

Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
(Report No. 22/167)

PROPOSAL:	Erection of a dwellinghouse (approval of matters specified in conditions of 19/01540/IPL)
LOCATION:	Land 20 Metres North East Of Cairn Cottage, Kinnochtry, Coupar Angus

Ref. No: [22/00140/AML](#)
Ward No: P2 - Strathmore

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to a paddock of land adjacent to a small group of dwellinghouses located in a relatively isolated area surrounded by farmland at Kinnochtry, south east of Burrelton. The cluster of buildings comprises of three dwellinghouses which are all access via a long private access track that enters onto the public road to the south east of the site. The site in question is bound to the west by the Cairn Cottage, a stone dyke to the south and a hedge delineates the eastern boundary. The northern boundary is open to the field beyond.
- 2 In 2019 Planning Permission in Principle was granted for the erection of a single dwellinghouse within the site (Ref: 19/01540/IPL).
- 3 This application seeks approval of the matters specified in the conditions of the above Planning Permission in Principle (PPP) for the erection of a dwellinghouse within the site. The proposed house is a relatively large single storey building of simple design with a large rear extension. Internally the house will provide four bedrooms. The external finishing materials are detailed as: off-white render to the walls; mock stonework to basecourse, porch and cills; grey concrete slate effect roof tiles; and grey uPVC windows and doors.
- 4 As per the indicative plans submitted with the PPP, the site will be access via a new driveway that links into the existing private access that presently serves the neighbouring plots. The site also provides a driveway area in front of the house with space for two cars.

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: 24 – 35
 - Placemaking: 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 75 Planning for Transport

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 3: A First Choice for Investment
- Policy 4: Homes

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: Developer Contributions
- Policy 15: Public Access
- 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

OTHER POLICIES

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.

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.

RELEVANT SITE HISTORY

- 20 [19/01540/IPL](#) Erection of a dwellinghouse (in principle) Approved

CONSULTATIONS

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

External

- 22 **Scottish Water** – No objection
23 **Dundee Airport** – No objection

Internal

- 24 **Transport Planning** – No objection
25 **Contributions Officer** – Transport Infrastructure contribution required.

REPRESENTATIONS

- 26 9 valid letters of representations have been received. The objections can be summarised as follows:

- Over development
- Layout fails to respect established building line
- Impact on residential amenity – overlooking/overshadowing
- Fails to comply with the Housing in the Countryside Policy of LDP2
- Impact on visual amenity
- Scale/design
- Road safety/impact on condition of existing private access
- Lack of detail regarding water supply
- Potential lack of electricity capacity
- Lack of detail in respect to surface water drainage
- Proposed septic tank arrangement unacceptable
- Impact on existing right of way
- Impact on access track and amenity during construction

- 27 The valid points of objection are addressed in the Appraisal section of the report.
- 28 In addition to the above, concerns have also been raised in respect to the loss of view, but this is not a material consideration in the assessment of the application.
- 29 It is also noted that concerns have been expressed regarding the validity of the 2019 PPP. This has been investigated and it is the Council's view that the PPP remains valid.

ADDITIONAL STATEMENTS

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Screening Opinion	EIA not required.
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Not applicable
Design Statement or Design and Access Statement	Supporting Statement provided
Report on Impact or Potential Impact	None required

APPRAISAL

- 31 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 (LDP2).
- 32 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

- 33 As previously highlighted, the site benefits from PPP (19/01540/IPL) for the erection of a house. This application now seeks detailed approval for the erection of a single house, consistent with the terms of the PPP. As such, the principle of residential development on the site already been established and it therefore stands that the only matters to be considered in the assessment if this application relates to the detailed design, layout, assess and the amenity of the neighbouring residents.
- 34 For reasons discussed throughout this report, the proposed development is considered to be compliant with the terms of the PPP and the relevant provisions of the aforementioned Local Development Plan, subject to conditional control.

Design and Layout

- 35 The general design and finish of the proposed house is quite basic, but it has a relatively traditional proportions that will be generally in keeping with the existing houses in the immediate vicinity. Its single storey height is also reflective of the typical scale of development associated with traditional farm cottages that are prevalent in the surround area. In response to the concerns raised by local residents, the applicant has also reduced the scale of the house, removing 1 metre from the width and length of the building in order to allow the house to sit more comfortably within the plot and provide more circulation space to the front and sides of the building.
- 36 In respect to the layout of the proposed house, whilst it will be positioned forward of the neighbouring plot, it will mirror the position of the house at the opposite end of the building group and in effect will create a bookend to the existing grouping.
- 37 Overall, the scale, design and layout of the proposed house is considered to be acceptable and in accordance with the requirements of the PPP and Placemaking Policies 1A and 1B of LDP2.

