

Perth and Kinross Council
Development Management Committee – 15 April 2015
Report of Handling by Development Quality Manager

**Erection of a dwellinghouse (in principle) at site adjacent to 30 Holding,
Campmuir, PH13 9LJ**

Ref. No: 14/01587/IPL
Ward No: N2 - Strathmore

Summary

This report recommends approval of a planning in principle application for the erection of a single dwelling on a rural site near Campmuir, 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 This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling on a rectangular shaped plot near Campmuir. The site is part of a naturally larger, corner site which is enclosed on all four sides by beech hedging and is framed by public roads along its two frontages to the east and north. Both the application site and the larger site were previously agricultural land associated with the fields to the west, but both areas are now physically divorced from those fields (by virtue of the curtilage of a private dwelling) and are presently grassed paddocks.
- 2 The site subject of this planning application covers approx. ½ of the area of the larger site and has a width (north to south) of approx. 27m, and a depth of approx. 40m. The site is adjacent to the curtilages of existing residential properties to the south and west and is separated from the other half of the larger site by a surfaced private access - which serves a recently constructed dwelling which is located on a site to rear (west) of the application site. A public road runs along the application sites frontage, whilst the rear and side (south) boundaries are defined by large hedges that provide separation between the application site and the adjacent residential curtilages of the neighbouring properties.
- 3 Part of the existing private access (which runs through the middle of the larger site) is included within the application site boundary and the applicant has indicated that the existing private access is likely to be utilised to some degree as part of a detailed scheme. Indicative details of the proposed location of the dwelling have been submitted that show the proposed dwelling in a central location on the plot.

NATIONAL POLICY AND GUIDANCE

- 4 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. Of relevance to this application are,

The 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 74 - 83 which relate to promoting Rural Development.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 8 Whilst there are no specific strategies or policies directly relevant to this proposal the overall vision of the Tay Plan 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.”*

Perth and Kinross Local Development Plan 2014

- 9 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 10 Within the Local Development Plan, the site lies outwith any settlement boundary and is therefore located within the landward area where the following policies are applicable,

Policy PM1A - Placemaking

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

Policy PM3 - Infrastructure Contributions and the Developer Contributions Supplementary Guidance

- 12 Seeks to ensure Developer Contributions in certain circumstances.

Policy 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. One of those categories is development which extends an existing building group into a definable site.

Policy HE1B: Non-Designated Archaeology

- 14 The Council will seek to protect areas or sites of known archaeological interest and their settings.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

- 15 This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met. Such criteria include the opportunity for the expansion of existing building groups into definable sites providing that certain criteria can be met.

Developer Contributions 2014

- 16 This supplementary guidance seeks to secure financial contributions for both A9 junction improvements and for primary education in certain circumstances. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

Developer Contributions, Transport Infrastructure 2014

- 17 This supplementary guidance is about facilitating development and sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance*.

SITE HISTORY

- 18 Two previous planning applications have been submitted for residential developments on the larger site (which included the area subject of this planning application), both of which were refused by the Council's Development Management Committee. Subsequently appeals to the Scottish Government

were then dismissed. Planning application 06/00512/FUL, which sought detailed planning permission for the erection of two dwellings, was refused at the Development Management Committee on the 2 August 2006 on the grounds that,

- a) *The proposal contravenes the Eastern Area Local Plan 1998, Policy 48 Housing in the Countryside, as the proposal is not in accord with the building line of the group and could lead to ribbon development.*
- b) *The proposal contravenes the Eastern Area Local Plan 1998, Policy 38 as there is no occupational need.*

19 Planning application 09/01867/IPL, which sought planning in principle for a residential development was refused at the Development Management Committee of the 17 February 2010 on the grounds that,

- a) *The rear northern boundary of the site is undefined and therefore the site is deemed (a) not to be a definable site and (b) not to have a suitable landscape framework capable of absorbing the proposal.*

20 Both the 2006 and 2010 planning applications were recommended for approvals, but both those recommendations were ultimately overturned by the Committee.

CONSULTATIONS

External

21 **Scottish Water** - No objections.

Internal

22 **Perth & Kinross Area Archaeologist** - No objections.

23 **Transport Planning** – No objection to the principle of the development.

24 **Education & Children's Services** – No objections to the proposal, providing the development complies with the requirements of the Developer Contributions 2014 document.

25 **Contributions Officer** – No objection to the proposal, providing the development complies with the Council's policies on Developer Contributions.

