

Perth and Kinross Council
Development Management Committee – 18 February 2015
Report of Handling by Development Quality Manager

Erection of 3 dwellinghouses at Prinns Smithy, Gateside, Glenfarg

Ref. No: 10/00638/FLL
Ward No: 9 - Almond & Earn

Summary

This report recommends approval of this detailed application for the erection of 3 dwellinghouses at Prinns Smithy, Glenfarg.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 0.57 ha slightly elevated area of ground on the west side of the A912 between Old Fargie Cottage to the north and the applicant's property, Prinns Smiddy to the south. The wider land rises to the south and north to Balvaird. The historic Balvaird Castle which is a category A listed building and Scheduled Ancient Monument is situated approximately 450m to the north east of the site on the other side of the road.
- 2 Planning consent was granted on the 20 September 2007 under 07/00783/IPL for planning permission in principle on part of the site for residential development with the number of units to be considered at the detailed planning stage. Housing on the site was considered to be acceptable in principle under this application because of past agricultural uses and buildings on the site which had comprised a large Estonian style barn. It was therefore considered to be a brownfield site and that it also fell within the category of infill development under the relevant policy at the time, namely, the Council's Housing in the Countryside Policy 2005 where residential development was acceptable.
- 3 This is an amended application for the erection of 3 dwellinghouses on a wider site than the previously approved in principle application site. The proposed dwellinghouses would however be sited within the in-principle application site boundary. The amendments included a reduction in the number of dwellinghouses from 5 to 3 dwellinghouses and deletion of the 3 domestic wind turbines, changes to the internal road layout with the proposed dwellinghouses situated around a central pond feature. The changes involving the reduction from 5 dwellinghouses to 3 were re-advertised on 14 March 2014. The removal of the wind turbines from the scheme have not been advertised. The proposed dwellinghouses comprise 3 separate two storey house types with pitched roofs and integral garages. Existing woodland and enhanced tree planting is proposed to the north, south and east boundaries of the site. A new access onto the A912 will be formed to the south of the site. The external materials proposed are natural slate to the roof, wet dash harling/timber boarding to the external walls and timber windows and doors.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2014

4 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.

5 Of relevance to this application are:

- Paragraphs 109 – 134 Enabling Delivery of New Homes

PAN 67 Housing Quality

6 A successful place in which to live is one which is distinctive, safe and pleasant, accessible, welcoming, adaptable and resource efficient.

DEVELOPMENT PLAN

7 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Council Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032

8 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

9 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.

Perth and Kinross Council Local Development Plan 2014

10 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

11 The application site is within the landward area of the Plan where the main relevant policies are:-

PM1A: Placemaking

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

PM1B: Placemaking

- 13 Placemaking criteria are set out including:
- (a) consider and respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area,
 - (b) the design and density should complement its surrounding in terms of appearance , height, scale, massing, finishes and colours.

RD3: Housing in the Countryside

- 14 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.

OTHER POLICIES

Perth & Kinross Council's Housing in the Countryside Guide 2012

- 15 The Council's Housing in the Countryside Guide 2012 stipulates a number of categories where new housing in the countryside may be considered and these include on rural brownfield land which was the policy basis of the in principle consent.

Developer Contributions Policy August 2014

- 16 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.
- 17 This non-statutory supplementary guidance applies over the whole local authority area of Perth and Kinross. It sets out 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.

SITE HISTORY

- 18 07/00783/OUT Outline planning consent was granted on 20 September 2007 for residential development on the site (Delegated)

CONSULTATIONS

INTERNAL

- 19 **Education and Children's Services** - No objections.
- 20 **Environmental Health** – No objections
- 21 **Transport Planning** – No objections

EXTERNAL

- 22 **Historic Scotland** – No objection
- 23 **SEPA** – No objection
- 24 **Scottish Water** – No objection
- 25 **Auchtermuchty & Strathmiglo Community Council** – Objection on the following grounds:-
 - impact on the historic landscape setting of Balvaird Castle and tourism
 - suburbanise the countryside
 - impact on traffic levels on the A912
 - impact on drainage and water supplies
 - proposed housing is not sustainable or support local economy

REPRESENTATIONS

- 26 12 letters of representation were received from the public objecting to the proposal including one from Auchtermuchty and Strathmiglo Community Council and 2 letters of support, where the main issues can be summarised:-
 - visual impact
 - impact on Balvaird Castle and tourism
 - suburbanisation of the countryside
 - traffic impact/road safety
 - contrary to the housing in the countryside policy
 - not a good landscape fit
 - not an infill site
 - does not provide an environmental improvement
 - impact on private water supplies and drainage

ADDITIONAL STATEMENTS

27	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted

APPRAISAL

Policy

- 28 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.
- 29 The principle of providing residential use on the site was acceptable following the granting of planning permission in principle in 2007 where the application site was considered to be a brownfield site under the Council's Housing in the Countryside Policy 2005. It was also considered at that time to fall within the infill category of this policy as the gap between the curtilages of Prinns Smiddy and Old Fergie Cottage at their closest points is 65m, which was well within the maximum distance for the definition of infill at 75m. Under the Council's more recent Housing in the Countryside Guide 2012 redevelopment for small scale housing of brownfield land which was formerly occupied by buildings is considered to be acceptable in this case where it would result in environmental improvement through the removal of possible contamination from past agricultural uses at the site. It is considered however that the principle of housing on the site has already been established through the previous in-principle consent and the current application relates to the details of the proposed housing on the site. Other relevant planning matters are considered below.

