

Perth and Kinross Council  
Development Management Committee – 13 August 2014  
Report of Handling by Development Quality Manager

**Erection of a dwellinghouse and garage, Land 30 Metres North East Of The Steadings, Keltneyburn**

Ref. No: 14/00975/FLL  
Ward No: 4– Highland

**Summary**

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

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the erection of a dwellinghouse and garage on a site adjacent to The Steadings, Keltneyburn. The application site slopes from north-west to south-east and the vehicular access is proposed utilising an existing access track which travels south east down the slope to the Coshieville to Fortingall public road. The Keltney Burn is located to the east of the application site and forms part of the River Tay Special Area of Conservation (SAC). The Keltneyburn Site of Special Scientific Interest (SSSI) is located approximately 100metres north of the site.
- 2 The proposal is to erect a 4 bedroom detached dwellinghouse and a single detached garage at the south eastern end of the site close to the existing driveway access which serves The Steadings to the south west. A cut and fill of the sloping land is proposed to form a level platform to erect the dwellinghouse. The proposed house is to be relatively traditional in style with a narrow footprint and dormer windows serving the upper floor accommodation. Two smaller single storey “wings” are proposed to project from the gable elevations. The finishing materials include a natural slate roof, natural stone, wet dash render and timber cladding.
- 3 There is extensive planning history to this site with this site originally forming part of a larger approved development of 4 units (09/00101/FUL) which involved the demolition of the neighbouring steading building. Following that consent a further separate consent was granted for the erection of a detached dwellinghouse on this site in July 2010 (10/00964/FLL). Both of these permissions have since expired. It should be noted that the previous applications were both assessed under the Highland Area Local Plan 2000 where Keltneyburn was identified as a “small settlement”. In the recently adopted Perth and Kinross Council Local Development Plan 2014, Keltneyburn is no longer identified as a settlement and as such the principle of the proposal requires to be assessed against policy RD3 which relates to Housing in the Countryside.

## NATIONAL POLICY AND GUIDANCE

### The Scottish Planning Policy 2014

- 4 The Scottish Planning Policy (SPP) was published on June 23 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.

The most relevant paragraphs are as follows:

- Paragraphs 109 - 134 Enabling Delivery of New Homes
- Paragraphs 193 – 218 Valuing the Natural Environment

## DEVELOPMENT PLAN

- 5 The Development Plan for the area consist of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

### Tayplan: Strategic Development Plan 2012-2032

- 6 The principal relevant policy is in summary: -

#### Policy 3: Managing Tayplan's Assets

- 7 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
  - and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

## **LOCAL DEVELOPMENT PLAN 2014**

8 The application site is located within a countryside area of Highland Perthshire outwith any designated settlement boundary. Therefore the policies in relation to countryside locations are relevant to this proposal. The River Tay Special Area of Conservation sits to the east of the site.

9 The principal relevant policies are in summary: -

### **PM1A: Placemaking**

10 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **PM1B : Placemaking**

11 All proposals should meet the placemaking criteria set out.

### **PM3: Infrastructure Contributions**

12 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.

### **RD3: Housing in the Countryside**

13 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

### **TA1B: Transport and Accessibility**

14 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **NE1A: International Nature Conservation Sites**

15 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

## **NE1B – National Designations**

- 16 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

## **NE3: Biodiversity**

- 17 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

## **HE2: Listed Buildings**

- 18 The setting of listed buildings should be protected.

## **OTHER POLICIES**

- 19 Housing in the Countryside Guide Policy 2012

## **SITE HISTORY**

- 20 10/00964/FLL Erection of a dwellinghouse – Approved July 2010 (Now expired)
- 21 09/00101/FUL Demolish existing house, garage, conservatory and log store and erection of four dwellinghouses – Approved April 2009 (Now expired)
- 22 14/00632/FLL Erection of a dwellinghouse and garage – Withdrawn on officer recommendation due to concerns with position of dwelling.

