

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

**Erection of dwellinghouse,  
 Land 20 Metres East Of Robinhill, Kinnaird, Inchtute, PH14 9QY**

Ref. No: 14/00228/FLL  
 Ward No: 1 – Carse of Gowrie

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning permission is sought for the erection of a dwellinghouse on land east of Robinhill, a modern bungalow located in the small village of Kinnaird in the Carse of Gowrie.
- 2 The site is within the current front garden ground of Robinhill and extends to around 700 square metres. Robinhill received planning permission for a rear extension to enlarge the property (ref. 13/01100/FLL) in August 2013. An application for the construction of a dwelling within the garden ground of this property was also considered at around the same time. Planning permission for this was refused in August 2013 (13/01099/FLL) under delegated powers. This previous application was refused due to it being of an inappropriate design and that there was insufficient information submitted with regards to proposed drainage arrangements for the new property.
- 3 This application shows a different style of property. The house is now single storey as opposed to two storeys and of a contemporary design. Additional information has been submitted to demonstrate proposed drainage arrangements.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

**Scottish Planning Policy 2014**

- 5 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.

6 The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Paragraphs 36 – 46: Placemaking

## **DEVELOPMENT PLAN**

7 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Council Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

8 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Council Local Development Plan 2014**

9 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.

10 Under the Local Development Plan the site lies within the defined settlement boundary for Kinnaird where the principal relevant policies are, in summary:

#### **Policy PM1A - Placemaking**

11 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

12 All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

13 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.

### **Policy RD1 - Residential Areas**

- 14 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreation or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy EP3B - Water, Environment and Drainage**

- 15 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

- 16 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

## **OTHER POLICIES**

### **Developer Contributions Supplementary Guidance (2014)**

#### **Primary Education and New Housing Development**

- 17 The Developer Contributions Policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. Currently a contribution of £6,395 per qualifying house is required where a primary school is at or would reach capacity as a result of the development proposed.

#### **Transport Infrastructure Developer Contributions Supplementary Guidance 2014**

- 18 This Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3*:

*Infrastructure Contributions and Developer Contributions Supplementary Guidance.* This guidance applies to all applications submitted from 2 April 2014.

## **SITE HISTORY**

- 19 13/01099/FLL Erection of a dwellinghouse 16 August 2013 Application Refused (delegated powers)
- 20 13/01100/FLL Extension to dwellinghouse 9 August 2013 Application Permitted (delegated powers)

## **CONSULTATIONS**

### **EXTERNAL**

- 21 **Inchture Community Council** - Object to the proposals for the following reasons:
- Amenity – proposal is out of keeping with its surroundings
  - Septic tank and surface water drainage – not convinced that surface water run-off can be adequately dealt with. Outflows from septic tanks in the vicinity are routed under the proposed site. Any blockage in these pipes will be difficult to repair if the land is built on.
  - Unsatisfactory access – road safety concerns.
- 22 **Scottish Water** – No representation received.

### **INTERNAL**

- 23 **Environmental Health Officer** - Recommends that conditions be attached to any consent with regard to private water and noise.
- 24 **Transport Planning** - No objections. Conditions are requested with regard to turning and parking on the site.
- 25 **Education and Children's Services** – The development falls within the Inchture Primary School catchment area. Based on current information this school will reach the 80% capacity threshold. It is requested that the Finalised Primary Education and New Housing Contributions Policy is applied to this application.

## **REPRESENTATIONS**

- 26 13 representations have been received, including the objection from Inchture Community Council, raising the following issues:
- Traffic and road safety – additional traffic, inadequate turning and parking space,

- Design – development is out of keeping with its surroundings, inappropriate land use, out of character
- Over development – site too small for proposal
- Site boundary is incorrect – applicant does not own all the land shown
- Drainage – house to be built on septic tank soakaway of neighbouring properties, lack of capacity for surface water disposal
- Residential amenity – noise, overlooking,
- Incorrect neighbour notification
- Trees should be protected

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

**Additional Statements Received:**

28

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

**APPRAISAL**

29 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Council Local Development Plan 2014.

30 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.

**Policy Appraisal**

31 The site is located within the Kinnaird settlement boundary as identified in the adopted Perth and Kinross Council Local Development Plan 2014. Policy RD1 and PM1A both apply. Both policies seek to ensure that all new proposals in residential areas are compatible with existing land uses and that the character and amenity of the existing area is not adversely affected by inappropriate development.

