

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

**Erection of a dwelling in principle at Land 40 metres south-west of Caol Ila,
 Back Dykes Road, Kinnesswood**

Ref. No: 14/02165/IPL
 Ward No: 8 - Kinross-shire

Summary

This report recommends approval of the application to establish the principle of residential development with the proposal assessed to not adversely affect the visual or residential amenity of the area or the wider Kinnesswood Conservation Area and is considered to comply with the Scottish Planning Policy (2014) and the Local Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site, which extends to 822 sqm is located in the village of Kinnesswood, within the designated Conservation Area, on Back Dykes Road.
- 2 As described in the Kinnesswood Conservation Area Appraisal:

“Back Dykes Road is a steep, winding lane of rural character which climbs uphill past Park House and a random arrangement of small cottages. Grassy tracks lead past cottages to the Cobbles.

As the lane ascends it becomes more enclosed with high stone walls and trees and, at the summit, a high grass bank conceals the modern houses located higher up the hill.”

- 3 The existing house plot at Caol Ila includes generous garden ground, entirely set out to the south west, in front of the property. Caol Ila sits parallel with the slope, perpendicular to Back Dykes road. The original plot of Caol Ila naturally subdivides into a lower area to the south west and an upper area to the north east directly fronting the building, partially terraced with trees and walling marking the subdivision of the two areas of garden ground.
- 4 The site is currently bounded by a mixture of fairly dense tree and shrub planting, much of which is considered to have been self-seeded. A detailed tree survey and arboricultural assessment has been submitted in support of the application, setting out locations, varieties and condition of the existing trees and to make recommendations regarding selective thinning and replanting of the site.
- 5 It is noted in the Kinnesswood Conservation Area Appraisal that *“Back Dykes Road has a random, sporadic character of mixed architectural quality of 18th and 19th century date.”*

Proposal

- 6 The proposal seeks to establish, in principle, consent to subdivide the wider Caol Ila site approximately along the lines of an existing stone wall and tree shrub line that naturally cuts across the site, freeing up the lower part of the site as the location for a new, separate dwelling. Due to the site situation within Kinnesswood Conservation Area, the proposals were required to be worked up to a level of detail to identify a potential solution, which would be acceptable for the site in the context of the Conservation Area. The proposed dwelling has been described by the architect as a contemporary version of a traditional rural cottage, utilising traditional materials, with its form, massing and orientation respecting that of the original dwelling.
- 7 The size and dimensions of the site broadly reflect Trelawny, immediately to the South West, with the applicants keen to retain land to the north for an area of orchard. It is also proposed that the existing stone boundary wall would be retained and new stone walling would be built to enclose the orchard area and the boundary between the existing house's garden and new site. A mixture of beech hedging, silver birch and rowan is proposed along the south west and south eastern boundaries, replacing proposed tree and shrub removal.

NATIONAL POLICY AND GUIDANCE

- 8 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Scottish Planning Policy 2014

- 9 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:-
 - Paragraphs 36 – 46: Placemaking
 - Paragraphs 109 – 110: Enabling Delivery of New Homes
 - Paragraphs 135 – 137: Managing the Historic Environment

Designing Places (2001), Designing Streets (2010) and Creating Places (2013)

- 11 Policy statements setting out the Scottish Government's determination to raise standards of urban and rural development.

National Roads Development Guide 2014

- 12 The National Roads Development Guide has been produced by the Society for Chief Officers of Transport in Scotland, supported by Transport Scotland and Scottish Government Planning and Architecture Division. This document dovetails with Designing Streets and expands on its principles to clarify the circumstances in which it can be used.

Scottish Historic Environment Policy (SHEP) (2011)

DEVELOPMENT PLAN

- 13 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 – 2032 - Approved June 2012

- 14 Whilst there are no specific policies or strategies 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.”

Within the approved Strategic Development Plan, TAYplan 2012, the primary policies of specific relevance to this application are:

Policy 2: Shaping Better Quality Places

- 15 Part F of Policy 2 seeks to *“ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary”*

Policy 3 Managing TAYplan's Assets

- 16 This recognises the importance of historic buildings and townscapes and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 17 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.
- 18 Under the LDP, the site lies within the settlement boundary of Kinneswood and also within the conservation area. The principal policies are, in summary:

Policy RD1 - Residential Areas

- 19 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 PM1A - Placemaking

- 20 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 adaptation.

