

Perth and Kinross Council
Development Management Committee – 16 September 2015
Report of Handling by Development Quality Manager

**Erection of four dwellinghouses at Land 100 Metres North Of Cottown House
Cottown, Glencarse, PH2 7NL**

Ref. No: 15/00150/FLL
Ward No: 1 - Carse

Summary

This report recommends approval of a detailed planning application for the erection of four detached dwellings on an infill site within the settlement of Chapelhill /Cottown as the development is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain detailed planning permission for the erection of four detached dwellings on an area of garden lawn which is associated with a large dwelling within the settlement of Cottown/Chapelhill in the Carse of Gowrie. The application site is part of a small settlement which has been identified within the Perth and Kinross Local Development Plan 2014 as Cottown/Chapelhill - essentially a small collection of houses constructed along the "T" formed by the old low Carse Road and the minor road leading to Cottown House. The settlement lies approximately 8 miles to the east of Perth and most of the houses within the settlement are of a relatively recent construction. The application site itself is located at the southern end of the settlement, is generally flat in its topography and is enclosed to the north by an area of existing woodland. The eastern boundary is defined by overgrown vegetation and post and wire fencing, whilst the southern boundary simply merges into other parts of the existing garden lawn - which is directly associated with an adjacent dwelling.
- 2 The house types proposed would offer living accommodation over two full levels. The four plots have been arranged in a fairly regularly 2 x 2 arrangement which would be accessed from one new access point, which itself – would be taken from the existing private access. All four of the houses are to be the same house type, would be finished with concrete roof tiles and a wet dash wall finish and would incorporate small roof canopies features over the upper windows on the front and back elevations. As part of the proposal, the applicant intends to upgrade the existing private access to an adoptable standard for its entire length from the public road.

NATIONAL POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN). Of specific relevance to this planning application are,

Scottish Planning Policy 2014

- 4 The Scottish Planning Policy (SPP) was published in June 2014 and 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 74 - 83: Rural Development
 - Paragraphs 109 – 134: Enabling the delivery of New Homes

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 7 Whilst there are no specific strategies or policies which are directly relevant to this proposal the overall vision of the TAYplan 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 LOCAL DEVELOPMENT PLAN 2014

- 8 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. Within the Local Development Plan, the site lies within the settlement boundary of Cottown/Chapelhill where the following policies are directly applicable,

Policy RD1 – Residential Areas

- 9 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

Policy PM1A - Placemaking

- 10 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM3 – Contributions

- 11 Where the cumulative impact of new developments will exacerbate a current or generate a future 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 CF1B - Open Space within New Developments

- 12 The Council will seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate. Where it is physically impossible or inappropriate to meet the open space provision onsite, consideration may be given to the provision of a suitable alternative.

Policy CF2 – Public Access

- 13 Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.

OTHER COUNCIL POLICIES

Affordable Housing Supplementary Guide 2014

- 14 This supplementary guidance was produced by officers at Perth & Kinross Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the Affordable Housing Policy since it was approved in August 2005.

Developer Contributions 2014

- 15 This supplementary guidance seeks to secure both A9 junction contributions and education contributions in certain circumstances. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance.

Developer Contributions, Transport Infrastructure 2014

- 16 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. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

SITE HISTORY

- 17 None.

CONSULTATIONS

External

- 18 **Scottish Water** – No objections to the proposal.

Internal

- 19 **Transport Planning** – No objection to the proposal in terms of access or parking arrangements, subject to the existing private access being made up to an adoptable standard prior to works commencing on the first dwelling.
- 20 **Community Greenspace** – No objection to the proposal in terms of the impact on the existing Right of Way, providing that it is not compromised by the development. They have also confirmed that there is no requirement for a developer contribution in relation to off site open space maintenance or play park upgrades.
- 21 **Environmental Health** – No objection to the proposal in terms of the air source heat pump or contaminated land issues, subject to standard conditions being attached to any consent.
- 22 **Perth and Kinross Heritage Trust** – No concerns regarding archaeology issues.
- 23 **Community Waste Adviser** – Has raised an objection to the proposal, unless the existing road is upgraded to an adoptable standard with suitable turning facilities for refuse vehicles.

REPRESENTATIONS

- 24 Fifteen letters of representation have been received, of which two are offering support of the proposal and four are offering neutral comments. The remainder of the representations are all objecting to the proposal. Included in those objections is a representation from the West Carse Community Council.