## **CONSULTATIONS**

- 23 **Environmental Health** – condition recommended regarding potential contamination
- 24 **Scottish Natural Heritage** – objection due to potential impact on woodland habitat of Keltneyburn SAC/SSSI. Objection could be overcome if the development were made subject to a condition requiring the submission of a Construction Method Statement.
- 25 **Glen Lyon and Loch Tay Community Council** – concerns expressed regarding impact on SAC/SSSI. Impact on visual amenity and concerns regarding scale and massing of house. Impact on access track.
- 26 **Education and Children’s Services** – Currently no capacity concerns at local primary school and therefore no contribution required

## REPRESENTATIONS

- 27 Neighbour notification and advertisement of the application was carried when the application was validated with an expiry date of Friday 11th July. A total of 6 letters of representation were received during this period.
- 28 Due to an error with the ordnance survey data which was discovered on 20<sup>th</sup> June one property who should have received a neighbour notification did not. Therefore a further notification was sent out to this property on 20 June 2014. This resulted in the neighbour notification period being extended to Friday 18<sup>th</sup> July. A further 5 letters were received during this additional week.
- 29 Therefore a total of 11 letters of representations have been received all of which have objected to the application. This includes one letter from Glen Lyon and Loch Tay Community Council
- 30 The representations have raised the following relevant issues: -
- Loss of visual amenity/poor design/scale
  - Overdevelopment
  - Contrary to Policy
  - Traffic impact/access/parking
  - Impact on SAC/SSSI/Bio Diversity Impact
  - Lack of permission for unauthorised structure on opposite side of river
  - Loss of residential amenity
  - Drainage/impact on private water supplies
  - Impact on listed buildings
  - Setting of precedent for further development
  - Impact on Bio Diversity
  - Impact on historic buildings
  - Neighbour notification accuracy
- 31 These issues are all addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

32

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

## APPRAISAL

### Policy

- 33 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 policies of the Development Plan are listed in the policy section above.

### **Policy Context**

- 34 The application site is located outwith a settlement boundary where the applicable policies is therefore Policy RD3 of the adopted local plan and the Housing in the Countryside Guide (HICG) 2012. The site is directly part of a grouping of buildings and is therefore assessed under Building Groups category.
- 35 All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).
- 36 This policy is also subject to a number of criteria in relation to land use compatibility, impact on landscape, the need for the development, the design of buildings and the capacity of the road network.
- 37 The application site is bound to the south west by The Steading, to the south by Balchroich and by the existing private access to the east. There are further properties located to the east, beyond the access track. In my view these properties, together, form part of an established building group. The application site is relatively well contained by existing topography, with the land sloping upwards to the north west of the site, and by established trees on the eastern boundary, adjacent to the access track. Both of these features help to provide some containment. I am therefore satisfied that this application site forms part of a definable building group.
- 38 Policy RD3 also requires any development within a building group to respect the character, layout and building pattern of the group. In comparison with the previously withdrawn application, the proposed house has been moved south east in the site to provide it with a better relationship to The Steading. This allows it to have an improved relationship to the established building line. I am satisfied that the proposed house relates successfully to the layout of this small group of buildings. This will be explored further in the paragraph below.
- 39 Policy TA1B and NE1 are also relevant and relate to traffic safety and to the protection of international conservation sites respectively.

### **Design, Scale and Layout**

- 40 The proposed house is to be 7.2m in height and is to be finished in stone, wet dash harling and timber cladding. The form and massing of the house, utilising narrow gables with the upper floor being served by dormer windows is considered to relate successfully to the established character and design of other properties in the immediate vicinity. The plot size is also considered to relate successfully to those in the area. It is acknowledged that the application

site is visible from the public road and that the erection of a house on this site will alter the visual amenity of the area as the proposed house sits a slightly higher level than the adjacent dwellinghouse. However, I consider the design, scale and high quality materials proposed to be acceptable in this location and will result in a development which will contribute positively to the visual amenity of the area. Furthermore the rising topography to the north west of the application site, together with the trees which form the north east boundary of the site provide reasonable containment and an appropriate landscape setting. I recommend a condition to ensure the trees on the site are retained and protected during construction operations. I also recommend a further condition to ensure a detailed landscaping and planting scheme is submitted for approval to provide additional boundary containment, particularly to the north. I am satisfied that the proposal complies with the criteria contained within Policy RD3 and also the Placemaking criteria contained within Policy PM1A and B.

