

Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
(Report No. 22/76)

PROPOSAL:	Erection of 5 dwellinghouses, garages and associated works
LOCATION:	Land North of Woodbine Cottage Duncrevie Glenfarg

Ref. No: [21/00407/FLL](#)
Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning permission is sought for the erection of five dwellinghouses, garages and associated works on land to the North of Woodbine Cottage Duncrevie, Glenfarg. The site is an irregular shape and sits between residential properties, 'Northview' is to the east, whilst 'Woodbine Cottage' and 'Weefield' are to the southwest. Access from the unclassified 'Calford Brae' to the south; whilst an unnamed water course is located on the northwest boundary. To the north and north-east is agricultural land.
2. The site is currently vacant and rough ground but previously contained a cluster of farm buildings associated with Duncrevie Farm. These were demolished as part of the implementation of planning permission 05/02080/FUL, which saw five detached houses approved laid out in a cul-de-sac.
3. The implementation of the 2005 permission means that there is a fallback position, this is a strong material consideration in the determination of this application – particularly given the site is now located outwith a settlement boundary, as identified in the Perth and Kinross Local Development Plan 2019. This application effectively seeks to alter the proposed layout and house types associated with the 2005 permission.

Pre-Application Consultation

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 any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

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

The Scottish Planning Policy 2014 (SSP)

7. The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
8. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

9. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 69 Planning and Building standards Advice on Flooding

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

12. TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. 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.”

Perth and Kinross Local Development Plan 2

13. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
14. The principal relevant policies are, in summary;
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 19: Housing in the Countryside
 - Policy 20: Affordable Housing
 - Policy 39: Landscape
 - Policy 52: New Development and Flooding
 - 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

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

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

Placemaking Supplementary Guidance 2020

16. The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Housing in the Countryside Supplementary Guidance 2020

17. The objective of the policy and guidance is to strike a balance between the need to protect the landscape whilst still encouraging appropriate rural housing developments. This means guiding new houses to places which support existing communities and services and minimise the need to travel, encouraging the reuse of traditional rural buildings, and ensuring that the siting and design of all new houses will not adversely impact on the landscape or on the character of the countryside.

SITE HISTORY

18. [05/02080/FUL](#) Full Planning Permission was approved on 21 September 2007 for erection of 5 dwellinghouses and garages and demolition of existing farm buildings. The farm buildings were demolished, and drainage infrastructure installed under building warrant reference 08/01730/ALT. As such a 'material operation' under section 27 (4) of the Act was undertaken and the permission implemented within the required timeframes and remains extant.
19. [20/00308/FLL](#) A detailed planning application for the erection of 6 dwellinghouses, garages and associated works was withdrawn on 9 December 2020. This followed PKC advice to the applicant that the increase in the number of residential units could not be supported, due to the change in the sites status from 2007 to LDP2, and that a Flood Risk Assessment was also required.

CONSULTATIONS

20. The following bodies were consulted:

External

21. **Scottish Water:** No objection. Advise of sufficient water capacity to service the development; but that there is no public Scottish Water Waste Water Infrastructure within the vicinity of the site, the private treatment option has already been investigated and installed.
22. **INEOS FPS Ltd:** No objection. Advise that the safety and engineering integrity of the INEOS FPS Forties Pipeline will not be affected.
23. **Scottish Environment Protection Agency:** No objection received. Response on the 2005 application noted that the previous private drainage solution had been accepted by the SEPA EPI Team.

24. **Health and Safety Executive:** No objection. Do not advise against the granting of planning permission on safety grounds.

Internal

25. **Transport Planning:** No objection, subject to recommended conditions.
26. **Structures And Flooding:** No objection, subject to recommendations of the Flood Risk Assessment (FRA) being undertaken.
27. **Environmental Health (Contaminated Land):** No objection subject to conditions.
28. **Development Contributions Officer:** No objection. Contributions were previously secured under the extant planning permission 05/02080/FUL. No additional units are proposed via this application therefore no further contributions are required.
29. **Community Waste Advisor - Environment Service:** No objection. Advice provided on bin provision and collection.

REPRESENTATIONS

30. 13 objections have been received including one from the Glenfarg Community Council. The main issues raised are:
- Traffic generation/Road Safety Concerns/traffic volumes/traffic congestion/Road improvements on Calfford Brae are required.
 - Noise and Disturbance
 - Overlooking, loss of privacy
 - Contrary to Development Plan
31. These issues are addressed in the Appraisal section of the report.
32. Concerns have also been raised relating to impacts on the drinking water supply and other utilities/infrastructure. In relation to water, the applicant has confirmed their intention to connect to the public water supply. Any impact or upgrade to drinking water supply would thus be a matter between the developer and Scottish Water. Similarly, the upgrade or provision of other utilities would be between the developer and relevant utility provider.

ADDITIONAL STATEMENTS

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

APPRAISAL

34. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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, namely the Council's Housing in the Countryside, Placemaking and Flooding Supplementary Guidance (SPG).

