

Perth and Kinross Council
Development Management Committee – 13 November 2013
Report of Handling by Development Quality Manager

**Erection of a dwellinghouse (in principle) at Land 30 Metres East of Craigmore,
Meigle**

Ref. No: 13/01517/IPL
Ward No: 2 - Strathmore

Summary

This report recommends approval of the application for the principle of a dwellinghouse on the associated site area, which is not considered to comply with Policy 49 of the Eastern Area Local Plan, but would have broad compliance with the Housing in the Countryside Guide (2012) and the Council's proposed Local Development Plan 2012.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to a rectangular area of land extending to 1824 sqm, which is situated on land south of Swallowfield, related to the hamlet of Longleys near Meigle. The site is bounded to the north west by residential boundaries of Longleys Cottage and Swallowfield and an established beech hedge along the south western boundary. The site is currently unmaintained greenfield ground, characterised by overgrown grasses and weeds right up to the north eastern post and wire boundary. The boundary to the south east is currently unidentified, with new native hedge planting proposed. Land within the applicants' ownership 36 metres to the south east is currently bounded by a mature beech hedge. To the south west is a farm track with mature beech hedging bounding the track either side.
- 2 The site is accessed via the A94 (in between Rosebank cottage and Longleys cottage), which serves multiple properties, including the site at present. The hamlet is characterised by a row of traditional single storey farm cottages fronting the road and detached single storey dwellings to the rear. This planning application seeks to obtain planning in principle consent for residential development of a single dwelling.

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.

The relevant paragraphs of the above document are as follows:

- Paragraphs 66-91, Housing

DEVELOPMENT PLAN

- 4 The Development Plan for the area consist of the Approved TAYPlan 2012 and the Adopted Eastern Area Local Plan 1998.

TAYplan: Strategic Development Plan 2012-2032

- 5 The principle relevant policy is in summary: -

Policy 2: Shaping Better Quality Places

- 6 Seeking to shape better quality places through requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

Eastern Area Local Plan 1998

- 7 The application site is located within the landward area of the Local Plan, where the principal relevant policies are in summary: -

Policy 1 Sustainable Development

- 8 This sets out the criteria to ensure the goals for sustainable development are achieved including use of non renewable resources, maintain or improve the quality of the environment, the precautionary principle is applied, biodiversity is conserved, minimisation of waste and pollution and to meet local needs and enhance access to employment facilities, goods and services.

Policy 49 – Housing in the Countryside

- 9 The Council's area wide policy on housing in the countryside will apply within most of the landward area.
- 10 Details of the Housing in the Countryside Policy are contained in Annex 1.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012

- 11 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 has undergone an Examination following which a report was published on 11 October 2013 containing the Reporter's recommendations. The Council has a three month period to consider the Reporter's recommendations and the modified Plan will be published by 11 January 2014. This will be the Plan that the Council intends to adopt, subject to agreement by Scottish Ministers. Prior to adoption, 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.

- 12 Under the LDP the site lies outwith any settlement boundaries. The principal relevant policies are:-

Policy RD3: Housing in the Countryside

- 13 The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside.

Policy PM1: Placemaking

- 14 Development must contribute successfully to the quality of the surrounding built and natural environment.

OTHER POLICIES

Housing in the Countryside Guide 2012

- 15 This policy was the most recent expression of Council policy towards new housing in the open countryside when the planning application was submitted, and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained in the Local Plans 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.

Developer Contributions 2012

- 16 This guidance sets out (amongst other things) the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

- 17 **07/01978/OUT** (erection of dwellinghouse in outline – refused)

18 **13/01195/IPL** (erection of dwellinghouse in principle – withdrawn)

CONSULTATIONS

19 **Scottish Water**

No objection.

20 **Perth and Kinross Heritage Trust**

No archaeological implications.

21 **The Executive Director (Education and Children Services)**

No position identified at in principle stage.

