

Perth and Kinross Council
Development Management Committee – 13 August 2014
Report of Handling by Development Quality Manager

Erection of a dwellinghouse and caretakers/garage block at Former Dunira House, Dunira, Comrie

Ref. No: 14/00817/FLL
Ward No: 6– Strathearn

Summary

This report recommends approval of the application for the erection of a dwellinghouse and caretakers/garage block as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the erection of a large detached dwellinghouse and caretakers/garage block at the former Dunira House, Dunira near Comrie. The application site is located within the substantial gardens of the former Dunira House which have become overgrown in recent years. The site is a sensitive one, falling within the Dunira Designed Garden and Landscape (HGDL) and within the River Earn National Scenic Area (NSA).
- 2 The majority of the former Dunira House burnt down around 1948 but the east wing remained until around 2006 when it was also demolished to make way for a new house. However the planning consent on this site has since expired (see history section below).
- 3 With the demolition of the house the adjacent gardens have lost their function and have failed to be maintained. The landscape structure including terraces, former formal gardens, tennis courts and woodland are all generally intact although in need of significant repair and management.
- 4 The natural siting for the house remains as a flat raised area, approached by the access drive from the north. This proposal seeks to provide a new access from the south east which links to the A85 Trunk Road.
- 5 The site is well screened from both the A85 and the surrounding areas. This proposal is similar to the previous consent which was granted in 2009. The proposal is to erect a large 2.5 storey dwellinghouse and detached garage block. The materials proposed include natural grey slate, white wet dash render with ashlar stone features and white timber windows. The design is fairly traditional in appearance with a steeply pitched roof and vertically proportioned windows. The proposal also involves hipped roof dormer windows. The footprint of the house is a 'U' shape with a large 2.5 storey main element with single storey wings on either side. To the east of the proposed house is a garage block with a single storey garage block and two 2 storey wings on either side which will accommodate a living area. The design of the

garage block is similar to that proposed for the house with steep pitched gables and vertically proportioned windows.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2014

6 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.

7 The most relevant paragraphs are as follows:

- Paragraphs 109 - 134 Enabling Delivery of New Homes
- Paragraphs 193 – 218 Valuing the Natural Environment

DEVELOPMENT PLAN

8 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

Tayplan: Strategic Development Plan 2012-2032

9 The principal relevant policy is in summary: -

Policy 3: Managing Tayplan's Assets

10 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

11 The application site is located within a countryside area of Perthshire outwith any designated settlement boundary. Therefore the policies in relation to countryside locations are relevant to this proposal. As outlined above the site is located within the Dunira Designed Garden and Landscape and within the River Earn National Scenic Area.

12 The principal relevant policies are in summary: -

PM1A: Placemaking

13 Development must contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place.

PM1B : Placemaking

14 All proposals should meet the placemaking criteria set out.

PM3: Infrastructure Contributions

15 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.

RD3: Housing in the Countryside

16 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

TA1B: Transport and Accessibility

17 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.

NE1A: International Nature Conservation Sites

18 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

NE1B: National Designations

- 19 The integrity of sites included on the inventory of Gardens and Designated Landscapes will be protected and enhanced.

NE3: Biodiversity

- 20 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

HE4 Gardens and Designed Landscapes

- 21 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

OTHER POLICIES

- 22 Housing in the Countryside Guide 2012.

SITE HISTORY

- 23 08/02430/REM Erection of replacement dwellinghouse (reserved matters)- Approved 25 February 2009
- 24 07/01175/OUT Proposed replacement dwellinghouse – Approved 26 June 2007
- 25 04/00986/OUT Demolition of existing remains and replacement of new house – Approved 6 July 2004

CONSULTATIONS

- 26 **Historic Scotland** – comments made in relation to restoration of designed landscape and also in relation to design and position of house.
- 27 **Transport Scotland** – No objections to proposed new access but concerns expressed regarding any use of “Greengates” access by construction vehicles
- 28 **Education and Children Services** – No objections as no capacity concerns

REPRESENTATIONS

- 29 A total of 7 letters of representations have been received all of which have objected to the application.
- 30 The representations have raised the following relevant issues: -
- Safety of access
 - Use of “Greengates” access from A85 for construction vehicles

- Noise and dust from construction operations
- Damage to estate roads (specifically Greengates Road)
- Proposed new access for house should be formed prior to construction works so it can be utilised by construction vehicles

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

ADDITIONAL STATEMENTS

31

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

APPRAISAL

Policy

- 32 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. The most relevant policies of the Development Plan are listed in the policy section above.