25 The main issues raised by the individual objectors and the Community Council are:

- Contrary to the Development Plan
- Contrary to the Council's Housing in the Countryside Policies
- Inappropriate house types
- Condition of the existing road
- General impact on road and pedestrian safety
- Impact on a Right of Way
- Issues over Neighbour Notification / Land Ownership Certificates
- Surface water and foul drainage Issues
- Impact from overhead power lines

26 These issues are addressed in the Appraisal section of the appraisal.

ADDITIONAL STATEMENTS

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| Environment Statement | Not required |
| Screening Opinion | Not required |
| Environmental Impact Assessment | Not required |
| Appropriate Assessment | Not required |
| Design Statement / Design and Access Statement | Submitted |
| Report on Impact or Potential Impact | Not required |

APPRAISAL

28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

29 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material considerations, this involves consideration of the Council's other approved policies, namely those which relate to developer contributions.

Policy

30 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Cottown/Chapelhill where Policy RD1 is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.

- 31 In addition to this, Policy PM1A is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas.
- 32 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

Land Use

- 33 In terms of land use issues, the site has been identified within the LDP settlement boundary of Cottown/Chapelhill. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms only, I consider the proposed residential use to be entirely compatible with the existing uses and ultimately consider the key consideration for this proposal to be whether or not the layout, house types and access arrangements are acceptable in this location.

Design and Layout

- 34 The layout of the proposed four houses is centred on a small cul-de-sac arrangement, which would be accessed from the existing private access - which is proposed to be upgraded, and then adopted by the Council. The regular shape of the site makes this arrangement the most logical and allows for all the plots to have a suitable level of private amenity space whilst at the same time achieving adequate window to window separation. Following the initial submission, the applicant revised the layout slightly to provide a better placement of the dwellings on their individual plots which in turn, provided more usable amenity space for all four of the dwellings.
- 35 In terms of the house types themselves, the majority of the dwellings within the existing settlement are single storey dwellings. However, it is the case that there are dwellings which are larger and which offer living accommodation over two levels, albeit mostly within the roofspace. Whilst I note the concerns raised within some of the representations that the house types are inappropriate for this semi-rural location, I do not agree with this position and consider the simple design and relatively modest scale of the houses proposed to be acceptable and would not have an adverse impact on the general character of the area.

Impact on residential amenity

- 36 As the site is separated from the existing residential dwellings by some distance, the erection of four dwellings on this site is unlikely to result in a loss of privacy or result in any direct overlooking. Likewise, the layout proposed offers a suitable level of separation between each individual dwelling and provides each dwelling with a suitable level of usable amenity space. To this end, I have no concerns in relation to residential amenity issues.

Visual Impact

- 37 In terms of the impact on the visual amenity of the area, the location of the site is at the end of a long access track which goes some way to reducing its visibility and prominence. In this location, which is adjacent to a series of existing buildings and set within a distinct building group, I do not consider the erection of four dwellings to have a negative impact on the visual amenity of the area.

Contamination Land Issues

- 38 Within the area there is some evidence of former clay pits which have been infilled. As the depth and nature of the infill material is unknown to the Council, I consider it reasonable to require the applicant to carry out further investigations into the nature of any possible contaminants prior to the commencement of any works on site. This would be achieved through the imposition of an appropriate pre-commencement condition on any consent.

Impact on Wildlife

- 39 There are no known protected species or local wildlife which are directly affected by this proposal.

DEVELOPER CONTRIBUTIONS

Affordable Housing

- 40 As the development comprises less than 5 residential units, there is no requirement for any developer contributions (or onsite provision) in relation to affordable housing.

Transport Infrastructure

- 41 In terms of Transport Infrastructure contributions, the site lies within the catchment area for contributions in relation to Transport Infrastructure. To this end, Developer Contributions of £10,556 (4 x £2,639) are required as part of this development.

Primary Education

- 42 In terms of Primary Education contributions, as the local primary school is operating at over 80% of its capacity there is a requirement for Developer Contributions of £25,580 (4 x £6,395) as part of this development.

Road Related Issues

- 43 Within the letters of representation, the condition of the existing private access road has been raised as a major area of local concern. The existing access is currently private and is jointly within the control of the applicant and other third parties. The general condition of the road's surface and also its width are, in places poor and substandard. However as part of this proposal the applicant is proposing to upgrade the access to an adoptable standard - from the point at which it joins the public road, to the access point of this development.

