

Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse at Land 40 Metres South East Of The South Steading  
Camserney, PH15 2JE

Ref. No: 16/00842/FLL  
Ward No: N4 - Highland

**Summary**

This report recommends approval of a detailed planning application for the erection of a single dwelling on an infill site within the highland village of Camserney, as the development is considered to comply with the Development Plan and there are no material reasons which would justify refusing the application.

**BACKGROUND AND DESCRIPTION**

- 1 This planning application seeks detailed planning permission for the erection of a dwelling within the small highland village of Camserney. Camserney is located to the north of the B846, approx 3 miles west from Aberfeldy, and is a primarily residential village with a village hall, together with pockets of agricultural land and grazing paddocks.
- 2 The site is distinctly linear in its shape with a width (east to west) of approx. 19m and a length of approx 60m, giving an overall site size of approx 980sq m. The site is currently grassed, although the applicant has indicated that the site is not currently in use either for domestic or agricultural purposes. The site slopes gently from south to north and is framed by existing private accesses to the south, east and north, which are themselves flanked by fences. To the west, the site is separated from neighbouring private amenity ground by a post and wire fence.
- 3 The proposed dwelling is of a contemporary design, which is modest in its scale and incorporates simple features. The dwelling is to be located in a central position on the plot and will offer living accommodation over one level only. An associated detached garage is also proposed at the southern end of the plot. The majority of the private amenity space will be located at the northern end of the site. Natural slates are proposed for the roof finish, with the external finishes being a mix of timber, render and stone features. Vehicular access to the dwelling is to be via a partly surfaced private access.

**NATIONAL POLICY AND GUIDANCE**

- 4 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**

- 5 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.
- 6 Of relevance to this application are Paragraphs 109 – 134, which relate to enabling the delivery of New Homes

## **DEVELOPMENT PLAN**

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

## **TAYplan Strategic Development Plan 2012**

- 8 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."*

## **Adopted Perth Local Development Plan 2014**

- 9 The Local Development Plan (LDP) 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 LDP, the site lies within the settlement boundary of Camserney where the following policies are directly applicable:

### **Policy RD1 – Residential Areas**

- 10 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**

- 11 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**

- 12 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 EP3B - Foul Drainage**

- 13 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks.

### **Policy EP15 – Development within the River Tay Catchment Area**

- 14 The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area. In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grantully/Strathray/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.
  - (a) Drainage from all development should ensure no reduction in water quality.
  - (b) A Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment.
  - (c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.

### **Policy CF1A – Existing Areas of Open Space**

The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted

### **OTHER COUNCIL POLICIES**

#### **Developer Contributions and Affordable Housing, April 2016**

- 15 This document sets out the level of Developer Contributions in relation to Primary Education, Transport Infrastructure and also A9 Junction Improvements, as well as Affordable Housing provision for new developments.

## **SITE HISTORY**

- 16 None.

## **CONSULTATIONS**

### **EXTERNAL**

- 17 **Scottish Water** – No response

### **INTERNAL**

- 18 **Transport Planning** – No objection to the proposal in terms of the proposed vehicular access arrangements or parking arrangements.
- 19 **Environmental Health** – No objection to the proposal in terms of contaminated land issues or air quality issues associated with the proposed stove, subject to conditions.
- 20 **Community Waste Advisor** – No objection to the proposal in terms of waste collections.
- 21 **Developer Negotiation Officer** – A Developer Contribution for Primary Education is required.
- 22 **PKHT** – No archaeology evaluation required.

## **REPRESENTATIONS**

- 23 Ten letters of representations have been received, all raising concerns over the development proposed. The main issues raised by the individual objectors are,
- Proposal is contrary to the Development Plan
  - Impact on existing residential amenity
  - Impact on existing visual amenity
  - Concerns over the safety of the access
  - Concerns over traffic movements
  - Impact on Archaeology
  - Loss of open space
  - Concern over drainage arrangements
- 24 These issues are all addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Carried out by the Council.
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Not required

## APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 26 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted LDP. In terms of other material considerations, this includes consideration of the Councils other approved policies, namely those which relate to developer contributions.

## Policy

- 27 The key land use policies are contained within the LDP. Within the LDP, the site lies wholly within the settlement boundary of Camserney 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 are not adversely affected by the development proposed. 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
- 28 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

## Land Use

- 29 In terms of land use issues, the site has been identified within the LDP settlement boundary of Camserney. 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 type and access arrangements are acceptable in this location.