### **Residential Amenity**

- 41 There are dwellinghouses in the immediate vicinity of the application site. “The Steading” sits to the south west of the application site and is not considered to be directly impacted by the proposed development due its position. “Balchroich” is located immediately to the south of the application site and sits at a lower level than the proposed dwelling. The nearest windows of the proposed house are located approximately 13 metres from the site boundary of Balchroich. The windows of the house are also approximately 23 metres from the rear elevation of Balchroich, although it is noted that detached garage is closer. I also noted from the site visit that the main sitting out area for the adjacent dwellinghouse was to the south east and the area of garden ground which faces north toward the application site functions more as the driveway area and therefore in my view does not have significant amenity value.
- 42 Furthermore the proposed house is off set from Balchroich with the south east (front) elevation having views over the top of the neighbouring house with views down the valley floor and to the adjacent hills to the south east. I am satisfied that the distances referred to above and the position of the house in relation to the neighbour is sufficient to mitigate any significant concerns regarding overlooking and overshadowing. The proposal is therefore not considered to have any significant detrimental impact on residential amenity. The proposal is therefore considered to comply with the residential amenity criteria contained within Policy PM1A and RD3.
- 43 The site is sloping which results in limited availability of usable amenity space for the proposed house. However the proposed engineering operations, as shown on the section drawings demonstrate that there will be a garden area formed. Whilst this will have a slope it is considered to of a reasonable level to allow use as private garden ground.

### **Private Water Supply**

- 44 The application form indicates that it is the applicant’s intention to connect to the public water supply in the area. If that is not feasible the Council’s Private Water Team have suggested a condition and informatives to make the

applicant aware of the regulations which are in place to protect existing private water supplies.

### **Traffic Safety/Access**

- 45 Vehicular access to the site is proposed along an existing private access track to the C448 Coshieville to Fortingall public road. The track is considered to be capable of accommodating the traffic associated with one additional dwellinghouse. The additional traffic generated by a single dwellinghouse is not considered to be significant. Transport Planning have been consulted and have offered no objection to the proposal subject to conditions relating to the provision of passing places on the track, the provision of a bitumen surface and the creation of adequate parking and turning facilities on the site. The verge on the access track is considered to be of a sufficient size to enable passing places to be created. It is acknowledged that the applicant may require to obtain third party agreement for the formation of these passing places and the installation of a bitumen surface. The junction with the public road is considered to be acceptable in road safety terms. The visibility from the junction in both directions is considered to be appropriate.
- 46 It is noted that construction traffic may have an impact on the track. However, this will only be for a temporary period. Any damage done to the shared track or any drainage pipework underneath the track may require to be repaired if damaged but this is an issue which would require to be discussed directly with the relevant neighbours and is not a relevant material planning consideration. The proposal is considered to comply with Policy TA1B of the Local Development Plan.

### **Garden Ground**

- 47 The previous application on the site raised issues regarding the use of the rear garden ground and that this garden ground was located outwith the identified settlement boundary of Keltneyburn. The Keltneyburn settlement boundary no longer applies in the Local Development Plan and as such the boundary of the rear garden ground is not considered to be of such significant concern. The landscaping plan referred to elsewhere within this report has been recommended by condition to ensure a robust planting framework is provided and this includes the northern boundary.

### **Bio Diversity/Keltneyburn SSSI/SAC**

- 48 The Keltneyburn SAC is of special nature conservation importance because of its woodland habitat. The qualifying feature is: mixed woodland on base-rich soils associated with rocky slopes.
- 49 The ground flora of the woodland is species-rich with a large number of higher plant species of restricted distribution.
- 50 The development site lies very close to the boundary of Keltneyburn SAC, and so there is a possibility that the woodland habitat may be damaged whilst

development is in progress through dumping of material or due to the proximity of any working compound.

