**TCP/11/16(313)**
**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

# INDEX

**TCP/11/16(313)**
**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

# PAPERS SUBMITTED BY THE APPLICANT

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS if completing in manuscript**

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**Applicant(s)**

| | |
|---|---|
| Name | MR ARCHIE McHARDY, |
| Address | THE COTTAGE, MAIN STREET, BALBEGGIE, SCOTLAND. |
| Postcode | PH2 6EU |
| Contact Telephone 1 | [redacted] |
| Contact Telephone 2 | — |
| Fax No | — |
| E-mail* | — |

**Agent** *(if any)*

| | |
|---|---|
| Name | HARRY TAYLOR AND COMPANY |
| Address | MELVILLE HOUSE, No. 129 SCOTT STREET PERTH. |
| Postcode | PH2 8LU |
| Contact Telephone 1 | (01738) 628562 |
| Contact Telephone 2 | — |
| Fax No | (01738) 441930 |
| E-mail* | enquiries@harrytaylors.co.uk |

Mark this box to confirm all contact should be through this representative: ☑

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☑ No ☐

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| | |
|---|---|
| Planning authority | PERTH AND KINROSS COUNCIL. |
| Planning authority's application reference number | 14/00833/FLL |
| Site address | THE COTTAGE, MAIN STREET, BALBEGGIE, PERTHSHIRE. PH2 6EU |
| Description of proposed development | DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF NEW DWELLING HOUSE |

Date of application: 12TH MAY 2014 Date of decision (if any): 4TH JULY 2014

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

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**Nature of application**

1. Application for planning permission (including householder application) ☑
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

**Reasons for seeking review**

1. Refusal of application by appointed officer ☑
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☑
4 Assessment of review documents only, with no further procedure ☑

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

| | Yes | No |
|---|---|---|
| 1. Can the site be viewed entirely from public land? | ☐ | ☑ |
| 2 Is it possible for the site to be accessed safely, and without barriers to entry? | ☑ | ☐ |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED STATEMENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☑

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- ORIGINAL PLANNING APPLICATION FORM. - DATED 17TH MAY 2014.
- EXISTING FLOOR PLANS AND ELEVATIONS - DRAWING 1A
- PROPOSED PLANS, SECTIONS AND ELEVATIONS - DRAWING 20A
- RECEIPT OF REGISTRATION DATED 22ND MAY 2014.
- PAGES 91-92 FROM THE LOCAL DEVELOPMENT PLAN SHOWING SITE H13.
- STATEMENT TO ACCOMPANY THE REVIEW.
- REFUSAL NOTICE - DATED 4TH JULY 2014

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☑ Full completion of all parts of this form
- ☑ Statement of your reasons for requiring a review
- ☑ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

**I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed [redacted] FOR HARRY TAYLOR AND COMPANY

Date 30TH JULY 2014.

RICS

HENRY M DEMPSEY, MRICS

Harry Taylor & Co
Chartered Building Surveyors
Melville House
129 Scott Street
Perth
PH2 8LU
VAT Reg. No. 300 4377 06

Tel No: (01738) 628562
Fax No: (01738) 441930
E-mail: enquiries@harrytaylors.co.uk

**Statement to Accompany the Appeal of Planning Application 14/00833/FLL Demolition of Outbuilding and Erection of a New House on Land Adjacent to The Cottage, Main Street, Balbeggie**

Our client owns the property called The Cottage, this lies around 150 metres to the South West of the settlement of Balbeggie adjacent to the main A94 road. The current cottage is single storey with a two storey outbuilding adjacent along with a series of single storey buildings and brick walls. The outbuildings have formally been agricultural outbuildings and are falling into a state of disrepair. Our clients intention was to demolish the existing outbuildings to enhance his existing property and allow the erection of a new dwelling house.

The site is set within a mature garden and is bounded to the roadside and to the South West with a mature hedge and a series of mature trees which provide screening to the existing site.