Policy PM1B - Placemaking

- 21 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 22 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 23 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 HE3A - Conservation Areas

- 24 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that

will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy NE2B - Forestry, Woodland and Trees

- 25 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

OTHER POLICIES

Developer Contributions (2014)

- 26 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.

Kinnesswood Conservation Area Appraisal (1996)

SITE HISTORY

- 27 Recent planning site history exists on this site; with no application actually concluded to date. This is the third application on this site, with the previous two withdrawn at officer recommendation.
- 28 14/00200/IPL Erection of a dwellinghouse (in principle) 30 April 2014
Application Withdrawn
- 14/01377/IPL Erection of dwellinghouse (in principle) 26 September 2014
Application Withdrawn

CONSULTATIONS

EXTERNAL

- 29 **Scottish Water** – No objection received.

INTERNAL

- 30 **Transport Planning** – No adverse impact calculated on pedestrian or traffic safety.
- 31 **Community Waste Adviser** – Clarified that due to the site situation, only general waste bags could be uplifted.

- 32 **Contributions Officer** – Advised no contributions at IPL stage.
- 33 **Conservation Officer** – No adverse impact calculated on the Conservation Area.

REPRESENTATIONS

- 34 A total of 9 letters of representation were received against the proposal from 5 different residential addresses and a representation from Kinrosshire Civic Trust.
- 35 The representations raised the following issues: -
- Undermine the conservation area
 - Loss of landscape framework
 - Impacts of construction traffic and process
 - Failure to preserve or enhance character
 - Impact through loss of trees
 - Loss of visual amenity
 - Unacceptable design
 - Traffic and vehicular access exacerbating ongoing restricted conditions
 - Site infrastructure requirements and impact through construction
 - Fragility of Back Dykes road and the associated banking and verging
 - Adverse impact on existing/established boundaries
 - Surplus to housing supply requirements
 - Impact on neighbouring amenity through construction and ongoing vehicle traffic
 - Neighbouring drainage infrastructure not taken into account

- 36 These issues are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

37

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	Tree survey submitted

APPRAISAL

Policy Appraisal

- 38 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. The most relevant policy in terms of the principle of the proposal is policies RD1, HE3, and PM2

- 39 At this stage, Policies RD1, HE3A, PM1A and PM1B are most appropriate to refer to; seeking that development should preserve or enhance the character or appearance of the conservation area, make a positive contribution to the quality of the surrounding built and natural environment whilst ensuring the residential amenity of the area is protected. It is considered in this context that both existing and proposed residential amenity can be suitably accommodated with no associated adverse impact and the character and appearance of Kinnesswood Conservation Area can be preserved or enhanced.
- 40 With appropriate consideration given to the final dwelling design, scale, form and finishes, whilst also applying sensitive attention to the boundary treatment at reserved matters stage; it is judged that an additional dwelling at this situation could be accommodated and make a positive contribution to both the immediate and surrounding built and natural environment; according with development plan policies.

Design and Layout

- 41 Indicative layout and design options have been submitted in support as part of this planning application, in accordance with Policy HE3A. Generally speaking, the scale, form and materials of the building type indicated; alongside the proposed position are considered appropriate for this site within the context of the Conservation Area, but do not ultimately form part of a detailed planning submission at this stage.
- 42 The building design may be subject to change, but the overall situation and scale of the proposals are recommended to be respected through any subsequent detailed planning submission if consent is granted at this stage.

Impact on the Conservation Area and Landscape

- 43 The broad characteristics of Back Dykes are set out in the background section, extracted from the Kinnesswood Conservation Area Appraisal. In terms of impact on the character and appearance of Kinnesswood Conservation Area, the Council do not object to the principle of a dwellinghouse at the design and scale proposed at this location, provided that an appropriate landscape framework is maintained.
- 44 Through a previous submission, there were concerns from both the Conservation Officer and case officer regarding the proposed removal of trees along the south-west boundary of the site. The detailed tree survey and arboricultural assessment submitted in support of this application have however indicated that the mixed conifers along the south-west boundary are of poor quality. Three individual trees (two along the site boundary, one on the boundary and one outwith) of poor quality are also recommended for removal, with a further tree within the retained grounds of Caol Ila.

- 45 Mitigation measures involve planting a new beech hedge on the south-west boundary and replacement tree planting of native species on a two for one basis. Overall, this is considered a reasonable and competent approach and will provide sufficient mitigation.

Education

- 46 The Developer Contributions Guidance (2014) requires that new housing developments which fall within a primary school catchment area with an identified capacity issue will require an education contribution. In this case the development is an In Principle Application and it will therefore be appropriate to condition this element.