## **Site History**

- 32 Planning permission was issued under delegated powers in August 2013 for an extension to the bungalow Robinhill (13/01100/FLL). The upgrading of this property was to be linked to the construction of a new house in the garden ground of this property for which a planning application was submitted around the same time. This application was refused under delegated powers (13/01099/FLL) in August 2013. A revised application for the erection of the dwellinghouse was submitted in February 2014. This attracted a number of objections and considerable time has passed whilst further information required to fully assess the proposal has been put together.

## **Design and Layout**

- 33 The proposal is for a contemporary style, single storey, split level house. The house would be clad in natural red sandstone with smooth render panels. The roof profiles would be mono pitched. Windows would be timber framed.
- 34 The proposed house is positioned to the north east of the application site close to the boundary with the property known as Secret Garden (formerly Christmas Cottage). The closest part of the new house would be around 1.5 metres from this eastern site boundary. This part of the new house contains the utility room and has a maximum height of around 4 metres. The main part of the house is between 3 and 4 metres from this boundary and around 17 metres from Secret Garden. The new development is at a lower level than Secret Garden. A blockwork wall with timber fence on top has recently been constructed along this eastern boundary which will help to screen the new development from Secret Garden.
- 35 The main entrance to the new property would be from the north elevation off the existing driveway which is shared with Robinhill and Secret Garden. This elevation of the house is relatively low at approximately 4 metres with a monopitch roof which falls from north to south. This elevation is primarily finished in white render. The ground falls away from north to south and the rear (south) part of the house is finished around one metre lower. The roof pitch is highest at the southern end of the house at around 6 metres and falls to the north.
- 36 There have been a number of concerns expressed, including from the Community Council, with regard to the proposed design of the house and that this is not in keeping with its surroundings. Whilst it is a contemporary design there are a range of house styles in the area. Robinhill itself is a modern bungalow of no particular architectural merit and a new contemporary style property has been approved on a site close by within the grounds of the listed Delford House (ref. 11/00165/FLL). This was approved by the Development Management Committee on 16 November 2011. The proposed development is on a secluded site away from general public view and removed from the main historic core of the village. I do not consider that the design is inappropriate on this site.

- 37 Concern has also been expressed about the size of the site. This extends to around 700 square metres. The plans show that once the new house has been built there will be 332 square metres of garden ground. I regard this as sufficient for the size of property.

### **Landscape**

- 38 The site does not have any existing landscaping within its boundaries other than a large coniferous tree on the eastern boundary. I understand that there were a number of trees on the site prior to the submission of the first planning application in 2013 but these have been removed. The site was also further cleared of vegetation between August 2013 and May 2014. However the site is still bounded by trees or hedging to the north and south although these are outwith the application site boundary. There are a number of mature trees to the south of the property within the grounds of the adjoining property (Gowranes) and there is an existing hedge along the northern boundary, again within the grounds of an adjoining property.
- 39 As the majority of the landscaping lies outwith the site boundaries I consider that it would be appropriate to request that some additional landscaping be required within the site boundaries. I would recommend that a condition requiring additional landscaping of the site boundaries be attached to any consent along with a condition to protect the existing trees on the adjacent ground.

### **Residential Amenity**

- 40 There has been some concern from objectors that the construction of a house on this site will impact on the privacy of surrounding properties. Whilst there are some tall windows on the south elevation, facing towards Gowranes, the proposed dwellinghouse is single storey and views out from this will be limited. Any views to the east or west will be at an angle and would not overlook either Robinhill or Secret Garden. The new house will be visible below Secret Garden but this is unlikely to affect privacy of either properties due to the distance and proposed arrangement of windows on the new dwellinghouse.
- 41 In addition there is a substantial fence/wall along the eastern boundary which varies in height between 2 and 3 metres. A new 1.8 metre high fence is proposed to the west between the application site and Robinhill. The views to the south, to Gowranes, are screened by the mature trees within the garden ground of this property. The proposed dwellinghouse is more than 17 metres from Gowranes, 14 metres from Secret Garden and 15 metres from Robinhill. I consider these distances to be sufficient and that the proposed house will not have any adverse impact in terms of overshadowing or overlooking.
- 42 The proposals include the installation of an air source heat pump to the east side of the property. There have been concerns from objectors that this will cause disturbance due to the noise generated. Environmental Health requested further information from the applicant to be able to fully assess the

impact. From the information submitted in response, it is not considered that residential amenity would be adversely affected by the proposal. However, conditions are recommended on any consent relating to the control of noise.