Policy Context

- 33 The application site is located outwith a settlement boundary where the applicable policies are therefore Policy RD3 of the adopted local plan and the Housing in the Countryside Guide (HICG) 2012. Category 3.1 of the policy is relevant in this instance. This states that favourable consideration will be given to proposals which involve an established garden, once associated with a country/estate house, which provide an appropriate landscape setting, but where the development would not fundamentally affect the qualities and integrity of the site.
- 34 As described above this site was formerly occupied by Dunira House and the new house is proposed within a large landscaped designed garden. As such I am satisfied that the principle of erecting a dwellinghouse on this site is considered acceptable and meets the criteria contained within category 3.1.
- 35 The impact which the proposal has on the integrity and qualities of the site will be assessed in more detail below.
- 36 Policy PM1 relating to Placemaking, PM3 in relation to infrastructure contributions, TA1B in relation to transport, HE4 in relation to the Designed

Landscape and NE1B in relation to National Scenic Areas are all relevant to this application and I am satisfied that the proposal, subject to conditions complies with these policies. The details of this are outlined in the paragraphs below.

Design, Scale and Layout

- 37 Although the scale of the house is considerable, incorporating 7 bedrooms and other facilities, it can, nevertheless, be accommodated within the extensive garden ground and a suitable landscape setting is provided. The design is also considered to relate well to the surrounding vernacular and is therefore considered acceptable.
- 38 Historic Scotland have made some comments regarding the symmetrical design of the proposed house. The original mansion house at Dunira was of an asymmetrical design. Whilst I note that the new design does not follow the design ethos of the original I am satisfied that the design and plan form proposed does relate successfully to the terraced garden in which it is located. It is positioned to take account of the north drive into the property together with the existing turning circle area.

National Scenic Area/Designed Garden and Landscape

- 39 The proposal includes an extensive landscaping scheme for the Dunira Designed Garden and Landscape with this also including a re-instatement of the designed garden. A tree survey has been submitted with the proposal which indicates the removal of 2 trees from the site with all others to be retained which will ensure the landscape setting and screening for the site is retained. Some selective thinning of trees is also proposed. The re-instatement of the Designed Garden is a welcome proposal as the garden is currently overgrown.
- 40 As any consent granted for the house relates specifically to the landscape and designed garden it is located within, it is important to ensure that the reinstatement of the landscaped garden is carried out in the appropriate manner and within a reasonable timescale. A landscaping plan has been submitted with the application, which on the whole, is considered to be appropriate. However I believe it is important to ensure that the phasing of the reinstatement of the built elements (including the terracing) of the formal garden is agreed and that also a methodology for the reinstatement of these elements is agreed. This can be achieved through a suitably worded planning consent.
- 41 The plans also indicate that the existing summerhouse to the south of the proposed house is to be reinstated although no specific detail of this has been provided. The summerhouse is still standing although the landscape around it is very overgrown. After further discussions with the agent it is noted that the intention is for the existing building to be made good in its current form. This will involve the repair/replacement of the roof structure and the re-use of existing slates. Repair if possible or replacement of the doors and windows is also proposed. A detailed scheme for the summerhouse can be agreed by condition.

- 42 The landscape garden contributes to the character of the NSA and therefore its reinstatement would meet the terms of Policy NE1B.
- 43 I am therefore satisfied that the proposal, subject to conditions complies with policies PM1, HE4 and NE1B of the Local Development Plan.

