

Perth and Kinross Council  
Development Management Committee – 19 March 2014  
Report of Handling by Development Quality Manager

**Erection of 2 detached dwellinghouses at Site 5B in Keltybridge, Kinross-Shire**

Ref. No: 13/02177/FLL

Ward No: 8 – Kinross - Shire

**Summary**

The report recommends approval of the application as the proposed dwellinghouses are sited on brownfield land and will provide an environmental improvement at this location and will not have a detrimental impact on the character or setting of the village or the nearby listed buildings.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is a 0.124 ha area of vacant ground situated on the east side and adjacent to the village of Keltybridge. The site is bounded by open countryside to the east and residential properties to the west across the public road and to the south. There are 2 small groupings of category C listed buildings to the northwest and south of the site. There is a mix of both traditional and modern housing in the area. In the 1990's outline consent for the erection of 2 houses on the site was approved. More recently planning permission for the erection of one house on the site was refused. In 2005 planning consent was granted for a temporary site office and storage cabin to service a nearby housing development at Middleton Park. A planning application for 4 dwellinghouses on this site was withdrawn in November 2013. Prior to submission of this application the architect's agent was involved in pre-application discussions to consider the number of units which would be considered appropriate on the site, their layout and design and proposed landscaping. Since the submission of the application the Perth and Kinross Local Development Plan 2014 has been adopted on 3 February 2014 which included Policy PM4 not previously included in the draft local plan dealing with built development not within the settlement boundary.
- 2 This application is for the erection of 2 detached traditional cottage style 2 storey dwellinghouses with dormers to allow living accommodation in the roof space. Integral garages are proposed on the gables. A landscaping plan has been submitted where new hedging and tree planting are proposed to the boundaries of the site and an area of buffer landscaping to the north within the site. There is a significant area of hard standing on the site and spoil from previous uses. There is a functioning old cesspit/septic tank to the north within the site which serves 2 houses across the road to the west. Materials proposed include clay pantiles and natural slate to the roofs, coursed random rubble stone and off white smooth render to the external walls and white timber

windows. The applicant's agent has provided a Design Statement in support of the proposal.

## **NATIONAL POLICY AND GUIDANCE**

### **Scottish Planning Policy 2010**

- 3 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.
  
- 4 Of relevance to this application are:
  - Paragraphs 66-91 Housing

## **DEVELOPMENT PLAN**

- 5 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012**

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

#### **Policy 5: Housing**

- 7 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.

## **PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN (PLDP) 2014**

- 8 Under the PLDP the site lies outwith and immediately adjacent to the settlement boundary of Keltlybridge where the principal relevant policies are:-

## **Policy RD3 Housing in the Countryside**

- 9 Where the Council will support proposals for the erection or creation through conversion single houses and groups of houses which fall within certain categories.

### **PM4: Settlement Boundaries**

- 10 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

## **SITE HISTORY**

- 11 93/1491 Planning permission approved for the erection of a house approved December 1993.
- 12 94/693 Outline consent for 2 houses approved June 1994.
- 13 95/125 Reserved matters for a house refused March 1995.
- 14 00/01049/FUL Erection of 2 semi-detached dwellinghouses and associated carparking and landscaping at 2 November 2000 Application Withdrawn
- 15 00/01380/FUL Erection of a house on 2 November 2000 Application Refused
- 16 00/01558/FUL Siting of temporary caravan at 1 December 2000 Application Withdrawn
- 17 05/00204/FUL Temporary siting of a site office/storage cabin 27 April 2005 Application Permitted
- 18 05/02299/FUL Erection of a dwellinghouse with potential for use as guest house Application refused 2006 at appeal.
- 19 12/01340/FLL Erection of 4 dwellinghouses at Site 5B Main Street Keltybridge Application withdrawn November 2013

## **CONSULTATIONS**

Scottish Water	No objections
Environmental Health	No objections
Education And Children's Services	No objections

## REPRESENTATIONS

- 20 13 letters of objection have been received raising the following issues:-
- Inappropriate scale and style
  - Proposal will lead to ribbon development
  - Impact on traffic safety/increased traffic
  - Contrary to the local development plan policy PM4
  - Loss of amenity
  - The site is greenfield not brownfield
  - The site could provide parking for the Tabernacle Hall
  - The proposal may compromise the use of the Tabernacle Hall for evening social events
  - Ruin the uniqueness of the area
  - Impact on drainage infrastructure
  - Adverse impact on the views of Benarty Hill
  - Loss of trees and shrubs
  - The site should be for community use
- 21 These issues which are considered material planning issues are raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

