

Perth and Kinross Council
Planning & Development Management Committee – 25 August 2020
Report of Handling by Head of Planning & Development (Report No. 20/137)

PROPOSAL: Erection of a dwellinghouse (in part retrospect)

LOCATION: Land north of Winchester, Main Street, Keltybridge

Ref. No: [20/00230/FLL](#)
Ward No: P8 - Kinross-shire

Summary

This report recommends approval of the application for the erection of a dwellinghouse as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of a dwellinghouse on land north of Winchester, Keltybridge. The site is in the north of Keltybridge and is an infill site between two houses on the west side Main Street, from which access is taken. The site is south of 14 Main Street which is a category C listed building. It is also opposite a recently constructed two house development by the same developer as for this site.
- 2 There is an extant permission on the site for the erection of a house dating back to 2008 (08/00853/FUL). Work commenced on site in 2012 prior to the expiry of this permission which would have expired in October 2013. This involved work to consolidate the ground and for the partial erection of the basement element of the house. This structure also acts as a retaining wall to the bank to the north and relates to measures recommended in the Tree Report to ensure any damage to the roots of the existing hedge was minimised. The agent has confirmed that this work related to the 2008 permission and that the application approved in 2012 (12/00851/FLL) was never implemented and has expired. A further application (19/00666/FLL) for a proposal similar to this current proposal was withdrawn in 2019.
- 3 This current proposal is now effectively a change of house type from the 2008 approval, although the site area is larger Increasing from 555 square metres to 660 square metres. This provides additional space for off-road parking and garden ground. The proposal is for a four bed detached dwellinghouse with basement single garage and living accommodation over two levels. An internal lift from ground level will facilitate access to all floors. The main entrance is on the south elevation via a flight of steps.

- 4 The east elevation, which fronts the main road, includes a stone faced gable which projects from a wider rendered gable. The front half of the south elevation is stone faced with the rear section of being comprised of horizontal timber board and glazing. The west elevation is similarly finished with timber boarding and glazing. The north elevation will largely be rendered with a small stone faced section to the front. The roof will be finished in slate. The main changes from the approved 2008 permission are the removal of the porch and steps to the north of the house. The fenestration on the south and north elevations have been changed to reflect this change in position of the main entrance.
- 5 The current application was originally submitted showing a largely rendered finish. The Agent was requested to look again at this aspect and subsequently, amended plans were submitted which have increased the amount of stone on both the south and north elevations.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 7 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 8 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 12 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2019

- 14 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking

- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 58B: Contaminated and Unstable Land: Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 16 [04/01317/FUL](#) Erection of a dwellinghouse Decision Issued 22 October 2004
Application Refused
- 17 [05/00578/FUL](#) Erection of a dwellinghouse Decision Issued 7 June 2005
Application Approved
- 18 [08/00853/FUL](#) Erection of a dwellinghouse Decision Issued 31 October 2008
Application Approved Development commenced in 2012.
- 19 [12/00851/FLL](#) Erection of a dwellinghouse Decision Issued 30 August 2012
Application Approved
- 20 [19/00666/FLL](#) Erection of a dwellinghouse Decision Issued 9 August 2019
Application Withdrawn

CONSULTATIONS

- 21 As part of the planning application process the following bodies were consulted:

External

- 22 **Cleish And Blairadam Community Council** - Object as they consider the proposal contrary to the Development Plan, in particular to placemaking policies, due to design and scale, impact on character of area and setting of listed buildings. The lack of a tree survey is also objected to and it is noted that the Coal Authority object.
- 23 **The Coal Authority** - Objects due to a lack of information with regard coal mining risk assessment. This objection was subsequently removed due to revised information being submitted by the applicant.

- 24 **Scottish Water** – No objection. Advise there is sufficient capacity at Glendevon Water Treatment works and Levenmouth PFI Waste Water Treatment Works.

Internal

- 25 **Environmental Health (Contaminated Land)** – No objection subject to a condition requested with regard to contaminated land.
- 26 **Transport Planning** – No objection subject to a condition with regard to access.
- 27 **Development Negotiations Officer** – Advise no contributions required.

REPRESENTATIONS

- 28 The following points were raised in the 7 representations received:

- Contrary to Development Plan
- Visual impact
- Out of character
- Design and density
- Residential amenity
- Traffic impact
- Impact on trees
- Lack of information

These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

29	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 30 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In

terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 31 The determining factors in the assessment of this application are whether the principle of the development is acceptable and if the detail of the proposed scheme accords with the relevant provisions of the Local Development Plan. The site is within the settlement boundary of Keltybridge and as such Policy 17 of LDP2 applies. This policy supports development of residential and compatible uses where existing residential amenity is protected or improved.
- 32 In this case the principle of residential development is already established on the site due to the previous and extant permission as well as the underlying policy designation. The proposal will be assessed in terms of other relevant policies including placemaking policies and those concerned with protecting the setting of listed buildings.

Design and Layout

- 33 Placemaking policies seek to ensure that proposals make a positive contribution to the built and natural environment. There have been objections regarding the design of this dwellinghouse, with concerns expressed that it is not a good fit with the established settlement pattern. In this regard, it is considered that the layout of this part of Keltybridge is a mix of historic and more recent development. The listed building to the north is set out in a linear form running east to west across its plot and the layout of the proposal is similar. There are more modern detached dwellings to the south and west and a pair of recently completed semi-detached cottages to the east. In this context the site layout is considered acceptable, with the design fitting in with both historic and recent development. The additional use of stone is welcomed and will complement the new development opposite, whilst also reflecting the historic materials used in the older buildings in the centre of Keltybridge. In addition, the site has been in a semi-developed state for many years and this development will improve the built environment in accordance with Policies 1A and B of LDP2.