The site and surrounding fields have been zoned for development within the Perth and Kinross Council Local Development Plan as adopted on the 3rd February 2014. The site is highlighted as H13 and is noted as a site that could be utilised for a mix of housing types and sizes.

The planning application for the above was refused for 3 reasons and we would comments on the points as follows,

a. The proposal does not satisfy the criteria of Policy RD3 (Housing in the Countryside). The application has been refused on the basis that it does not meet the requirements of Perth and Kinross Council Local Development Plan as it is classed as a house in the countryside. This policy cannot be applied to this site as it is clearly zoned within the adopted local plan as a site for future development, as the site lies within area H13.

b. The proposal is contrary to policy NE2B. There are currently 4 No. lime trees which are located to the North of the existing range of buildings. It was the intention to remove 2No. number trees to make way for the new dwelling house. It was also considered that due to the height of the trees and there close relationship to the existing house, that to safe guard the new and existing property that it would be advantageous to have these removed. No opportunity was given

during the planning application period to provide any additional information, in relation to the existing trees.

c. The proposal is contrary to Policy PM1. There is currently mature boundary treatment to the site with the existing hedge and mature trees. It would be the intention to maintain these, with the exception of the 2 trees that will be removed per the above. The area would also be enhanced as the series of derelict buildings would be removed and the site cleared to make way for the new dwelling house. Due to the location of the proposed house to the rear of the site and set within the mature landscape, the proposed dwelling would be significantly screened from the adjacent roadway.

Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000089807-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☑ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Demolition of existing outbuildings and erection of a new dwelling house

Is this a temporary permission? * ☐ Yes ☑ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☑ No

Have the works already been started or completed? *

☑ No ☐ Yes - Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☑ Agent

## Agent Details

Please enter Agent details

| | |
|---|---|
| Company/Organisation: | Harry Taylor and Company |
| Ref. Number: | |
| First Name: * | Alastair |
| Last Name: * | Mitchell |
| Telephone Number: * | 01738 628562 |
| Extension Number: | |
| Mobile Number: | |
| Fax Number: | 01738 441930 |
| Email Address: * | alastairmitchell@harrytaylors.co.uk |

You must enter a Building Name or Number, or both:*

| | |
|---|---|
| Building Name: | Melville House |
| Building Number: | 129 |
| Address 1 (Street): * | Scott Street |
| Address 2: | |
| Town/City: * | Perth |
| Country: * | UK |
| Postcode: * | PH2 8LU |

Is the applicant an individual or an organisation/corporate entity? *

☑ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

| | |
|---|---|
| Title: * | Mr |
| Other Title: | |
| First Name: * | Archie |
| Last Name: * | McHardy |
| Company/Organisation: | |
| Telephone Number: | |
| Extension Number: | |
| Mobile Number: | |
| Fax Number: | |
| Email Address: | |

You must enter a Building Name or Number, or both:*

| | |
|---|---|
| Building Name: | The Cottage |
| Building Number: | |
| Address 1 (Street): * | Main Street |
| Address 2: | |
| Town/City: * | Balbeggie |
| Country: * | Scotland |
| Postcode: * | PH2 6EU |

## Site Address Details

Planning Authority: Perth and Kinross Council

Full postal address of the site (including postcode where available):

| | | | |
|---|---|---|---|
| Address 1: | The Cottage | Address 5: | |
| Address 2: | Main Street | Town/City/Settlement: | Perth |
| Address 3: | Balbeggie | Post Code: | PH2 6EU |
| Address 4: | | | |

Please identify/describe the location of the site or sites.

| | | | |
|---|---|---|---|
| Northing | 729131 | Easting | 316799 |

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☑ No

## Site Area

Please state the site area: 893.00

Please state the measurement type used: ☐ Hectares (ha) ☑ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Out buildings for existing dwelling house

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * ☑ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? * ☐ Yes ☑ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? * 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? * 2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☑ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☐ Yes – connecting to public drainage network

☑ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

☑ New/Altered septic tank.

☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

☑ Discharge to land via soakaway.

☐ Discharge to watercourse(s) (including partial soakaway).

☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

The new house will be connected to a new septic tank which will be connected to a land soakaway

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☐ Yes ☑ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☑ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☑ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☑ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? * ☑ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☐ Yes ☑ No

If Yes or No, please provide further details:(Max 500 characters)

Bin storage will be provided at end of access road, to allow for collection

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☑ Yes ☐ No

How many units do you propose in total? * 1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☑ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☑ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☑ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? * ☑ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☑ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Alastair Mitchell

On behalf of: Mr Archie McHardy

Date: 12/05/2014

☑ Please tick here to certify this Certificate. *

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☑ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☑ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☑ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☑ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☑ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☑ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☑ Site Layout Plan or Block plan.

☑ Elevations.

☑ Floor plans.

☑ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

| | | |
|---|---|---|
| A copy of an Environmental Statement. * | ☐ Yes | ☑ N/A |
| A Design Statement or Design and Access Statement. * | ☐ Yes | ☑ N/A |
| A Flood Risk Assessment. * | ☐ Yes | ☑ N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | ☐ Yes | ☑ N/A |
| Drainage/SUDS layout. * | ☐ Yes | ☑ N/A |
| A Transport Assessment or Travel Plan. * | ☐ Yes | ☑ N/A |
| Contaminated Land Assessment. * | ☐ Yes | ☑ N/A |
| Habitat Survey. * | ☐ Yes | ☑ N/A |
| A Processing Agreement * | ☐ Yes | ☑ N/A |

Other Statements (please specify). (Max 500 characters)

## Declare - For Application to Planning Authority

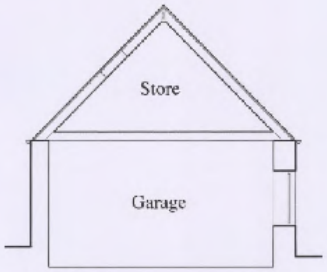
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

| | |
|---|---|
| Declaration Name: | Alastair Mitchell |
| Declaration Date: | 12/05/2014 |
| Submission Date: | 12/05/2014 |

