

Perth and Kinross Council  
Planning & Development Management Committee – 26 September 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/297)

**PROPOSAL:** Erection of a dwellinghouse  
**LOCATION:** Land north west of Corbie Lynn, Dysart Brae, Pitlochry

Ref. No: 18/01215/FLL  
Ward No: P4 - Highland

### **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 20 metres north west of Corbie Lynn, Dysart Brae, Pitlochry. The application seeks detailed planning permission for the erection of a 2 storey 4 bedroomed detached dwellinghouse in an area which is currently utilised as garden ground for the residential property Corbie Lynn.
- 2 The proposed dwellinghouse will measure approximately 10.9 metres at maximum length, 12.9 metres at maximum width and 8.6 metres at maximum height. The footprint of the proposed dwellinghouse is approximately 110 sq. m and will be sited relatively centrally on the plot, approximately 12.6 metres back from the road edge. The rear garden ground will be enclosed by a 1.8 metre high close board timber fence. The existing area to the rear of the site which is currently mature trees is not to be altered by the proposed development.
- 3 With regards to materials, the proposed dwellinghouse will have a natural slate roof whilst the walls will be rendered in white wet dash render with areas of fibre cement boarding (timber effect) and natural stone. The windows and doors will be painted timber units and the bargeboards will be stained redwood with black UPVC gutters and downpipes.

### **PRE-APPLICATION CONSULTATION**

- 4 A pre-application consultation was undertaken (17/00314/PREAPP) where it was identified that a residential development may be supportable on this site subject to appropriate detailing and scale. The proposal adheres to advice given at pre-application stage.

## **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**

- 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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) was published in June 2014 and 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 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.

## **DEVELOPMENT PLAN**

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 12 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014**

- 13 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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 PM1A - Placemaking**

- 15 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

- 16 All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

- 17 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

- 18 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 19 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy NE2B - Forestry, Woodland and Trees**

- 20 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 21 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 22 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 23 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in

modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 24 03/01449/FUL Alterations and extension to house at Corbie Lynn: Application Approved under delegated powers 16 September 2003.

## **CONSULTATIONS**

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

### **External**

- 26 Scottish Water: There is currently sufficient capacity in both the Killiecrankie Water Treatment Works and Pitlochry Waste Water Treatment Works to service the development.
- 27 Pitlochry and Moulin Community Council: Object to the application on grounds of design and height of the proposal.

### **Internal**

- 28 Transport Planning: No objection to the proposed development, subject to conditional control regarding the vehicular access.
- 29 Development Negotiations Officer: No contributions required.
- 30 Structures & Flooding: No objection to the proposed development, subject to an informative in relation to construction within a flood risk area.

## **REPRESENTATIONS**

- 31 9 letters of representation were received regarding the proposal (7 objections and 2 general comments). The following points were raised in the representations received:
- Out of character with the area
  - Overdevelopment
  - Excessive height
  - Materials do not match surroundings
  - Loss of trees
  - Impact upon visual amenity
  - Overlooking / loss of residential amenity
  - Overshadowing
  - Noise disruption

- Traffic generation (reference to wear and tear)
- Parking concerns
- Loss of wildlife
- Drainage and flooding concerns
- Land ownership concerns
- Access concerns
- Impacts from construction period

## **ADDITIONAL STATEMENTS**

32

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Tree Report

## **APPRAISAL**

- 33 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 2014 (LDP). 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 Placemaking Guide.

### **Principle**

- 34 The application site is within the settlement of Pitlochry as identified within the LDP; therefore Policy RD1 is directly applicable. As this proposal is within a residential area, the principle of a dwellinghouse is considered acceptable. Nevertheless, full consideration must be given to the design, layout, scale, massing and impacts upon others' residential amenity from the proposed dwellinghouse. Other policies are also directly applicable to ensure that the residential amenity of the area is not compromised. These include the Placemaking Policies PM1A and PM1B which seek to ensure that all new developments contribute positively to the quality of place.

### **Design and Layout**

- 35 The proposal is approximately 8.6 metres at maximum height. The height of the building was raised as a concern within many letters of representations received. Although the properties to the immediate north west are bungalows, Corbie Lynn itself, which will be the closest building to the proposed

dwellinghouse, has accommodation over 2 storeys. Furthermore, the row of houses on Atholl Road which back on to Dysart Brae overlooking the site, are also 2 storeys. By the proposal being 2 storeys, this will therefore not appear out of character within the surrounding area and as such is considered appropriate. Additionally, the 2 storey has been minimised as the upper level of accommodation is largely contained within the roof space.

