the Countryside
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 39: Landscape

- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 51: Soils
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (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 - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport

Creating Places 2013

- 13 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

- 14 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

- 15 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.

Site History

- 16 [23/00923/IPL](#) was refused On 19 July 2023 for Erection of a dwellinghouse (in principle).

CONSULTATIONS

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

External

- 18 Scottish Water – no objection.

Internal

- 19 Transportation And Development – no objection.
20 Biodiversity/Tree Officer – no comments.
21 Development Contributions Officer – condition recommended.

Representations

- 22 8 representations were received. The main issues raised within the representations are:

- Impact on farming operations
- Loss of prime agricultural land
- Inappropriate land use which is out of character with area

- Inappropriate housing density
- Lack of car parking and impact on road safety / character
- Lack of sewage capacity
- Light pollution
- Loss of open space
- Loss of sunlight or daylight
- Loss of trees and ecological impact
- Noise Pollution including during construction
- Overlooking
- Flood risk
- Contrary to Development Plan
- Land ownership
- Maintenance of private road

23 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

24

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
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	Not Required

APPRAISAL

25 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 outlined elsewhere in this report.

Principle

26 In policy 19 - Housing in the Countryside of the Perth and Kinross Local Development Plan 2019 (LDP2), it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the

development of single houses or groups of houses which fall within the six identified categories will be supported. This is also referenced in the recently adopted National Planning Framework 4 (NPF4) where Policy 9 states that greenfield sites will be supported where there are explicitly supported by LDP policies.

- 27 Policy 17 of NPF4 is also relevant and seeks to encourage and promote and facilitate affordable and sustainable homes in the right locations and provides criteria in which proposals for new rural homes will be accepted.

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

- 28 The proposal does not meet any the criteria for categories 2-6 of the SG, however the proposed site is considered to be within a building group and therefore the criteria within category 1 requires to be considered.

- 29 Category 1 states that development will be granted for houses within building groups provided it can be demonstrated that:

- New housing will respect the character, scale and form of the existing group and will be integrated into the existing layout and building pattern.
- New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
- A high standard of residential amenity will be provided for both existing and new housing.

- 30 In this instance the proposed position of the dwelling is considered to be located within the existing building group, being adjacent to two existing dwellings and the indicative layout which has been provided demonstrates that there is scope for the dwelling to relate successfully to the character, layout and building pattern of the group provided it is appropriately sited and appropriate landscaping is provided as per the submitted indicative drawings. The proposed house, in principle, is therefore considered to accord with the criteria within category 1 of the SG.

- 31 The previous refusal identified the position of the access, running along the edge of and out with the building group, as a concern. It was concluded that the introduction of a new access extending approximately 70 metres along the edge

and out with the well defined building group failed to respect the existing layout and building pattern of the group contrary to placemaking policies of the LDP2 in that it failed to reinforce the street scene and open space of the grouping. The building group is well nucleated and is served by an existing access which contributes to the character and building pattern of the grouping. The introduction of a new access as part of that previous proposal was considered to completely alter the established character of the grouping and failed to relate to the building pattern of the group, contrary to Placemaking Policies 1A and 1B(d) of the LDP2 and Policy 14(b) of NPF4 which requires accesses to reinforce the existing street scene and development overall to contribute positively to the quality of the surrounding built and natural environment. In the Report of Handling for the previous refusal it was made clear that should alternative access arrangement be proposed which seeks to utilise the existing access which serves the grouping then the proposal would be looked upon more favourably.

- 32 The proposal now omits the previously proposed new access and instead seeks to utilise the existing access which serves the wider building group. The existing access is located between Pathways and Kanrosmar to the north east and a row of terraced cottages to the south west which front onto the village green. The proposal indicates that there is sufficient space between the Kanrosmar and Pathways to then provide a driveway access from the existing access track into the site. Given the revised access arrangements which now sees the existing access within the building group being used the proposal is now considered to respect the building pattern and character of the grouping and is therefore considered to comply with Policies 1A and B of the LDP2 and 14(b) of NPF4.

