

Perth and Kinross Council  
Planning & Development Management Committee – 13 April 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/79)

**PROPOSAL:** Erection of a dwellinghouse and garage (revised design)

**LOCATION:** Land to the south of Innfield, Abernyte

Ref. No: [21/02159/FLL](#)

Ward No: P1- Carse Of Gowrie

### **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 site is located on the southwest edge of Abernyte. It is bound by dwellings to the north and east, the school playing field lies to the south and agricultural land to the west.
2. Planning permission was granted on the site in April 2021 for the erection of a dwelling (Ref: 21/00156/FLL), therefore the principle of residential development is established.
3. This application seeks to vary the approved dwelling positioning, slightly rotating the footprint to run more parallel with the west boundary, and to relocate the garage from the east to the north boundary and closer to the dwelling. There are also proposed changes to the house design and finishing materials.

### **NATIONAL POLICY AND GUIDANCE**

4. 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**

5. 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)**

6. 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.
7. 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**

8. 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

### **Creating Places 2013**

9. 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.

### **DEVELOPMENT PLAN**

10. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development 2 Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

11. 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.”*

12. There are no sections of the TAYplan 2016 which are of particular importance in the assessment of this application.

### **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 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- 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 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

#### **Placemaking Supplementary Guidance March 2020**

15. 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.

### **SITE HISTORY**

16. [21/00156/FLL](#) Full planning permission was approved on 14 April 2021 for the erection of a dwellinghouse and garage.

### **CONSULTATIONS**

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

## **External**

18. **Dundee Airport Ltd:** No objection.
19. **Scottish Environment Protection Agency:** No objection. Discussions confirmed that no formal response was required.
20. **Scottish Water:** No objection. Advise there is currently sufficient capacity to service the development in both Clatto Water Treatment Works but no foul or surface water connection.

## **Internal**

21. **Transport Planning:** No objection. Revised design does not impact/alter junction with public road, parking and turning still provided within site.
22. **Environmental Health:** No objection. Informative recommended in relation to odour.
23. **Development Contributions Officer:** The proposal is for revised design; contributions policy does not apply. Previous approval did not require developer contributions.

## **REPRESENTATIONS**

24. A total of 12 representation have been received, issues raised are summarised as follows:
  - Tree root damage
  - Light pollution
  - Noise pollution
  - Loss of daylight/overshadowing
  - Loss of privacy/overlooking
  - Impact on wider drainage
  - Flooding from access road
  - Increase in traffic
  - Construction access traffic impacts
  - Inappropriate design/finishes/height

## **Issues Related to the Principle of Development**

- Principle of development contrary to LDP2
- Proposal sets precedent for further development

## **Non-Material Planning Considerations**

### **Loss of view**

25. A number of these issues are addressed in the appraisal below. However, given the principle of erecting a dwelling on the site is established related aspects are not warranting of further detailed consideration. Loss of views is also raised but is not a material planning consideration.

## ADDITIONAL STATEMENTS

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

## APPRAISAL

26. 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.

### Principle

27. The principle of erecting a dwelling on the site has been previously considered and planning permission for a dwelling granted Ref: 21/00156/FLL. There have been no changes to the policy framework of LDP2 since that decision and the principle of the development is therefore considered acceptable.
28. The application site is located within a rural area and the changes to the design and siting are required to be considered under Policy 1: Placemaking and the Placemaking Supplementary Guidance. This policy and guidance seek to ensure that the design, density and siting of development should respect the character and amenity of the place.
29. In terms of the changes proposed consideration must be given to the scale, form, massing, design, position, proportions and external appearance of the proposed development within the context of the application site and whether it would have an adverse impact upon visual or residential amenity. In this respect the design and layout changes broadly follow the previous approval. For the reasons set out below the proposal is considered to comply with LDP.

### Design and Layout

30. As indicated the overall dwelling proposed is similar to that previously approved: accommodation set over two levels, with the upper floor contained within the roof space and served by rooflights or gable windows. The form is linear, taking references from agricultural buildings.