Residential Amenity

- 44 As the house sits within its own established grounds it is not considered to result in any concerns regarding impact on residential amenity. It is noted that some neighbours have raised concerns regarding the impact on amenity which construction vehicles may have if they use the “Greengates” access to the west of the application site. The use of this access will be discussed in more detail below.
- 45 A condition restricting the use of the accommodation above the garage will be attached to any consent given to ensure it remains in the same ownership as the main dwellinghouse.

Access/Road Safety

- 46 There is a long established right of access to the site from the “Greengates” access onto the A85 and as such vehicles currently accessing the application site utilise this access.
- 47 The submitted drawings indicate that a new access will be formed to the south east of the application site which will connect with an existing access track which links to the A85 Trunk Road. Transport Scotland have been consulted on this new access arrangement and have offered no objection. A number of letters of representation have raised concern regarding the potential use of the “Greengates” access which is located to the west of the application site further along the A85. The applicant’s agent has indicated that there may be potential for this access to be used during construction operations. Letters of representation indicate that the access has poor visibility and is unsafe. As the applicant’s agent stated that this access may be used I sought the advice of Transport Scotland on this matter and they share the concerns expressed by neighbours that this is an unsafe access due to its poor visibility and they would not support its use for construction vehicles. As such, I recommend a condition to ensure the new access, as indicated on the submitted, drawings, is formed prior to the commencement of any development on the house. This will ensure the new access is used for construction vehicles and there will be no reason for the “Greengates” access to be used for construction vehicles. It should be noted that the applicant retains a historic right of access through the Greengates access and as such there is an expectation that some vehicles may still utilise this access to the site, particularly before the new access is formed. However, the use of this access for construction vehicles for the house will be specifically not permitted. I am satisfied that the proposal, subject to conditions, complies with policy TA1B of the Local Development Plan.

Water Supply

- 48 It is proposed to connect the development to the public water supply in the area.

Drainage

- 49 A new septic tank with discharge to land via a soakway is proposed. This is considered to be appropriate in this rural location and meets the relevant policy requirements.

Developer Contributions

- 50 The Council Developer Contributions Supplementary Guidance and Policy PM3 of the LDP requires a financial contribution towards an increase in 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.
- 51 This proposal is within the catchment of Comrie Primary School and Education & Children's Services currently have no capacity concerns in this catchment area. As such no financial contribution is required in this instance.

Economic Impact

- 52 There will be limited economic impact from the development with temporary employment opportunities for construction workers; however this has limited weighting on the overall recommendation.

LEGAL AGREEMENTS

- 53 None required

DIRECTION BY SCOTTISH MINISTERS

- 54 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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

- 55 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Local Development Plan 2014 and Tayplan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions and reasons:

- 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.

Reason - In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.

- 2 The proposed access to the south east of the house shall be formed in its entirety prior to the commencement of any construction works on the house/garage/caretakers block. This new access shall serve as the sole access to the site during construction of the house. The use of the "Greengates" access to the west of the application site for house/garage/caretakers block construction vehicles site is not permitted.

Reason – In the interests of pedestrian and traffic safety and to prevent the use of the Greengates access to the A85 due to its poor visibility.

- 3 Prior to the commencement of any development a detailed phasing plan for reinstatement of the built elements of the Dunira Designed garden and Landscape shall be submitted to and approved in writing by the Planning Authority. This phasing plan shall refer to the terraces, steps, balustrades, water features and the pavilion/summerhouse. The phasing plan, as approved, in writing shall be strictly adhered to, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and landscape character and to ensure the re-instatement of the main features of the designed landscape within a reasonable timescale.

- 4 Prior to the commencement of any development a detailed methodology for the reinstatement of the built elements of the designed landscape shall be submitted to and approved in writing by the Planning Authority. This methodology shall refer to the terraces, steps, balustrades, water features and the pavilion/summerhouse. The detailed methodology, as approved, in writing shall be strictly adhered to, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and landscape character

- 5 The proposed garage block has been approved strictly as ancillary accommodation incidental to the enjoyment of the main house only and shall not be occupied as an independent dwelling all to the satisfaction of the Council as Planning Authority.

Reason - To prevent permanent residential use of the garage block in view of its location within a rural area and in accordance with the Planning Authority's policy of restricting sporadic development in the countryside.