22 **Access Officer**

Recommended that the existing core path is not obstructed during building works or on completion of development. Any damage occurred to the route during building works must be made good in advance of any house being occupied.

REPRESENTATIONS

23 A total of 6 valid letters of representation have been received all of which object to the application.

24 Summary of Issues raised by Representations: -

- Traffic Safety - access issues in relation to the A94
- Additional traffic on un-surfaced access, causing damage to neighbouring services.
- Non compliance with policy 49 of the Eastern Area Local Plan.
- Services inadequate for any new dwelling, including drainage issues from existing properties to the north.
- Application of new boundary hedge planting is described as a cosmetic exercise.

25 These issues are all raised 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	Cover letter
Report on Impact or Potential Impact	None submitted

APPRAISAL

Policy

- 26 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. 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. The most relevant policy of the Eastern Area Local Plan (PALP) in this instance is Policy 49.
- 27 The Councils Proposed Local Development Plan 2012 is a relevant material consideration in this instance where policy RD3 is most relevant.

Principle of Residential Development

- 28 Policy 49 of the Eastern Area Local Plan and Policy RD3 of the Proposed Local Development Plan are both applicable in the assessment of this application. A 2007 planning application (07/01978/OUT) and recent submission 13/01195/IPL included a considerably larger site area, which was consistently assessed to fail to appropriately comply with policy 49 of the Eastern Area Local Plan or the associated Housing in the Countryside Guide through failing to fully relate to the wider residential building group. The current application site boundary has been accordingly reduced to relate and respect more closely with the northern and southern boundaries of neighbouring residential property 'Craigmore', which lies immediately adjacent (south west) of this site.
- 29 In terms of the impact on the character of the area, as the site is bounded on two sides by residential dwellings, the immediate character is of a rural residential nature. A suitably designed residential dwelling on this site, reflecting and respecting surrounding dwellings in layout, scale and proportions would not in my opinion have any adverse impact on the overall character of the surrounding area or surrounding residential amenity.

Historic Decisions

- 30 The 2007 planning application was based on a larger site area to that currently being considered. The application was refused on non compliance with Policy 49 of the Eastern Area Local Plan and associated criteria of the 2005 Housing in the Countryside Policy.
- 31 Crucially, this site is smaller in site area than earlier submissions to broadly reflect boundary and scale of neighbouring dwelling Craigmore. In particular, the south eastern boundary, which previously extended residential boundaries was considered inappropriate and did not closely enough relate to the existing building group. This led to the recommended withdrawal of application 13/01195/IPL.

Landscape Framework & Boundary Definition

- 32 An appropriate landscape framework exists on two of the principal site boundaries through neighbouring residential dwellings and an established beech hedge. The existing boundary to the north east and south east are acknowledged to have weak boundary definition, but continue to relate closely to the character and relationship of the wider building group. This site is considered to neatly close off the wider building group and the extents of the development potential to the south and east. The proposed boundary definition through new hedge planting is not considered appropriate in isolation. However, transplant planting of existing established hedgerow to the proposed south east boundary by condition, which is otherwise proposed for removal, could provide a suitable landscape framework on three sides for a residential development, with a new native species hedgerow planted on the remaining boundary.

Public rights of way

- 33 The Council Access and Infrastructure team have identified adopted core paths, which may be potentially affected by the construction phase of any associated development. A condition has been recommended to control and manage any impact on the core path during and as a result of construction at this site.

Impact on Neighbouring Residential Amenity

- 34 From site assessment and the information submitted to date, there are no associated concerns on neighbouring residential amenity. It is considered that a suitably designed dwelling can be achieved, respecting the surrounding building pattern and density, whilst not adversely affecting the residential amenity presently enjoyed by neighbouring residents.

Services

- 35 Neighbours have identified concerns in relation to existing service infrastructure servicing neighbouring properties, including foul drainage. All of these points are noted, but are deemed to be a civil matter between affected parties involved. They are not considered to be insurmountable elements. Private drainage proposals may be considered as part of any detailed planning application and will be regulated by SEPA.

