

Perth and Kinross Council
Development Management Committee – 21 Aug 2013
Report of Handling by Development Quality Manager

**Modification of existing consent (10/00134/FLL) Change of house type (Plot 1)
on land north of Kilmagadwood Cottage, Scotlandwell**

Ref. No: 13/00903/FLL
Ward No: 8 – Kinross-shire

Summary

The report recommends approval of the application as the proposal for changes to the house type on this previously consented site are considered to be acceptable and in accordance with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site extends to an area of 0.40 hectares of land and is situated to the western edge but within the settlement of Kilmagadwood as identified in the Kinross Area Local Plan 2004. The application site is the northernmost plot of a residential development for 2 dwellinghouses which was granted planning consent on 15 March 2013 under planning application 10/00134/FLL. The application site is bounded by the A911 to the north, open farmland to the west and residential properties at Kilmagadwood to the east and a consented house plot to the south.
- 2 This application is for a change in the design of the house previously approved on Plot 2. The changes proposed include changes to the design of the windows and doors while retaining the original proportions and a slight increase in the ridge height by 300mm and the loss of the chimney detail. The footprint remains the same as previously consented. The materials proposed are similar to those previously approved and include natural slate to the roof, off-white wetdash render to the walls and timber windows and doors.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

4 Of relevance to this application are:

- Paragraphs 66-91 Housing

DEVELOPMENT PLAN

5 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Kinross Area Local Plan 2004.

TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012

6 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

7 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Kinross Area Local Plan (2004)

8 Under the Local Plan the application site lies within the small defined settlement boundary of Scotlandwell/Kilmagadwood village.

9 The principal policies of relevance are in summary:

Policy 1 Sustainable Development

10 Guidelines by which all development should be considered in relation to sound principles of sustainable development.

Policy 2 'Development Criteria'

11 Criteria by which all developments will be judged. In particular, that the development should have a landscape framework should have regard to the scale, form, colour and density of development.

Policy 5 'Landscape'

12 Indicates that developments should conserve landscape features and sense of local identity.

Policy 6 'Design and Landscaping'

13 Where high standards of design are required for all developments.

Policy 8 'Light Pollution'

- 14 Where the Council will not grant proposals which would result in unnecessary light pollution.

Policy 14 'Surface Water Drainage'

- 15 Where best management practices for Sustainable Urban Drainage Systems should be adopted.

Policy 30 'Archaeology'

- 16 Where it is likely that archaeological remains exist an archaeological evaluation will be required.

Policy 81 'Village Uses'

- 17 Where the character and residential amenity of villages shall be protected.

Policy 93 'Roads – Transport'

- 18 Where the Council will seek to enhance traffic calming measures along the A911.

Perth and Kinross Proposed Local Development Plan (PLDP) 2012

- 19 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.
- 20 Under the PLDP the site lies within the settlement boundary of Scotlandwell/Kilmagadwood where the principal relevant policy is:-

Policy RD1 Residential Areas

- 21 The plan identifies areas of residential and compatible uses where existing residential amenity and character will be protected and where possible improved.

SITE HISTORY

- 22 **04/0980/OUT** April 2005. Planning consent refused for the erection of 2 dwellinghouses and formation of a new access (in outline) at land at

Kilmagadwood. The reasons for refusal related to the fact that the development would extend the settlement boundary into open countryside, be detrimental to the setting of Kilmagadwood and out of keeping with the character of the settlement and that the road improvements would be of marginal benefit to road and pedestrian traffic safety.