REPRESENTATIONS

26 Five letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are,

- Proposal is contrary to the Development Plan
- Flooding and Drainage issues

- Impact on Local Roads/unsafe vehicular access
- Possible precedent being set
- Previous planning decisions indicate that the proposal should be refused

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

ADDITIONAL STATEMENTS

28

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

APPRAISAL

29 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

30 The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP). In terms of other material considerations, the site's previous planning history and the content of the HITCG 2012 are all significant material considerations.

Relevance of Previous Site History

31 As stated in paragraphs 18-20, two previous planning applications seeking consent for residential use on the site (both in detail and in principle) have been refused permission in the past. To this end, the planning history associated with this site does have a significant and material relevance to this current proposal. However, those previous refusals must be considered in conjunction with a) the physical changes to the sites physical characteristics since those previous decisions were made and b) the fact that a detailed planning consent for a private dwelling to the rear (west) of the application site has since been granted and then implemented. The combination of both are, in my opinion material considerations which offers a significant degree of weight in my reasoning for ultimately justifying approving this planning application against the backdrop of the previous refusals.

Policy Appraisal

32 The principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted LDP. Within that Plan, the site lies within the landward area where *Policies PM1A (general development) and RD3 (HITCP)* are directly applicable.

- 33 *Policy PM1A* seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the associated supplementary planning guidance (SPG) would be applicable to new proposals in the landward area. The most recent SPG on housing in the countryside is the 2012 version.
- 34 For reasons stated below, I consider the proposal to be consistent with the Council's Housing in the Countryside Policies and also *Policy PM1A* of the LDP.

Land Use

- 35 The site lies within the landward area of the adopted LDP, where *Policy RD3* is directly applicable. *Policy RD3* specifically relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2012 (HITCG). The HITCG 2012 offers a more detailed, policy background to that of the text contained in *Policy RD3* and is the most recent expression of Council opinion towards new housing in the open countryside. To this end, the acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the requirements of the HITCG 2012.
- 36 As the proposal is not a conversion of a traditional, non-domestic building, is not a replacement of an existing house, is not a development on a former brownfield site and is not an infill site between two existing buildings, the only section of the HITCG 2012 which this proposal can be reasonably assessed against is that of the building group's category. The HITCG 2012 offers support (in principle) for new developments both within and adjacent to existing building groups providing that the development proposed does not have an adverse impact on the character or amenity of the existing group and that the development proposed takes place within a definable site which is capable of absorbing the proposed development.
- 37 As outlined previously, the application site is essentially one half (or one of two plots) of a larger site which has been subject to two previous unsuccessful planning applications. The reasons for those refusals were largely based on the view of the Committee that the site (as it previously was) was not suitability contained and did not have a good landscape framework, particularly to its rear (west). Since those refusals, detailed planning consent has since been granted (on appeal) for the erection of a dwelling on the area of land immediately to the west of the site (08/01644/FLL and then modified by 12/00561/FLL). As part of those consents, there was a requirement for landscaping measures to be implemented along mutual boundary to define the new residential curtilage. Landscaping in the form of beech hedging has been implemented and it now defines the mutual rear boundary of the site subject to this planning application and that of the adjacent dwelling – with the end result being a semi-mature, substantial beech hedge which runs along the entire length of the rear boundary.

- 38 Whilst the Planning Case officer for both previous refusals considered the original site (prior to the new hedging being introduced) to have a good landscape framework that was capable of absorbing a residential development, the current position is now far clearer as the site has a clear level of suitable containment for a new dwelling. It is also a matter of fact that the rear boundary of the site is now not adjacent to open fields (as was the case previously), but is adjacent to an established residential curtilage. Part of the previous reasoning for refusing a residential development on this site was that the openness of the rear boundary was considered to be undefined which didn't offer any substantial definition between the site and the adjacent agricultural fields. The fact that there is now a private, residential curtilage sandwiched between the application site and the adjacent agricultural fields further to the west adds significant weight to the argument that rear boundary now offers suitable definition and containment for a new dwelling.
- 39 I note that within the representations concerns have been raised regarding the impact that the proposal would have on the character of the local area and that the proposal would constitute undesirable 'ribbon' development. The local area around Campmuir is typified by its linear building pattern/form with most of the dwellings in the area being located parallel to the public roads in a linear pattern. Whilst I do accept that the approval of this planning application would extend the linear pattern of the existing run of houses, I do not accept that further development in this particular area would necessarily have a particularly adverse impact on the character of the existing area.
- 40 To this end, I consider this proposal to be in keeping with the existing character area and consider the proposal to be in line with both *Policy RD3* of the LDP and also the associated SPG, the Housing in the Countryside Guide 2012.