- 44 The principle of the upgrade of this private access to an adoptable standard meets with the Council's policy for repairs to unadopted roads and footways as the existing road serves a wide community. It would also appear from the comments made within the representations that there is a generally strong local feeling of support for the road to be upgraded. Under the terms of the Council's policy for repairs to unadopted roads, the cost of the upgrade would be shared by the Council and the other interested parties, whilst consent to undertake the works must also be forthcoming from all parties who have ownership rights. Whilst I understand the applicant has openly offered to fully fund the private share of the required contribution, it is nevertheless not a planning matter to resolve the monetary issue associated with the proposed road upgrade. It would however be an explicit planning requirement that the upgrade does happen prior to any works commencing on any dwellings and it would be up to the applicant to ensure that all the land owners and also other interested parties agree to the proposed upgrade, otherwise this development may not be able to proceed as the grant of any planning permission would not override any private land ownership rights.
- 45 Within the letters of representation some comments have also been received in relation to the lack of passing places, and whilst the upgrade of the surface of the existing road is welcomed, if passing places were not factored in to any upgrade then that would not fully solve all the current issues. As part of the process to upgrade the existing access, passing places will be considered, however their inclusion will inevitably be linked to the area of land which is available for the upgrade. It would therefore be unreasonable for the Council to specifically ask for passing places as part of the terms of this permission as whilst they would be desirable, they may not physically be deliverable.
- 46 I also note that within the letters of representation concerns have been raised regarding the level of traffic movements that this development would generate, and the potential adverse impact that these additional movements would have on both the existing private access (which is proposed to be adopted) and also the local public road network. As stated previously, the existing access is substandard on a number of levels, but it would be a requirement of any consent that the surface of the road will be upgraded to an adoptable standard and that passing places would be incorporated if it is possible to do so. Once the existing access is made up to an adoptable standard, I am satisfied that the access road would then be suitable for the level of traffic which this development would generate, which includes refuse vehicles. In terms of the impact on the other local roads, the level of traffic generated by this proposal is unlikely to have any material impact on these roads and would not compromise road or pedestrian safety.

Impact on Right of Way

- 47 Within the representations, concerns have been raised regarding the impact that the proposal would have on an established Right of Way (Cottown to Cairnie). The applicant is fully aware of the existence of a Right of Way to the east of the development site and proposes to incorporate an upgraded path (where it adjoins the development site) as part of this development and he has confirmed that he has ownership rights to do so. Subject to details being agreed regarding the final location (if the existing path is to be realigned), width and surfacing of the upgraded path and connections to the existing path to the north and south, the Access Officer has raised no objection to the proposal provided that the path is kept open and accessible at all times and I have no reason to offer a different view on this matter. It is also the case that this development would help to improve the usage of this route. This issue can be adequately covered by an appropriate pre-commencement condition which would be attached to any formal consent.

Drainage

- 48 As the site lies within an area covered by a public drainage system, the proposed foul drainage for this proposal must be designed in such a way that it can be connected to the public drainage system when a connection is available. With regards to the disposal of surface water, this would be through a SUDS system. In principle, I have no objection to this, however precise details of the SUDS system will be requested prior to any works commencing on site.
- 49 Within the letters of representation, I note that concerns have been raised regarding surface water drainage associated with the existing access. As part of the proposed upgrade process, an adoptable standard road would dispose of surface water in line with the Council's design standards. To this end, any existing issues regarding surface water drainage issues associated with the access road would be improved when the road is upgraded to an adoptable standard.

Trees

- 50 Within the site there are several ornamental trees which would be removed as part of this proposal, however there are no specimen or protected trees which are affected by this proposal. As part of the proposals some new landscaping and planting proposals would be undertaken, however final details of all new landscaping and boundary treatments will be sought prior to any works commencing.

Archaeology Issues

- 51 There is no known scheduled or local archaeology within the area.

Housing in the Countryside Policies

- 52 Within some letters of representation, reference has been made to the Council's Housing in the Countryside Policies as contained within the LDP (Policy RD3) and also the Supplementary Planning Guidance (HITCG 2012). As the site is located within the settlement boundary of Cottown/Chapelhill, the Housing in the Countryside Policies do not apply. The Council's Housing in the Countryside Policies are only applicable for new housing developments within the landward area of the LDP and not for new housing developments within identified settlements.

