

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

**Erection of two dwellinghouses at Land Adjacent to No 30 Holding, Campmuir
PH13 9LJ**

Ref No: 09/01867/IPL
Ward No: 2 - Strathmore

Summary

This report recommends approval of the application on the grounds that the proposal complies with the Development Plan and with the requirements of the Council's 2009 Housing in the Countryside Policy. As the recommendation for approval is contrary to a previous decision by the Development Control Committee, it is required to be referred to the Development Control Committee for determination.

BACKGROUND AND DESCRIPTION

- 1 The application site is located next to a small hamlet locally known as Lintrose, adjacent to the settlement of Campmuir. The site is rectangular in shape comprising 0.2ha of agricultural land that nestles between the junction of the C17 (to the east) and C442 (to the south) public roads. To the west of the site is the last of a string of houses which align the C442 (No30 Holding). The northern boundary of the site is defined by a beech hedge, which was planted approx 3 years ago.
- 2 The application is for planning permission in principle for the erection of two detached dwellinghouses. An indicative layout has been submitted which shows the site being split relevantly evenly around an approved access that will serve a recently approved dwelling to the rear of No 30 Holdings.

NATIONAL PLANNING POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, a series of National Planning Policy Guidelines which are currently being replaced by Scottish Planning Policy and Planning Advice Notes which are practice statements.

Scottish Planning Policy (SPP) 15: Planning for Rural Development

- 4 This SPP replaces National Planning Policy Guideline (NPPG) 15: *Rural Development* issued in 1999. The SPP draws on recent research funded by the Executive on the evaluation of NPPG 15. The research report identified broad support for a national planning policy focusing on sustainable rural development. It laid particular emphasis on the need for a more aspirational planning vision for rural Scotland. For the purposes of this SPP, rural Scotland means the countryside and settlements of 3000 population or less, although the guidance will have wider relevance as the links between rural areas, small towns and urban areas are also important. This SPP encourages a more

supportive attitude towards 'appropriate' development whilst acknowledging and valuing the enormous diversity of rural Scotland. Advice is being published in Planning Advice Notes to accompany this SPP.

Planning Advice Note (PAN) 72: Housing in the Countryside

- 5 The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing Development Plans and supporting guidance, and determining applications.
- 6 The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Eastern Area Local Plan 1998.

Perth & Kinross Structure Plan 2003

- 8 **Environment and Resources Policy 8** states that the Council will seek to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweighs the cultural interest in the site. The same protection will be afforded to sites proposed for designation. Other important archaeological sites or landscapes will also be protected from inappropriate development. Local Plans will bring forward policies for their protection and enhancement.

Eastern Area Local Plan 1998 (EALP)

- 9 Under the Local Plan the site lies outwith any defined settlement boundaries and therefore countryside policies prevail.
- 10 **Policy 38 (Landward Area)** refers to developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against a series of criteria; including landscape framework, the scale, form, colour, density and design of development, compatible with its surroundings in land use terms and local road network should be capable of absorbing the development and a satisfactory access onto that network provided.

- 11 **Policy 49 (Houses in the Countryside)** is the Council's area wide policy on Housing in the Countryside that applies within most of the landward area. The policy recognises that the open countryside of Perth and Kinross, and its outstanding scenic qualities, should be preserved for both the benefit and locals and visitors. The policy lists a series of acceptable categories of development where consent maybe granted for new dwellings, subject to certain criteria being met. In this case, the relevant category is Building Groups.
- 12 The policy states that consent will be granted for new development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable 'sense of place'. Consent will only be granted for houses which would extend the group into definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

OTHER COUNCIL POLICIES

Housing in the Countryside Policy (HITCP) 2009

- 13 This policy is the most recent expression of Council policy towards new housing in the open countryside and is applicable across the entire landward area of Perth & Kinross. This policy provides the most up to date guidance in relation to the Local Plan and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. The relevant category in this instance is category 1, which refers to Building Groups.
- 14 The policy states that consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Planning Guidance Note: Primary Education & New Housing Developments (2009)

- 15 This Planning Guidance Note was approved in 2009 and requires all new mainstream housing proposals to make a financial contribution to the Council, if the local primary school is operating at over its 80% capacity.