## **Design and Layout**

- 30 In terms of the design of dwelling, I note that within the letters of representations, some concerns have been raised that the house type proposed is inappropriate for this semi-rural location, and that the dwelling would be out of character with the existing area. Within the surrounding area there are a range of different house types and architectural styles, with no degree of absolute uniformity. The dwelling proposed is of a good quality in architectural terms, is fairly modest in its scale and is simple in its design. To this end, I'm of the opinion that the proposal would not have an adverse impact on the character or visual amenity of the area.
- 31 In terms of the layout, the plot is linear in its shape and the layout of the dwelling, its central location on the plot and its orientation reflects that. However, the size and position of the house on the plot will mean that suitable private amenity space would be available for future occupiers, as well as adequate parking and turning facilities. To this end, I have no concerns regarding the proposed design or layout proposed.

## **Impact on residential amenity**

- 32 Within the letters of representation concerns have been raised regarding the potential for overlooking and loss of privacy to occur, particularly in relation to 'The South Steading' which is located to the north, and which has amenity ground to the west of the site. The location and window placement of the proposed dwelling is such that there should be little direct window to window interaction between the proposed house and the existing property which is located to the north of the site.
- 33 To the west of the site there is an area of private amenity space which I understand is associated with 'The South Steading'. The owners of this property have raised an objection to the proposal on the grounds (amongst other things) of direct overlooking of their amenity space. The original planning application was lodged with no additional, landscaping or boundary treatments along the western edge of the site which, even bearing in mind the single storey nature of the dwelling would have resulted in a clear potential for direct overlooking to occur from both the dwelling and also the garden ground – particular as a set of patio doors would be within 9m of the boundary.
- 34 To address this, the applicant has shown a willingness to introduce landscaping along the western boundary, which would be introduced prior to the dwelling being occupied and this has been reflected in an amended site plan. In addition to this, I see no reason why the existing post and fence along the western boundary could not be also be replaced with a 1.8m slatted timber fence which, in combination with new landscaping would offer sufficient screening from the dwelling and associated garden area. It would remain the case that some windows would be within 9m from the neighbour's boundary. However I am comfortable with this arrangement bearing in mind the single storey nature of the dwelling, together with the proposed landscaping and boundary treatments which can be introduced and controlled via conditions.

## **Visual Impact**

- 35 In terms of the impact on the visual amenity of the area, the location of the site is at the end of a fairly long vehicular access track which goes some way to reducing its visibility and prominence when viewed from the main public road that runs to the south. In any event, as the site is an infill opportunity which would be set within the context of existing buildings of varying designs and scales, I do not consider the erection of this dwelling would have a negative impact on the visual amenity of the area.

## **Contamination Land Issues**

- 36 There are no known contaminated land issues associated with this site. However, as the previous use(s) of the land is unknown, an Informative should be attached to any consent which advises the applicant to contact the Council in the event that they find any possible contaminants during the construction phase.

## **Impact on Wildlife**

- 37 There are no known protected species or local wildlife which are directly affected by this proposal. The location of the site is such that there is no requirement for an otter survey, as is suggested in *Policy ER15* of the LDP in relation to the River Tay Catchment Area.

## **Road Related Issues**

- 38 Within the letters of representations road safety issues have been raised, in particular the suitability of the current access with the public road, and the suitability of the private road to serve this development. My colleagues in Transport Planning have reviewed the proposals, and are of the view that the access from the B846 public road is suitable to accommodate the development proposed and the existing stone wall does not hinder visibility to an unacceptable degree and I agree with this position. It is also my view that the minimal amount of traffic generated by one additional house would not constitute a significant road safety hazard for the existing private access. To this end, I have no concerns regarding roads related matters.

## **Foul Drainage**

- 39 The site lies outwith a public sewered area, so foul and surface water drainage would be provided via a private system as per the requirements of *Policy EP3B* of the LDP, and which in turn would need to accord with the Scottish Building Standards Agency Technical Handbook. The area is within the River Tay Catchment area, where the Council, through *Policy EP15* of the LDP seeks to protect and enhance the nature conservation interests associated with the River Tay, which is a Special Area of Conservation.