Landscape

- 34 The site has limited existing landscape features although there is a substantial Leyland Cypress hedge to the north of the site. This was surveyed in 2011 and a tree report submitted setting out measures required to protect it during building works. Confirmation has been received from the arboriculturist that the recommendations in this report remain valid. A condition to ensure that appropriate tree protection measures are undertaken during construction is recommended (Condition 3).
- 35 There were previously several trees on the site including a group of Sitka Spruce which were recommended for removal in the 2011 tree survey. Given the lack of landscaping, the site would benefit from additional planting once construction is complete. A condition requiring landscaping is therefore recommended (Condition 2).

Residential Amenity

- 36 LDP2 Policy 1: Placemaking and Policy 17: Residential Areas require the impact on residential amenity to be considered. There have been concerns expressed that the size and scale of this proposed dwellinghouse will overwhelm the smaller properties in the vicinity. However, the proposed dwelling is set back from Main Street with the front section being relatively narrow at 6.5m. The buildings that this proposal could have most impact on would be the new properties on the other side to the road. The roof ridge of the front element of this proposed dwellinghouse will be approximately 3m higher than the roof ridge of the new houses opposite. However, the front elevations are around 21m apart and as such it is not considered that this development will be overbearing on future occupants opposite. This distance will also minimise any overlooking and overshadowing between dwellings. The new house is also sited so as any views from it will be between the two houses and not directly into any habitable rooms. The nearest property to the north is around 18m away, slightly uphill of the site and screened by the substantial hedge adjacent to the site. The nearest property to the south is around 25 metres from the new house. The west elevation is around 5.8m from the rear site boundary. Whilst this is below the 9m recommended in Placemaking guidance where there are windows from habitable rooms facing a boundary there is an area of garden ground 11.5 m wide between the application site boundary and the neighbour to the west which acts as a buffer between the two.
- 37 The proposal is considered to accord with LDP2 Policy 17: Residential Areas as the proposed impact is considered acceptable.

Visual Amenity

- 38 The building steps up the site and is set back from the public road. The use of stone on the south and east elevations will help to integrate the development within its setting and therefore the visual amenity is considered to be acceptable.

Roads and Access

- 39 The site will be accessed directly from the public road. Part of a stone wall has been taken down to facilitate access to the site. This is not in accordance with the previous approval but is consistent with the proposals set out in this application. The wall will be retained either side of the access. Transport Planning has been consulted and advises that a condition is required to ensure that the access is constructed to an appropriate design specification (Condition 4). The site, now that it has been enlarged, has sufficient space for turning and parking. The additional traffic generated by one additional house is considered acceptable in this residential area.

Drainage and Flooding

- 40 The site will utilise mains water and waste water services. Scottish Water has been consulted and does not object. The site is not in an area at risk of flooding. However, further detail of surface water disposal will be required at Building

Warrant stage. A standard condition with regard to surface water disposal is recommended (Condition 5).

Conservation Considerations

- 41 The site is around 18m to the south of a category C listed dwellinghouse. There is also a row of C listed cottages on the east side of the road 10m from the south eastern corner of the site and around 24 m to the south east of the proposed dwellinghouse. A number of objectors are concerned about the impact of this development on the setting of these listed buildings.
- 42 The scale and massing of the building now proposed has not changed since the 2008 approval. The existing hedge along the northern boundary breaks up views of the listed building to the north. The applicant is now proposing to use stone on the southern and eastern elevations which will complement the stone on the existing buildings and new buildings opposite and help to protect the character of the area. The use of stone will ensure that longer term if the hedge is reduced in height or removed the new building will fit in with the character of the area. It is therefore considered that the impact on the surrounding listed buildings is acceptable and that the development will preserve the setting of these buildings.

Natural Heritage and Biodiversity

- 43 The site has limited natural heritage interest as it has largely cleared of trees and vegetation. Whilst of limited biodiversity value the hedge to the north may be used by birds in the nesting season. An informative note about the possible presence of nesting birds will be attached to any permission (Informative 6).

Contaminated Land

- 44 The site is within an area considered to be at risk from former coal workings. The Coal Authority has been consulted and comments that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to support the application. The Coal Authority initially objected to the proposals as this had not been submitted. However, since submission of the application, further information has been supplied to the Coal Authority which has meant that their initial objection has now been withdrawn and that no specific mitigation measures are required as part of the development proposal to address coal mining legacy issues.
- 45 The Land Quality Officer has also commented on this proposal and prior to the Coal Authority withdrawing its objection had requested a condition regarding contaminated land. As this related solely to the Coal Mining legacy issues it is now considered that this condition is not required. However, it is noted that records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. An informative note regarding this will be attached to any permission (Informative 7).

Developer Contributions

- 46 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 47 This proposal is within the catchment of Cleish Primary School. Education & Children's Services have no capacity concerns in this catchment area currently. There is no requirement for a developer contribution for primary education provision.

Economic Impact

- 48 The economic impact of this development will be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS

- 49 None required.

DIRECTION BY SCOTTISH MINISTERS

- 50 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations and, in this case, it is considered that the development proposed does not conflict with the Development Plan.
- 52 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the re-commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the 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 within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, 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 to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 3 Prior to the re-commencement of any works on site, the existing hedge which has a Root Protection Area within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: To protect the existing hedge during construction.

- 4 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Fig 5.6 access detail.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 5 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason: To ensure the provision of effective drainage for the site.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/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 should take note of the information and advice contained within the consultation response from Scottish Water.
- 6 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>

Background Papers: 7 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 13 August 2020

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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