Residential Amenity

- 47 The site size, situation and wider landscape containment is considered to provide suitable opportunity to develop a single family dwelling, whilst not adversely impacting on any neighbouring amenity. Minor amendments were recommended to the fenestration of the rear elevation prior to the re-submission of this current application to ensure no adverse impact would be experienced on the amenity of Caol Ila.

Visual Amenity

- 48 Whilst this application is only in principle, the impact of a single dwelling on this site can be anticipated in relation to the wider site context. If the boundary tree planting is retained as per the plans submitted, alongside the associated boundary planting mitigation proposals, there is considered to be ample containment to accommodate a single dwelling on this site without any adverse impact on the visual amenity of the immediate site and wider context.

Roads and Access

- 49 Back Dykes Road is un-adopted. Notwithstanding representations received, there is considered to be a safe point of vehicular access/egress identified with space for turning within the site. No adverse impact is calculated if specific conditions are adhered to. It is anticipated more details will be worked up in relation to the level differences affecting the proposed access/egress at the detailed planning stage. The vehicle access opening has been agreed at a minimum width of 4 metres, which is considered appropriate in this context to allow for safe access and egress to the site, without compromising established stone boundary wall details.

Waste & Recycling

- 50 This site is limited in relation to the waste and recycling opportunities and facilities that the Council can offer on-site due to identified access issues. This is however no different to neighbouring residential properties on Back Dykes Road and it is anticipated that any future occupants should be aware of this situation.

Drainage and Flooding

- 51 Scottish Water has not objected to the proposals, identifying capacity for an additional dwelling at this location. A representation has however identified that Scottish Water assets pass directly through the site, serving a neighbouring property. This is not necessarily considered to be insurmountable or a material planning reason for refusal, it will however be appropriate to recommend through an Informative that the applicant makes contact with Scottish Water in relation to infrastructure assets, which may be impacted upon as a result of any physical development within this site. This will allow any identified issues to be suitably addressed and resolved prior to the submission of any detailed planning application.

Construction Impact

- 52 The impact of construction vehicles and associated plant is noted to potentially have an impact as identified through the representations received. It is acknowledged that developing out this site will not be a straightforward process and will require a sensitive approach, particularly through large deliveries and associated infrastructure requirements. Despite this, the impact of construction vehicles and plant are considered to be a manageable entity and would not be a material reason for refusal. To ensure proper advance consideration is given to a complex, sensitive site access arrangement, it is deemed appropriate to include a condition to include a site specific construction management plan for further approval as part of any detailed planning submission.

Economic Impact

- 53 Development of this site will count towards the fulfilment of a single residential dwelling in terms of local and wider housing targets, which will account for short term economic investment through construction and sustained indirect economic investment of future occupiers of the associated development to Kinnesswood and the wider area of Perth and Kinross.

Developer Contributions

- 54 Policy PM3 of the Local Development Plan refers to infrastructure contributions and states that contributions will be sought where the development is considered to generate additional impact on local infrastructure. In this instance, contributions cannot be calculated at the in principle planning stage.

LEGAL AGREEMENTS

- 55 None required at the In Principle Planning stage.

DIRECTION BY SCOTTISH MINISTERS

- 56 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

- 57 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 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 development shall not commence until the following matters have been approved by the Planning Authority:

The siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, surface and foul water drainage, the car parking and means of access to the site.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The proposal must comply fully with the requirements of the Council's approved Developer Contributions 2014 supplementary guidance, or any subsequent policy or guidance which relates specifically to Primary Education contributions.

Reason - To ensure the proposals accord with council policy.

- 3 Prior to the occupation or use of the approved development, the vehicular access onto Back Dykes Road shall be formed, with a minimum width of 4 metres.

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

- 4 Prior to the occupation or use of the approved development, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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

- 5 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 and in the interests of free traffic flow.

- 6 In association with Condition 1, a detailed construction management plan shall be worked up and submitted in support of any detailed planning submission, which shall set out precise details of associated vehicle movements (including proposed point of access) and plant requirements to and from the site, which are required for the entire duration of the construction phase, taking full account of established natural and built features affecting Back Dykes Road, up to the point of the proposed access.

Reason – In the interests of proper site management, neighbouring amenity and in the interests of ensuring no adverse impact on the physical characteristics of Back Dykes Road and the wider Conservation Area.