SITE HISTORY

- 16 An application for six dwellinghouses (05/01746/FUL) on a larger site was refused by the Development Control Committee on the 2 November 2005 on the grounds that the proposal was contrary to the HITCP of 2005.

- 17 In 2006, an almost identical application to the one presently under consideration was refused by the Development Control Committee on 2 August 2006¹. This application was subsequently dismissed on appeal, largely on the grounds that the rear northern boundary of the site was undefined and therefore the site was deemed a) not to be a definable site and b) not to have a suitable landscape framework capable of absorbing the proposal.
- 18 In addition to this, members should note that an application for a new dwellinghouse on an adjacent site to the rear (north) of No30 Holding was approved on appeal last year². As part of this appeal decision, new landscaping is proposed along the entire length of the northern boundary of current application site. In addition, a new vehicular access from the public road to the south (C442) has been approved, which crosses through the middle of the current application site. The indicative layout that has accompanied the current application suggests that the applicant's intention is to realign the approved access slightly, which will allow the two proposed dwellings and the approved dwellinghouse all to be served from it.

CONSULTATIONS

- 19 **Perth & Kinross Heritage Trust** have commented on the application and raised no concerns subject to an appropriate condition being attached to the consent.
- 20 **Scottish Water** have commented on the application and raised no concerns.
- 21 **Kettins Parish Community Council** have objected to the application on the grounds that the proposal constitutes unacceptable ribbon development, the site and proposal are the same as the previously refused application and there is still a lack of an established landscape framework, despite the new beech hedge.

REPRESENTATIONS

- 22 Six letters of representations had been received within the prescribed timescales, all objecting to the proposal. In addition, two late objections have also been received. The principal issues raised by the objectors are:

- The proposal is contrary to the Development Plan
- The proposal is the same as the previously refused application
- Road safety issues

23 Additional Statements

Environment Statement	Not required
Screening Opinion	Not required

¹ PKC Ref. 06/00512/FUL

² PKC Ref. 08/01644/FUL, Appeal Ref. P/PPA/340/748

Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design & Access Statement	Not required
Report on Impact or Potential Impact	None

APPRAISAL

Policy

- 24 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 25 In terms of the Development Plan, the principal policies are contained in the adopted EALP 1998. The key consideration of this application is ultimately whether or not the proposal accords with policies 38 (general landward) and 49 (HITC) of the EALP 1998 and the revised HITCP of 2009. For reasons stated elsewhere in the report, I consider the proposal is to be in accordance with the Development Plan.

Housing in the Countryside Policies

- 26 Both the HITCP's, as contained in the Local Plan, and the revised HITCP 2009, allow for new housing adjacent to existing building groups, subject to similar criteria being met.
- 27 As it was previously accepted by the Council and the Reporter³ that Lintrose can reasonably be defined as an existing building group, and that two new dwellings in this location would reflect the linear building pattern of Lintrose, I consider the principal test of the acceptability of this proposal to be whether or not the site can be considered to constitute a definable site, which is formed by existing topography and / or well established landscape features which will provide for a suitable setting for two new dwellings.
- 28 There is no question that three out of the four boundaries are sufficiently defined by virtue of the public roads (to the south and east) and by the existing buildings (west) however, the rear boundary to the north is presently bounded by a relevantly new beech hedge, planted immediately after the reporters appeal decision that specifically highlighted the lack of an established boundary on that side as being the principal reason for dismissing the appeal.
- 29 Although I do not consider the new hedge alone to constitute an established boundary feature due to it's infancy, there is no doubt that the successful appeal decision to the north of the site (08/01664/FUL) has significantly benefited this proposal by virtue of the likely probability of new landscaping

³ In respect of Appeal Ref. P/PPA/340/530, PKC Ref. 06/00512/FUL

being introduced in the very near future along the entire stretch of the northern boundary, which in my opinion, addresses the Councils previous concerns relating to lack of landscaping along the sites northern boundary and those of the Reporters. I therefore consider the proposal to be in accordance with both Policy 49 of the EALP 1998, and the 2009 HITCP. In addition, by virtue of the appeal decision, the proposal can also be considered to now be in accordance with Policy 38 of the EALP 1998, which seeks to ensure that all new sites have a good landscape framework.

