

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

Modification of an existing consent 12/01283/FLL for erection of a dwellinghouse on land 300 Metres North West of Chapelhill, Trinity Gask

Ref. No: 13/01536/FLL
Ward No: 9 – Almond and Earn

Summary

This report recommends approval of the modification of a previous consent for a low energy eco house, wind turbine and land management proposals. The modification involves changing the location of the house within the wider application site and changes to the design of the house to fit the new location. The proposal is acceptable and considered to be in accordance with the Development Plan and will have no adverse impact on the landscape or amenity of the area.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 10.7 hectare triangular area of ground situated on agricultural land at Chapelhill which located in a rural location 2km to the north of Trinity Gask and 7km to the north east of Auchterarder. The application site has more recently been used as grazing land and there is a small stable building on the site. There is a former quarry to the south east corner of the site near the access track. A gas pipeline runs through the site in a north to south direction. The site is bounded to the south east by a mature hedgerow, to the south west by an existing field boundary and a field boundary to the north. The site slopes gently to the north and lies below neighbouring surrounding properties. The application site forms part of an agricultural land holding.
- 2 As indicated in their original submission the applicants are fully committed to achieving a sustainable lifestyle and they have a strong vision for this proposal for the erection of a low energy eco house and an associated land management strategy over 7 hectares to provide for and realise sustainable living on the site and also to contribute positively to the environment and local biodiversity.
- 3 In January 2013 planning consent was granted by this Committee for the erection of a low energy eco house, wind turbine and land management proposals under planning application 12/01283/FLL. Since realising this consent the applicant has been required to increase the distance of the dwelling house from the gas pipeline to the west within the wider site due to an inaccuracy in plotting the line of the pipeline across the site by the pipeline

provider where the pipeline was approximately 40m closer to the dwelling house than originally plotted.

- 4 The alternative site for the eco house is approximately 110m to the east of the previously approved site and is on land associated with a former quarry. The proposed eco house will be positioned close to the former quarry wall with parking adjacent and behind the proposed house and the existing field boundary. Other alternative sites were considered and this site at the former quarry was chosen for the following reasons:-
 - it was at the greatest distance from the gas mains
 - it is closer to the existing access track and nearer the public road and therefore reducing the length of new access track required and reducing its visual impact and intrusion on the site
 - it is closer to the wooded area of the site giving greater screening and shelter
 - it is on an area of brownfield land on the site
 - there is the backdrop of the sloping land to the south and the building cluster to the south on the brow of the hill behind the proposed house
- 5 There is no change proposed to the overall land management proposals or wind turbine as previously consented.
- 6 The proposed eco house has been developed specifically for this part of the site. It has 'flexible space use' internally to allow change as the family grows as well as being detailed technically to ensure a high building envelope performance which is required to achieve very low energy requirements. The form of the house is long and low with a pitched turf roof and is raised off the ground on posts on limecrete pads to avoid the need for a concrete slab. Materials proposed are low impact natural materials with untreated Scottish larch to the walls. Windows and doors are timber with triple glazing to the windows. The vehicular access will be finished in a permeable recycled plastic matting which allows grass to grow through it.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 7 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and

- the Scottish Government's expectations of the intended outcomes of the planning system.

8 Of relevance to this application are:

- Paragraphs 66 - 91 : Housing
- Paragraphs 92 – 97 : Rural Development
- Paragraphs 125 – 148: Landscape & Natural Heritage
- Paragraphs 182 – 195: Renewable Energy

PAN 44 Fitting New Housing Development into the Landscape

9 Good design demands knowledge, creative thinking and experienced judgement about desirable places and successful developments to achieve pleasing building forms and comfortable spaces.

PAN 67 Housing Quality

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

DEVELOPMENT PLAN

11 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the adopted Strathearn Area Local Plan 2001.

TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012

12 Under the TAYPlan the principal relevant policies are:-

Policy 2 Shaping Better Quality Places

13 New development should be sustainable, enhance green infrastructure, avoids area of flood risk, integrates with existing community infrastructure, is well designed and energy efficient.

Policy 5: Housing

14 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.

Strathearn Area Local Plan 2001

15 Under the Local Plan the application site is located within the landward area where the principal relevant policies are in summary: -

Policy 1 Sustainable Development

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

Policy 2 Development Criteria

- 17 All developments within the Plan area will be judged against a series of criteria including landscape framework capable of absorbing, and if necessary, screening the development, the scale, form, colour, and density of development, compatibility with its surroundings in land use terms, local road network, sufficient spare capacity in drainage, water and education services, the site should be large enough, buildings and layouts to be energy efficient, where possible be located in those settlements which are the subject of inset maps.

Policy 4 Landscape

- 18 Where developments shall seek to mitigate any adverse landscape impacts.

Policy 5 Design

- 19 The Council require high standards of design for all development with encouragement given to the use of good quality materials, energy efficiency, innovative design and good landscape fit.

Policy 7 Flood Risk

- 20 Development in areas liable to flood or where remedial measures would adversely affect flood risk elsewhere will not normally be permitted.

Policy 11 Renewable Energy

- 21 The Council will encourage in appropriate locations renewable energy projects provided they do not have a detrimental impact on nature conservation interests, landscape character and residential amenity.

Policy 23 Archaeology

- 22 The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments from potential adverse development.

Policy 45 Agriculture

- 23 The Council will support agriculture remaining as the major land use and a source of employment in the Plan area.

Policy 54 Housing in the Countryside

- 24 The Council will only support proposals for the erection of individual houses in the countryside under certain categories and where it would satisfy specific siting criteria such as the conversion or replacement of non domestic buildings.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN (PLDP) 2012

- 25 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan has undergone an Examination following which a report was published on 11 October 2013 containing the Reporter's recommendations. The Council has a three month period to consider the Reporter's recommendations and the modified Plan will be published by 11 January 2014. This will be the Plan that the Council intends to adopt, subject to agreement by Scottish Ministers. Prior to adoption, the Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.
- 26 Under the LDP the site lies outwith any settlement boundaries. The principal relevant policies are:-

RD3: Housing in the Countryside

- 27 The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
- (a) Building Groups.
 - (b) Infill sites.
 - (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
 - (d) Renovation or replacement of houses.
 - (e) Conversion or replacement of redundant non-domestic buildings.
 - (f) Development on rural brownfield land.
- 28 This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

ER1A: Renewable and Low Carbon Energy Generation

- 29 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy, including large-scale freestanding installations, will be supported where they are well related to the resources that are needed for their operation. In assessing such proposals, the following factors will be considered including the individual or cumulative effects on biodiversity,

landscape character, visual integrity, the historic environment, cultural heritage, tranquil qualities, wildness qualities, water resources and the residential amenity of the surrounding area.

OTHER POLICIES

Perth and Kinross Council Housing in the Countryside Policy 2012

- 30 This policy seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas (including the open countryside). The policy aims to:
- Safeguard the character of the countryside;
 - Support the viability of communities;
 - Meet development needs in appropriate locations; and
 - Ensure that high standards of siting and design are achieved.
- 31 It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. The relevant category in this instance is that of pilot projects creating eco-friendly houses. A series of criteria is also applicable to all proposals.

Education Contributions

Planning Guidance Note – Developer Contributions May 2009

- 32 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.

SITE HISTORY

- 33 In January 2013 planning consent was granted for the erection of a low energy eco house, wind turbine and land management proposals under planning application 12/01283/FLL.

