

Perth and Kinross Council
Development Management Committee – 16th September 2015
Report of Handling by Development Quality Manager

**Erection of dwellinghouse (reserved matters) Land 100 Metres North East Of Cleish,
Mains Steading Cleish**

Ref. No: 15/00616/AML
Ward No: 8 – Kinross-shire

Summary

This report recommends approval of the application 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

- 1 The site is located in a rural location 1.3km west of Cleish on the north side of the C493 public road. The site is currently grassed and bounded along the roadside with a beech hedge. There are open views to the north to the surrounding countryside. Cleish Castle, a Category A Listed Building sits in well wooded grounds to the south east of the site.
- 2 The application is for matters reserved by condition for the erection of a dwellinghouse. Planning permission in principle was approved on the site by the Development Management Committee at its meeting on 22 May 2013.
- 3 The proposed dwellinghouse is a detached property finished in wet dash render with slate roof with accommodation over two floors. The main part of the house comprises four bedrooms on the first floor with lounge, dining and kitchen areas on the ground floor. A wing to the side comprises an additional bedroom and various ancillary areas. This wing is single storey and extends beyond the rear elevation. A beech hedge is proposed around the boundary.
- 4 The access will be partly shared by the neighbouring house plot, approved under 08/00636/FUL. There has been some discussion with the agent as to whether permission on this adjacent site (also within the applicant's ownership) is still extant and it is the Council's view that this permission has now lapsed. A private waste water treatment plant will serve the property. This is to be sited in ground to the north east of the site within the previously approved house plot. The property at Cleish Mains Steading will also connect into this treatment plant to ensure sufficient phosphorus mitigation to the Loch Leven Catchment Area.

NATIONAL POLICY AND GUIDANCE

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

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published on 23 June 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
- 7 Of relevance to this application are:
- Paragraphs 74 – 84: Promoting Rural Development
 - Paragraphs 135 – 151: Valuing the Historic Environment
 - Paragraphs 193 - 218: Valuing the Natural Environment)

DEVELOPMENT PLAN

- 8 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 – 2032 - Approved June 2012

- 9 The overall vision of the Tay Plan 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.”*
- 10 The principal policies are, in summary:
- Policy 3: Managing TAYplan's Assets**
- 11 This recognises the importance of historic buildings and townscapes and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 12 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.
- 13 The principal policies are, in summary:

Policy PM3 - Infrastructure Contributions

- 14 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.

Policy PM1A - Placemaking

- 15 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy RD3 - Housing in the Countryside

- 16 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.

Policy HE2 - Listed Buildings

- 17 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 18 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy EP7A - Drainage within the Loch Leven Catchment

- 20 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment

- 21 Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment

- 21 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

OTHER POLICIES

Tayside Landscape Character Assessment (TLCA)

- 22 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The TLCA will be used for assessing development proposals. The site lies on the edge of northern edge of the Dolerite Hills' Landscape Character Area close to the Lowland Lochs Basin area.

Housing in the Countryside Guide (2012)

- 23 The overall policy aims are to provide for improved opportunity for rural housing but in a way which safeguards the character of the countryside; supports the viability of communities; meets development needs in appropriate locations and secures high standards of siting and design.

Developer Contributions August 2014

- 24 Section 4 of this guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

- 25 98/00387/FUL Construction of access and change of use of agricultural land to form all weather surface as training area for horses. Application permitted under delegated powers 18 May 1998
- 26 06/00663/OUT Erection of 2 dwellinghouses (in outline). Application permitted by Development Control Committee June 2007
- 27 07/02297/FUL Erection of a dwellinghouse and garage. Application withdrawn January 2008
- 28 08/00636/FUL Erection of new house and garage. Application permitted under delegated powers June 2009
- 29 13/00322/IPL Erection of dwellinghouse (in principle) Application permitted by Development Management Committee July 2014

CONSULTATIONS

External

- 30 **Scottish Water** - No comments received.
- 31 **The Coal Authority** - Consultation has been made incorrectly. The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.
- 32 **Cleish And Blairadam Community Council** - The Community Council object to the application due to its design, the size of plot and the orientation of the building in relation to Cleish Mains steading. They also have concerns that the mature beech hedge along the frontage of the site will need to be removed to provide bus stops and that insufficient information has been provided with regard to landscaping.

Internal

- 33 **Transport Planning** - No objection. All roads aspects conditioned as part of the previous application have been addressed on the submitted plans. Request an Informative be imposed with regard to consent for access.
- 34 **Education And Children's Services** - This development falls within the Cleish Primary School catchment area. Based on current information this school will reach the 80% capacity threshold. ECS request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.
- 35 **Local Flood Prevention Authority** - No flood risk or drainage concerns to be raised.
- 36 **Environmental Health** - No adverse comments to make on the application. A search of the historic records did not raise any concerns regarding ground contamination.
- 37 **Contributions Officer** -. This proposal is within the catchment of Cleish Primary School. A contribution towards primary education of £6,395 is required.