Primary Education Contributions

- 36 As the site is likely to comprise of a single mainstream family dwelling, there will be a requirement for the resulting reserved matters application to comply with the Councils Developer 2012 Guide, which requires a financial contribution if the local primary school is calculated to be operating at or over 80% capacity. A standard condition is attached to any consent to ensure compliance with associated policy.

Road and Pedestrian Safety

- 37 It is noted that a fundamental concern of neighbouring objectors relate to the impact on the unmade access track and traffic users safety accessing onto and egress from the A94. Whilst it is acknowledged that any development on this site will increase vehicle movements on the A94, particularly through construction traffic, the local road network is deemed to be capable of accommodating the proposed development of a single dwelling without jeopardising road or pedestrian safety.

Economic Development

- 38 The development of this site will count towards the fulfilment of an additional residential dwelling in terms of housing targets, which will account for short term economic investment through construction and indirect economic investment of future occupiers of the associated development.

LEGAL AGREEMENTS

- 39 None required at this stage.

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 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, whilst the proposal is not considered to fully comply with the adopted Eastern Area Local Plan; I have taken account of material considerations, including the Proposed Local Development Plan 2012 and Housing in the Countryside Guide (2012) and consider there to be suitable material weight that would justify overriding the adopted Development Plan in this case.

RECOMMENDATION

A Approve the 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 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.
 - 4 Prior to the occupation or use of the development, a minimum of 2 No. car parking spaces shall be provided within the site, to the satisfaction of the Council as Planning Authority.
 - 5 The proposed dwelling shall be of single storey appearance, with proportions and scale sympathetic to other dwellings in the building group; to the satisfaction of the Council as Planning Authority.
 - 6 The development shall be in accordance with the requirements of the Council's Developer Contributions Guidance dated November 2012 all to the satisfaction of the Council as Planning Authority.
 - 7 The core path shown in PURPLE on plan 13/01517/3 must not be obstructed during building works or on completion. Any damage occurring to the route and associated signage during any associated construction works must be made good prior to the occupation of the dwelling; to the satisfaction of the Council as Planning Authority.
 - 8 The proposed new native hedge planting on the south eastern boundaries (shown on plan 13/01517/1) shall consist entirely of transplanted hedgerow from an existing hedgerow identified on plan 13/01517/1 in the applicants ownership (south east) for proposed removal; undertaken in full (during a dormant growing season and by a professional landscape contractor) prior to the submission of any associated reserved matters application; to the satisfaction of the Council as Planning Authority.
 - 9 The proposed new native hedge planting on the north eastern boundary (identified on plan 13/01517/1) shall be planted beech hedge planted either side of the length of the existing post and wire fence, as a double staggered row, at a minimum size of 60-90cm whips, in accordance with BS 3936; undertaken in full prior to the submission of any associated reserved matters application.

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 the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 4 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 5 In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.
- 6 In the interests of reviewing educational capacity at an appropriate stage; and in full accordance with the Council adopted Developer Contributions Guidance.
- 7 To ensure continued public access along the public paths.
- 8 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and ensure appropriate development plan compliance.
- 9 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

The proposal is not in direct accordance with the Development Plan, there are however material reasons which justify departing from the extant Development Plan, including:

- The character of the revised site proposed, relating closely to the residential curtilage of neighbouring residences, bounded by established hedging on one side and residential curtilage.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith

the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

- 2 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Meigle Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 3 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.
- 4 The applicant is advised to contact Perth and Kinross Council Community Waste Adviser to discuss waste provision prior to the submission of any detailed planning application on this site.

