

Perth and Kinross Council
Development Control Committee – 15 January 2013
Report of Handling by Development Quality Manager

Change of house type (Plot 2) and change of use from agricultural ground into garden ground on land north of Kilmagadwood Cottage, Scotlandwell

Ref. No: 13/01425/FLL
Ward No:8 – Kinross - Shire

Summary

The report recommends approval of the application as the proposal for changes to the house type and change of use of agricultural land to garden ground on this previously consented site are considered to be acceptable and in accordance with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site extends to an area of 0.24 hectares of land and is situated to the western edge and mostly within the settlement of Kilmagadwood as identified in the Kinross Area Local Plan 2004. A small part of the application site is outwith the settlement boundary in an area designated as an Area of Great Landscape Value. The application site is the southernmost plot of a residential development for 2 dwellinghouses which was granted planning consent on 15 March 2013 under planning application 10/00134/FLL. The application site is bounded by Plot 1 to the north, open farmland to the west and residential properties at Kilmagadwood to the east and open countryside to the south.
- 2 This application is for a change in the design of the house previously approved on Plot 2 and a change of use of a small area of agricultural land to garden ground to the south west of the previously approved application site. The materials proposed are similar to those previously approved and include natural slate to the roof, wetdash render, timber cladding and the addition of natural stone render panelling to the walls and timber windows and doors.
- 3 The main changes involve the inclusion of a second storey to the rear outshot which will be accommodated by 'digging in' to the slope and retained by a wall along the northern side of the driveway. The roof slope has been reduced and the wallheads raised. A single wallhead dormer and velux windows will provide light to the roofspace. There will be no significant increase in the overall height of the house as previously consented. The ridge height of the highest part of the roof is proposed at 130.1m AOD to the ridge, where the previous approval was 129.9m AOD to the ridge, a difference of 200mm. Other changes are to the window detailing and include a 2 storey height pitched glazed outshot to the south west elevation, removal of velux windows and replacement of french doors with windows to the lounge. These changes were re-advertised on the 6th December 2013. This application does not propose any changes to the road access configuration and this remains as previously consented. There is a pending application (13/01976/FLL) which has been submitted for the variation

of the visibility splays condition which was attached to the previous application 10/00134/FLL.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 4 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.

- 5 Of relevance to this application are:
 - Paragraphs 66-91: Housing

DEVELOPMENT PLAN

- 6 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Kinross Area Local Plan 2004.

TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012

- 7 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

- 8 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Kinross Area Local Plan (2004)

- 9 Under the Local Plan the application site lies predominantly within the small defined settlement boundary of Scotlandwell/Kilmagadwood village, with a smaller part of the site within the landward area.

- 10 The principal policies of relevance are in summary:

Policy 1 Sustainable Development

- 11 Guidelines by which all development should be considered in relation to sound principles of sustainable development.

Policy 2 'Development Criteria'

- 12 Criteria by which all developments will be judged. In particular, that the development should have a landscape framework should have regard to the scale, form, colour and density of development.

Policy 5 'Landscape'

- 13 Indicates that developments should conserve landscape features and sense of local identity.

Policy 6 'Design and Landscaping'

- 14 Where high standards of design are required for all developments.

Policy 8 'Light Pollution'

- 15 The Council will not grant consent for proposals which would result in unnecessary and intrusive light pollution.

Policy 14 'Surface Water Drainage'

- 16 Where best management practices for Sustainable Urban Drainage Systems should be adopted.

Policy 30 'Archaeology'

- 17 Where it is likely that archaeological remains exist an archaeological evaluation will be required.

Policy 54 Area of Great Landscape Value

- 18 Within the AGLV new developments which accord with other Plan policies will only be permitted where they can be shown to enhance the natural and manmade landscape assets of the area.

Policy 81 'Village Uses'

- 19 Where the character and residential amenity of villages shall be protected.

Policy 93 'Roads – Transport'

- 20 Where the Council will seek to enhance traffic calming measures along the A911.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN (PLDP) 2012

- 21 On the 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.
- 22 Under the PLDP the site lies principally within the settlement boundary of Scotlandwell/Kilmagadwood and partly within the landward area where the principal relevant policies are:-

Policy RD1 Residential Areas

- 23 The plan identifies areas of residential and compatible uses where existing residential amenity and character will be protected and where possible improved.