Scale and Design

- 30 The proposed scale of the houses at 2 stories in height is considered to be acceptable at this locality and will reflect the scale of the existing dwellinghouse at Prinns Smiddy. The house design is traditional in character with a more contemporary window detail with generously glazed gabled outshots to take advantage of solar gain. It is proposed to "utilise insulated structural panels for the main structure, with low energy recycled heating and ventilation systems and low energy appliances and lighting in order to achieve a carbon neutral rating." Single storey outshots provide for integral garaging. The proposal has been amended from 5 dwellinghouses to 3 which is considered to be more appropriate in this rural location. The proposed layout has also been amended from a semi-circular arrangement to a more traditional nucleated 3 unit rural courtyard configuration around a central pond, which it is considered will help the proposal blend more satisfactorily within this rural context.

Residential Amenity

- 31 The plot ratios for the 3 dwellinghouses is considered to be acceptable as there are sufficient distances to boundaries and between the dwellinghouses to protect them from any privacy or overshadowing issues. The proposed dwellinghouses will be 50m from Prinns Smiddy to the south and 80m from Old Fergie Cottage to the north. There is considered to be a sufficient distance from

any existing neighbouring residential properties to protect residential amenity for both existing properties and occupiers of the development. As it is the site of a former agricultural building there is a possibility that there may be contamination at the site from past uses. A contamination condition therefore is recommended on any consent to mitigate possible contamination and provide environmental improvement to the benefit of the residential amenity of the area.

Landscape and Visual Amenity

- 32 The application site is situated on a slightly elevated land above the public road, however the wider land surrounding the site rises to the west to Blindwell and to the east to Balvaird. From elevated views from the west and east the proposed development will be backdropped against the rising land behind the site. The development will be apparent from views from the public road from the north and south, however proposed tree planting will help to mitigate this and there will be no significantly adverse impact on visual amenity. There are existing trees along part of the roadside boundary and the proposed planting scheme will provide further screening and containment to the wider countryside. It is considered that the proposed design and layout of the dwellinghouses combined with the wider rising topography and landscaping for the site will provide satisfactory containment and the proposal will not have an adverse impact on the landscape character or visual amenity of the wider area.

Cultural Heritage

- 33 The scheduled monument SAM 90027 Balvaird Castle is located approximately 410m north east of the proposed development. The castle stands on a rocky outcrop and comprises an L – shaped tower dating from the late 15th century and survives to its original height. The castle was surrounded by later ancillary buildings forming a series of courtyards and walled enclosures forming gardens and orchards. The castle is visible from the approach particularly from the south along the public road and the minor roads to the west. Historic Scotland had initial concerns on the impact of the proposal on the setting of Balvaird Castle. On receipt of further information showing a photomontage of the proposal from Balvaird, Historic Scotland considered that although there would be an impact on the setting of Balvaird Castle that this impact would be less than they had anticipated. As a consequence of this they have no objection to the proposal and recommend further planting on the eastern boundary of the site.

Education

- 34 The planning permission in principle was approved prior to the Education Contributions Policy Guidance coming into effect and this policy will not be applied retrospectively and therefore there are no contributions required for this detailed proposal.

Road Safety

- 35 A new access onto the A912 is proposed. Concerns were raised from third parties on traffic impact. It is considered that the visibility splays at the site can be achieved satisfactorily and that the internal layout is satisfactory for parking and turning. There are therefore no objections to the proposal on road safety,

access or parking grounds from the Council's Transport Planners subject to conditions. Traffic levels were raised as a concern by Auchtermuchty and Strathmiglo Community but the level of traffic which would be generated as a result of this development is not considered to be significant and could adequately be accommodated on this road.

Drainage and infrastructure

- 36 The proposed foul drainage for the site will be via a private treatment plant and reed bed system. Surface water will drain to the central pond. SEPA has confirmed that they have no objections to the proposed drainage arrangements. All private waste water treatment implementation and discharge will be subject to SEPA's regulations and CAR Licensing.

Private Water Supplies

- 37 There were concerns raised through representations that the proposals would impact on private water supplies. It is considered that the proposed development will not impact adversely on the integrity or quality of any neighbouring private water supplies, however as a safeguard a suitable condition is recommended to protect any neighbouring interests in this regard.

Economic Development

- 38 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS REQUIRED

- 39 Not required.

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 REASON FOR RECOMMENDATION

- 41 The principle of residential development on the site was established with the granting of consent in principle under application 07/00783/IPL. There were concerns raised about the initial scale and layout of the proposal submitted, however the proposal has been amended to reduce the number of units from 5 to 3 units in a courtyard layout. The proposed wind turbines have also been removed from the scheme. There have been no objections from the main environmental consultees, including Historic Scotland whose initial concerns on the impact of the proposals on the historic Balvaird Castle have been alleviated. For these reasons it is considered that the proposal is acceptable and will not have an adverse impact on the character or appearance of the countryside at this location, in accordance with the Development Plan.