REPRESENTATIONS

- 38 There have been three letters of objection including the Community Council. The representations have raised the following issues:-
- Design – does not reflect character of area or neighbouring properties, size of property is too great for the size of the plot. It does not reflect the surrounding building groups through appearance height, scale, massing, materials, finishes and colours (as required by Condition 2 of 13/00322/IPL).
 - Orientation of the building – exacerbates ribbon development when taken with consented property. Doesn't reflect variety of orientations in area.

- Bus stops – roadside verge is not wide enough to achieve 1.8m and mature beech hedge would need to be removed. Drainage ditch on south side of road restricts space and 1.8m width cannot be achieved.
- Sight lines of concern.
- Inadequate information in terms of landscaping and boundary treatment (as required by Condition 6 of 13/00322/IPL).
- Plot is opposite Cleish Castle Gardens and Designed landscape, close to the Category A listed Cleish Castle and should therefore expect Historic Scotland would be consulted and their views taken into account.
- The site has a watercourse running through it.

39 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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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
Reports on Impact or Potential Impact	Not Required

APPRAISAL

Policy Appraisal

41 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 policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

42 The site received planning permission in principle in July 2014 (13/00322/IPL). This is a reserved matters application so the principle of a house on this site has been established and is considered to comply with the Council's Housing in the Countryside policy.

43 This application is to consider the matters reserved by condition which include siting, design, materials, vehicular access and landscaping.

Economic Impact

- 44 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Residential Amenity

- 45 The proposal is for a single house in a rural area. The closest neighbouring property is around 50 metres to the south west at Cleish Mains Steading. Various garages and outbuildings are sited between the steading and the house site with a timber fence along this western boundary. There are no concerns with any overlooking or overshadowing. Sufficient amenity space has been provided and I do not have any concerns with impact on residential amenity for any neighbours or future occupants.

Access

- 46 The in principle application (13/00322/IPL) indicated that access to the C492 public road would be taken to the west and be shared with Cleish Mains Steading. This reserved matters application shows the access as being shared with the adjacent site that received planning permission in 2009 (08/00636/FLL). There have been objections submitted with regard to the impact of the access and visibility splays on the established mature beech hedge. The submitted plans indicate that the impact on the hedge will be minimal. The Transport Planner has confirmed that the visibility splays shown on the plan would meet the required standards. It is also noted that an access in this position has previously been approved as part of application 08/00636/FLL and considered acceptable.
- 47 Objections have also been received in relation to the bus boarders and that there is insufficient space to provide these without removing part of the hedge on the north and that there is insufficient space on the south of the road due to a drainage ditch. In discussion with the Transport Planner it has been agreed that the amount of space required for the bus boarders could be reduced to suit the site and that the amount of hardstanding required would be minimal. In this case I consider it appropriate to attach a condition to any approval to agree the dimensions and exact location of the bus boarders prior to their construction.

Drainage

- 48 The site lies within the Loch Leven Catchment Area. In order to ensure that there is no adverse impact on the integrity of Loch Leven SPA, any phosphorus discharge from a new development must either be diverted outwith the Loch Leven catchment, be connected to the Drum, Milnathort or Kinross Wastewater Treatment Works; or include phosphorus mitigation proposals which will be capable of removing from the catchment 125% of the phosphorus likely to be generated by the development.
- 49 In this case the site is to be served by a private sewage treatment plant that is to be constructed within land that the applicant owns. This is within the site of the previously approved house (08/00636/FUL) on the neighbouring plot. The existing property, Cleish Mains Steading, will be connected into this new treatment plant.

The construction of this plant and the connection of the existing property into it will ensure that the requirements for phosphorous mitigation are met.

- 50 In the past such a requirement would have been achieved through the use of a section 75 agreement. This is now dealt with by the inclusion of planning conditions which I recommend be attached to any approval.