- 51 As the competent authority, Perth and Kinross Council are required to carry out an Appropriate Assessment in view of the site's conservation objectives for its qualifying interests. This has been carried out and is available to view in the planning file.
- 52 It has been concluded that this development would not have any adverse impact on the qualifying interests subject to a condition which requires a construction method statement to be submitted. This will outline site construction procedures and includes information on the storage and disposal of materials to ensure there is no impact on the special interest of the SAC and SSSI. As such the proposal is considered to comply with Policy NE1A and NE1B of the Local Development Plan.

### **Developer Contributions**

- 53 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increase 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 54 This proposal is within the catchment of Breadalbane Primary School.
- 55 Education & Children's Services currently have no capacity concerns in this catchment area. As such no financial contribution is required in this instance.

### **Precedent for Further Development**

- 56 The approval of this consent will set no precedent for further development in this location. Any further applications which are submitted will require to be fully assessed on their own merits under the relevant policy considerations.

### **Neighbour Notifications**

- 57 Some concern has been expressed through letters of representation regarding errors in the neighbour notification procedure. Having considered this issue further it was noted that one property had not received the correct notification. This notification was issued and the period for comments extended accordingly.

### **Drainage**

- 58 The proposed house is to be connected to a private drainage system, utilising a septic tank, discharging to watercourse via a soakaway. The use of a private system in this rural location is considered to be appropriate and meets the relevant policy requirements.

### **Listed Building**

- 59 Representations state concerns regarding the impact which the development may have on the setting of nearby listed buildings. The nearest listed building to the application site is over 50 metres away to the east. The group of the buildings to the south of the site, on the opposite side of the public road are also listed. Given the intervening topography and landscaping and the design and scale of the proposed house, I am satisfied that there will be no detrimental impact on the setting of the nearby listed buildings. It should be noted that, despite the request of neighbours, it is not a statutory requirement to consult Historic Scotland when assessing the impact on the setting of category B and C listed buildings. The proposal is therefore considered to meet the criteria contained within Policy HE2 of the Local Development Plan.

### **Economic Impact**

- 60 There will be limited economic impact from the development with temporary employment opportunities for construction workers; however this has limited weighting on the overall recommendation.

### **Contaminated Land**

- 61 An inspection of the proposed development site did not raise any real concerns, although there is a steading close to the proposed development site. Steading buildings may have been used in a variety of ways and that have been put to a number of uses including storage of chemicals and vehicles, giving rise to the possibility of leaks and spills. A watching brief during redevelopment is required therefore Environmental Health have recommend a condition be applied.

### **LEGAL AGREEMENTS**

- 62 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 63 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**

- 64 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Local Development Plan 2014 and Tayplan 2012. 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 the application subject to the following conditions and reasons:**

- 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.

Reason - In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.

- 2 Prior to the commencement of works on site a Construction Method Statement shall be submitted and approved in writing by the council as Planning Authority in consultation with SNH. The statement shall provide the following information:
  - i) Storage and disposal of materials, including the siting of stock piles, temporary dumps, disposal of excess topsoil, recycling, re-use or disposal of demolition material and use of buffer strips.
  - ii) Site Construction procedures - vehicle movements and general practices particularly in relation to the adjacent woodland habitat and ensuring all work takes place solely within the development area.

The details, as approved, shall be strictly adhered to during the development of the site.

Reason – In order to protect the integrity of the SSSI and SAC

- 3 The site shall be served by the existing private access from the C448 public road and prior to the occupation or use of the approved development, shall be provided with 2 passing places at approximately 50.00m centres to the satisfaction of the Planning Authority.

Reason – In the interests of pedestrian and traffic safety

- 4 Prior to the occupation and use of the approved development the existing private access between its junction with the C448 public road and the site shall be provided with a bitumenously bound surface to the satisfaction of the Planning Authority.

Reason – In the interests of pedestrian and traffic safety

- 5 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

- 6 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

- 7 All existing trees on the site and surrounding the site shall be retained and protected with all protection measures adhering to BS 5837:2012 Trees in Relation to Design, Demolition and Construction all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and landscape character

- 8 A detailed landscaping and planting scheme shall be submitted for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme as subsequently approved shall be implemented and completed within the first planting season; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Reason – In the interests of visual amenity and landscape character

- 9 Should a private water supply be used, 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.