CONSULTATIONS

- | | | |
|----|--|---------------|
| 34 | Education And Children's Services | No objections |
| 35 | Environmental Health | No objections |

- 36 **Scottish Water** No objections
- 37 **National Grid Plant Protection Team** No objections
- 38 **Perth And Kinross Area Archaeologist** No objections

REPRESENTATIONS

39 6 letters of representation have been received raising the following issues:-

- Impact on biodiversity/birds
- Contrary to the Housing in the Countryside Policy
- Light pollution
- Visual impact
- Pollution to watercourses
- Impact on pipeline
- Contrary to the local plan
- Impact on privacy and overlooking
- Not a suitable location for the proposal
- Traffic impact of the proposal/access too narrow
- Impact on landscape character
- Adverse environmental impact on neighbours
- Impact on prime agricultural land
- Site is remote from local services with overreliance on car travel

ADDITIONAL STATEMENTS

40	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	None submitted

APPRAISAL

Policy

- 41 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.

- 42 The principle of establishing an eco house on the site has already been established through the granting of the previous consent. The re-siting of the house within the former quarry site is acceptable in planning policy terms making use of rural brownfield land.
- 43 As previously acknowledged in the original consent the design and construction of the proposed development should result in a home which delivers significant energy savings and reductions in CO₂ emissions in order to meet the requirements of the Housing in the Countryside policy it will be necessary to monitor the home in use and ensure that the development performs as expected. This will ensure that we better understand how the energy efficiency elements of the home performed and to provide key learnings to inform future development and influence development plan policy, through a structured monitoring programme. In order to ensure a consistent approach it is suggested that the Energy Saving Trust's post occupancy monitoring protocols are adopted. The EST guidance document 'CE298 Monitoring Energy and Carbon Compliance of Newbuild Homes' will be of assistance in this regard and it would be appropriate if consent were to be granted, for a condition to be imposed to ensure that the effectiveness and efficiency of the project be monitored.

Scale, design and visual impact

- 44 The design of the house as an eco-house is to be an off grid home where all services will be sourced and provided on site. This is achieved through high quality and high performance building fabric design and construction which will reduce energy demand and allow all energy demands to be provided on site with electricity from the wind turbine and wood fuel for the heating. The house is designed in line with Passive House design principles which is a best practice energy performance standard. The house is to be constructed from low impact, low embodied natural materials as far as possible. The impact on the landscape will be minimised through the use of a raised timber ground floor structure so that the house can be easily removed from the site without having any impact on the land. The proposed site for the house within the former quarry at the south eastern part of the wider site with the nearby tree screening and backdrop of built development to the south will sit comfortably within the landscape and the materials proposed will blend naturally with the textures of it's surroundings.
- 45 The scale and design of the proposed house on this alternative site has been carefully considered and has been based upon a specific design approach to the site and it's surroundings within the former quarry which will achieve a satisfactory integration with it setting and will not have an adverse impact on the visual amenity or the landscape character of the area.

Residential Amenity

- 46 The proposed dwelling house is situated at least 300m from the nearest neighbouring property at Windywhistle House to the north and in terms of overlooking and overshadowing it will not pose any privacy issues to

neighbouring residential properties due to the separation distances involved. There will be no adverse impact on neighbouring residential amenity from light pollution from the proposed dwelling house.

Water Supply

- 47 The development is located in a rural area where it is believed that both private water supplies and public mains are utilised. The applicant has indicated that they will use a private water supply. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the future and to ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance an informative should be added to any consent in this regard.

Education

- 48 A financial contribution towards improving educational capacity at the local primary school has already been made in full by the applicant under the previous consent.

Road Safety

- 49 In terms of road access and issues of road safety the Council's Transportation Planner has no objections to the proposed development subject to conditions on visibility splays, access configuration and car parking spaces on site.

Biodiversity

- 50 As part of the wider development there is a 2 hectare area within the application site where the applicant intends to carry out environmental work to enhance the local biodiversity. This is intended to be done through the repair and enhancement of existing hedgerows, provision of a mixture of un-harvested crops to provide bird feeding and cover to promote species such as skylark and to provide butterfly enhancement through retention of woodland edges and free wild growing areas. It is considered that the applicant has demonstrated a proactive commitment to improving the biodiversity of the site which is in accordance with the goals of sustainable development. There will be no tree loss as a result of siting the house in this alternative location.