### **Visual Amenity**

- 43 The site is in a secluded setting up a private access close to the main centre of the village. The site is not visible from the main core of the village.
- 44 The size of the proposed new house has been reduced since the previous application was refused and will be around 1.5 metres lower in height reducing its visual impact. The profile of the house is lower and the house will be less intrusive than the previous design. I do not consider that it would have an adverse visual impact on its immediate surroundings or on the overall character of the village.

### **Roads and Access**

- 45 The site is accessed by a private track around 40 metres from the public road in Kinnaird village. Concern has been expressed from objectors, including the Community Council, about the suitability of the vehicular access to the proposed site and the potential increase in traffic that would be created by the proposal. The width of the access drive varies but is 3.2 metres wide at its narrowest point. The track is considered to be adequate for the likely usage. It is already used to access three properties including Robinhill to the rear and I do not consider that a significant amount of extra traffic will be created by this development.
- 46 The nature of the roads in the village is such that vehicle speeds will be low. The site plans show a parking area which would accommodate at least two vehicles. Transport Planning does not object to the application but has asked for conditions to be attached with regard to turning and parking provision. The proposals show an area of hard standing with a permeable surface to the front and side of the new property. It is considered that this will provide sufficient parking and turning for the new property.
- 47 There had been some concern from local residents that the proposal might impact on the access and parking provision for the existing bungalow at Robinhill. The proposals show that there will be sufficient space for parking and turning of two cars at Robinhill. Transport Planning does not have any concern with regard to the access or parking provision for Robinhill.

### **Drainage and Flooding**

- 48 There have been a number of objections, including from Inchtute Community Council, with regard to potential drainage issues within the site. There is also concern that development of the site might affect the soakaways from neighbours' septic tanks and that the development will be built on top of the soakaways. The applicant has indicated foul soakaways and a grey-water recycling storage tank on the plans. Whilst fully detailed information will be

required at the building warrant stage of any application some further information has been provided to support this application.

- 49 The applicant has had a porosity test carried out to assess the capacity of the ground conditions in terms of its soakaway capability. The porosity test showed that a traditional soakaway system, as originally proposed, was not appropriate for this site and that a mound soakaway with associated biodisk plant would be required. The applicant's drainage engineer has assessed the required size of soakaway and this is indicated on the plans. The Engineer considers that a 32 sq. metre area would cope with the expected discharge, given that the grey-water is being recycled. Whilst further information would be required at Building Warrant stage I have discussed this with the Building Standards Officer and it is considered that an appropriate soakaway, which would meet current Building Standards, could be provided.
- 50 There has also been concern expressed that the new house will be built on the soakaways of neighbours' septic tanks. If this is the case alternative arrangements will need to be made and the requirements to accommodate these may require costly engineering solutions. Although there may be legal issues with this that cannot be addressed through this planning application a condition as requested by Environmental Health is recommended in order to safeguard existing septic tanks, water supply storage facilities and / or private water supply pipes.
- 51 The applicant has indicated that any development would be served by mains water. However, Environmental Health has questioned whether this will be feasible as many houses in Kinnaird are connected to a private water supply. A condition and informative note is recommended to safeguard existing users.

### **Neighbour notification and land ownership**

- 52 When the application was validated there was an error in the site description which affected the neighbour notification. The site address was amended to link the application to Robinhill and its previous history. This meant that neighbours were re-notified to ensure that all those bordering the site were included in the notification. There has also been a question as to whether the applicant owns all the land stated on the application. This relates to the access track which is used by a neighbouring property. The applicant has confirmed through his agent that he owns the driveway as far as the public road. He notes that Christmas Cottage shares the first few metres for access to their property. This does not affect the main site and any land disputes would constitute a private legal matter that I do not consider to be appropriate to consider as part of this application.

### **Developer Contributions**

#### **Primary Education**

- 53 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased 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.

- 54 This development falls within the Inchtute Primary School catchment area. Based on current information this school will reach the 80% capacity threshold.
- 55 An Education Contribution for £6,395 must therefore be made to the Council prior to any consent being issued.

### **Transport Infrastructure**

- 56 The Council Transport Infrastructure Development Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 57 This proposal was submitted prior to 2 April 2014 when this policy became effective. No contribution towards transport infrastructure is required.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 59 A legal agreement may be required for payment of developer contributions with regard to education provision. Any legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

### **DIRECTION BY SCOTTISH MINISTERS**

- 60 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**

- 61 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Perth and Kinross Council Local Development Plan 2014. 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 subject to the following 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.

