

Perth and Kinross Council
Planning & Development Management Committee – 17 November 2021
Report of Handling by Head of Planning & Development (Report No. 21/208)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land south west of Greenparks, Church Road, Crook of Devon

Ref. No: [20/01860/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 The application site is located on the south side of Church Road, from which access would be taken, and just outside the ‘settlement boundary’ of Crook of Devon, as identified in the Perth and Kinross Local Development Plan 2. To the east and west are residential properties, whilst beyond a post and wire fence is a paddock/field to the south.
- 2 In 2012 planning permission was approved for the erection of a dwelling on the site (ref: 12/01526/FLL). However, this permission was not implemented and thus is no longer extant. The current application seeks to essentially re-establish the previously approved scheme, with the same dwelling design and plot layout.
- 3 The dwelling proposed is 1 ½ storey, with first floor accommodation contained partially within the roof and served by ‘wall head’ dormers and feature gable projections. The design has traditional proportions and detailing, with finishes of slate and white render. There is an integral double garage, and a driveway would be formed off Church Road, via a new entrance created in the existing wall which encloses the northern boundary.

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
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places.

National Roads Development Guide 2014

- 9 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

- 10 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

- 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 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes

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.

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 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

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 14 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 Guide 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.

Housing in the Countryside Supplementary Guidance January 2020

- 16 This document sets out in detail how the Council will implement Local Development Plan Policy 19: Housing in the Countryside.

SITE HISTORY

- 17 [12/01526/FLL](#) Detailed planning permission was approved for the erection of a dwellinghouse on 13 February 2014, this consent was not implemented and expired in February 2017.

CONSULTATIONS

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

External

- 19 **Fossoway Community Council:** Object. Concerns raised in relation to access and surface water flooding issues.
- 20 **Scottish Water:** No objection. Advise of capacity in the water supply network and public wastewater system, but note proximity of a mains water pipe and advise the surface water must not discharge to the combined sewer.

Internal

- 21 **Transport Planning:** No objection. Satisfied on the access arrangements for one dwelling and the associated traffic generation.
- 22 **Structures And Flooding:** No objection, following additional information being submitted to address initial concerns in relation to local flooding issues and surface water drainage proposals.
- 23 **Development Contributions Officer:** No developer contributions required.

REPRESENTATIONS

- 24 6 representations have been received. The main issues raised are summarised below:

- Adverse effect on visual amenity
- Contrary to development plan policy
- Excessive height
- Flood risk

- Inappropriate land use
- Loss of open space
- Out of character with the area
- Road safety concerns
- Traffic congestion
- Impact on core path
- Over intensive development
- Impact of construction traffic

25 These issues are considered below.

ADDITIONAL STATEMENTS

26

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	Not Required

APPRAISAL

27 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

28 The site is located close to but out with the LDP2 settlement boundaries of Crook of Devon. However, it is not within a 'greenbelt', as mentioned in some representations. Being out with a settlement the principle of development is considered under LDP2 Policy 19: Housing in the Countryside, and the associated Supplementary Guidance.

29 The planning permission granted in 2012 saw the position taken that the development was an infill site and complied with the then Housing in the Countryside Policy/Guide.

30 In this regard it is clear that the site is positioned between two existing dwellings and their associated curtilages (to the east and west), it also sees a

clearly defined boundary to the north with the south boundary tying in with the site to the west. The plot is comparable in size to adjacent plots and with a similar road frontage. The proportion of the plot to be occupied is no greater than neighbouring plots and the size/design is sympathetic to those neighbouring buildings.

- 31 The principle of development is therefore considered to continue to comply with the Development Plan, particularly both LDP2 Policy 19 – Category 2: Infill Sites, and the 2020 supplementary guidance.

Design and Layout

- 32 Moving on from the principle of developing the site with a dwellinghouse and looking at the detail of the proposals, LDP2 policies covering 'Placemaking' - 1A and 1B, seek to ensure that the design and scale of development respects its surroundings. Further guidance is also provided within the associated 'Placemaking' Supplementary Guidance.
- 33 The proposals reflect those approved in 2013, a dwelling set over 1 ½ levels, the upper floor served by dormers. The design sees traditional proportions and finishes, with the mass broken up with varied ridge heights and feature gables. The materials include: white render to walls, stone basecourse and a slated roof.
- 34 As mentioned above, the site is just on the southern edge of Crook of Devon. Within the settlement boundary there are single and two storey dwellings primarily modern with some traditional. To the east and west of the site there is a large recently built two-storey dwelling and a single storey extended cottage. The scale, design and finishes of the proposed dwelling are considered to complement these existing properties and development in the wider area.
- 35 The proposed dwelling occupies a similar proportion of the plot to the adjacent dwellings, with adequate amenity space within the plot, to a standard in line with supplementary guidance.
- 36 A detail of proposed fencing has been submitted, although where fencing is to be provided it is not clear. Clarification can be controlled by condition. (Condition 5)
- 37 The proposal is considered of an appropriate scale and design, addressing Policies 1A and 1B and the Placemaking SG.

Residential Amenity

- 38 The proposed dwelling is orientated such that most windows face north or south to the front and rear amenity spaces. A balcony is proposed to the rear elevation (south), contained within an overhanging roof limiting any outlook to the south and essentially over the rear garden and beyond. There is a small east facing upper floor window which serves a bedroom, but as this is 9 metres from the boundary there is considered adequate separation to mitigate any impact.

- 39 The two adjacent houses are orientated in the same directions and spacing between the plots is considered adequate to mitigate any potential impacts on neighbouring properties or their amenity space, in terms of overshadowing or loss of daylight.
- 40 Overall, the proposal is considered to be acceptable in terms of residential amenity and therefore in accordance with the LDP2 Placemaking Policies: 1A and 1B and related supplementary guidance.