Visual Impact

- 30 As the site is essentially an extension of a small hamlet, I would not consider appropriately designed houses in this location to have a marked visual impact on the rural character of local area. Although the site itself is relevantly prominent when travelling south along the C17, consideration of the likely future landscaping proposals which have been approved as part of the adjacent appeal decision must be taken into account, as when these are implemented in full it will inevitably reduce the likely visual impact of this proposal. Nevertheless, as the existing properties (with the exception of the appeal decision) are largely low ridged single storey bungalows, I consider it entirely appropriate to limit the height of the proposed new dwellings to be no more than single storey, which can be achieved by an appropriately worded condition.

Road Issues

- 31 There are no parking or access related concerns associated with the proposal as the proposed access could adequately serve the number of dwellings proposed.

Residential Amenity

- 32 There are no residential properties which are directly affected by the proposal in terms of overlooking, loss of light or any other general impact on residential amenity and therefore the proposals are acceptable in this regard. In addition the approval of details would subsequently further address this aspect.

Drainage

- 33 As the site lies outwith a public sewer system, the proposed private sewerage system will have to conform to both SEPA and Building Standards current regulations.

Archaeology

- 34 As the proposed development lies within an area which was a former roman temporary camp, it is recommended that an archaeological monitoring condition be imposed on any consent.

Education

- 35 As Burrelton Primary School is presently operating at over its 80% capacity, a condition will be attached to the consent to ensure that the applicant complies with the requirements of the Council's approved Planning Guidance Note: Primary Education and New housing developments.

Affordable Housing

- 36 As the site is for less than 5 units, there is no requirement for affordable housing provision.

LEGAL AGREEMENTS

- 37 There are no legal agreements required prior to the issuing of the consent.

DIRECTION BY SCOTTISH MINISTERS

- 38 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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 REASON FOR RECOMMENDATION

- 39 The proposal, taking into account the consent for the adjacent, site is considered to be in accordance with the Development Plan and with the Councils 2009 HITCP. I fully accept that this recommendation is contrary to the previous decision by the Committee; however following the successful appeal decision to the north, there are now no justifiable reasons for not supporting this application at this time.

RECOMMENDATION

A Approve application subject to the following conditions:

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or

- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority:

the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
- 3 No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and agreed by Perth and Kinross Heritage Trust, on behalf of the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority.
- 4 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 5 The dwellinghouses shall be single storey only.
- 6 The layout submitted is for indicative purposes only and is not hereby approved.
- 7 Each dwellinghouse (including a garage) shall not occupy a footprint of more than 25% of its individual plot, to the satisfaction of the Council as Planning Authority.
- 8 The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary Education and New Housing Developments (2004)

Reasons:

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
- 3 In order to comply with the requirements of SPP 23 and PAN 42.

- 4 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 5 In the interest of visual amenity.
- 6 The application is for planning permission in principle only.
- 7 In the interest of visual and residential amenity.
- 8 In order to comply with Council policy.

B JUSTIFICATION

The proposal accords with the Development Plan and there are no material reasons which justify refusing the application.