Open Space / Play Facilities

- 53 As the development is for a small number of residential units (4) it would not be reasonable to seek either onsite play provision or a degree of open space within the development. In terms of a developer contribution towards the maintenance of off-site public space and play facilities in this area, my colleagues in Community Green Space have confirmed that there is no requirement for a contribution specifically for this purpose. However, as there would be a requirement on the applicant to upgrade the existing Right of Way path which runs along the eastern side of the boundary of the site, a developer contribution towards the upgrade of an existing open space facility (the Right of Way) would be forthcoming indirectly.

Neighbour Notification / Land Ownership

- 54 It has been raised within the representations that the neighbour notification process has not been carried out correctly. All the notifiable properties have been notified of the planning application and the notification process has been carried out procedurally correctly. In relation to land ownership, the applicant has indicated that he is not the sole owner of the road and has served the appropriate land ownership certificate on the other land owners.

Overhead Transmission Lines

- 55 Within the letters of representation, a concern has been raised regarding the existence of overhead power lines. To the north of the site there are two lines of overhead power cables, the closest being approx 7m from the boundary of the site and approx 20m from the closest dwelling. The applicant is aware of this proximity of the overhead lines; however it is a matter for the applicant to liaise with both the HSE and operator of the lines to ascertain whether any amendments to the house positions are required or indeed whether or not the overhead lines require redirecting.

ECONOMIC IMPACT

- 56 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area.

LEGAL AGREEMENTS

- 57 In the event that the applicant wishes to defer the required developer contributions, then a legal agreement would be required to be completed prior to the issuing of the formal decision notice.

DIRECTION BY SCOTTISH MINISTERS

- 58 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

- 59 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. The site's inclusion identified within the Local Development Plan is considered to be an opportunity for new development, and as the development proposed is compatible with the existing uses and would not have an adverse impact on the character or amenity (visual or residential) of the existing area, it is considered to be acceptable subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions,

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 Prior to the occupation of each dwellinghouse, the foul drainage must be connected to the public drainage system, unless an agreement has been made with the Council as Planning Authority in consultation with Scottish Water and Building Standards.

Reason – In order to ensure that the site is adequately drained.

- 3 Prior to the commencement of any works on site, precise details of the proposed SUDS system shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full prior to the first house occupation, all to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure that the site is adequately drained.

- 4 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 approved plan shall be implemented in full as the development progresses, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of proper site management and to ensure that the visual amenity of the area is protected.

- 5 Prior to any works commencing on any dwellinghouse, the existing private access for the entire length to the public road shall be upgraded to an adoptable standard with adequate turning facilities for HGV, to the satisfaction of the Council as Roads & Planning Authority.

Reason – In the interest of protecting road and pedestrian safety.

- 6 Prior to the commencement of any works on site, full details of the colour of the wet dash render shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as agreed shall be implemented as part of the development.

Reason – In order to protect existing residential amenity.

- 7 All plant or equipment associated with the air source heat pump shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 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, all to the satisfaction of the Council as Planning Authority.

Reason – In order to protect existing residential amenity.

- 8 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;

- I. The nature, extent and type(s) of contamination on the site
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. Measures to deal with contamination during construction works
- IV. Condition of the site on completion of decontamination measures.

- 9 Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

Reason – In order to ensure that any land contaminates are adequately dealt.

- 10 Prior to the commencement of any works on site, detailed plans of the proposed works to the existing Right of Way shall be submitted for the approval in writing by the Council as Planning Authority. The detailed plans must detail the route of the right of way between Dalreach (cottage) and the track south of Cottown House, the surfacing and any furniture thereon (e.g. gates), how the path links into other parts of the route to the north and south, and must show a path a minimum of 2.5m wide and of similar distance and of a similar or improved surface to that of the original path. The approved details must be completed to the satisfaction of the Council as Planning Authority and made available for the public to use prior to the commencement of any other works on site.

Reason – In order to protect the existing Right of Way.

