

Perth and Kinross Council  
Development Management Committee – 9 October 2013  
Report of Handling by Development Quality Manager

**Erection of dwellinghouse (Modification of 08/01803/FLL change of house type) at Balneathill House, Easter Balgedie, Kinross, KY13 9HQ**

Ref. No: 13/01543/FLL

Ward No: 8 – Kinross - Shire

**Summary**

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

**BACKGROUND AND DESCRIPTION**

1. The site lies partly within the settlement boundary of Easter Balgeddie, located 5km east of Kinross. The site is approximately 0.33ha in area and currently forms amenity space with an existing stable building associated with Balneathill House. The site is neighboured by existing residential properties to the south and west, and agricultural land and buildings to the the north.
2. This application relates only to a change in the design of the house previously approved under consent 08/01803/FLL. The changes proposed involve simplifying the floor plan, increasing the height to form a full two storey and changes to the detailing to give the dwelling a contemporary finish. The materials proposed are natural slate roof, timber cladding and smooth white render. All other issues including means of access remain the same and are therefore not for consideration under this application.

**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. The majority of the site lies within the settlement boundary for Easter Balgeddie.

9. The principal policies of relevance are in summary:

#### **Policy 1: Sustainable Development**

10. This policy sets guidelines by which all development should be considered in relation to sound principles of sustainable development.

#### **Policy 2: Development Criteria**

11. This policy outlines 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. This policy indicates that developments should conserve landscape features and sense of local identity.

#### **Policy 6: Design and Landscaping**

13. This policy seeks high standards of design for all developments.

#### **Policy 81: Village Uses**

14. This policy seeks to protect the character and residential amenity of villages.

## **PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN (PLDP) 2012**

15. 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.
16. Under the PLDP there is no longer a settlement boundary for Easter Balgeddie.
17. The principal policies of relevance are in summary:

### **Policy PM1: Placemaking**

18. This policy states that development must contribute positively to the quality of the surrounding built and natural environment.

## **SITE HISTORY**

19. **08/01803/FLL** Planning permission was granted for the erection of a dwellinghouse at Development Control Committee on 11 February 2009.

## **CONSULTATIONS**

<b>Scottish Water</b>	No objections
<b>Education And Children's Services</b>	The development falls within the Portmoak Primary School catchment area. Education & Children's Services currently have no capacity concerns in this catchment area. As this is a modification the policy would not be applied.
<b>Environmental Health</b>	No concerns stated in relation to the change of house type however other issues raised in relation to proximity to working farm and drainage arrangements. These were addressed in the previous application and are not relevant to the change of house type.

## **REPRESENTATIONS**

- 20 2 letters of representation have been received raising the following issues:-
  - Size and appearance of the building

- Surface water drainage
- Protection of trees on site

These issues are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

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

21. 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.
22. 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. The consideration of this proposal is whether the change of house type complies with the development plan.
23. Policy 2 of the Kinross Area Local Plan requires that in the case of built development regard should be paid to the scale, form, colour and density of development within the locality and that there should be a landscape framework capable of absorbing the development. Policy 6 of the Kinross Area Local Plan relates to design and states that encouragement will be given to the use of high quality materials and ensuring that the proportions of any building are in keeping with its surroundings and that the development fits its location.
24. The proposal accords with the local plan as it is similar in terms of mass and footprint as what was previously approved on the site. The height although increased accords with other dwellings in the locality. In addition the increase in height is acceptable as the existing landscape framework is capable of absorbing the development due to the rising land to the north and substantial planting on the south boundary.
25. In terms of the PLDP the change of house type complies with Policy PM1: Placemaking as the design of the dwelling respects the character and amenity of the place.

### **Scale and Design**

26. The proposed house has an L shaped floor plan, 2 storeys in height with single storey double garage and sunroom, finished in traditional materials and of a contemporary design.
27. The changes proposed from the previous approval involve simplifying the floor plan, increasing the height to form a full two storey (from the previously approved 1 ½ storey) and changes to the detailing to give the dwelling a contemporary finish. The materials proposed remain unchanged; natural slate roof, smooth white render and timber cladding.
28. As with the previous consent the development involves cutting into the site to reduce the impact the house. The dwelling will sit 1.52 metres higher than its neighbour Balneathill House (an increase of 0.62 metres from the previous approval). A site section showing both houses has been submitted as part of the application demonstrating the relationship between the two dwellings. As the site sits with a backdrop of the existing farm and in a landscape of mature trees and vegetation, the increase in height is acceptable.
29. Although it contains contemporary design elements, its overall form and scale is not substantially different from the previous application and the houses in the immediately surrounding area are of a varying scale, design and height, including 2 storey buildings.

### **Visual Amenity**

30. The change of house type will not have any more visual impact than the previously approved dwelling as the landscape features including the topography, backdrop and established landscaping provide an appropriate setting for the dwelling reducing any visual impact of the development.

### **Residential Amenity**

31. The dwelling house is proposed in the same location as the previous application and the inclusion windows on elevations are as previously approved, the impact on neighbouring properties residential amenity will be no greater by approving the application. In addition the balcony which featured on the previous plans has been removed.

### **Parking and Access**

32. No changes are proposed to the previously approved parking and access arrangements.

### **Education**

33. There is no requirement for any education contributions as the application is for a modification to an existing consent.

### **Economic Benefits**

34. 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 associated spending on goods and services in the local area.

### **Sustainability**

35. 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.

### **Drainage**

36. The drainage arrangements are not proposed to be changed from the previous application and therefore are covered by the legal agreement already concluded.

### **Trees**

37. The previous consent contained a condition relating to the implementation of the Tree Survey and Arboricultural Report and this is again included in this recommendation.