Design/Layout

- 51 The proposal is for a five bedroomed, detached property with accommodation over two levels. It will be finished with a slate roof, timber doors and windows and wet dash render. The house is sited in line with an existing garage associated with Cleish Mains Steading and the previously approved house on the adjacent plot.
- 52 There have been objections with regard to the finish and suggestions from objectors that Historic Scotland should be consulted on the proposal. In this case Historic Scotland were not consulted as the site is outwith the boundary of the Cleish Castle Designed Landscape and remote from Cleish Castle, Category A listed building. Historic Scotland were not consulted on the previous in principle application. Historic Scotland did comment on the application for the neighbouring plot and requested that any new buildings should be finished in traditional, natural materials – slate, painted timber windows, doors and fascias, and wet dash harl of a muted natural colour. In this case the proposed house reflects the finish of this adjacent proposal and also includes elements as recommended by Historic Scotland in terms of slate, timber windows, timber doors and wet dash render. The plans were changed from the original submission to include wet dash render as opposed to smooth render. It is recommended that samples of roof slate and render finish and colour be requested by condition on any approval.
- 53 Other objections relate to the size and height of the dwelling and orientation in that it may contribute to ribbon development which is undesirable. The site is at a lower level than the neighbouring property and below the level of the minor road. It reflects the design of other new properties in the area and that previously approved on the neighbouring site. The height to the ridge is around 8 metres which is not unduly high. The plot is over 3,000 square metres. I consider that the dwelling is appropriate for the size of plot and its relation with regard to its surroundings. The hedge to the front of the site is to be retained which will help to reduce the impact of the development. Development in the area is quite varied and not uniform. The addition of this one house some 50 metres from Cleish Mains Steading will not contribute to ribbon development.

Landscaping and visual impact

- 54 The application site is on the edge of a building group and close to buildings at Cleish Mains Steading which is set above the site. The site is open to the north with extensive views of the wider countryside. The siting of the building close to existing development is not considered to have an adverse impact on the wider landscape.
- 55 Objections have been received with regard to the adequacy of the information submitted in terms of landscaping and boundary treatment. The submitted plans did

not initially contain information on boundary treatment or landscaping which was required by Condition 6 of 13/00322/IPL. Further information was requested and supplied which includes the planting of a beech hedge along the boundary and a line of beech trees on either side of the access drive.

- 56 I recommend that a condition be attached with regard to the implementation of the landscaping scheme and also to protect the existing beech hedge whilst construction is underway.

Impact on Listed Building and Designed Landscape

- 57 The site is around 180 metres to the north east of the Category A listed Cleish Castle. The Castle is within the Cleish Castle Garden and Designed Landscape. The potential adverse impact on Cleish Castle and its garden and designed landscape has been the subject of representations on this application. The Castle gardens are well wooded and the Castle is not visible from the site. The site is at a lower level than Cleish Castle and it is not considered that this development will have an adverse impact on the listed building or the designed landscape.

DEVELOPER CONTRIBUTIONS

Primary Education

- 58 This development falls within the Cleish Primary School catchment area. Based on current information this school will reach the 80% capacity threshold. A developer contribution of £6395 is required.

Contaminated land

- 59 Environmental Health were consulted with regard to potential contaminated land from previous uses of the site which included a horse arena. A search of the historic records did not raise any concerns regarding ground contamination.

Flooding

- 60 There are no concerns with regard to flooding. A small watercourse runs through the southern part of the site. This was previously investigated in relation to the in principle application (13/00322/IPL) and was subject to a Flood Risk Assessment. Little or no flood risk was identified in relation to this watercourse which has now been culverted and replaced with a pipe.

LEGAL AGREEMENTS

- 61 A legal agreement may be required for the deferral of developer contributions if not made as an upfront payment.

DIRECTION BY SCOTTISH MINISTERS

- 62 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

- 63 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. 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:

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 permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 The dimensions and location of the bus boarders shall be agreed in writing with the Council as Planning Authority prior to their construction. The bus boarders as approved shall be implemented prior to the completion or bringing into use of the development.

Reason - To ensure that the appropriate provision of bus boarders and the retention of beech hedge.

- 3 Prior to the commencement of the development hereby approved, a sample of roof slate shall be submitted for the approval of the Council as Planning Authority. The slate as approved shall be implemented prior to the completion or bringing into use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the commencement of the development hereby approved, specification and colour of the render finish shall be submitted for the approval of the Council as Planning Authority. The render as approved shall be implemented prior to the completion or bringing into use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 5 The landscaping and planting scheme which is hereby approved (Document No. 15/00616/4) shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of similar size and species.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 6 The existing beech hedge shall be retained and protected 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 unless otherwise agreed in writing by the Council as Planning Authority. Following completion of site works the beech hedge shall be retained and maintained to the satisfaction of the Council as Planning Authority.

Reason - To ensure the protection of the existing hedge during construction of the development.

- 7 Prior to the occupation of the development hereby approved, foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation shall be installed and thereafter retained to the reasonable satisfaction of the Planning Authority.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014.

- 8 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-
- a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote property at Cleish Mains Steading and on land to the north east of the development as shown on plan 15/00616/7 has been installed.
 - b) Following the installation of the foul drainage infrastructure at the remote properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed to the reasonable satisfaction of the Council as Planning Authority.