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 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 - To ensure the new development has an adequate and consistently wholesome supply of water and/ or to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

- 4 All plant or equipment including any ventilation system associated with operation of the air source heat pump shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

- 5 Prior to the commencement of any works on site, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include details of any proposed

hard landscaping and soft landscaping and details of the proposed upgrading of the access track. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

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

- 6 All existing trees on and adjacent to the site shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.

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

- 7 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.

- 8 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason - In the interests of pedestrian and traffic safety.

## **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**

Prior to the issue of planning permission the applicant is required to provide a financial contribution of £6,395 towards education provision. This payment may be deferred through the completion of a suitable legal agreement with the Council.

If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason:-

*Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions Supplementary Planning Guidance 2014 which requires financial contributions to be secured.*

## **D Informatives**

- 1 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.
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 6 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact the Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel - 0845 601 8855.

If the developer requires any further assistance or information on this response, they should phone the above number or alternatively additional information is available on the following website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)

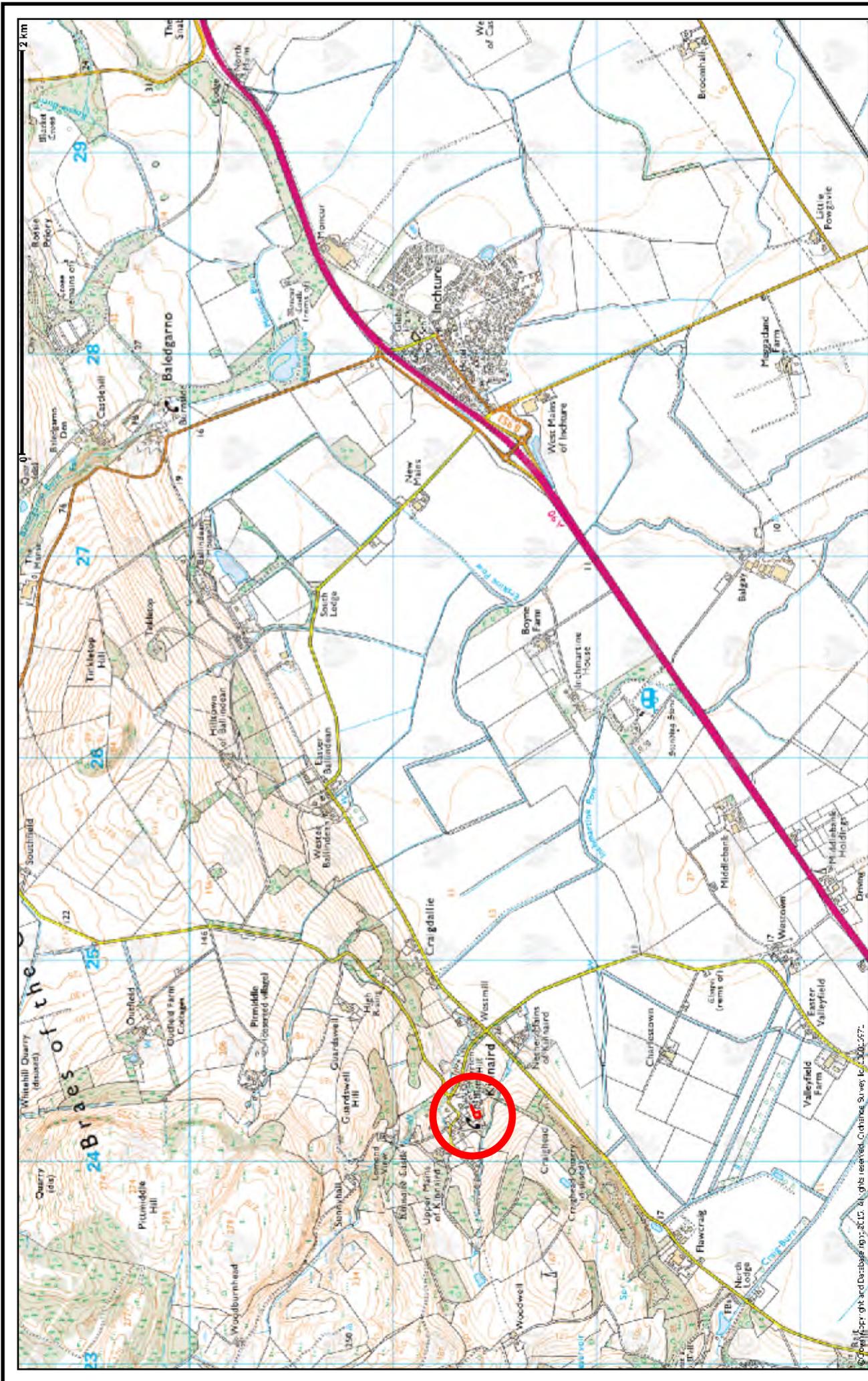
**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