Residential Amenity

- 41 As this is a planning in principle application, no specific details about where the dwelling would be located on the plot are under consideration. However, assuming the proposed dwelling is positioned in a central position on its plot (as shown on the indicative plan), it is unlikely that this proposal would directly impact on the residential amenity of any of the adjacent residential properties. In terms of available amenity space for future occupiers, I am confident that with a suitable house type and appropriate siting, a satisfactory level of private amenity space available can be achieved for future occupiers.

Design / Visual Amenity

- 42 As this is a planning in principle application, there are no specific details of layout or house type to consider. However, subject to an appropriate house type (which would be restricted to single storey), I am confident that the erection of a dwelling on this site would not have any adverse impact on the visual amenity of the area.

Roads and Access

- 43 The proposal raises no issues in terms of road related matters. As part of any detailed submission, precise details of the proposed vehicular access and parking provision would be required and would then be subject of further consideration by my Transport Planning colleagues.

Drainage and Flooding

- 44 As the site is located outwith any sewerage area, the dwelling would be drained via a new private drainage system. The difficulties with private drainage in rural areas that have poor ground conditions (such as the Campmuir area) are not routinely matters for planning to become heavily involved and are normally matters which are addressed thoroughly through an assessment of the technical standards when an associated building warrant application is submitted for consideration. However, based on other sites in the local area, I consider it reasonable to take the view that a suitable solution can be achieved through an engineering solution. Nevertheless, in order for the Council to have a record of what is actually proposed and bearing in mind the concerns of some local residents, I consider it reasonable for the Council to be provided with details of the proposed drainage systems as part of any detailed submission.
- 45 In relation to flooding issues, whilst the site is not located within a known flood plain, the poor ground conditions in the area means that the area is subjected to localised flooding. As part of the detailed drainage details which would be submitted with any detailed application, the applicant would be required to demonstrate how they intend to dispose of any surface water arising from their development which would need to demonstrate that dispersion of water onto neighbour land would not occur.

Developer Contributions

Primary Education

- 46 As this a planning in principle application, a standard condition is proposed to be attached to the consent which requires compliance with the Developer Contributions 2014 document, which relates to Primary Education.

Transport Infrastructure

- 47 As this a planning in principle application, a standard condition is proposed to be attached to the consent which requires compliance with the Developer Contributions 2014, Transport Infrastructure document, which relates to Transport Infrastructure.

Precedent for Future Development

- 48 Within the representations concerns have been raised that the approval of this planning application would set an undesirable precedent for future developments which would in turn, have an adverse on the character of the

local area. As stated previously, the site is essentially ½ of a larger, corner site which is framed by a beach hedging to its rear and by public roads to the north and east. Whilst the adjacent plot may also have some potential for a residential development, I do not consider my ultimate decision to approve this application would result in significant new development within the area.

Impact on Wildlife / European Protected Species

- 49 There are no known protected species affected by the proposal.

Impact on Archaeology

- 50 The site lies within an area which has the potential to have some archaeology interests. To this end, an archaeology monitoring condition is proposed to be attached to the consent as per the recommendation of PKHT. Subject to this condition, I have no concerns regarding archaeology and this view is shared by the PKHT.

ECONOMIC IMPACT

- 51 With the exception of works associated with the construction phases, which may or may not be undertaken by local tradesmen, this development is unlikely to have a significant economic impact on the local area – either positively or negatively.

LEGAL AGREEMENTS

- 52 None required.

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 Whilst I note the concerns raised within the representations and acknowledge the sites previous planning history, the site's current physical characteristics now means that the proposal accords with the Local Development Plan 2014 and meets with the requirements of the Housing in the Countryside Policy 2012 in relation to development adjacent to existing building groups. To this end, the planning application is recommended for an approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall not commence until the following matters have been approved by the Council as Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006

- 2 The proposal must comply fully with the requirements of the Council's approved Developer Contributions Document 2014, or any subsequent policy in relation to Primary Education contributions.

Reason – In order to comply with Council Policy

- 3 The proposal must comply fully with the requirements of the Council's approved Developer Contributions Document, Transport Infrastructure 2014, or any subsequent policy in relation to Transport Infrastructure contributions.

Reason – In order to comply with Council Policy

- 4 The dwelling must be single storey in its character and appearance with all living accommodation provided over one level only, all to the satisfaction of the Council as Planning Authority

Reason – In order to ensure the proposed dwelling is in character with existing dwellings

- 5 Notwithstanding the terms of condition 1, any application for the approval of matters specified must be accommodated by full drainage details relating to the disposal of both surface water and foul drainage, all to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure that the site is adequately drained

- 6 The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Perth and Kinross Heritage Trust. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences, all to the satisfaction of the Council as Planning Authority.