### **LEGAL AGREEMENTS**

38. No legal agreement is required for this proposal as a legal agreement to secure 125% phosphorus reduction in perpetuity and contribution to Core Path Network was signed in relation to the previous approval reference 08/01803/FLL.

### **DIRECTION BY SCOTTISH MINISTERS**

39. 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**

40. 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 plans, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be maintained permanently thereafter.
- 3 Prior to the occupation or use of the approved development a minimum of 2 car parking spaces shall be provided within the site and shall be maintained permanently thereafter.
- 4 All recommendations contained within the submitted "Tree Survey and Arboricultural Report" dated November 2008 (submitted under ref 08/01803/FLL) shall be fully undertaken to the satisfaction of the Council as Planning Authority.
- 5 Prior to the commencement of development, details of the proposed new planting as outlined in the Tree Report shall be submitted and agreed in writing by the Council as Planning Authority.
- 6 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
- 7 A Right Of Way (Dryside Road) runs along the southern boundary and access to the development. The track shall be kept free from obstruction during building works and on completion of the development and any damage done to the route shall be reinstated to the satisfaction of the Council as Planning Authority prior to the sale or occupation of the dwellinghouse.
- 8 Details of the specification and colour of the proposed external finishes shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The details as approved shall be implemented prior to the occupation and/or use of the development.
- 9 Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development/use and such scheme as may be approved shall be completed prior to the occupation of the development.

### **Reasons:**

- 1 To ensure that the development is carried out in accordance with the plans approved.

- 2-3 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 4-5 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 6 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
- 7 To ensure continued public access along the Right of Way.
- 8-9 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.

**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: None

Contact Officer: Joanne Ferguson – Ext 75320

Date: 17 September 2013

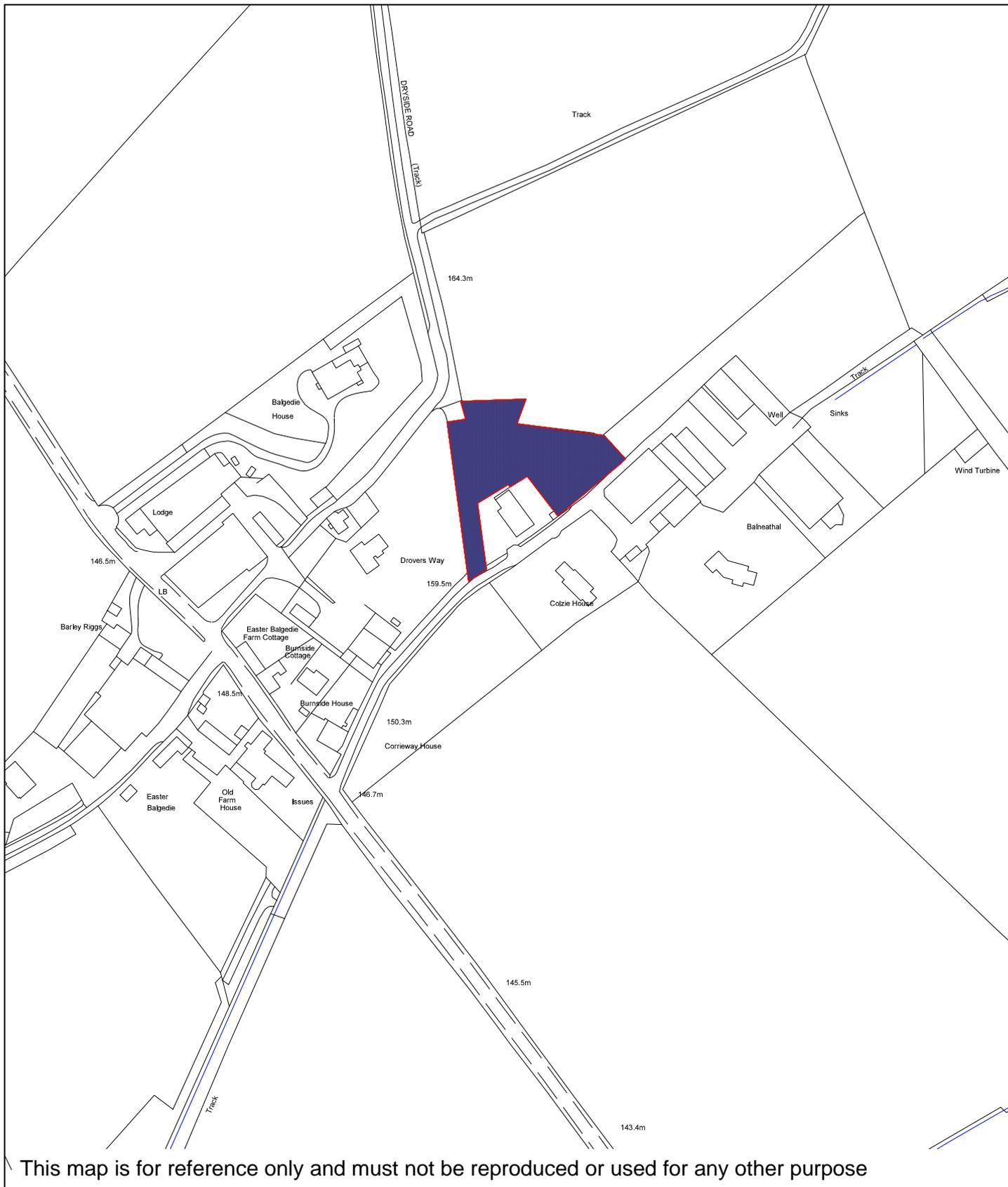
**Nick Brian**  
**Development Quality Manager**

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre  
on  
01738 475000



Council Text Phone Number 01738 442573





↑ Scale  
1:2500