Reason – In order to protect existing private water supplies

- 10 The Council shall 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 Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

Reason – In order to deal with any contamination on site.

## **B JUSTIFICATION**

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

## **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 The applicant is 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 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.
- 6 Should a private water supply be used, 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.
- 7 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).
- 8 The applicant should be aware that the formation of passing places on the access track may require third party agreement.

Background Papers: 11 letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 21 July 2013

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

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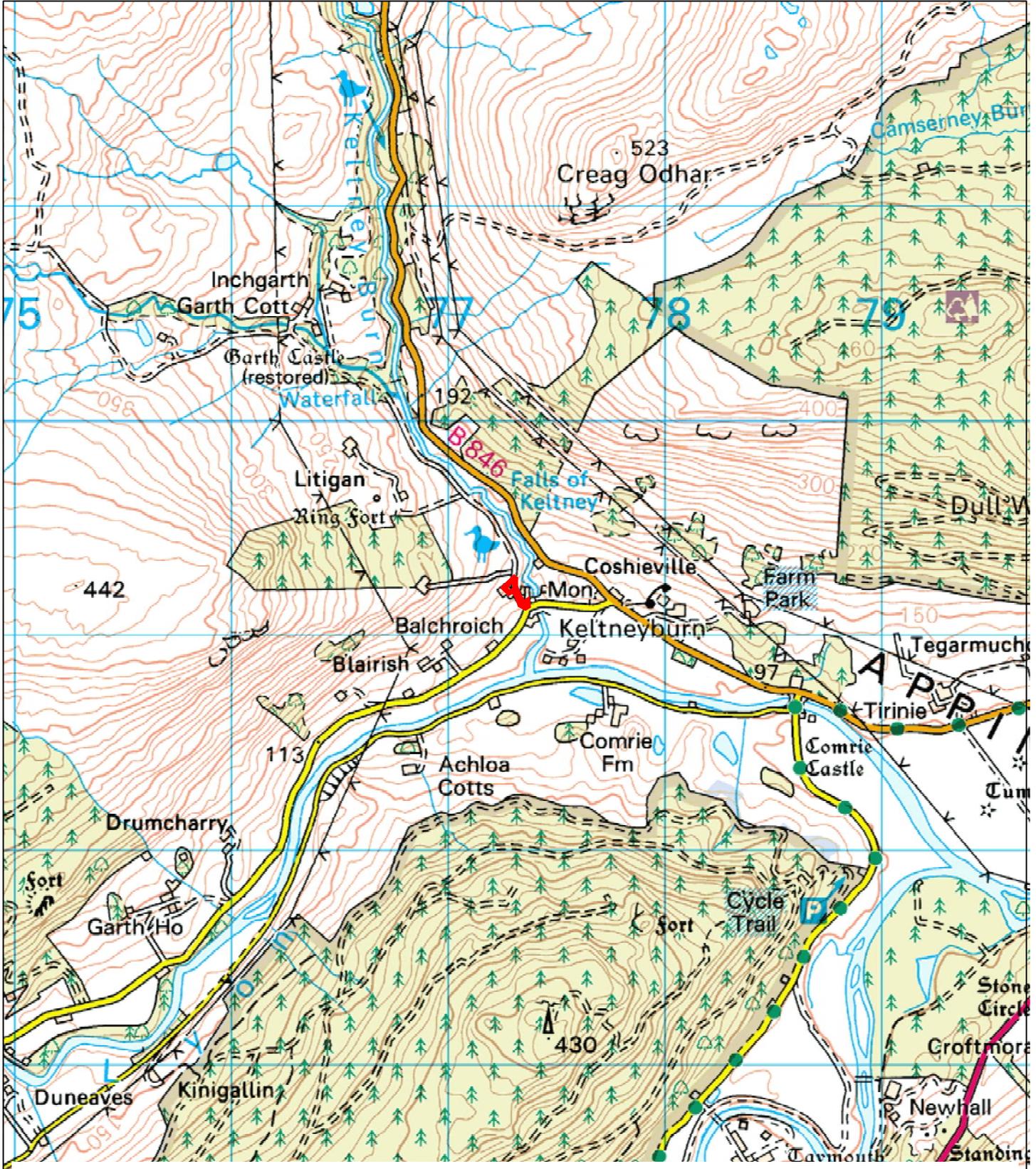
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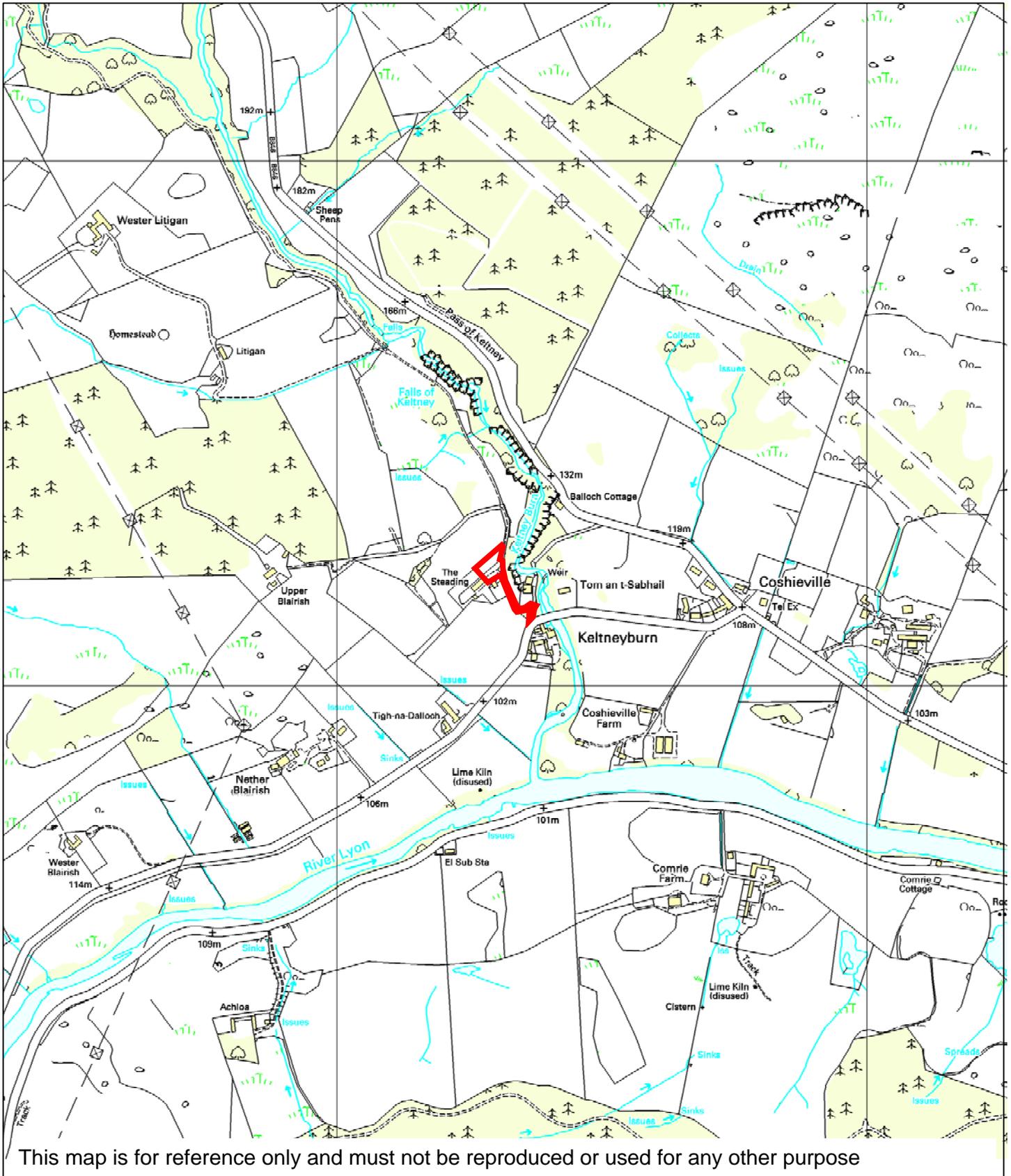
Land 30 Metres North East Of The Steadings Keltneyburn