- 23 **P/PPA/340/466** Feb. 2006. Appeal against the refusal of outline planning consent for the erection of 2 dwellinghouses and formation of new road access was dismissed. The Reporter, in coming to this decision, commented that it was not possible to reasonably assess the impact on village character and visual impact through an outline application. In terms of road safety the view was that in the absence of the inclusion of the existing access there would not be an improvement in road safety.
- 24 **08/01102/FUL** May 2008. Planning consent refused for the erection of 3 dwellinghouses and the formation of a new access. The reasons for refusal being that the proposal does not provide an adequate design solution for access to the A911 and was contrary to Policies 2 and 5 of the Adopted Kinross Area Local Plan 2004.
- 25 **P/PPA/340/747** April 2009. Appeal against the refusal of the above planning application for the erection of 3 dwellinghouses and the formation of a new access was dismissed. The main reasons cited being visual and landscape impact, landscape fit and road safety.
- 26 **10/00134/FLL** March 2013. Planning consent granted for the erection of 2 dwellinghouses and formation of a new access on land to the north of Kilmagadwood Cottage Scotlandwell.

CONSULTATIONS

Portmoak Community Council No objections

Perth And Kinross Area Archaeologist No objections

Scottish Water No objections

Education And Children's Services No objections

REPRESENTATIONS

- 27 Six letters of representation have been received where three of these have objected including Kinross-Shire Civic Trust and three others commenting on the proposal including Portmoak Community Council raising the following issues:-

- Concerns raised over the previous consent 10/00134/FLL.
- The proposed windows are considered inferior to the detail of those previously approved.
- The landscaping proposals shall remain unchanged from the previous approval
- Any construction should not prohibit access to existing housing.
- The ridge height should be no higher than the previous application.

28 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

29	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
	Report on Impact or Potential Impact	Not required

APPRAISAL

Policy

- 30 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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.
- 31 The principle of residential use on the site has already been established through the approval of the previous consent for a dwellinghouse on the site and the neighbouring site to the south. The application site is within the settlement of Kilmagadwood where residential use is acceptable provided all other material planning considerations can be met.

Scale and Design

- 32 This is a relatively minor proposal for changes to the window detailing and a slight increase in the ridge height and loss of chimney detail. There are no changes proposed to the footprint of the house and the character of the house as previously approved is retained. The proposed changes therefore will have no adverse impact on the character or appearance of existing neighbouring housing or on the surrounding area.

Visual Amenity

- 33 The proposed changes to the detail of the house are relatively minor including the slight increase in ridge height and will not have any adverse impact on the

Area of Great Landscape Value as considered previously under application 10/00134/FLL.

Residential Amenity

- 34 In terms of residential amenity the proposed changes to the house type will not have any adverse impact on the amenity of neighbouring property within the wider residential development or to any neighbouring residences in terms of overlooking or overshadowing as the distance from existing dwellings will not be changed.

Landscaping

- 35 There are no changes proposed to the landscaping detail in this application and the landscaping shall be implemented as previously approved under application 10/00134/FLL.

Education

- 36 There is no requirement for any education contributions under this application as a contribution was secured under the previous application.

Economic Development

- 37 The economic benefits which it is considered would arise as a result of this proposal include added value to the local economy in terms of employment through the construction of the house and spending on goods and services in the local area.

Sustainability

- 38 Housing provision within existing settlements is in accordance with the goals of sustainable development where residents have access to social, economic and community facilities and good access to differing modes of transport.

LEGAL AGREEMENTS

- 39 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 40 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 REASONS FOR RECOMMENDATION

- 41 The proposed change in house type is considered to be acceptable and will not have any adverse impact on the residential and visual amenity or character of the area and is in accordance with the Development Plan.

RECOMMENDATION

A Approve the application subject to the following conditions:

Conditions:-

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to commencement of work on site details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority.
- 3 The landscaping of the site shall be carried out in accordance with the landscaping plan which was approved under application 10/00134/FLL.
- 4 During construction work on the site the applicant shall ensure that the communal access road to the A911 shall not be obstructed to other users by construction materials or plant.
- 5 A minimum of two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and shall be maintained permanently thereafter.
- 6 Turning facilities shall be provided within the site, prior to the occupation of the units to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority and shall be permanently maintained thereafter.

Reasons:-

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 4-6 In the interests of vehicular and pedestrian access.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

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.