Design and Layout

- 33 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2 which relate to placemaking and Policy 14 of NPF4 which seeks to deliver well designed development. Further guidance is also provided within the associated Placemaking Supplementary Guidance. Furthermore, the siting criteria outlined within the Housing in the Countryside Supplementary Guidance is also relevant. Policy 4(a) of NPF4 is also applicable and seeks to ensure that the development does not have an unacceptable impact on the natural environment.
- 34 The indicative site layout demonstrates that there is scope to accommodate a dwelling on this site whilst respecting the character of the area. The indicative site plan showing the position of the dwelling along with associated planting demonstrates that the house will essentially fill a gap between Pathways and Kanrosmar and respect the established building line created by both of these properties. As outlined above the concerns regarding the access have now been addressed. A condition is recommended to ensure that any forthcoming detailed application accords with the submitted indicative layout. It is noted that the site extends into an open field but the indicative layout which has been provided demonstrates the provision of additional planting and landscaping to form a

defined edge to the site which follows the plot boundaries of the adjacent dwellings.

- 35 As this is an application in principle no detailed design or scale of dwelling has been submitted at this stage and this matter can be further considered at the detailed submission stage. Given the indicative site plan site outlined above and its relationship to the existing building group and the existing and proposed landscaping on the site the development of a dwelling, subject to an appropriate design and scale together with additional planting, will not have a detrimental impact on the visual amenity or landscape character of the area. The detailed design can be considered further should a detailed application be made. The principle is therefore considered to comply with the above policy requirements.

Residential Amenity

- 36 The site is of sufficient scale and there is an opportunity to position any dwelling in a location which ensures that the neighbouring properties are not overlooked. Furthermore, boundary planting to provide some screening and containment for the site could be secured by condition at detailed stage should any permission be granted. As this application is only in principle there is no opportunity to assess this in detail, at this stage, however this can be assessed when a detailed application is received should any permission be granted. It is noted that the site is elevated above the site to the south west (Pathways) and this would mean that the orientation and scale of the dwelling would require to be carefully considered to ensure it does not impact on the amenity of the neighbour. It is considered that there is scope to do so but this would be considered through any detailed application. Window position and boundary treatments would require to be carefully considered and would require to be orientated to the north west and north east to avoid overlooking neighbours. Furthermore, the scale and height of the dwelling would require to be limited to ensure it does not result in overshadowing to the neighbours.
- 37 The orientation of the house and height, together with the window positions will be an important consideration in the detailed application. Overall, this issue can be addressed at the detailed application stage.
- 38 Furthermore, as the access is now revised the concerns regarding the previously proposed new access and the issues of Kanrosmar and Mullmac being sandwiched between two accesses have now been addressed with this revised proposal.
- 39 The proposal is therefore considered to accord with the relevant policies of the LDP2 and NPF4 where they relate to respecting residential amenity.

Roads and Traffic

- 40 The site is capable of being safely accessed from the public road and the detailed development will be subject to a further detailed application which will require to

comply with the LDP2 and National Roads Development Guide in terms of parking provision, turning facilities, road safety and access. Transportation and Development have been consulted on the application and following clarity from the agent on the ability of the access to be delivered have offered no objections. Letters of representation identified concerns with the ability of the site to be accessed and the use of land in separate ownership to provide access into the site. The agent has been asked to clarify this and has advised that the applicant has recently undertaken a mapping exercise to confirm their title and confirmed that there is sufficient space within the client's ownership between Pathways and Kanrosmar (4.83m) to incorporate a site access from the existing road network.

- 41 It is noted that part of the access may be used for agricultural operations currently. If this is the case an agreement would require to be reached between the farm and developer regarding this issue. This is considered to be a private civil matter and not material to the assessment of this application.