- 6 Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and landscape character

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 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.
- 2 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.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 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)).

Background Papers: 7 letters of representation

Contact Officer: John Williamson – Ext 75360

Date: 21 July 2013

Nick Brian
Development Quality Manager

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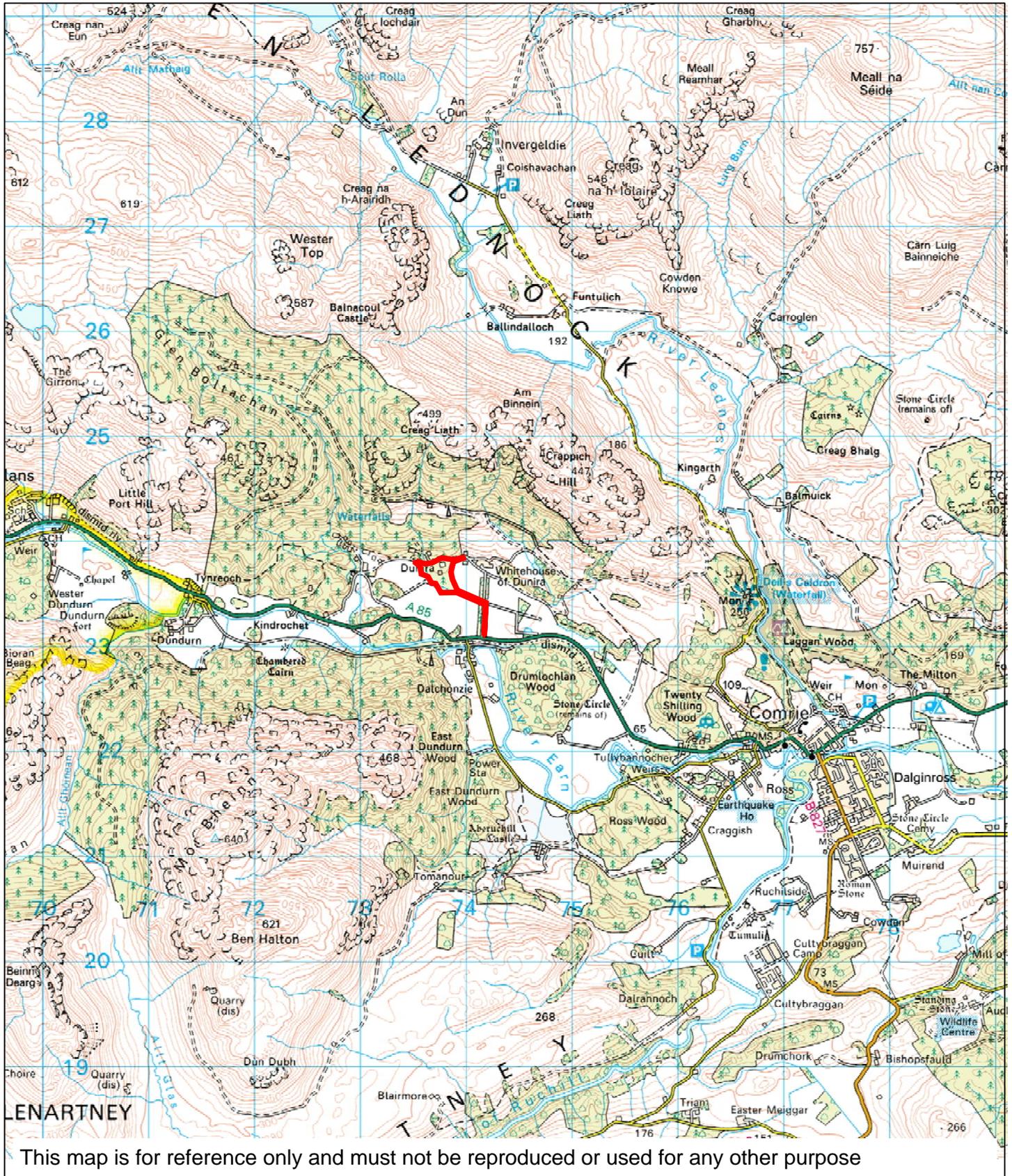
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Former Dunira House Comrie