Erection of a dwellinghouse and garage

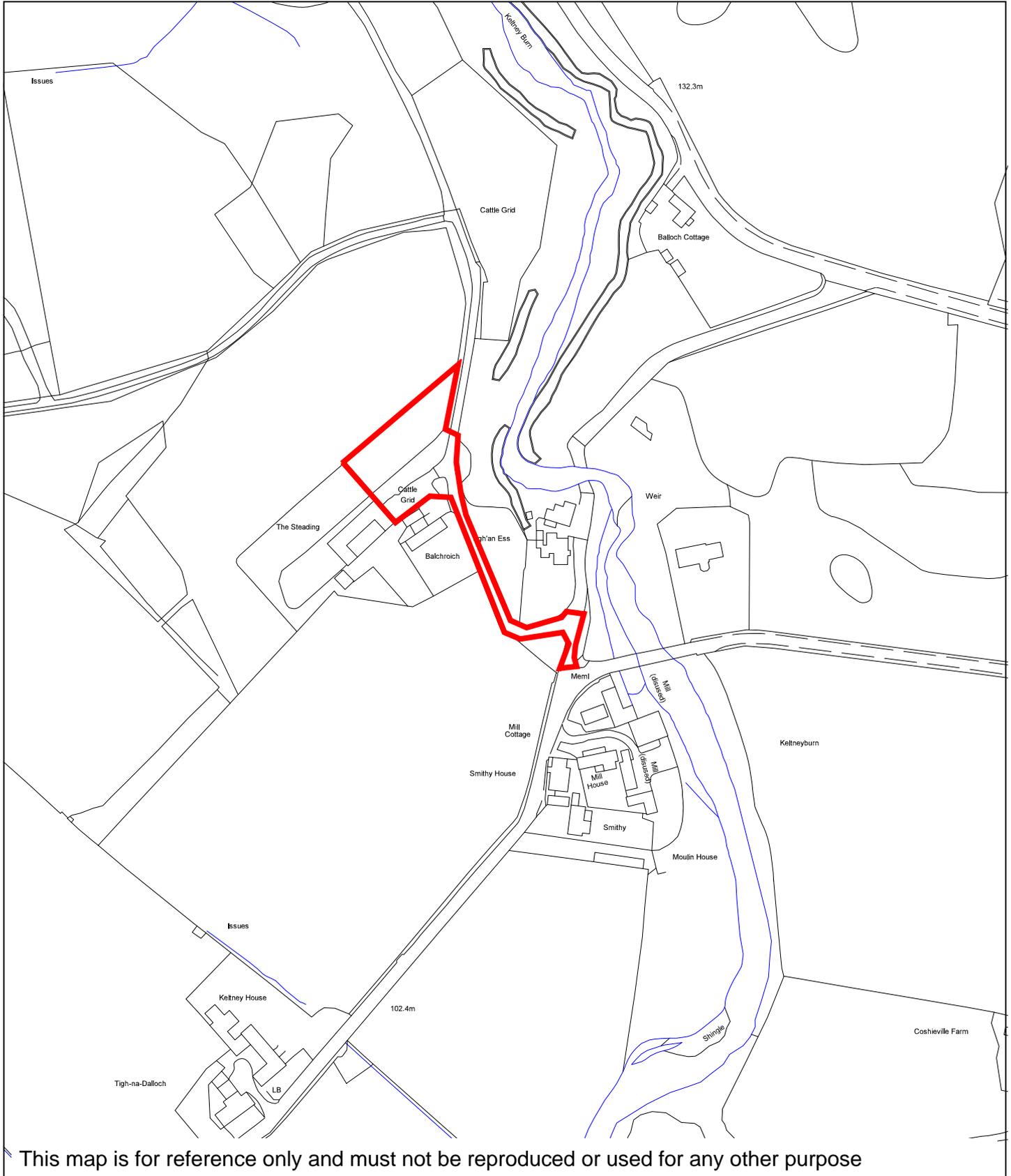


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