- 36 Some concerns were expressed in representations received that the materials were out of keeping with the area. However, on Dysart Brae, there is a diverse range of materials present. These range from white render on Corbie Lynn to traditional stone on the houses from Atholl Road which back onto the street. As the proposal is to be sited immediately next to Corbie Lynn, it is therefore considered that white wet dash render is appropriate. The proposal also incorporates areas of fibre cement boarding (timber effect) and stone finish, which will help to add character to the building. The building will also be finished with a natural slate roof and timber windows, which is considered to be of a high quality which will contribute positively to the streetscene.
- 37 At pre-application stage, concerns were initially raised by Officers in relation to the layout of the proposals as it was considered to be an overdevelopment of the site. However, this is considered to be addressed through this application as the applicant has reduced the scale of the dwellinghouse and moved it further away from 1 Dysart Brae. This allows for a driveway and parking area to be created to the side of the house without compromising useable amenity space. The proposal now includes a useable rear garden area of approximately 310m<sup>2</sup>. This is considered to be sufficient for a property of this scale and reflective of the established character of the area.

### **Landscape and Trees**

- 38 The site incorporates an existing woodland area measuring approximately 410m<sup>2</sup>. A Tree Survey was requested as part of the application to demonstrate the impact of the proposed development. This Tree Survey confirmed the proposed development will not require the removal of trees.
- 39 As the proposed development will not require the removal of any of the woodland, this is considered to be acceptable. It is also not considered necessary to add a condition retaining any of the said trees. This is because none of them are identified to be felled and neighbouring units do not have this restriction.

### **Residential Amenity**

- 40 The proposed house will be located, at closest point, approximately 9 metres from the gable of Dysart Brae and 4 metres from Corbie Lynn. It is noted that concerns have been expressed regarding potential overlooking and overshadowing of neighbouring plots. However due to the orientation of the dwellinghouse and the position of windows, with no windows being proposed on gable elevations, it is not considered that the proposals will introduce any

issues in relation to either overlooking or overshadowing of the neighbouring properties.

- 41 In regards to the amenity of the proposed plot, the Council's Placemaking Guide recommends that buildings do not exceed 25% of the development plot. In this instance, the proposed dwellinghouse only occupies approximately 11.6% of the development site. It is therefore assessed that the site is large enough to comfortably accommodate the proposed house whilst also providing adequate private amenity space and parking provision for the occupants.
- 42 Within some of the letters of representations received, the impacts upon existing residential amenity from the construction period was raised as a concern. Due to the scale of the development only being for one dwellinghouse, it is considered that there will not be any significant impact on neighbouring amenity and any impact would only be temporary for duration of the construction phase.

### **Roads and Access**

- 43 The proposal uses an existing access point to the garden ground of Corbie Lynn and will involve the formation of a 3 car driveway and turning area. This is considered to be sufficient for the level of traffic likely to be generated by a dwellinghouse of this scale. Furthermore, Transport Planning have been consulted and made no objection to the proposals subject to a condition being added to any permission granted regarding the construction standard of the vehicular access. This has therefore been recommended to be added to any permission granted (Condition 2).
- 44 With regards to access, it was raised within some of the letters of representations that Dysart Brae is privately owned. Any proposed development would therefore require consent from the landowner. However, land ownership is not a material planning consideration. In this instance, the proposed access is considered adequate from a planning perspective. On receiving the planning permission, it would be up to the landowner to obtain this permission from the relevant landowner. An informative has been recommended to be added to any permission granted highlighting this matter (Informative 10).

### **Drainage and Flooding**

- 45 Dysart Brae has the potential for surface water flooding. As such, the Structures and Flooding team were consulted as part of this application and they have no objection to the proposed development, subject to an informative being added to any permission granted regarding construction within a flood risk zone (Informative 7).

### **Waste Collection**

- 46 As previously mentioned, the proposed dwellinghouse only occupies approximately 11.6% of the development plot. It is therefore considered that



there is ample space to accommodate a waste storage area within the site. However an informative has been recommended to be added to any permission granted in order to inform the application of the need to ensure adequate measures are provided for the collection of waste (Informative 9).

### **Conservation Considerations**

- 47 The site is out-with Pitlochry Conservation Area and is not in close proximity to a listed building or any other designated site. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

### **Natural Heritage and Biodiversity**

- 48 As there are no records of protected species on the site and as the Tree Survey submitted identifies that none of the existing woodland is to be felled, it is unlikely that there will be any impacts upon the biodiversity of the area. Nevertheless, an informative is recommended to be added to the permission in relation to nesting birds (Informative 6).

### **Developer Contributions**

#### Primary Education

- 49 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 50 This proposal is within the catchment of Pitlochry 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**

- 51 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **LEGAL AGREEMENTS**

- 52 None.

### **DIRECTION BY SCOTTISH MINISTERS**

- 53 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**

- 54 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 55 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 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 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 within the public road boundary.

## **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 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

- 6 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.
- 7 The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 9 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 10 The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 11 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: 9 letters of representation  
Contact Officer: Sean Panton  
Date: 13 September 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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