Background Papers: 6 letters of representation

Contact Officer: Mark Williamson – Ext 75355

Date: 31 July 2013

Nick Brian
Development Quality Manager

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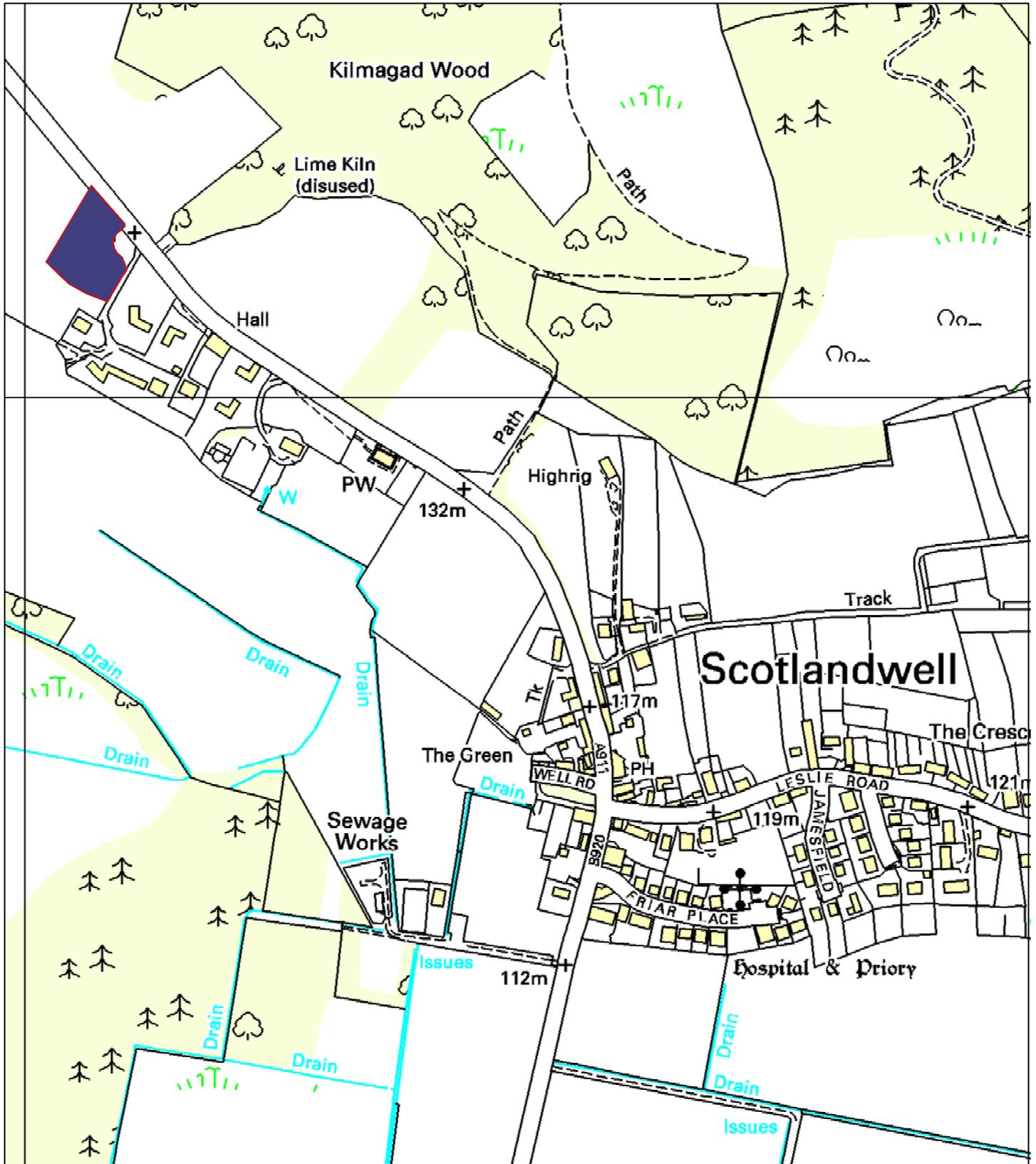
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Perth & Kinross Council

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Land North Of Kilmagadwood Cottage, Scotlandwell

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↑ Scale
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