SITE HISTORY

- 24 **04/0980/OUT** April 2005. Planning consent refused for the erection of 2 dwellinghouses and formation of a new access (in outline) on land at Kilmagadwood. The reasons for refusal related to the fact that the development would extend the settlement boundary into open countryside, be detrimental to the setting of Kilmagadwood and out of keeping with the character of the settlement and that the road improvements would be of marginal benefit to road and pedestrian traffic safety.
- 25 **P/PPA/340/466** Feb. 2006. Appeal against the refusal of outline planning consent for the erection of 2 dwellinghouses and formation of new road access was dismissed. The Reporter, in coming to this decision, commented that it was not possible to reasonably assess the impact on village character and visual impact through an outline application. In terms of road safety the view was that in the absence of the inclusion of the existing access there would not be an improvement in road safety.
- 26 **08/01102/FUL** May 2008. Planning consent refused for the erection of 3 dwellinghouses and the formation of a new access. The reasons for refusal being that the proposal did not provide an adequate design solution for access

to the A911 and was contrary to Policies 2 and 5 of the Adopted Kinross Area Local Plan 2004.

- 27 **P/PPA/340/747** April 2009. Appeal against the refusal of the above planning application for the erection of 3 dwellinghouses and the formation of a new access was dismissed. The main reasons cited being visual and landscape impact, landscape fit and road safety.
- 28 **10/00134/FLL** March 2013. Planning consent granted for the erection of 2 dwellinghouses and formation of a new access on land to the north of Kilmagadwood Cottage Scotlandwell.
- 29 **13/00903/FLL** August 2013 Planning consent granted for the modification of existing consent (10/00134/FLL) for a Change of house type (Plot 1) on land to the north of Kilmagadwood Cottage, Scotlandwell.

CONSULTATIONS

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Portmoak Community Council No objection in principle to the proposal provided the height of the house is similar to that of the previous approval. Objection to the granting of the proposal prior to the safety of the junction, as approved under application 10/00134/FLL, having been resolved. Concern raised over maintenance of landscaping approved under 10/00134/FLL.

Perth And Kinross Area Archaeologist No objections

Scottish Water No objections

Education And Children's Services No objections

REPRESENTATIONS

31 Nine letters of representation have been received including Kinross-Shire Civic Trust and Portmoak Community Council raising the following issues:-

- Scale and design of the house
- Impact on AGLV
- Concerns raised over the previous consent 10/00134/FLL.
- Agricultural land incorporated in the development
- Village boundary has been extended
- Impact on road safety
- Building requires to be founded below existing ground level

- Contrary to the local plan
- Proposal not in character with the area
- Impact on adjacent trees
- Overintensive development
- Overlooking
- Landscape maintenance

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

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy

- 34 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require 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.
- 35 The principle of residential use on the site has already been established through the approval of the previous consent for a dwellinghouse on the site and the neighbouring site to the north. The majority of the application site is within the settlement of Kilmagadwood where residential use is acceptable provided all other material planning considerations can be met. The proposed extension to the garden ground into neighbouring agricultural land and an area designated as an AGLV is considered to be acceptable provided the applicant's permitted development rights are restricted in order to control any built development within the wider garden ground and therefore protect the visual amenity of the area and the status of the AGLV. Given the small area of the ground in question there will be no significant loss of agricultural land as a result which would prejudice any existing farming business.

Scale and Design

- 36 The proposed changes to the dwellinghouse shall be accommodated by lowering the ground level of the site to the north which will allow development at first floor level in the roofspace. The ridge height of the highest part of the roof is proposed at 130.1m AOD to the ridge, where the previous approval was 129.9m AOD to the ridge, a difference of 200mm. The actual height of the house previously approved was 7.296m from ground level to the ridge whereas the height of the proposed house to the ridge from ground level is 7.127m. The actual height of the house therefore is not significantly greater in scale than that previously approved. The changes to the design of the dwelling are considered to be acceptable along with the materials proposed and it is considered that the proposed changes therefore will have no adverse impact on the character or appearance of existing neighbouring housing or on the surrounding area.