Principle

35. The site lies within the 'landward' area in the adopted Perth and Kinross Local Development Plan 2 (2019) thus the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated 2020 SPG on 'Housing in the Countryside', which is the most recent expression of Council policy towards new housing in the open countryside.
36. The Policy and SPG recognises that opportunities 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 following six identified categories will be supported:
- (1) Building Group;
 - (2) Infill sites;
 - (3) New houses in the open 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; and
 - (6) Development on rural brownfield land.
37. This site particularly falls into Category 6, being previously developed or rural brownfield land. The associated SPG seeks significant environment improvements to support development.
38. In this regard the proposal would not result in significant environmental improvement. However, as explained in the site history the farm buildings at the site have been demolished and drainage infrastructure installed in relation to the 2007 planning permission and as such that development of 5 dwellings could still be undertaken. When taking account of this fallback position, the redevelopment of this previously developed site with an extant planning permission also for five dwellings, sees the principle of this extent and nature of development remain acceptable.
39. It should be noted that an application in 2020 (Ref: 20/00308/FLL) sought to increase in the number of residential units at the site from five to six.

However, with the site now being located outwith the settlement boundary the increase in unit numbers is not supported by the LDP2's Housing in the Countryside Policy. Furthermore, the increase in units to six exceeded that supported by the fallback position (the extant permission for five units).

Design, Layout and Landscape

40. The house types now proposed have been amended and repositioned from those approved in the 2005 permission. However, their scale and massing are similar, with windows set within dormers on the roof plain or incorporated into the wall head. However, the design and materials palette is now more contemporary. Particularly there are larger areas of glazing and a buff render which will be more recessive in the landscape than the previously approved cream colouring.
41. The 2005 assessment confirmed that the formation of five houses on this site arranged around a cul-de sac arrangement was acceptable subject to high quality structural landscaping being secured by condition, particularly given the elevated position above Glenfarg.
42. With conditional control reapplied to secure this structural landscaping the revised proposals are considered acceptable and compliant with the placemaking policies 1A and 1B as well as landscape Policy 39 (Condition 2).

Residential Amenity

43. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. In this respect an acceptable level of amenity for the proposed dwellings is required and in this case cognisance of the surrounding land uses, residential and agricultural, must also be taken into account.
44. With regards to neighbouring residential amenity the proposal is not considered to result in any adverse amenity issues from overlooking or overshadowing. An acceptable level of residential amenity can also be achieved between the proposed properties if suitable boundary delineation is deployed.
45. Representations consider that the use of the new vehicular access will result in noise and disturbance. However, it is not considered that this will be to the extent that an unacceptable or significant loss of amenity would occur to warrant refusal of the application. Particularly given the fall back position of another planning permission allowing the development of 5 houses. It is also worth noting that the former agricultural use of the site could at times have caused greater noise and disturbance.

Contaminated Land

46. Due to the former agricultural use, there could potentially be a range of contaminants present. This is particularly true of areas which may have been used as farmyards and could have contained a variety of buildings. Aside

from the likely presence of made up ground, chemicals could have been used within the site historically and potentially leaked or been spilled.

47. The risks associated with this former use are difficult to quantify, without sampling and chemical analysis of soils. This will clarify the situation and whether any measures are needed to mitigate against any risks identified.
48. Environmental Health therefore require a condition be applied to any planning permission, to ensure the aims of Policy 58A: Contaminated Land are met (Condition 3).

Roads and Access

49. The majority of representations raise concerns over road safety and in particular the increase of traffic utilising Calfford Brae. Transport Planning were consulted and do not object to the application or use of the surrounding road network. Conditional control is recommended to ensure the approved access arrangements are delivered (Condition 4). It is also again noted that there remains planning permission in place for the development of 5 houses.
50. It is also appropriate to ensure the approved parking and vehicular turning within the site is delivered (Conditions 5 and 6), to ensure compliance with policy 60B: Transport Standards and Accessibility Requirements.

Drainage and Flooding

51. The SEPA flood maps do not indicate any flood risk. However this may be because the mapping does not pick up risk on small catchment watercourses (<3km²), which may reflect the nature of the water course to the northwest.
52. Consultation with the Flooding Team confirmed that there may be a risk from that adjacent watercourse and a Flood Risk Assessment (FRA) was requested to enable assessment against Policy 52: Flooding.
53. The submitted FRA highlights that only a small part of the site is within the 1 in 200 year flood extent and recommends setting a 0.6 metre freeboard above this level +35%, along with other drainage mitigation measures.
54. The Flooding Team have reviewed the FRA and are content with the findings, recommending conditional control to ensure the mitigation measures are delivered, (Conditions 7 and 8).

Developer Contributions

55. The Developer Contributions Guidance is applicable to this application and contributions were previously secured under the extant planning permission 05/02080/FUL. No additional units are proposed via this application therefore no further contributions are required.

Economic Impact

56. 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

57. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variation relating to the submission of the Flood Risk Assessment.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

58. None Required.

DIRECTION BY SCOTTISH MINISTERS

59. 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

60. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the overarching aims of the adopted Local Development Plan 2 (2019) which seeks to reutilise brownfield land. The fallback position, an implemented consent for five dwellings, is a significant material consideration which justifies approval.
61. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the commencement of the development hereby approved, 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. Particularly elements of structural planting to the north and northwest boundaries should be incorporated. 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. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

I. the nature, extent and type(s) of contamination on the site

II. measures to treat/remove contamination to ensure the site is fit for the use proposed

III. measures to deal with contamination during construction works

IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

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 C Figure 5.7 access detail, of Type B Road construction detail.

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

5. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

6. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

7. The conclusions and recommended action points within the supporting flood risk assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - To ensure the provision of effective drainage for the site.

8. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for 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. 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 the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. 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.
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. 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.
10. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations include the submission of a Flood Risk Assessment.

Background Papers: 13 letters of representation

Contact Officer: John Russell

Date: 31 March 2022

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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