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 plans, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 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 prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 3 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 4 Visibility splays of 3.00m x 160.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A912 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 5 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.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 6 Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason – In the interests of private water supplies and environmental quality.

- 7 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 8 Prior to commencement of work on site a fully detailed landscaping plan including hard and soft landscaping, boundary treatment, mounding and any planting shall be submitted in writing for the approval of the Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

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 sSection 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.
- 5 The applicant shall consult with SEPA to confirm the requirements for any private waste water treatment provisions and licensing under the CAR Regulations.
- 6 The applicant should be advised that in terms of Section 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 Environment Protection Agency.

Nick Brian
Development Quality Manager

Background Papers: 12 letters of representation

Contact Officer: Mark Williamson – Ext 75355

Date: 4 February 2015

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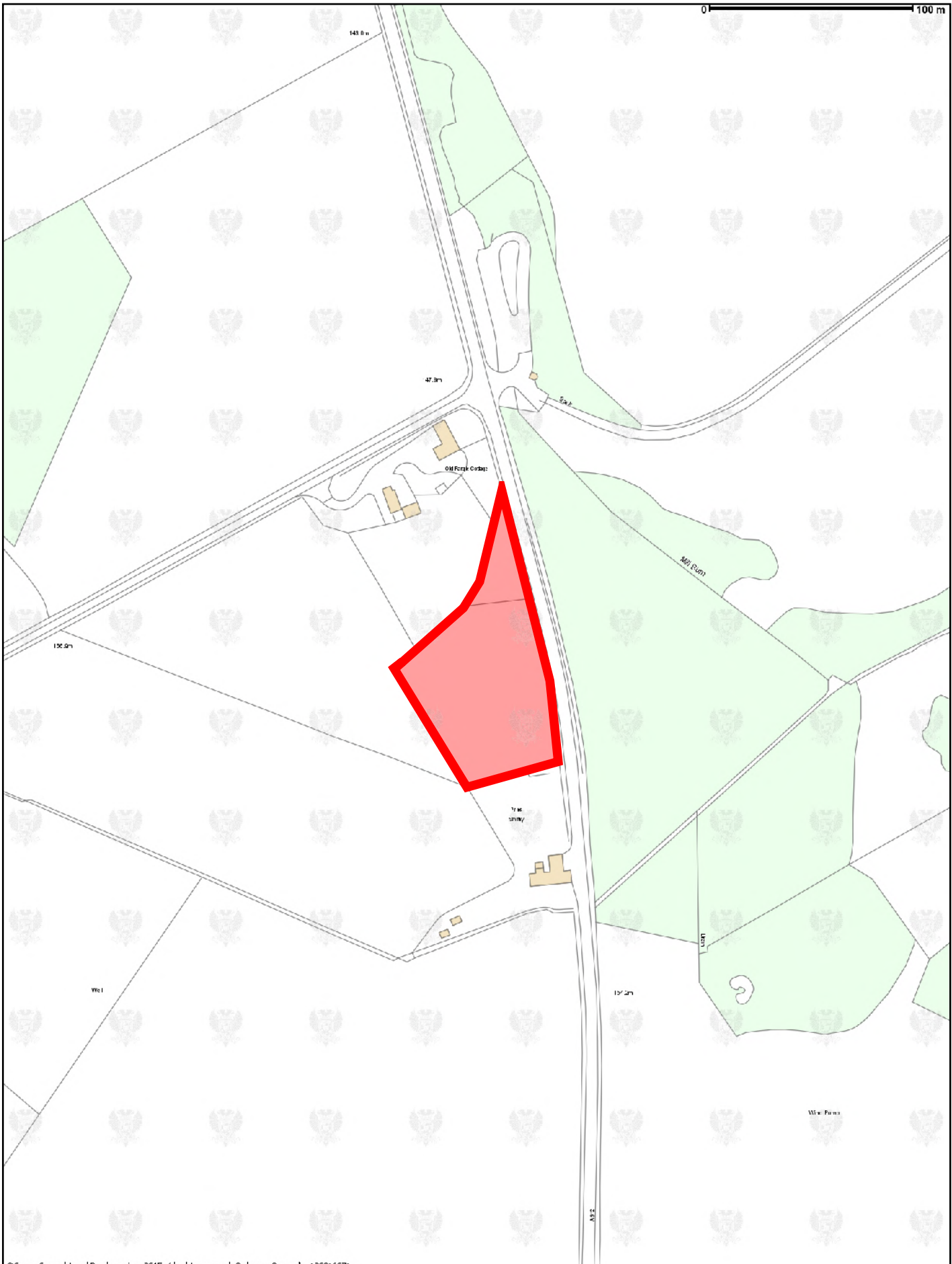
Erection of 3 dwellinghouses at Prinn's Smithy Gateside,
Glenfarg



Development
Management Committee

Scale 1:25000

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