Reason – In order to comply with the requirements of the Scottish Planning Policy 2014

- 7 For the avoidance of doubt, the matters referred to in condition 1 must include a vehicular access that is in accordance with specification Type B, Fig 5.6 access detail, to the satisfaction of the Council as Planning Authority.

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

- 8 For the avoidance of doubt, the indicative layout of the dwelling as shown on plan 14/01587/3 is not approved.

Reason – This is a planning in principle application only.

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

None applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 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 Environmental Protection Agency.
- 4 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.

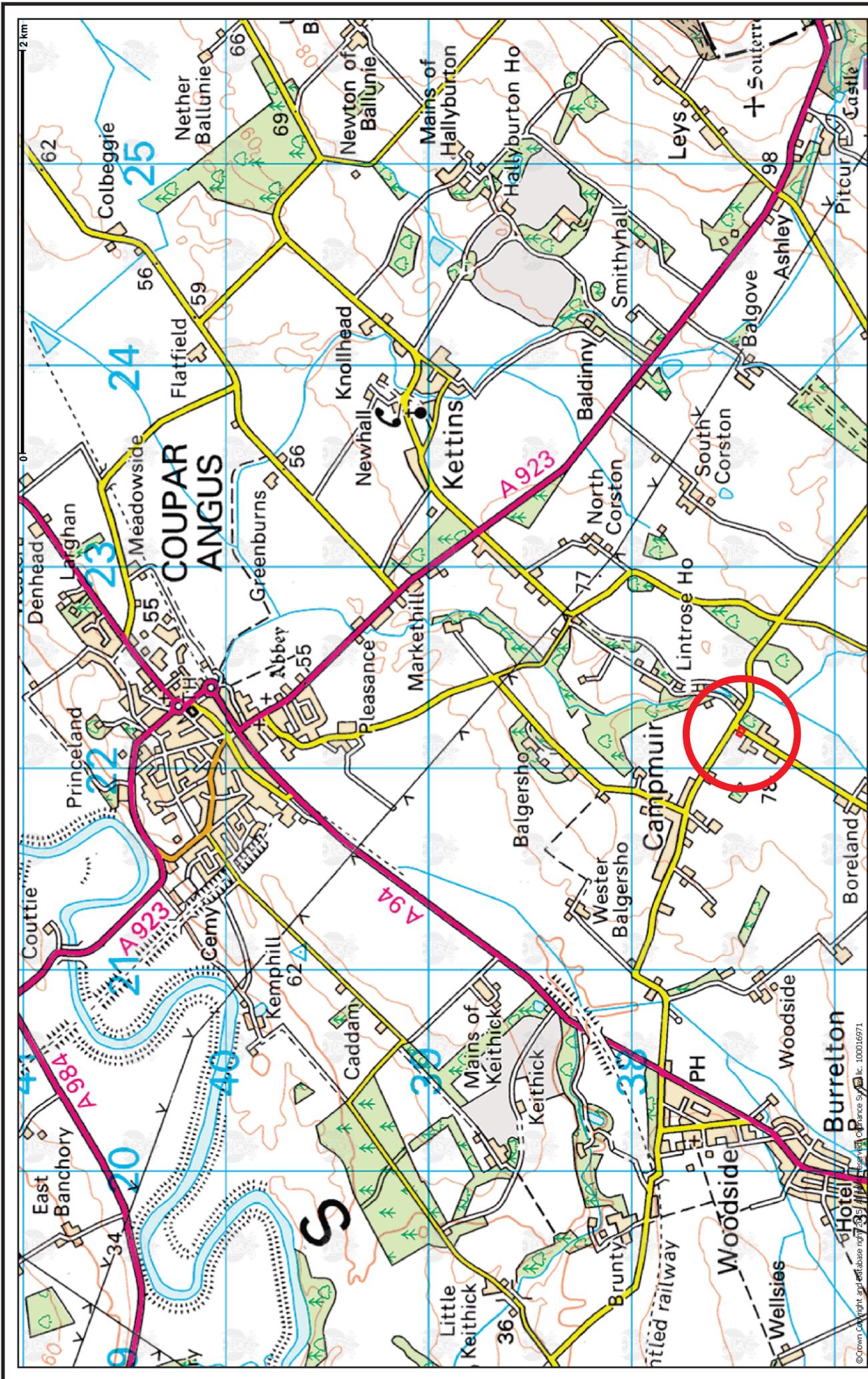
Background Papers: 5 letters of representation
Contact Officer: Andy Baxter – Ext 5339
Date: 30 March 2015

Nick Brian
Development Quality Manager

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14/01587/IPL

Erection of a dwellinghouse (in principle) at site adjacent to 30 Holding, Campmuir. Previous Committee Decision (09/01867/IPL).



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