B JUSTIFICATION

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

C PROCEDURAL NOTES

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not:

- a) Make the required payment upfront within 14 days of the date of the Committee decision; or
- b) Complete a legal agreement for its delayed payment within a 4 month period, then the application may be refused under delegated powers.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. *(See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).*
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 An application for Building Warrant will be required.
- 5 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
- 6 With regard to the terms of Condition 8 of this decision notice, the applicant is advised to make early contact with the Council's Access Officers regarding the Right of Way to ensure it is not adversely affected by the development proposed. For the avoidance of doubt, any changes to the alignment of the path should not be onto another owner's land. The applicant should also be aware that any temporary restrictions to public access required during the construction of the dwellinghouses must be agreed in writing (and in advance of the restriction) with the Council as Planning Authority.

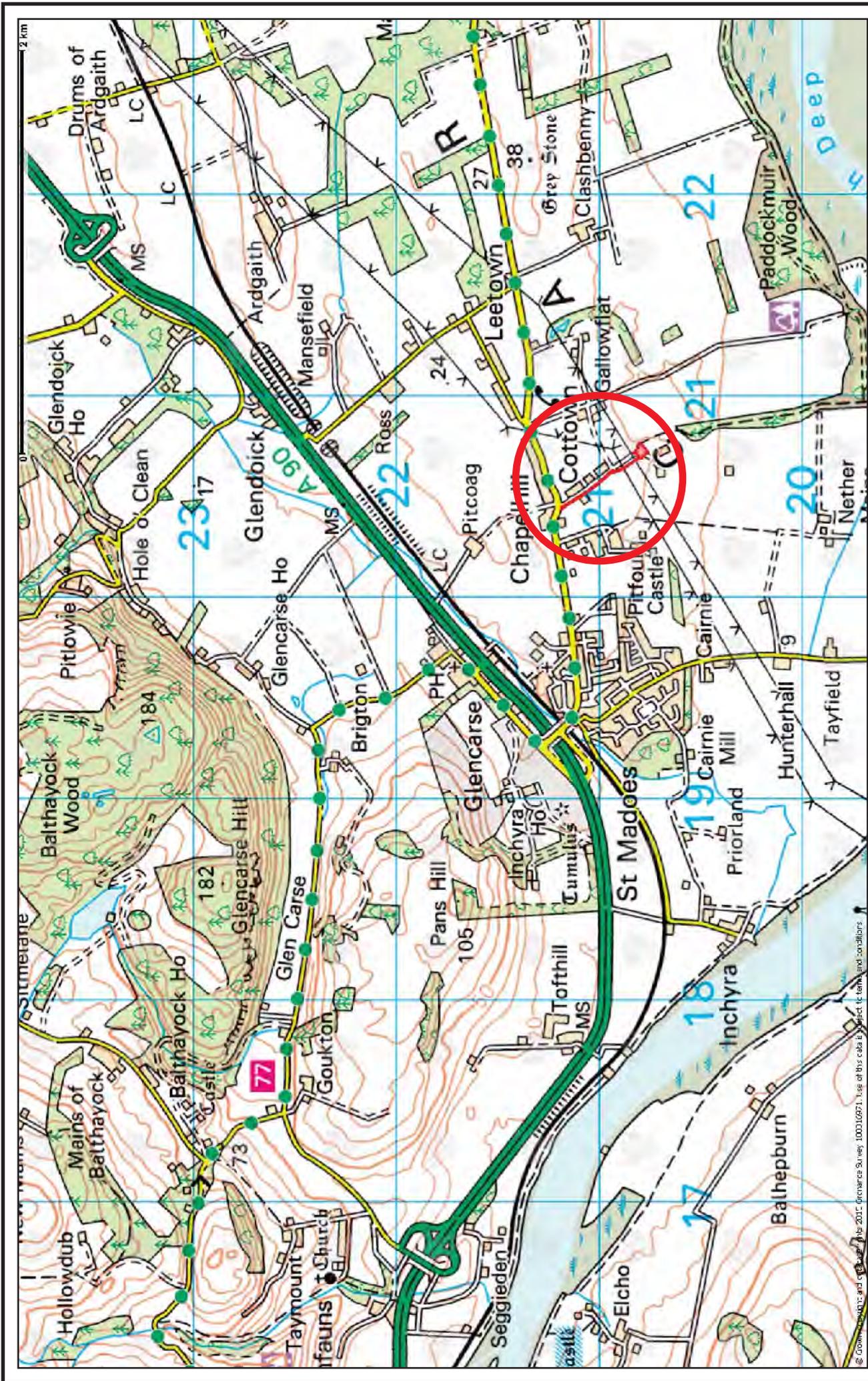
Background Papers: 15 letters of representation
 Contact Officer: Andy Baxter – Ext 5339
 Date: 1 September 2015