- 40 Some initial foul drainage details have been submitted by the applicant, however to ensure that this development has no adverse effects on the River Tay Special Area of Conservation (SAC), I propose to attach a standard pre-commencement condition which will require the submission of full technical drainage details prior to works commencing on site. Subject to this, I am confident that drainage details can be progressed which will ensure that there will be no reduction in water quality of the water courses within the River Tay Catchment within land which is within the control of the applicant.

### **Flooding / Surface Water Drainage**

- 41 The site does not lie within an area which has been identified by SEPA as being at risk of flooding. However, precise details of the proposed means of the disposal of surface water will be required prior the commencement of any works, and these details will be subject of prior approval by the Council's to ensure that local surface water flooding does not arise from this development which may affect others or the public road.

### **Impact on the SAC / Pollution Control**

- 42 To ensure that the construction phase does not adversely impact on the River Tay, a Construction Method Statement (CMS) will be required to be lodged prior to any works commencing. This CMS should demonstrate the protection of all watercourses from the potential impact of pollution and sediment during the construction phase.

### **Trees / Landscaping**

- 43 There are no trees within the site which are directly affected by the proposal. There are some trees within the private amenity to the west, however these will be unaffected by the development proposed.

### **Archaeology Issues**

- 44 Whilst there is some known archaeology in the surrounding area, it is the view of PKHT that there is no requirement for any archaeology evaluation to take place because of the scale of the development proposed, and also the distance from the known archaeological sites.

### **Collection of Waste**

- 45 The collection of waste and recycling will take place at the end of the private access, which is an acceptable arrangement for the Council.

### **Air Quality**

- 46 A proposed wood burning stove is included as part of the proposals. However, subject to a standard condition, I am satisfied that the stove will not have an adverse impact on the air quality of the area.



## **Loss of Open Space**

- 47 Within the representations, concerns have been raised that the proposal would result in an unacceptable loss of open space. Whilst the site is currently undeveloped, the site has not been identified within the LDP as an area of land which has a value to the community for either recreational or amenity purposes. To this end, I do not consider its loss to create any conflict with the aims of Policy CF1A of the LDP which seeks to protect key areas of open space.

## **DEVELOPER CONTRIBUTIONS**

### **Affordable Housing**

- 48 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**

- 49 The site lies outwith the catchment area for transport Infrastructure contributions there is therefore no requirement for any associated developer contributions.

### **Primary Education**

- 50 As the local primary school is operating at over 80% of its capacity there is a requirement for an associated developer contribution in relation to Primary Education.

## **ECONOMIC IMPACT**

- 51 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**

- 52 A legal agreement may be required if the applicant opts to delay payment of the required Developer Contribution.

## **DIRECTION BY SCOTTISH MINISTERS**

- 53 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**

- 54 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. The sites inclusion identified within the LDP 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 The proposed stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

Reason – In order to ensure that the stove does not create unacceptable nuisance.

- 3 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed prior to the occupation of the dwelling, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

Reason – In order to ensure that existing residential amenity is protected.

- 4 Prior to the occupation of the dwelling, the existing post and fence along the western boundary of the site shall be replaced with a 1.8m slatted timber fence. Precise details of the fence shall be submitted prior to any works commencing for the approval in writing and thereafter, the approved details shall be implemented in full.

Reason – In order to ensure that existing residential amenity is protected.

- 5 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with SNH and SEPA. The CMS shall identify measures to prevent harmful materials entering the River Tay SAC which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS shall include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
- (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason – In order to ensure that the River Tay is not adversely affected during the course of construction

- 6 Prior to the commencement of any works on site, precise details of the proposed foul drainage which ensures that the water quality of the River Tay is not adversely affected shall be submitted for the approval in writing by the Council as Planning Authority and the approved scheme shall thereafter be implemented in full.

Reason – In order to ensure that the site is adequately drained and that the environmental interests of the River Tay are suitably protected.

- 7 Prior to the commencement of any works on site, precise details of the proposed means of surface water disposal shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that surface water is disposed of in an acceptable manner.

## **B JUSTIFICATION**

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

## **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 Council must be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Background Papers: Ten letters of representation  
Contact Officer: Andy Baxter – Ext 5339  
Date: 2 October 2016

**Nick Brian**  
**Interim Head of Planning**

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