- 7 All existing trees on the site identified for retention shall be shown in the submission of the reserved matters referred to in Condition no 1.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in the context of Kinnesswood Conservation Area.

B JUSTIFICATION

The proposal is considered to comply with the approved TAYplan 2012 and remain in accordance with the Local Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

Not Applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 4 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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.

- 5 The applicant is advised to contact Scottish Water Property Search Department (Tel 0845 601 8855) to ensure there will be no impact on any Scottish Water infrastructure.
- 6 The applicant is advised that Perth & Kinross Council can only offer a weekly sack collection of general waste due to restricted access issues at Back Dykes. The applicant is advised to contact the Council Waste Services team for more details.

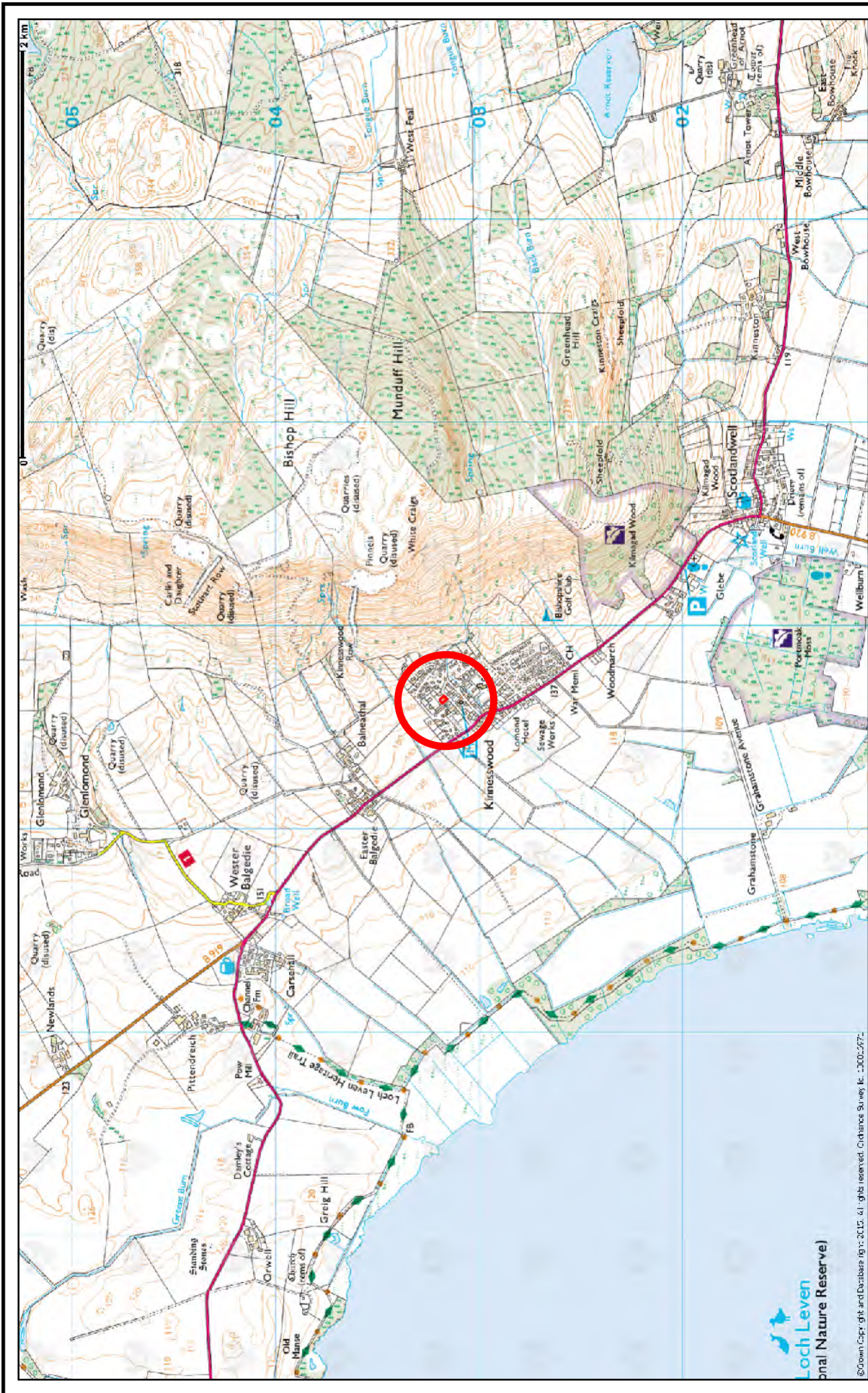
**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Background Papers: 9 letters of representation
Contact Officer: Callum Petrie – Ext 75353
Date: 4 February 2015