- 9 For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained all to the reasonable satisfaction of the Council as Planning Authority.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014.

- 10 Development shall not commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014.

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

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application will be refused under delegated powers.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 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 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.
- 6 The applicant shall require to apply for a CAR licence(s) from SEPA under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the proposed private waste water treatment plant.
- 7 The applicant shall contact the Council's Community Waste Adviser to confirm the refuse collection arrangements for the development. Tel 01738 475268.

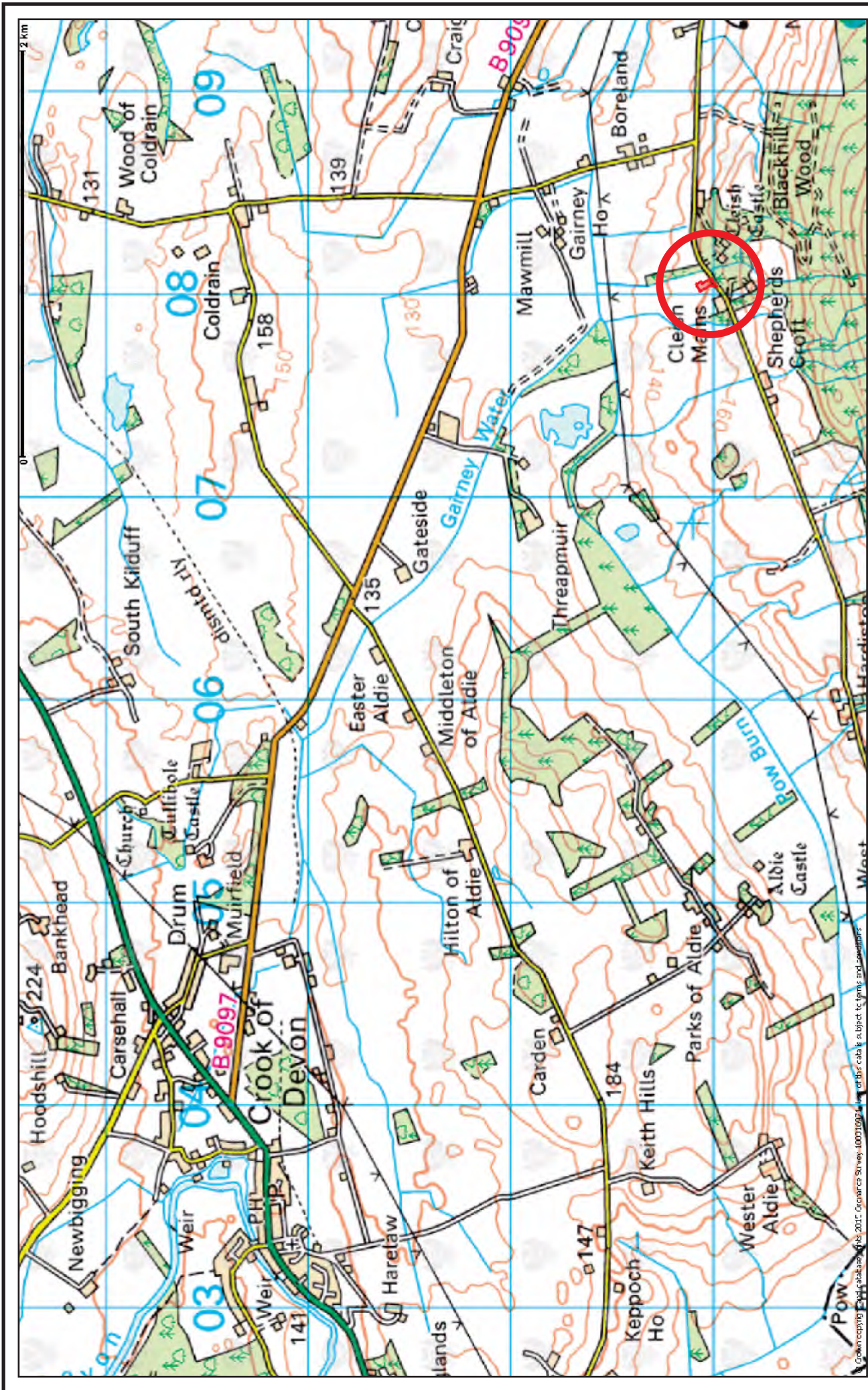
Background Papers: 3 letters of representation.
Contact Officer: Persephone Beer – Ext 75354
Date: 1 September 2015

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

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15/00616/AML

Erection of dwellinghouse (reserved matters) land NE of Cleish
Mains Steading Cleish



Scale 1:25000

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