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers: 6 letters of representation
Contact Officer: Callum Petrie 75353
Date: 28 October 2013

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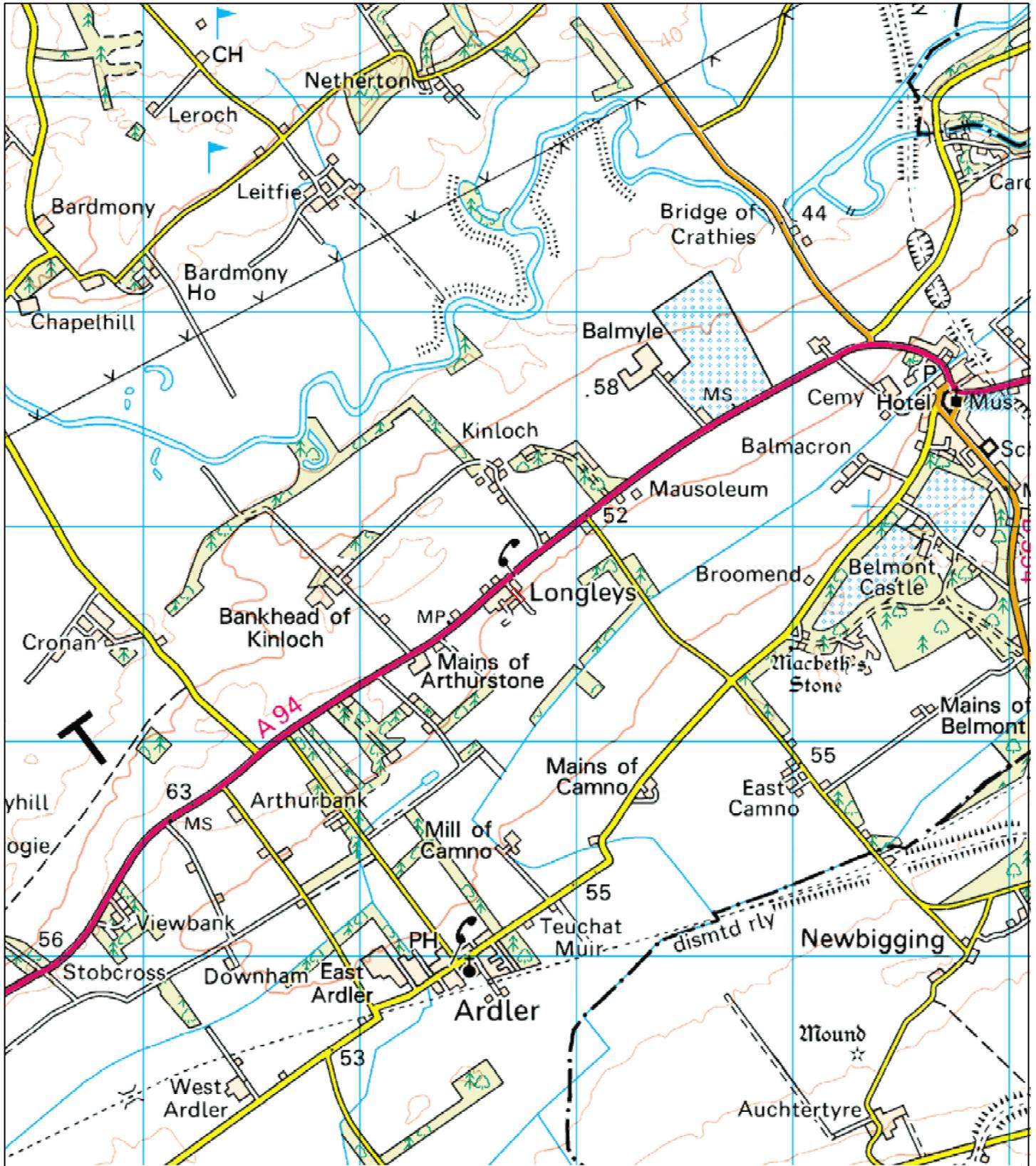
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Perth & Kinross Council

13/01517/IPL

Land 30 Metres East Of Craigmore Meigle

Erection of a dwellinghouse (in principle)