Visual Amenity

- 37 The proposed changes to the dwellinghouse will not have an adverse impact on the character or visual amenity of the surrounding area. The proposed dwellinghouse is not significantly higher than previously approved and will not have any adverse impact on the Area of Great Landscape Value as considered previously under application 10/00134/FLL or in views from the public road to the north or from Loch Leven to the south. The incorporation of a small area of agricultural land to the south west corner for garden ground will not have an adverse impact on the visual amenity of the area or on the AGLV and removal of the applicants permitted development rights will allow control of built development within the garden ground.

Residential Amenity

- 38 The proposed dwellinghouse sits in a generously sized plot on a similar footprint to that previously consented under application 10/00134/FLL, with adequate distances to boundaries and there will be no overshadowing to any neighbouring property. There is a first floor window on the back outshot which is within 9m of the neighbouring plot to the north and a condition is recommended for this window to be obscure glass in order to protect neighbouring privacy.

Landscaping

- 39 The landscaping of the site shall be as approved in the previous application. Details of the incorporation of the farmland into the garden will be required by condition where it is recommended that the proposed hawthorn hedge is continued to enclose this part of the site. No trees shall be removed without the approval of the Council.

40 **Access and Road Safety**

This application does not propose any changes to the access road to Plot 2 and there are no objections to it subject to conditions on car parking within the plot and turning facilities. There is a pending application (13/01976/FLL) which has been submitted for the variation of the visibility splays condition which was attached to the previously consented application 10/00134/FLL for the wider site and new road access configuration. That application will be for separate determination and the application being considered in this report does not prejudice consideration of application ref: 13/01976/FLL. The house proposed on plot 2 however should not be occupied until the access issues which are the subject of application 13/01976/FLL have been resolved to the satisfaction of the Council.

Education

- 41 There is no requirement for any education contributions under this application as a contribution was secured under the previous application.

Economic Development

- 42 The economic benefits which it is considered would arise as a result of this proposal include added value to the local economy in terms of employment through the construction of the house and spending on goods and services in the local area.

Sustainability

- 43 Housing provision within existing settlements is in accordance with the goals of sustainable development where residents have access to social, economic and community facilities and good access to differing modes of transport.

LEGAL AGREEMENTS

- 44 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 45 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

- 46 The proposed change in house type and incorporation of agricultural land to garden ground is considered to be acceptable and will not have any adverse

impact on the residential and visual amenity or character of the area and is generally in accordance with the Development Plan.

RECOMMENDATION

A Approve the application subject to the following conditions:

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.
- 2 Prior to commencement of work on site 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.
- 3 The landscaping of the site shall be carried out in accordance with the landscaping plan which was approved under application 10/00134/FLL. Further details are required prior to commencement of work of the landscaping for the south west corner of the site which incorporates former farmland for the approval of the Planning Authority.
- 4 During construction work on the site the applicant shall ensure that the communal access road to the A911 shall not be obstructed to other users by construction materials or plant.
- 5 A minimum of two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and shall be maintained permanently thereafter.
- 6 Turning facilities shall be provided within the site, prior to the occupation of the units to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority and shall be permanently maintained thereafter.
- 7 The first floor window to the play room on the rear elevation closest to plot 1 shall be obscurely glazed and permanently maintained so..
- 8 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.
- 9 No trees either within the site or on any adjacent boundary shall be removed without the prior written approval of the Planning Authority.

- 10 The dwelling hereby approved shall not be occupied until such time as the access serving this development from the A911 has been fully completed to the satisfaction of the Planning Authority.

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 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 4-6 In the interests of vehicular and pedestrian access.
- 7 In order to protect neighbouring residential amenity.
- 8 In the interests of visual and residential amenity and to ensure a satisfactory standard of local environmental quality.
- 9 In the interests of tree protection.
- 10 In the interests of road safety.

B JUSTIFICATION

The proposal is considered to generally comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under 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.