Erection of dwellinghouse and caretakers/garage block



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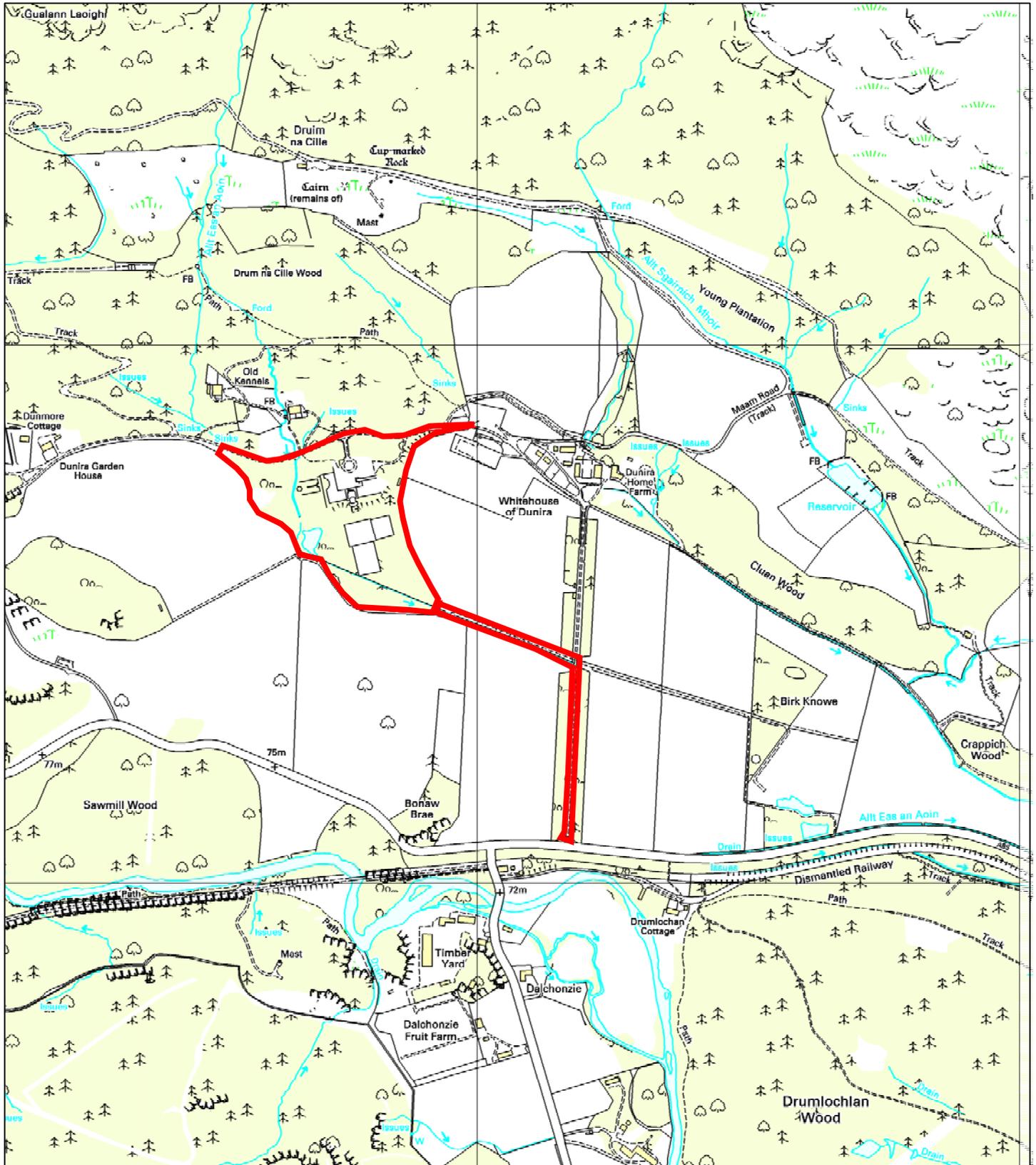
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