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	Not required

## APPRAISAL

### Policy

- 22 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.
- 23 In the Kinross Area Local Plan 2004 the application site was identified in an area of land identified as Village Setting under Policy 90. This Policy stated that *'in order to maintain the setting of the village, the Council will encourage the continuance of agricultural uses or the introduction of 'green uses'... There will be a presumption against any form of built development.'*

- 24 Since the application was submitted on 21 November 2013, the Perth and Kinross Local Development Plan 2014 was adopted on 3 February 2014 where the site is identified as being adjacent and outwith the settlement boundary of Keltybridge. The Reporter has added a new Policy PM4 to the new local plan which was not included in the draft plan which states *“For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary”*
- 25 Policy RD3 deals with Housing in the Countryside, which is supplemented by the Council’s Housing in the Countryside Guidance 2012. The Housing in the Countryside Guide November 2012 is a material consideration and considers proposals against six categories. It is considered that the relevant category with regards to this proposal would be under ‘Rural Brownfield Land’.
- 26 The applicant has provided a historic map which shows that part of this site was occupied by buildings although the use and scale of these are unknown. These buildings have since been removed from the site leaving an overgrown hard-standing defined by hedging, walls and trees. In Policy terms ‘brownfield land’ is defined as *‘land which has previously been developed’* and under this definition this site is considered as brownfield.
- 27 The proposal should be determined in terms of the Housing in the Countryside Guide November 2012, 6. Rural Brownfield, which states *‘Redevelopment for small scale housing of brownfield land which was formally occupied by buildings may be acceptable where it would remove dereliction or result in significant environmental improvement Proposals should be small scale, up to five new houses, and must comply with the criteria set out in the For All Proposals section of the policy.’*
- 28 The new Perth and Kinross Local Development Plan Policy PM4 does not permit development “outwith the defined settlement boundary”. As outlined above Section 25 of the 1997 Act requires the determination of proposals to be in accordance with the Development Plan unless material considerations indicate otherwise. It is considered that the assessment of the proposal as a brownfield site which was previously developed is a material consideration in this situation and it is considered appropriate to assess the proposal within the context of the Housing in the Countryside Guide. Policy PM4 precludes all development except within the settlement boundary. This is considered to be inappropriate in this case within the context of the accepted status of the site as a brownfield site, where small scale development can provide environmental improvement to the village by removing dereliction, spoil and old foul drainage infrastructure and where there was a history of built development on the site. Other relevant planning considerations are examined below.

### **Scale and Design**

- 29 The scale and design of the proposed housing is small scale and traditionally styled, which it is considered reflects the vernacular character of the existing village. The materials proposed are of good quality and fit the local context. There are concerns that the proposal will have a significant impact on the character and setting of the category C listed buildings which lie close to the

application site. It is considered however that redevelopment of the site for residential use is acceptable because of the traditional character of the proposed house type and materials, the small scale of the development, a history of both housing approval and refusal on the site and that this brownfield site has lain overgrown and derelict for an extended period of time. For these reasons the proposal will not have a significantly adverse impact on the character, setting or status of the C listed buildings.

### **Residential Amenity**

- 30 There is adequate garden ground provided for each of the 2 plots to provide satisfactory amenity space and there are no overlooking issues to the rear of the plots which is bounded by agricultural land. There are also no overlooking issues to neighbouring properties. The proposed houses are in a gable to gable situation and there is no overshadowing between them. There is a sufficient distance between the proposed development and the existing properties to the south to mitigate any overshadowing issues. It is considered therefore that the redevelopment of this site for residential use will not present any adverse impact on the residential amenity of adjacent neighbours or on the wider surrounding area.

### **Traffic and Road Safety**

- 31 There were concerns raised about the impact of the proposal on traffic generation and road safety. The Council's Transportation Planners have no objections to the proposal subject to conditions on the specification of the access, turning facilities and car parking.