Residential Amenity

- 38 The proposed layout of the house within the plot is considered to be acceptable and makes the best use of the plot. The positioning of the house creates a large area of private amenity space that extends to approximately 290 sqm whilst also providing space for two cars and a private bin storage area.
- 39 As such, it is considered that the proposed layout provides a good level of amenity for the future occupants of the house.
- 40 In terms of neighbouring amenity, the southwestern elevation of the proposed house will be positioned relatively close to the existing property at Cairn Cottage and will feature a small window and door arrangement on this elevation. It is also noted that Cairn Cottage features a small window on the gable elevation facing toward the proposed plot. Whilst this arrangement will result in window-to-window distances of less than 6 metres, the window on Cairn Cottage serves a bathroom and the window arrangement on the proposed house will serve a utility room; both

of which are not habitable rooms and therefore do not raise any concerns in respect to privacy. There is also a well-established hedge that will provide a good level of screening between the two plots. As such, it is considered that the proposals will not result in any unacceptable levels of overlooking of the neighbouring property.

- 41 It is also noted that concerns have been raised in respect to overshadowing of the neighbouring plot. The position of the proposed house within the site, being located to the east of the building group, will result in no significant impact on the levels of daylight presently received at Cairn Cottage. As such, it is considered that the proposals will not result in any unacceptable levels of overshadowing of neighbouring properties.
- 42 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwellinghouse. The proposals are therefore in accordance with the placemaking policies 1A and 1B and Policy 19 of LDP2.

Roads and Access

- 43 Transport Planning have reviewed the proposal and have no objection to the proposed development. Whilst it is noted that concerns have been expressed regarding road safety, it is considered that the existing access is acceptable. It is also considered that the level of traffic generated by the proposed use will not impact on the local transport network. Furthermore, as previously stated, the site already benefits from PPP so the principle of erecting a house has already been established. As part of the assessment of the PPP it was assessed that the use of the existing private access road to service the proposed plot was acceptable. There is therefore no reasonable justification to re-assess whether the use of the access is acceptable.
- 44 It is also noted that concerns have been raised in respect to the impact of the development on the condition of the access, particularly during the construction phase. As the access is private owned and maintained, the maintenance and any issues in relation to damage to the access would be a private legal matter and not a material planning consideration.
- 45 The existing access to the site from the public road forms is an established right of way and also part of the identified core path that links Kinnochtry with Burrellton to the north. Whilst the proposed development, like the neighbouring houses, will utilise the route as a vehicular access, the proposals will not result in any diversion or prevent access along the core path. There may be some limited disruption during the construction phase, but this should be quite easily managed by the developer given the small scale of the development.
- 46 As such, it is considered that the proposed development will not have any adverse impact on road safety or public access.

Drainage and Flooding

- 47 There are no known issues in relation to the flooding or drainage. The site is also

not located within any areas at risk to a 1 in 200 year flood event, as per SEPAs indicative flood maps.

- 48 In regard to drainage arrangements, it is proposed that the house will be served by a septic tank and soakaway arrangement located within the rear garden area. This arrangement is considered to be acceptable and meets the requirements of Policy 53B and 53C of LDP2.

Water Supply and Electricity Connection

- 49 It is noted that concerns have been raised in respect to the ability for the developer to connect the proposed house to an adequate water supply. It is also claimed that there may potential be an issue with the capacity of the existing local electricity capacity.
- 50 The applicant has indicated in the application forms that they are proposing to connect to the public water supply available locally. Scottish Water has also confirmed that there is capacity in the water network, although further investigations may be required to be carried out once a formal connection application has been submitted to Scottish Water.
- 51 In respect to the electricity supply, it is noted that there a number of existing properties at this location that have an electricity supply. As such, there is evidently an existing connection into the grid that this development could connect into. Any issues regarding the capacity of the existing network would be a matter from the developer to investigate and not a material planning consideration.

Developer Contributions

- 52 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 53 This site is located in the 'Reduced' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance) where the contribution is set at £2,742 per house. This contribution will need to be either paid in full or secured through a legal agreement prior to any consent being issue.

Economic Impact

- 54 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

- 55 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 incorporate minor changes to reduce the dimensions of the house and make minor alterations to the fenestration.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 56 None required.

DIRECTION BY SCOTTISH MINISTERS

- 57 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

- 58 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.
- 59 Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 60 Accordingly, the proposal is recommended for approval subject to the following direction and conditions.

A RECOMMENDATION

Approve

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. The existing hedge that runs the length of the eastern boundary shall be retained as part of the development of the site and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

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. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
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 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.
6. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
7. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Background Papers: 9 letters of objection
Contact Officer: David Niven
Date: 23 June 2022

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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