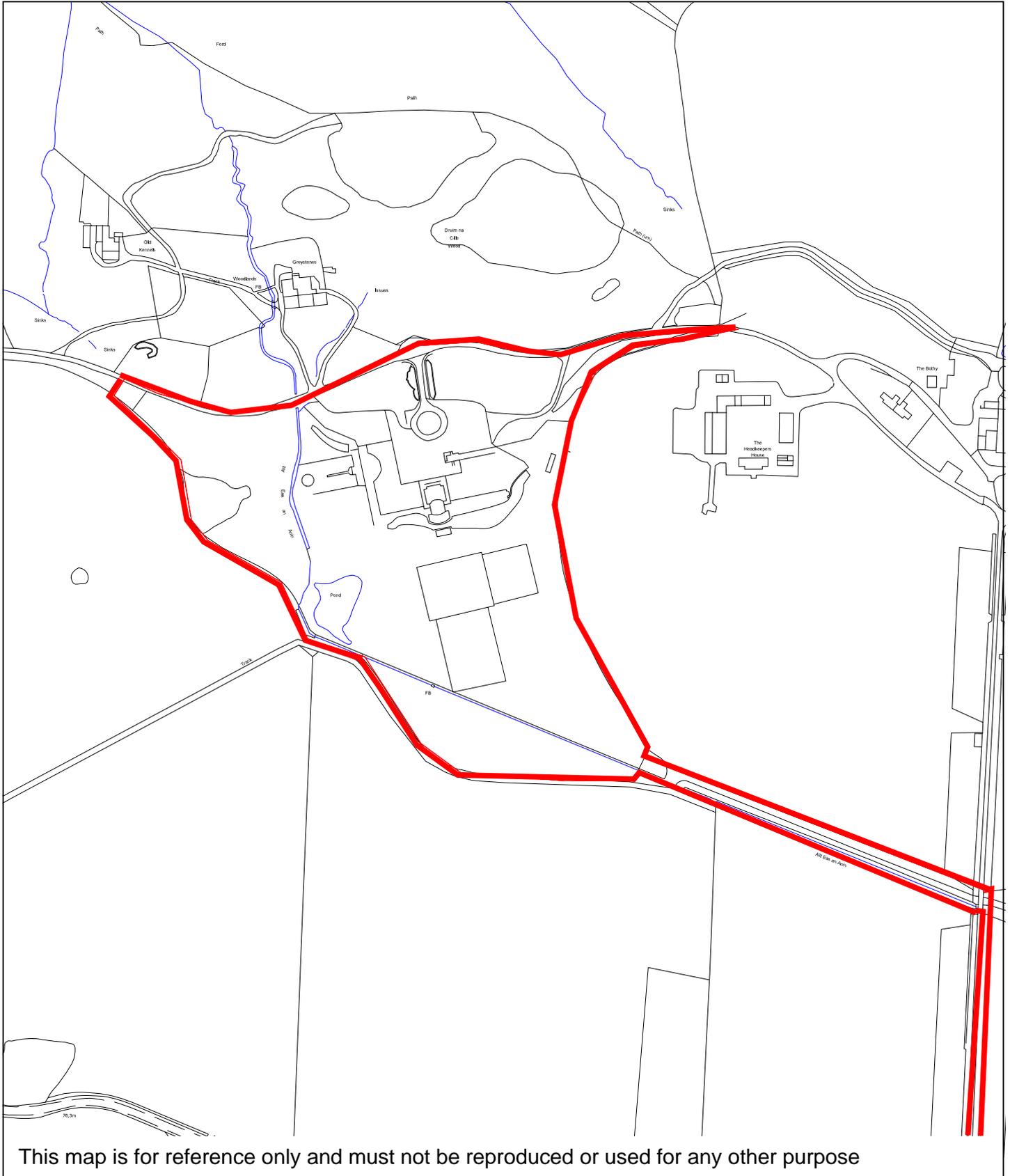
Former Dunira House Comrie

Erection of dwellinghouse and caretakers/garage block



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