### **Drainage and Private Water Supplies**

- 32 The proposal is intended to connect with the public drainage network and Scottish Water have intimated that there is capacity to service this development. It is proposed to remove the existing cesspit and connect to the public network. Environmental Health have recommended a condition on any consent to maintain water quality and supply in the interests of residential amenity and to ensure that the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

### **Landscaping**

- 33 A tree survey and landscaping plan has been submitted with the proposal where it is proposed that most of the trees and shrubs on the site will be removed except those along the boundary of the site. The tree survey indicates that many of the existing trees to be removed are non indigenous species including sitka spruce and leylandii. The boundary with the field which has beech saplings will be trimmed and under planted to form a new hedge. A landscaped area to the north of the site will provide a green buffer to the development as it is approached from the north and will soften the visual impact. Other species including hawthorn, dog rose, rowan, crab apple and silver birch will be introduced to increase and encourage biodiversity. The

landscape proposals will involve removing the dereliction and spoil on the site and provide a suitable framework containing it from the wider countryside to the east. There were concerns raised by the local community on the impact the proposal would have on views of Benarty Hill and that the application site should be for community use in association with the Tabernacle Hall. The loss of view is not a material planning consideration and the application site is not within the community's land ownership and therefore not a relevant material consideration in determining this proposal.

### **Area of Former Coal Workings**

- 34 The application site falls within an area considered to be at risk from former coal workings. In consultation with the Coal Authority it has been intimated that due to the shallow nature of the recorded workings, at 5m depth, and the likelihood of unrecorded shallow mine workings on the site the Coal Authority would recommend a condition on any consent for intrusive site investigations to be carried out in order to establish the exact situation in respect of former coal mining issues on the site.

### **Education**

- 35 In consultation with Education and Children Services they have intimated that there are capacity issues at Cleish Primary School and under the Council's Developer Contribution Policy the developer will be required to provide a financial contribution toward improving capacity at the school.

### **Sustainability**

- 36 Housing provision on brownfield, vacant, semi-derelict land in close proximity to 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**

- 37 Should the applicant not wish to pay the education contribution as an upfront payment, a legal agreement will be required for the deferral of the education contribution.

## **DIRECTION BY SCOTTISH MINISTERS**

- 38 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**

- 39 It is considered that despite the proposal being contrary to the new Perth and Kinross Local Development Plan 2014 Policy PM4 there are other material

considerations which have been outlined above which justify a departure from the Development Plan. Under the Council's Housing in the Countryside Guide 2012 it is considered that the site can be identified under the category of rural brownfield land and is in accordance with the Housing in the Countryside Guidance. The redevelopment of brownfield sites is in accordance with the goals of sustainable development and in this case the proposal will provide environmental improvement by removing dereliction and providing a suitable landscaped development. There has been a history of built development on the site and it was historically part of the built fabric of the village, albeit some time ago. It is also considered that the scale and traditional design of the proposal is acceptable and will not have an adverse impact on the character or setting of the nearby category C listed properties or the character of the wider village.

## **RECOMMENDATION**

### **A Approve the application subject to the following 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 Prior to the occupation or use of the approved development the vehicular accesses shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the Planning Authority.
- 4 Prior to the occupation or use of the approved development turning facilities shall be provided within each plot to enable all vehicles to enter and leave in a forward gear.
- 5 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within each plot.
- 6 Storm water drainage from all paved surfaces, including the accesses, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
- 7 The approved landscaping and planting scheme shall be fully implemented within six months of the completion of the development and thereafter maintained by the applicants or their successors to the satisfaction of the Planning Authority.
- 8 Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved

protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

- 9 Prior to commencement of work on site the applicant shall provide details of an intrusive site investigation to be carried out and completed in consultation with and approved by the Coal 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.
- 3-6 In the interests of pedestrian and traffic safety.
- 7 In the interests of visual amenity and environmental quality.
- 8 In the interests of private water supplies and environmental quality.
- 9 In order to establish that any development on site is not at risk from any former coal mining working on or within the vicinity of the site.

**B JUSTIFICATION**

It is considered that despite the proposal being contrary to the Perth and Kinross Local Development Plan 2014 there are other material considerations which have been outlined above which justify a departure from the Development Plan.

**C PROCEDURAL NOTES**

Prior to issue of consent the applicant shall provide an education contribution of £12 790 or it may be possible to defer this payment through the completion of a suitable legal agreement with the Council.

