

Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Report of Handling by Head of Planning & Development (Report No. 21/30)

PROPOSAL: Erection of 3 dwellinghouses and garages

LOCATION: Land SW of Aquila, Braco Road, Comrie

Ref. No: [20/01873/FLL](#)

Ward No: P6- Strathearn

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 on land SW of Aquila, Braco Road, Comrie. The site is located within the designated settlement boundary of Comrie. The application seeks detailed planning permission for the erection of 3 dwellinghouses, each with a detached garage.
- 2 Plots 1 and 2 will be identical 4 bedroomed units each at 1 ½ storey in height. The external materials will comprise of a combination of natural stone and horizontal timber cladding for the walls with traditional slate roofing. Plot 3 will be a slightly smaller dwellinghouse with 3 bedrooms and will also be 1 ½ storey. The materials of Plot 3 will match Plots 1 and 2. The garages on all 3 plots are consistent and will be clad with horizontal timber with natural slate roofs.
- 3 The approximate location of Plots 2 and 3 was originally granted outline planning permission for the erection of a dwellinghouse in 2002 (02/01105/OUT). In 2005, a detailed application was granted (05/02379/FUL). A detailed application was also submitted and granted in 2005 for the approximate location of Plot 1 and the paddock (05/01193/FUL). In 2019, an application was approved for the erection of 2 dwellinghouses on the entirety of the site (19/00323/FLL). None of these permissions have been implemented, although the 2019 permission remains live.

Pre-Application Consultation

- 4 No formal pre-application consultation undertaken.

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.

Scottish Planning Policy 2014

- 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 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 10 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.

National Roads Development Guide 2014

- 11 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

- 12 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

- 13 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.”

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

- 15 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.

- 16 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

- 17 Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 18 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

- 19 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

[02/01105/OUT](#) Approved on 31 October 2002 for the Erection of a dwellinghouse (in outline)

[05/01193/FUL](#) Approved on 21 October 2005 for the Erection of a dwellinghouse and garage

[05/02379/FUL](#) Approved on 23 March 2006 for the Erection of a dwellinghouse

[19/00323/FLL](#) Approved on 25 April 2019 for the Erection of 2 dwellinghouses and garages

CONSULTATIONS

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

External

- 21 Scottish Water: No objection to the proposed development as there is currently sufficient capacity in both Turret Water Treatment Works and Comrie Waste Water Treatment Works to service the development.
- 22 Historic Environment Scotland (HES): No objection to the proposed development, although noted the proximity of the designated Scheduled Monument.
- 23 Perth & Kinross Heritage Trust (PKHT): No objection to the proposed development, subject to conditional control regarding archaeological works.

Internal

- 24 Structures & Flooding: No objection to the proposed development, subject to conditional control regarding drainage.
- 25 Development Contributions Officer: No contributions required.

- 26 Transport Planning: No objection to the proposed development, subject to conditional control regarding the requirement for a new footway, street lighting and vehicular access.

REPRESENTATIONS

- 27 A total of 8 letters of representation have been received in respect of the current application (7 objections and 1 general comment). The main issues raised within the representations are:

- Road safety
- Height of proposed dwellinghouses
- Overdevelopment/ density of development
- Loss of privacy

- 28 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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

- 29 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 Placemaking Supplementary Guidance 2020.

Principle

- 30 The application site is located within the Comrie settlement boundary within an area identified in LDP2 as a residential area; therefore Policy 17 'Residential Areas' is directly applicable. As this proposal is within an identified residential area, the principle of a residential development is considered acceptable as it is compatible with neighbouring land uses. Nevertheless, full consideration must be given to the design, layout, scale, massing and impacts upon residential amenity

from the proposed dwellinghouses. Other policies are also directly applicable to ensure that the amenity and the biodiversity of the area are not compromised.

Design and Layout

- 31 The plots are located at a prominent entrance to Comrie. The traditional design of the proposed dwellinghouses are of a high quality which will make a positive contribution to the street scene. The material choices are also of a high quality which will complement neighbouring buildings and make the dwellinghouses sympathetically blend into their environment.
- 32 Concerns were raised within the letters of representation regarding the height and density of the proposed dwellinghouses. With regards to the heights, the proposed dwellinghouses are approximately 6.9m at maximum height. This is consistent to the maximum height of the 2 dwellinghouses granted on the site under application 19/00323/FLL, which were also 6.9m at maximum height (excluding the chimneys). It is considered that this height is acceptable with the overall height of the proposed buildings forming a suitable link between the existing bungalows to the East of the development and the newer developments to the North West.
- 33 With regards to layout and density, the dwellinghouses are well sited on the plots leaving suitable amenity space for each of the properties, whilst also providing suitable roads and access arrangements. The garages are located in acceptable positions. The layout and plot proportions are similar to those on Langside Drive which immediately adjoins the site and thus will not be out of character with the area. It is therefore not considered that the development of this site for 3 dwellinghouses would result in the overdevelopment of the site.