Drainage

- 42 The application form indicates that the site is to connect to be served by a private drainage system with surface water system catered for through a SUDS system. This is in accordance with Policy 53B and C of the LD2 and Policy 22 of NPF4. The proposal for a sustainable urban drainage system is considered to be sufficient to cater for surface water drainage at the site. The specific location of the drainage system will require to be indicated in the detailed application and its location relative to neighbours. The letters of representation indicate that there may be capacity constraints with the existing village septic tank. This could potentially be resolved through provision of a new private system serving the dwelling and could be considered further should a detailed application be submitted. Any impact on any existing drainage connection/network for the grouping, including the access being located on top of an existing septic tank would be a civil matter between the developer and neighbours and not a material planning consideration. It would be for the developer to resolve this issue. The agent has confirmed that the applicant is aware of these issues.

Flood Risk

- 43 The site is not considered to be at risk from flooding according to SEPA's flood maps.

Developer Contributions

- 44 As this application is only in principle it is not possible to determine whether the local school is at capacity. However, to cover this aspect a condition is recommended to ensure the Council's Developer Contributions Policy and Supplementary Guidance is adhered to should any detailed application be forthcoming.

Ecology

- 45 The existing trees may be habitat to protected species and therefore Policy 41 of LDP2 applies which requires the protection of all wildlife and wildlife habitats and ecological assessments to be undertaken to understand the extent of impact. Policy 3(a) Biodiversity of NPF4 seeks to protect but also enhance bio diversity on a site. Policy 40 of the LDP2 is also applicable which requires tree surveys to be prepared.
- 46 On that basis a detailed ecology survey is required and this can be ensured through a condition to ensure it is submitted as part of a detailed submission. Furthermore, a condition is recommended to ensure none of the trees on site are felled at this time as no information has been submitted in relation to the potential impact on protected species from the tree felling. All of these matters can be considered should a detailed application be made. This will ensure that protected species are identified, and appropriate mitigation provided including timing of works to ensure compliance with Policy 41 of the LDP2 and Policy 3 of NPF4 and the protection of any identified protected species.

Trees

- 47 The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. This is outlined within Policy 40B of the LDP2 and NPF4 Policy 6(a). The proposal does not indicate any intention to fell trees and mentions that the trees on the north west boundary would be retained. A condition is recommended to ensure the retention of these trees. The conditions will also ensure that the development layout accords with that indicate in the indicative plan which ensures development is remote from the existing trees. On that basis it is not considered to be necessary to seek a tree survey as part of the detailed application.

Construction Noise

- 48 Whilst it is appreciated that there would be disturbance associated with construction operations this would be for a temporary period and is not considered to have any significant weighting in this determination.

Prime Agricultural Land

- 49 The site is identified as level 3.1 in terms of the soils classification for agriculture: "Land capable of producing consistently high yields of a narrow range of crops or moderate yields of a wider range of crops". The area of land which would be lost is considered to be limited and would not occupy a significant level of the existing agricultural fields. The proposal is therefore not considered to have a significant impact on the availability of agricultural land in the area and therefore meets the requirements of Policy 5 of NPF4.

Maintenance of Private Access

- 50 The letters of representation raise concerns about the condition of the private access, the presence of potholes and the possibility of additional traffic exacerbating the poor condition.
- 51 There are a number pot holes and Transportation and Development have offered no objections to its use to serve the site. No upgrade is recommended to serve a single dwelling. There will however, be responsibility for any future owner of the site to contribute towards maintenance of the track. This matter is a private civil issue which will require to be agreed between users of the track. The maintenance of the track during construction periods will also be a private matter between the parties involved and not something which planning legislation can dictate.

Neighbour Notification

- 52 Having reviewed the neighbour notification undertaken, it has been undertaken in accordance with the current legislative requirements. Furthermore, the application has also been advertised in accordance with the regulations.

Economic Impact

- 53 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

- 54 None required.

DIRECTION BY SCOTTISH MINISTERS

- 55 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

- 56 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, the adopted Local Development Plan 2 (2019) and statutory supplementary guidance. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 57 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development which should accord with the indicative layout as indicated on approved drawing 09, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, road layout, vehicle parking and turning facilities, levels, drainage including the disposal of surface water and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2. This planning permission in principle will last only for five years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in Principle in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

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

4. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.

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

5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

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 INFORMATIVES

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Background Papers: 8 letters of representation
Date: 29 September 2023

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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