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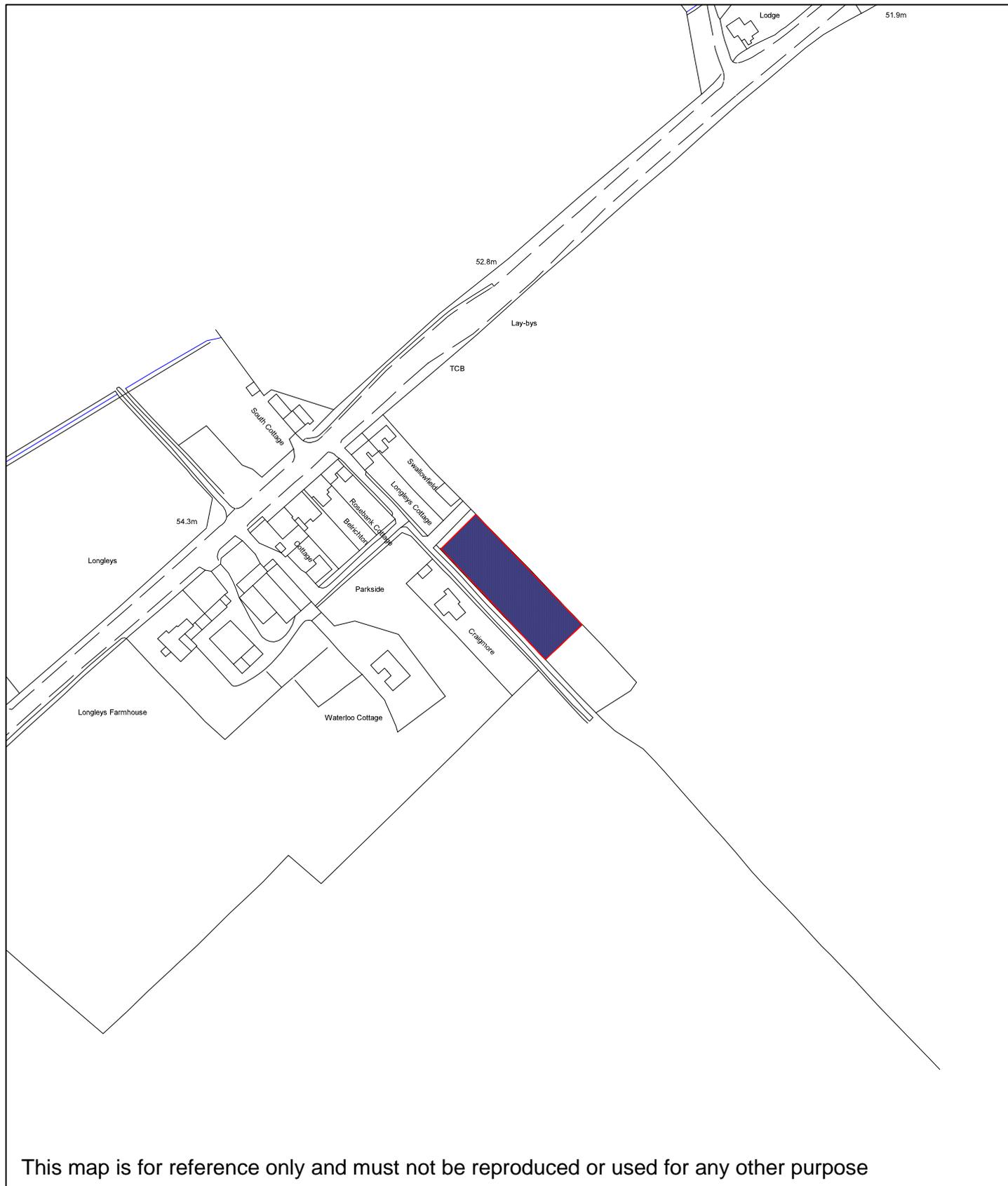
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13/01517/IPL