Landscaping and Visual Amenity

- 34 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a residential development of this scale on this site within the settlement boundary of Comrie is not considered to erode local distinctiveness, diversity and quality of the landscape.
- 35 Due to the prominence of the site when entering Comrie from the South, it is important that the boundary treatments form a suitable link between the village and its rural surroundings. In this instance, beech hedging is proposed for boundary treatments in addition to some tree planting on the site itself. Consistent to the most recent planning permission on the site, conditional control is recommended to ensure the implementation of this planting in the interests of visual amenity (Condition 7).

Residential Amenity

- 36 The plots are bound by a number of neighbouring properties, namely bungalows to the east, along Langside Drive. It is therefore important that the proposed development has no adverse impact upon neighbouring residential amenity. Loss of amenity/ privacy was noted within the letters of representation received.

- 37 In relation to loss of amenity/ privacy, the windows are sensitively located on the buildings and do not create any immediate concerns to neighbouring buildings. On the east elevations, the plots have been designed to ensure that there are no windows from habitable rooms present. In addition to this, the windows on the east elevation which face Langside Drive, are all at ground floor level (other than rooflights). The window-to-window distances exceed the recommended distances within the Council's Placemaking Supplementary Guidance 2020. It is therefore considered that there is no adverse loss of privacy to neighbouring properties. Similarly, due to the overall height and siting of the proposed buildings, it is not considered that there are any adverse concerns in relation to overshadowing. The closest building to the development is 2 Langside Drive which is approximately 20 metres to the east of plot 3. The height of the proposed building at this distance and orientation will not result in adverse overshadowing.

Roads and Access

- 38 The proposal creates one new access from Braco Road which will serve the three plots. A new footway will also be created along most of the site fronting Braco Road. Each plot has a driveway leading from this new access capable of accommodating at least 3 parked vehicles in addition to suitable turning facilities to allow all vehicles to exit the site in a forward gear.
- 39 Road Safety was highlighted as a concern within some representation. Transport Planning were consulted as part of this application and have no objection, subject to conditional control consistent to the previous scheme regarding access, footways and street lighting (Conditions 4 - 6).

Drainage and Flooding

- 40 The site is located within the SEPA 1 in 200 indicative surface water flood envelope. This would make some of the site at a medium risk of surface water flooding and indicates that there may be a topographical low point within the site. As such, the Council's Structures and Flooding were consulted as part of this application, who have no objection to the proposed development, subject to conditional control with regards to drainage. This is therefore recommended to the permission accordingly (Condition 3).

Conservation Considerations and Archaeology

- 41 The site is immediately adjacent to a Scheduled Ancient Monument (Dalginross Roman Fort) and lies within an area that is known to be archaeologically sensitive due to the presence of Roman period archaeology. This was also raised within some representations. As such, Historic Environment Scotland (HES) and Perth & Kinross Heritage Trust (PKHT) were consulted as part of this application.
- 42 PKHT have reviewed the submitted proposals and have no objection to the proposed development, subject to conditional control regarding archaeology (Condition 2). This is therefore recommended to the permission accordingly. It is also noted that HES have no objection to the proposed development.

Developer Contributions

Primary Education

- 43 The Council's 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.
- 44 This proposal is within the catchment of Comrie Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contribution is required.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 46 None required.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 47 None required.

DIRECTION BY SCOTTISH MINISTERS

- 48 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

- 49 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 have been found that would justify overriding the adopted Development Plan.
- 50 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. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

3. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

4. Prior to the occupation of any of the dwellinghouses hereby approved, the new footway as shown on plan 03 hereby approved shall be completed to the design and specification of the Council as Planning Authority.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

5. 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.

6. Prior to the commencement of development, a street lighting scheme extending the current provision along the new footway to the design and specification of the Council shall be submitted to the Council as Planning Authority for written approval. Thereafter, the consequently agreed scheme shall be implemented and operational prior to the occupation of any of the dwellinghouses hereby approved.

Reason: In the interests of pedestrian and traffic safety.

7. The beech hedging as shown on plan 03 hereby approved shall be planted prior to the occupation of any of the dwellinghouses, to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number. Thereafter, the hedge shall be retained in a reasonable condition to ensure the root system does not impact upon the integrity of the adjacent Scheduled Ancient Monument.

Reason: The site lies adjacent to an area of archaeological interest.

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. 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. Please send the required information 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.
6. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
7. 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.
8. 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. 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.
11. 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.
12. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000

Background Papers: 8 letters of representation
Contact Officer: Sean Panton
Date: 25 February2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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