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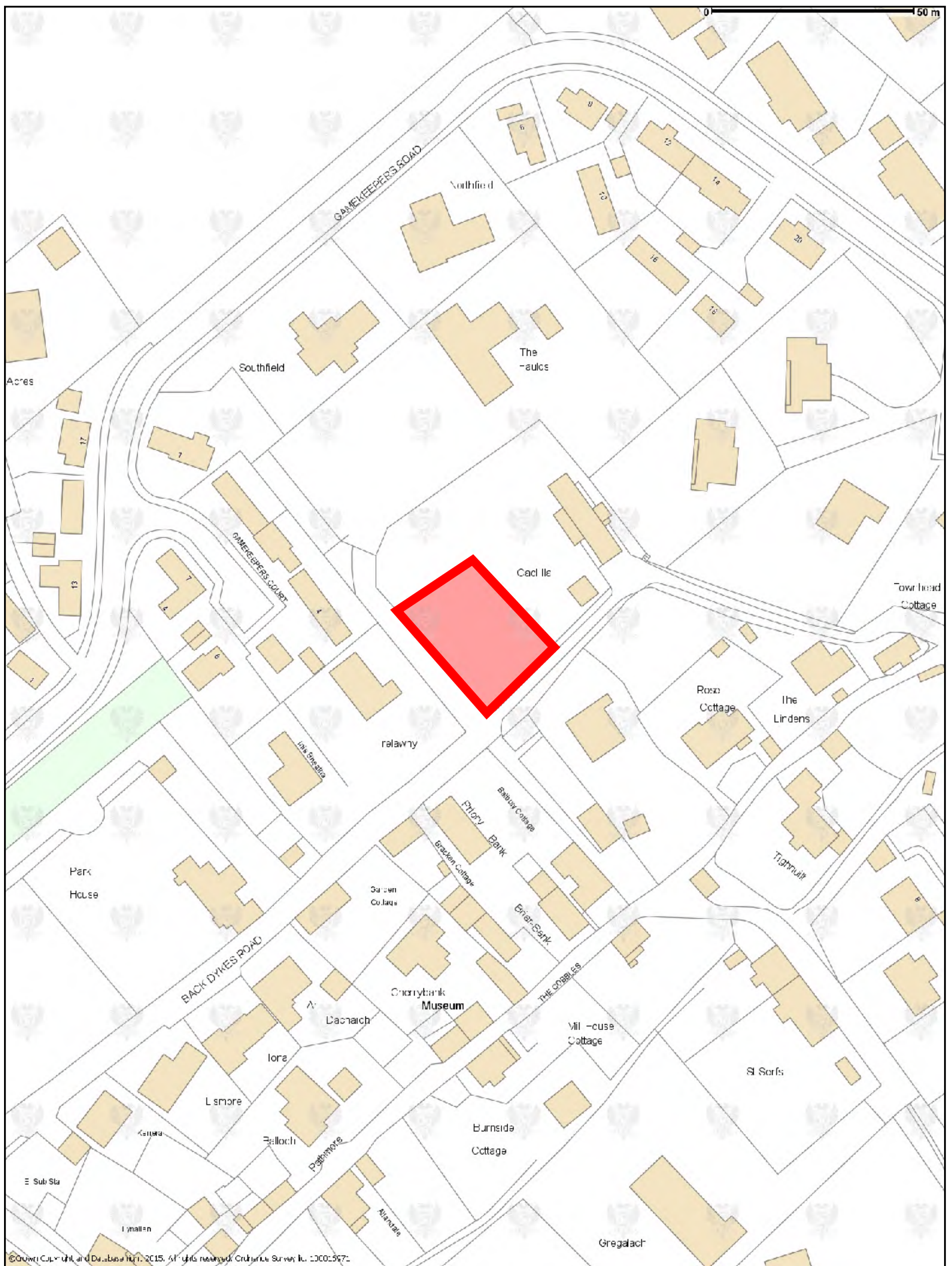


14/02165/IPL
 Erection of dwellinghouse and garage (in principle) land SW of
 Caol Ila, Back Dykes Road, Kinrosswood



Development
 Management Committee
 Scale 1:25000

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14/02165/IPL

Erection of dwellinghouse and garage (in principle) land SW of Caol Ile, Back Dykes Road, Kinnesswood