Roads and Access

- 41 Access would be taken from Church Road, a private road leading from St Serfs Road in Crook of Devon approx. 190m to the north-east. Church Road continues to the south-west, towards a farm complex and also sees it connect to the A977 west of Crook of Devon. Further, Church Road is part of the Core Path network.
- 42 The submitted site plan shows that parking and turning can be accommodated within the site and in line with PKC standards. The access junction to the public road, at St Serf's Road, is considered to be acceptable to accommodate the development and one dwelling is not considered to result in an unacceptable or significant traffic increase. The Council's Roads Development Management team have reviewed the proposals and raise no concerns in respect to roads or access related matters. A condition is required to cover the access type (Condition 7).
- 43 It is noted in representations that those making comments do not consider that the access road is suitable to accommodate further development. However, as noted above the Roads Authority do not share this view. It is also likely that, as with other owners or those who have access rights over the private road, that there would be a legal burden on the owners of the proposed development relating to maintenance/repair responsibilities. However, this is not a planning issue. However as stated above the scale of development and associated traffic or standard of the road is not considered unacceptable or merit refusal of the application.
- 44 Core Path FSWY/103: Crook of Devon at Greenparks to Craiglaw via Harelaw runs along Church Road to the north. However, it is considered that the development can be undertaken without unacceptably impacting on access rights, with mitigations actioned to maintain core path access during construction (Condition 6).
- 45 As such, the proposal is considered to accord with LDP2 Policy 60B and the requirements of the National Roads Development Guide.

Drainage and Flooding

- 46 The development is to be connected to the public water supply and wastewater treatment works. Scottish Water do not object, but note that connections cannot be secured until an 'application to connect' is submitted to them.

- 47 The site is not located within an area identified as being at risk of flooding, however surface water drainage issues within the area have been raised in representations and are known to the Councils Flood Team. In this vein the Flood Team initially objected to the proposal, due to the lack of information on the issue and given that they had visited the area to assess wider surface water flooding complaints.
- 48 In their consultation response the Flood Team note that they don't consider that there is any significant risk of flooding to the site itself. However, the access road (Church Rd) has seen some flooding issues. These incidents have been investigated and, in summary, they relate to 1) Surface water running onto and down Church Road, and then north into the field to the north of Church Road. This then affects properties on West Crook Way. The location of this being to the west of the site; and 2) Surface water flows down Church Road, from a point further north-east of the site, this can then gather at the junction of the track which leads south (nr 'Greenparks', the property two to the east). The Flood Team advise that, subject to surface water associated to the site not discharging onto Church Road, the impact of the development would not exacerbate this existing situation, the source of which is not significantly linked to the site.
- 49 In order to be proportionately thorough, it is recommended that a more robust approach is taken from the standard position of applying a condition requiring that surface water drainage plans are submitted and agreed, as was the case on the 2012 permission. The Flood Team requested further information regarding the soakaway and infiltration tests, which was submitted and agreed.
- 50 The information submitted shows that the proposed soakaway is sized for a 200-year (plus 35%) rainfall event and the driveway is proposed to be of permeable construction. In addition, the Flood Team request that some 'positive drainage' is installed, to help capture additional surface water runoff during intense rainfall events. In response to this a 'cut off channel' is to be provided across the bottom of the driveway, to limit runoff towards the access road by directing it into an additional soakaway. These additional measures are included in updated plans and the Flood Team removed their objection, considering the approach appropriate. Condition 1 requires these measures are implemented. A condition is also recommended to ensure temporary construction phase drainage measures are in place (Condition 3).

Natural Heritage and Biodiversity

- 51 There is a mature tree located in the northern part of the site. The proposals do not indicate any works to trees, and it is considered that the position of the proposed house should not unduly impact on them. That said, given the proximity, it is considered appropriate to apply a condition that tree protection measures are put in place, to ensure no significant impact throughout the construction phase (Condition 2).
- 52 As such, with conditional control in place, it is considered that the proposals comply with Policy 40B of LDP2.

Embedding Low & Zero Carbon Generating Technologies

- 53 LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development of LDP2 requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy the requirement of Policy 32 will be required by condition (Condition 4).

Developer Contributions

- 54 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 55 This proposal is within the catchment of Fossoway Primary School. Education & Children's Services advise of no capacity concerns in this catchment area at this time, as such no contribution is required.

Economic Impact

- 56 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 57 This application was not varied prior to determination. Additional information was submitted to address the Flood Team comments but this did not vary the proposal as submitted.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 58 Not 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 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.

- 61 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. All trees within and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Details of these arrangements shall be submitted to and approved in writing by the Planning Authority. Such approved Tree Protection measures shall not be removed, breached or altered without prior written authorisation from the Planning Authority, but shall remain in a functional condition throughout the entire development or as per any phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

3. Prior to commencement of development hereby approved, a scheme shall be submitted detailing a temporary surface water treatment facility. The scheme as agreed shall run concurrent with the initiation of the development hereby approved and for the duration of construction and shall accord with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

4. Prior to commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that

demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building: a) the technology types; b) illustrate, through technical calculations, that these will meet at least the 10% reduction; c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason - To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

5. Prior to the commencement of the development hereby approved, details of the type and location of proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

6. The asserted core path FSWY/103 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

7. Prior to the development hereby approved being completed or brought into use, the driveway/vehicular access junction shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

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

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period

(see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
6. 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.
7. 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.

Background Papers: 6 letters of representation

Contact Officer: Joanne Ferguson

Date: 4 November 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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