Background Papers: 9 letters of representation
Contact Officer: Mark Williamson – Ext 75355
Date: 11 December 2013

Nick Brian
Development Quality Manager

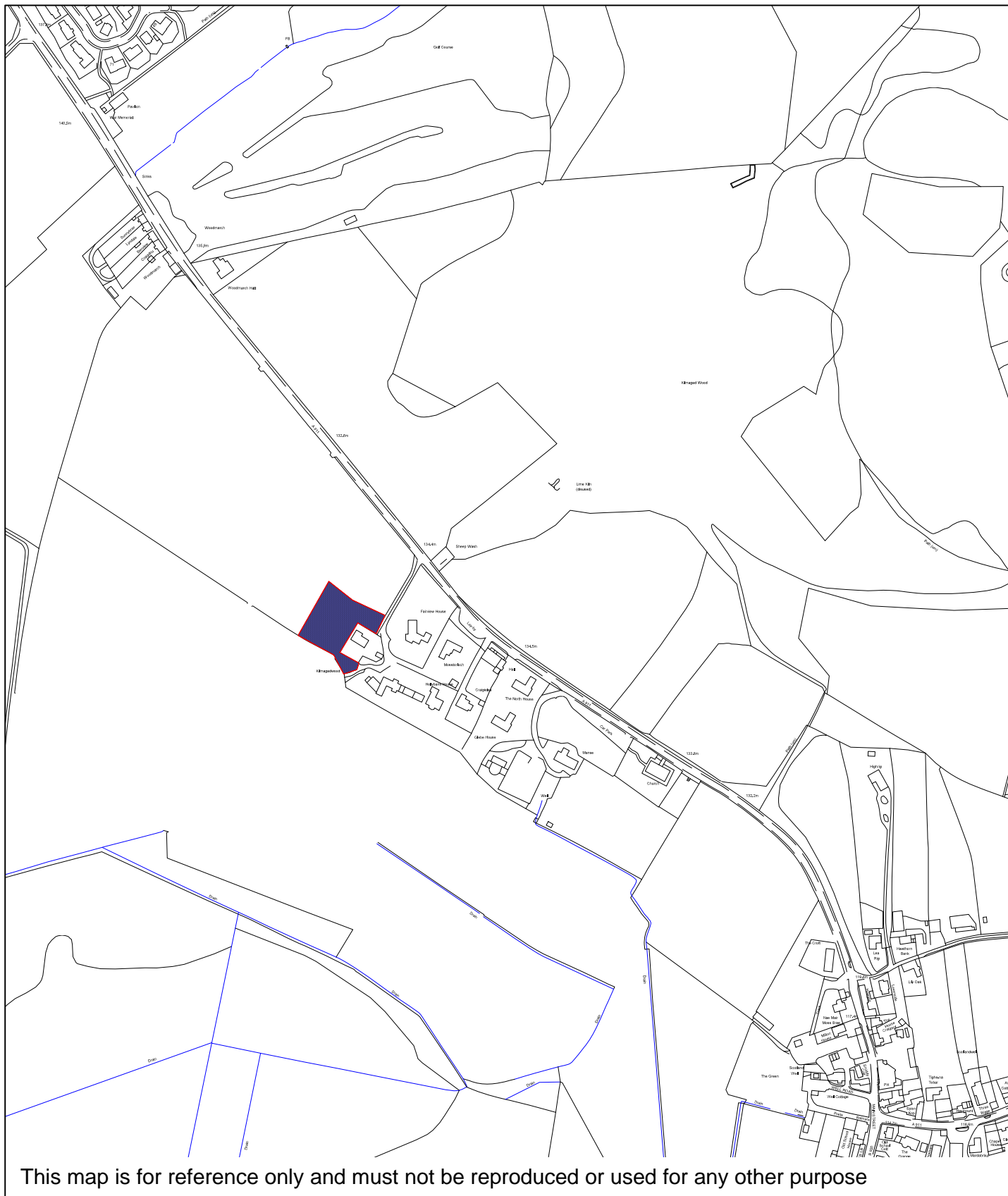
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