C PROCEDURAL NOTES

None

D INFORMATIVES

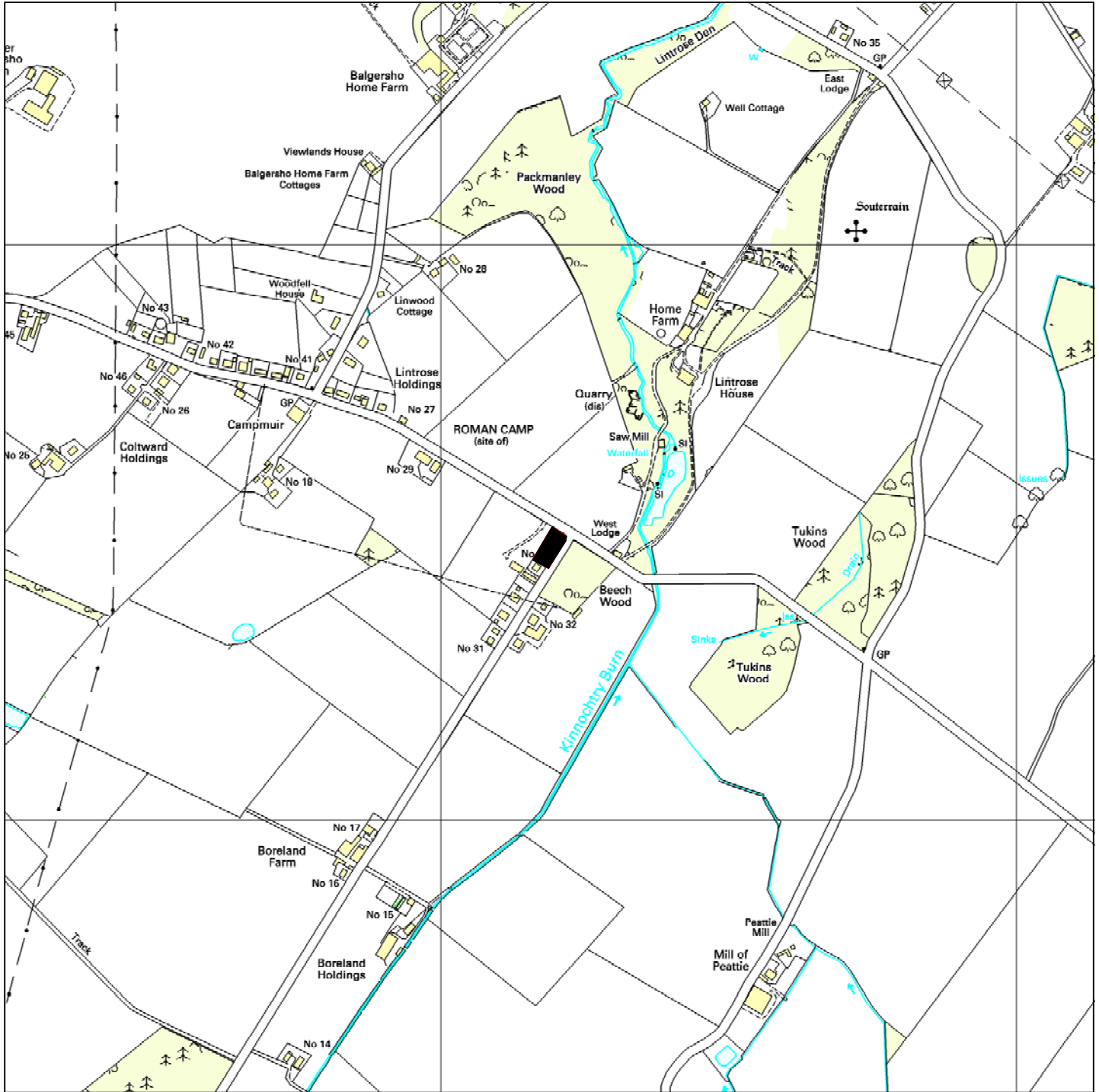
- 1 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
- 2 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road 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 Environmental Protection Agency.
- 3 The applicant is advised that the granting of planning consent 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.

Background Papers: Five letters of representation.

Contact Officer: Andy Baxter, Ext 75339

Date: 20 January 2010

Nick Brian
Development Quality Manager



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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