Drainage and Flooding

- 51 Waste water treatment is to be via septic tank and soakaway. There are no issues for surface water drainage as there are no hard standing areas proposed and the access road surface will be permeable. Roof water is intended to go to the soakaway. The proposed dwellinghouse is not in an identified flood risk area.

Economic Benefits

- 52 Providing more sustainable development through reducing carbon emissions and reducing the use of finite fossil fuels to sustain built development has economic benefits by reducing the environmental costs of pollution to the wider community. At the local level there may be some added value to the local economy through the construction of the house and the employment of local labour and materials.

Sustainability

- 53 As a pilot project for eco-friendly living the proposed development has been conceived to make a positive contribution to the environment and to increase sustainability and biodiversity. The proposed house has been designed to have low energy demands and that the energy required can be sourced through renewable sources on the development site in accordance with the goals of sustainability.

LEGAL AGREEMENTS REQUIRED

- 54 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 55 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 56 The proposed alternative location for the dwellinghouse is considered to be acceptable and the applicant has demonstrated satisfactorily that the specific design approach to the site allows the dwellinghouse to integrate well with its setting and it will not have any adverse impact on the visual amenity or landscape character of the area.

RECOMMENDATION

A Approve subject to the following conditions:

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.
- 2 Details of the specification and colour of the proposed external finishing materials to be used to the house and wind turbine 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.

- 3 Prior to the occupation or use of the approved development the vehicular access shall be reformed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- 4 The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- 5 Visibility splays of 2.4m x 70m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the 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.
- 6 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.
- 7 Prior to the occupation or use of the approved development a minimum of 4 No. car parking spaces shall be provided within the site.
- 8 Noise arising from the wind turbine shall not exceed an $L_{A90, 10 \text{ min}}$ of 35 dB at the nearest noise sensitive premises at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground level at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise levels.
- 9 On a formal written request by the Council as Planning Authority, appropriate measurements and assessment of the noise arising from the wind turbine (carried out in accordance with ETSU report for the DTI - *The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)*) shall be submitted for the approval in writing by the Council as Planning Authority.
- 10 The proposed wind turbine shall be erected in the position indicated in the approved plans, however the turbine position can be varied by up to 25m after consultation with and written approval of the Planning Authority.
- 11 The occupation of the dwellinghouse hereby approved shall be limited to a person or persons employed in the management of the land for sustainable living which forms the applicant's landholding as identified in the submitted planning application.
- 12 Prior to any works starting on site, details shall be submitted to and approved in writing by this Planning Authority of the monitoring equipment and processes to be used in the development to establish levels of energy use. The details agreed shall be fully operational to the satisfaction of this Council as Planning

Authority prior to the occupation of the dwellinghouse and shall be maintained thereafter. All information and data collected through this monitoring shall be provided in writing to this Planning Authority on an annual basis.

Reasons:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 3-7 In the interests of pedestrian and traffic safety
- 8-9 In the interests of residential amenity.
- 10 To allow limited flexibility in the siting of the wind turbine.
- 11-12 The dwellinghouse has been approved under the Council's Housing in the Countryside Policy 2009 and to ensure that the success of the development can be monitored.

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 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)).

- 5 In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant 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 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.
- 7 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 legislation.