Nick Brian
Development Quality Manager

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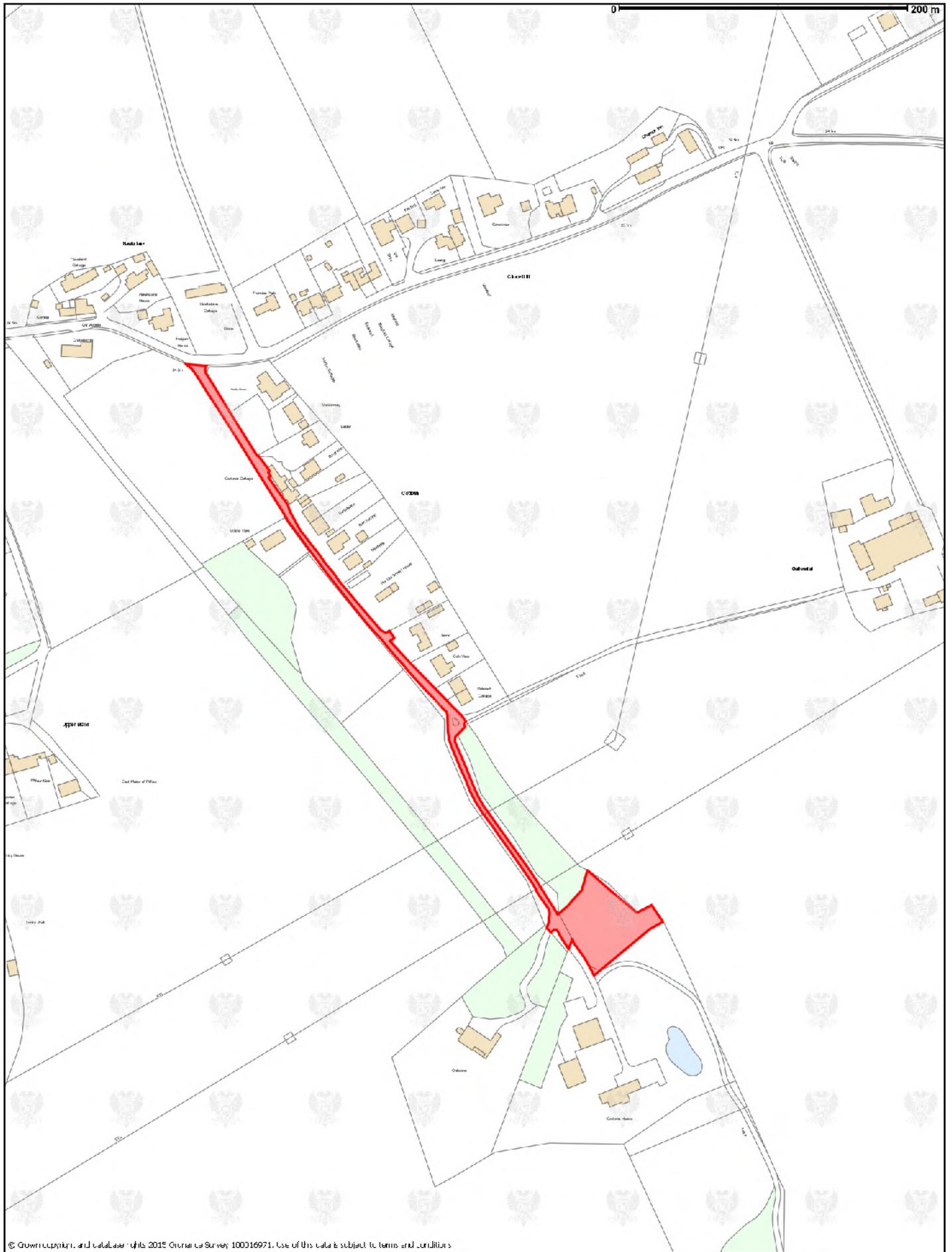
15/00150/FLL

Erection of 4 dwellinghouses, land north of Cottown House,
Cottown, Glencross



Scale 1:25000

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Scale 1:3500

15/00150/FLL

Erection of 4 dwellinghouses, land north of Cottown House, Cottown, Glencarse