Background Papers: 13 letters of representation  
Contact Officer: Persephone Beer – Ext 75354  
Date: 4 February 2015

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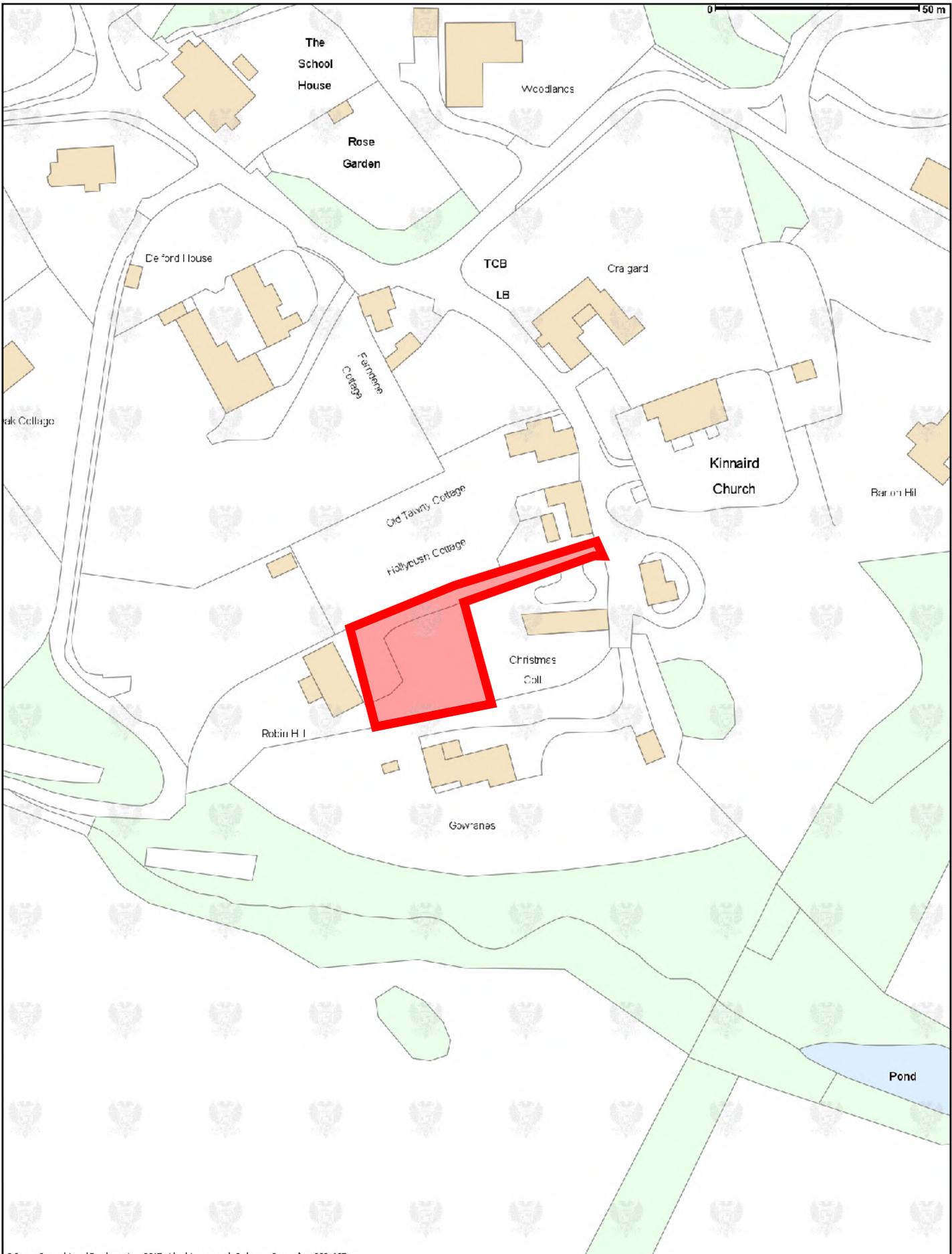
14/00228/FLL

Erection of a dwellinghouse at Land 20m East of Robinhill, Kinross, Inchtuare



Development Management Committee  
Scale 1:25000

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**Development Management Committee**



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**14/00228/FLL**

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