Background Papers: 6 letters of representation

Contact Officer: Mark Williamson – Ext 75355

Date: 22 October 2013

Nick Brian
Development Quality Manager

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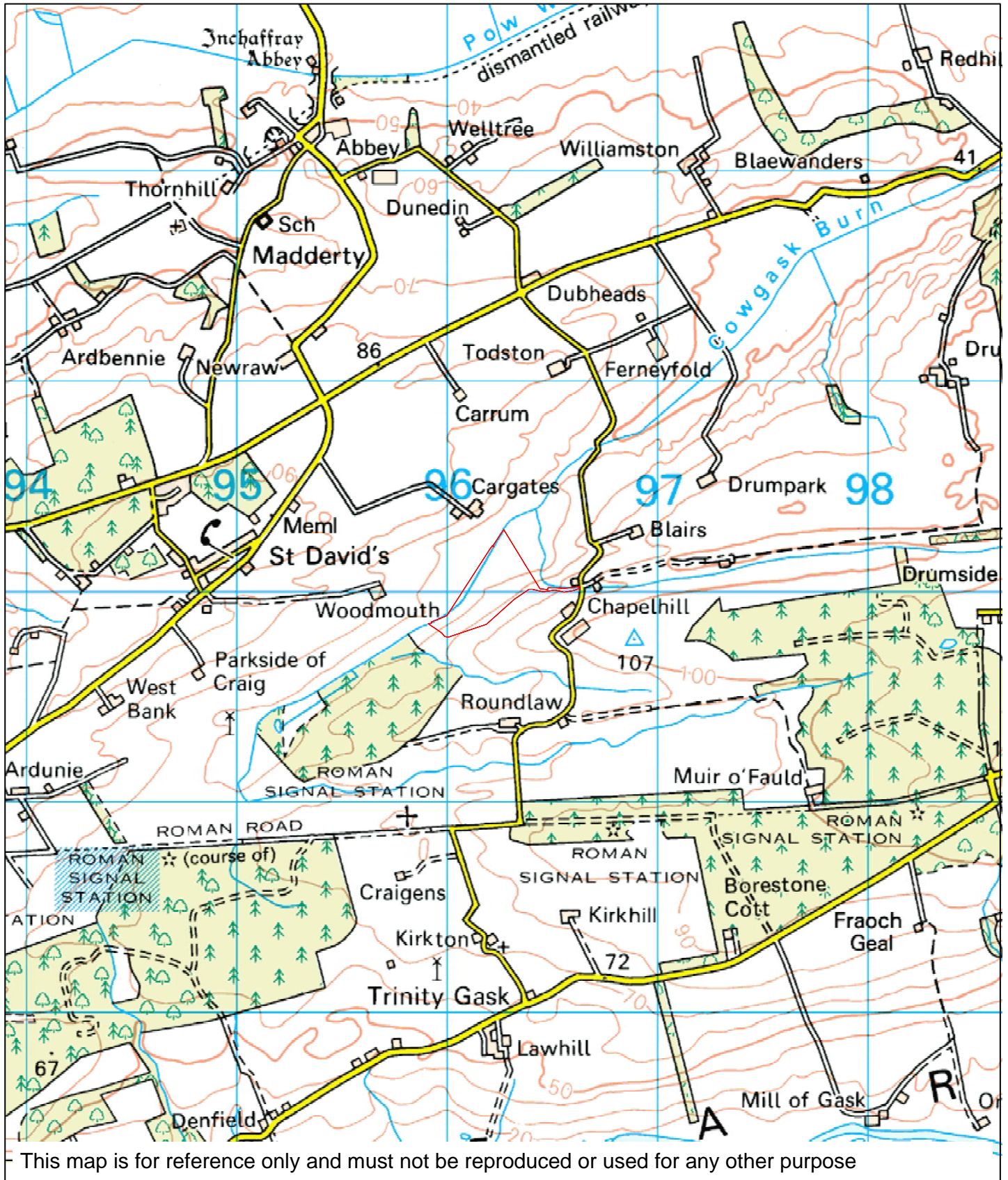