**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.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 7 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

Background Papers: 13 letters of representation  
 Contact Officer: Mark Williamson – Ext 75355  
 Date: 24 February 2014

**Nick Brian**  
**Development Quality Manager**

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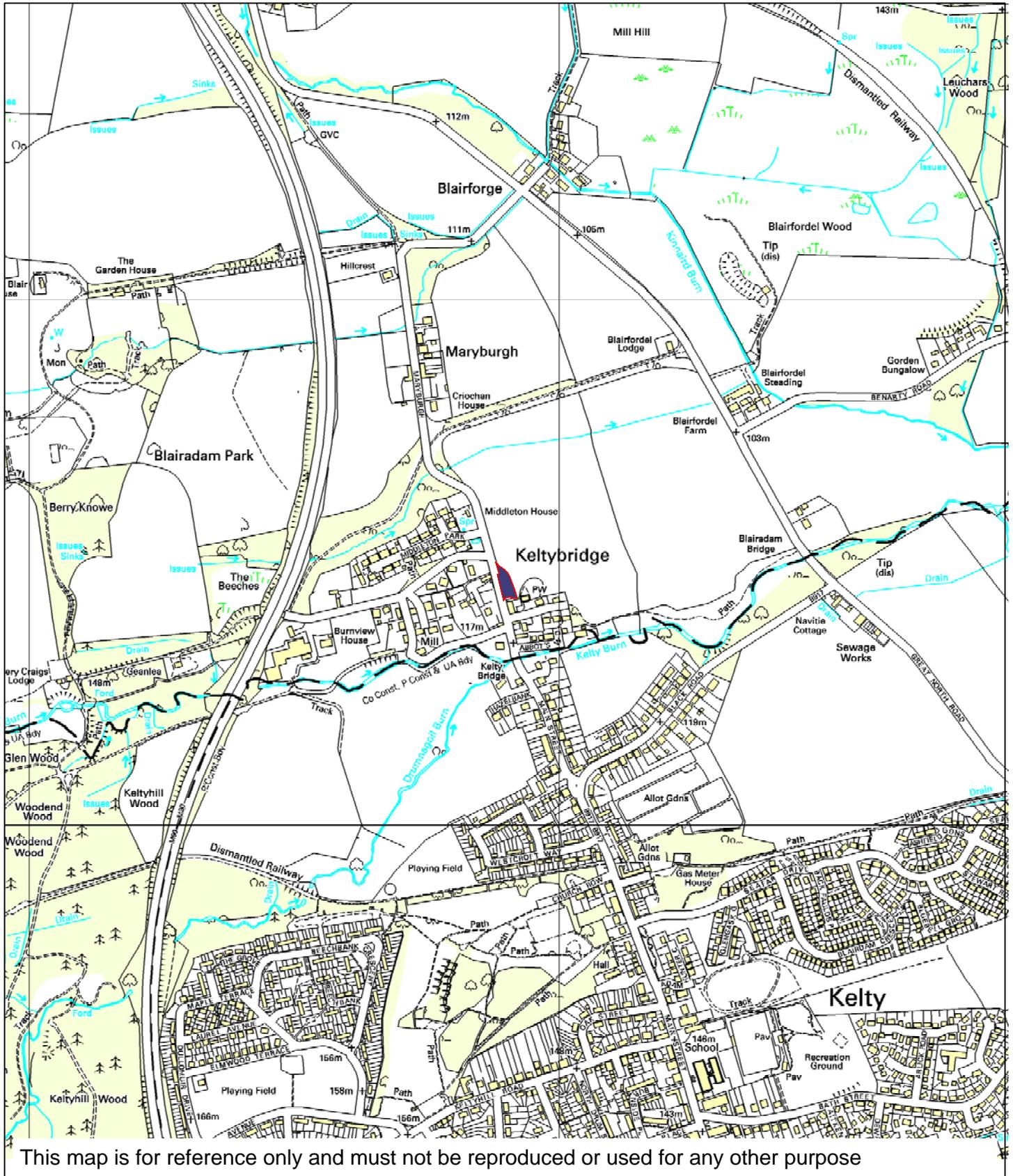
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# Perth & Kinross Council

13/02177/FLL

Plot Adjacent to 27 Main Street, Keltybridge

Erection of 2 detached dwellinghouses



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