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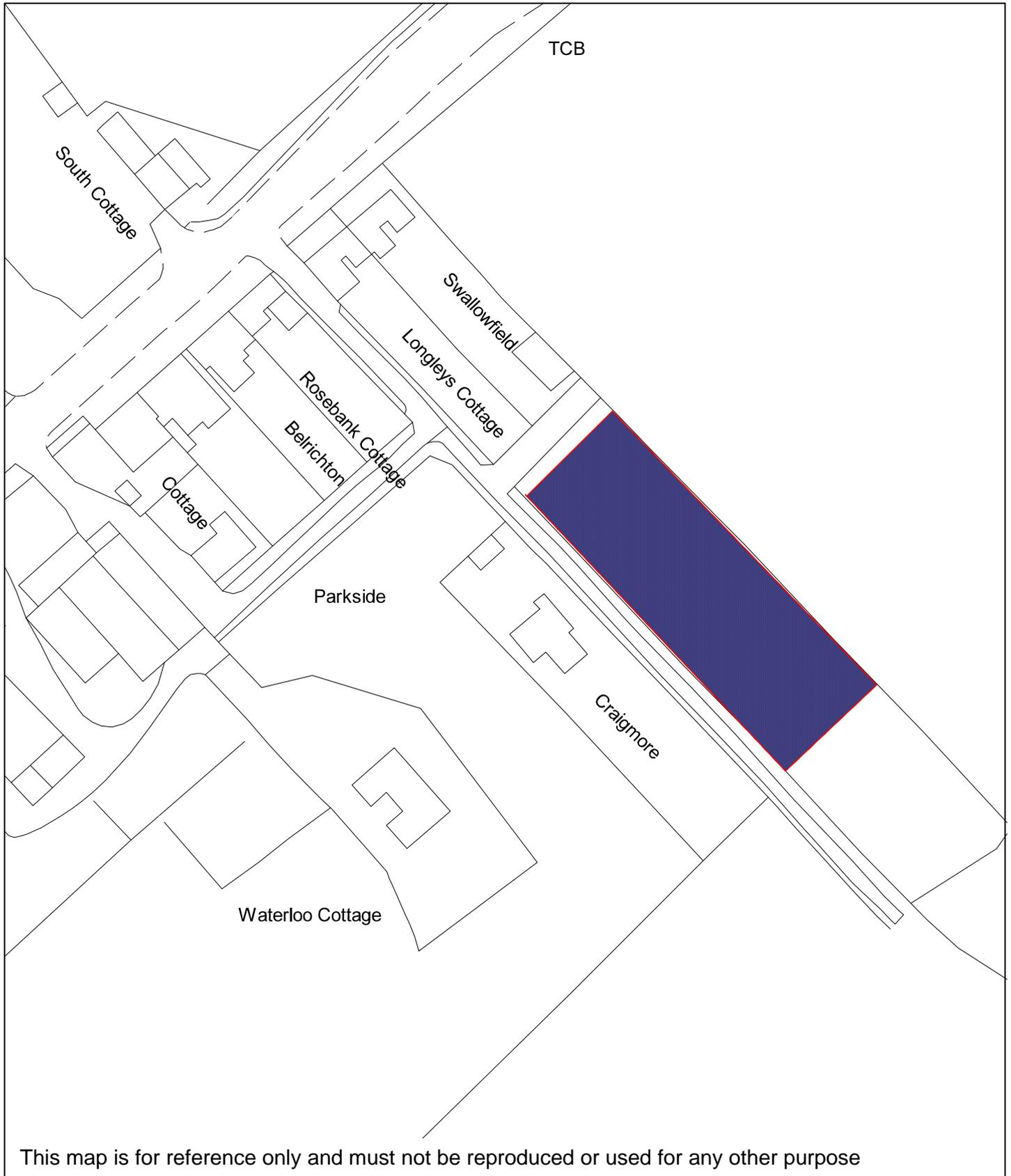
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13/01517/IPL

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