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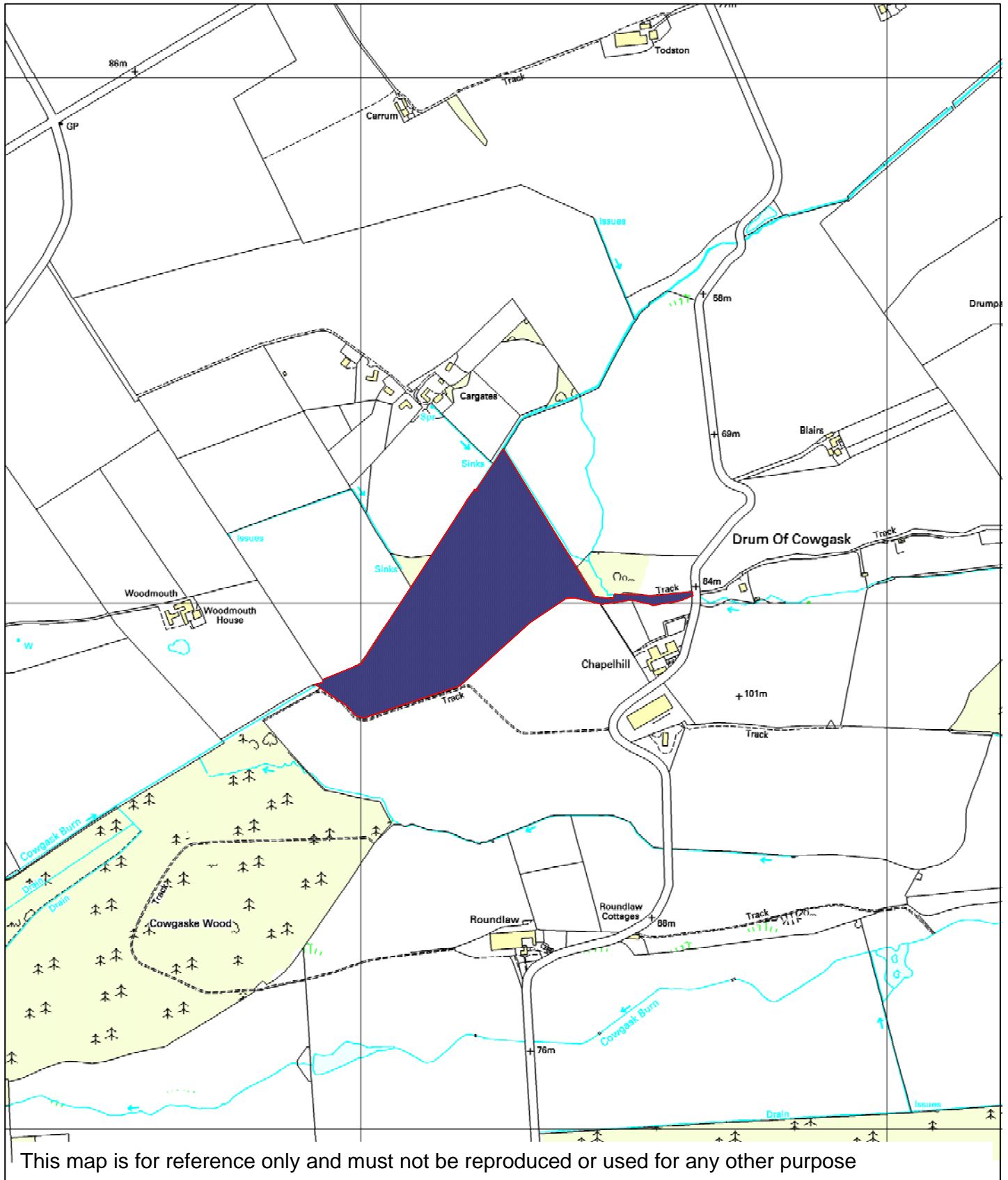
13/01536/FLL

Chapelhill Trinity Gask Auchterarder

Erection of a dwellinghouse (Modification of 12/01283/FLL)



↑ Scale
1:25000



↑ Scale
1:10000