31. The proposal is essentially a modified version of that approval, retaining many similar features, style, appearance and scale. Changes include: garage repositioning, minor adjustment of the house positioning and design revisions.
32. The garage has been moved from the east of the site to the north of the dwelling and will be interconnected to the dwelling. This results in the dwelling being rotated slightly to run parallel with the boundaries. A covered veranda is to be added along the south elevation to provide a covered outdoor space.
33. The design is contemporary but complements the existing traditional stone and slate buildings in the area. Particularly the change of roof finish from grey metal to slate will further tie in with the surrounding more traditional properties.
34. Taking all this into account the design, styling and materials are considered to be acceptable and comply with Policy 1 Placemaking and the Placemaking Supplementary Guidance.

### **Residential Amenity**

35. The dwellings main aspect is to the south, whilst the nearest properties are located 36m to the north and 39m to the east. As such, the changes proposed do not significantly alter the impact on these existing dwellings, although concerns have been raised.
36. The distance between the proposed dwelling and boundary of the garden to the east is 30m. Whilst the northern boundary is at its closest 3m from the building, specifically the garage. The garage sees no windows in its northern elevation, whilst there are two small windows on the north elevation of the dwelling and two roof lights at a higher level in the roof face. The closest of these windows is some 11m from the boundary, thus more than the 9m set out in the placemaking supplementary guidance. Therefore, the position of the dwelling and distance from neighbouring boundaries is considered adequate to mitigate any potential overlooking.
37. As the distance between the proposed dwelling and other existing houses is more than 30m, no significant or unacceptable impact on daylight or overshadowing would occur.
38. In all aspects the position of the dwelling within the plot and the intervening distance to other properties is considered adequate to mitigate any potential impact on residential amenity therefore the proposal is considered to comply with Policy 1: Placemaking and the related supplementary guidance.

### **Roads and Access**

39. The site is accessed from an existing private road, with parking and turning detailed on the plans. The internal driveway has been altered from that previously proposed due to the relocation of the garage, also removing a field access shown on the existing approval.

40. As the access road is private the owners of the site may be liable to contribute to upkeep and have responsibility for any damage caused during the construction phases, however this is a legal matter and not a planning consideration.
41. Transport Planning colleagues have been consulted and raise no concerns with the arrangements set out nor in relation to the impact on the public road network. It is therefore considered that the proposals comply with Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

### **Drainage and Flooding**

42. SEPA's indicative flood maps do not identify the site as being at risk from flooding, including related to surface water.
43. The site is to be served by a septic tank and a soakaway would be located to the south of the dwelling. Concerns have been raised in representations in relation to surface water flooding, but it is considered that the proposed drainage arrangements would mitigate the impact of the development.
44. As a result, the drainage proposals are considered to comply with Policy 53: Water Environment and Drainage.

### **Natural Heritage and Biodiversity**

45. It is noted that the site is enclosed by mature hedges to the north and east with mature/established trees immediately adjacent to three boundaries. However, although the garage comes close to the northern boundary (c.3m), formed in part by trees and hedging, all are to be retained. Given the set back from the boundaries it is not considered likely that any significant impact on the hedges and trees would result, discussions have taken place with the Tree Officer, who raises no concerns. Beyond the trees adjacent to the plot boundaries, concerns have also been raised regarding potential for damage to trees adjacent to the access road. However, no works are proposed to the existing road and as such the planning permission would not see any impacts as a result of approved development.
46. There are records of red squirrel and swifts in the area. However, Swifts are a Tayside Local Biodiversity Action Plan and Scottish Government priority species, protected under the Environmental Liability Directive. As an 'amber' rated species, they are noted on the Scottish Biodiversity List as in decline with Conservation Action required. Given this development could positively contribute towards swift conservation at least four swift nesting bricks or boxes are to be incorporated into the new buildings (condition 2). There are no obvious impacts likely to red squirrels.

### **Developer Contributions**

47. The requirement for contributions was assessed under the previous application and it was determined that no contributions are required.

## **Economic Impact**

48. The economic impact of the proposal is likely to be focused at the construction phase of the development.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

49. This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

50. Not applicable

## **DIRECTION BY SCOTTISH MINISTERS**

51. 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**

52. 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 approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
53. 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 development hereby approved, details of the location and specification of the four swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the first use of the hereby approved dwellinghouse.



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

## **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 required

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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](http://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.
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.

Background Papers: 12 letters of representation

Contact Officer: Joanne Ferguson

Date: 31 March 2022

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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