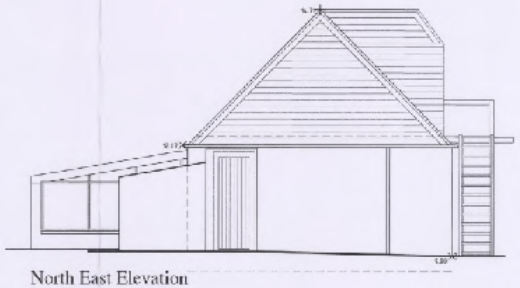
## Payment Details

Cheque: Mr Archie McHardy, 000438

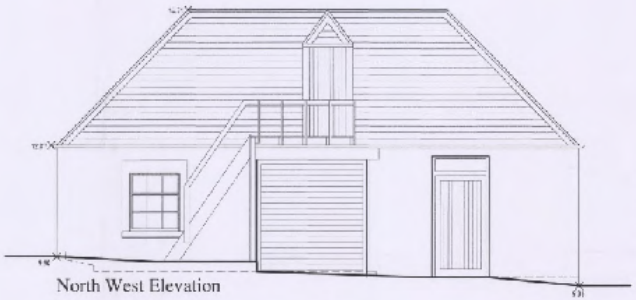
Created: 12/05/2014 16:02




Section A/A

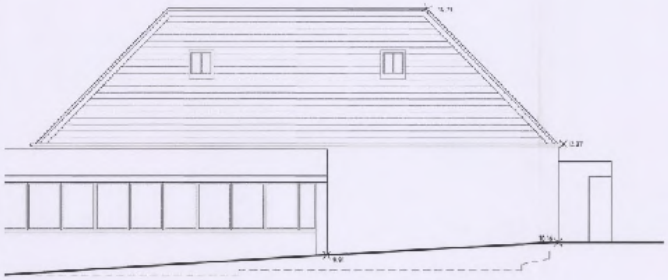


North East Elevation



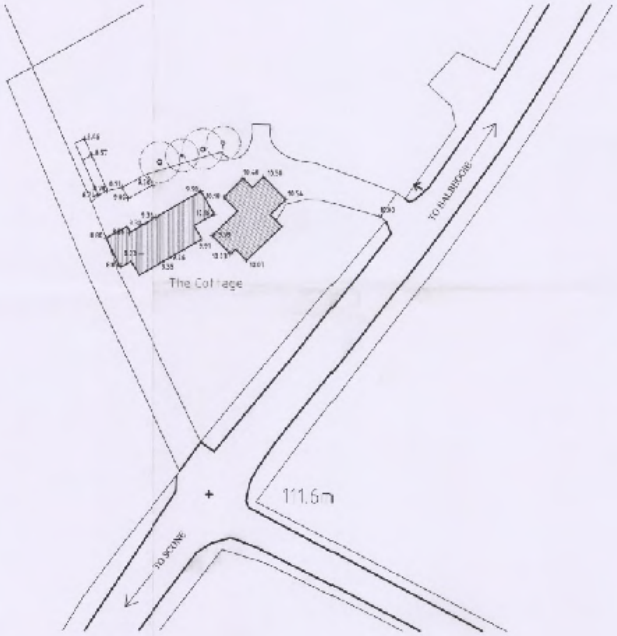
North West Elevation

South West Elevation



South East Elevation

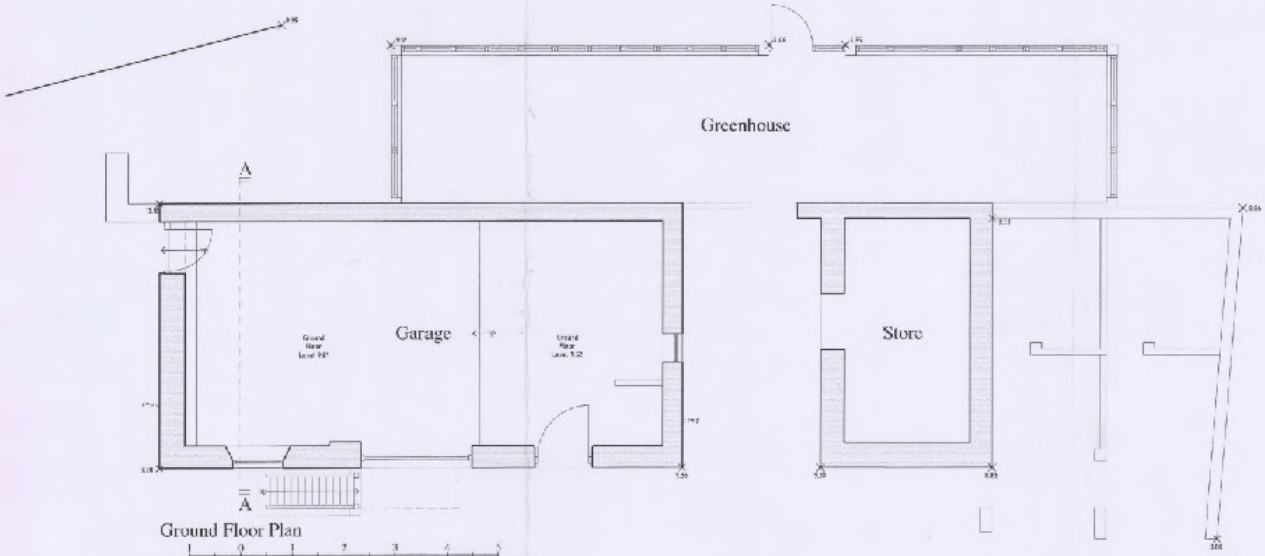
1:50 0 1 2 3 4 5 Metres.




Site Plan

Scale 1:500

1:500 10 0 10 20 30 40 50 Metres




Ground Floor Plan

1:50 0 1 2 3 4 5 Metres.

Rev A - Levels added

May 14

New Dwelling For Mr McHardy,
The Cottage - Balbeggie

Floor Plan, Section &
Elevations As Existing

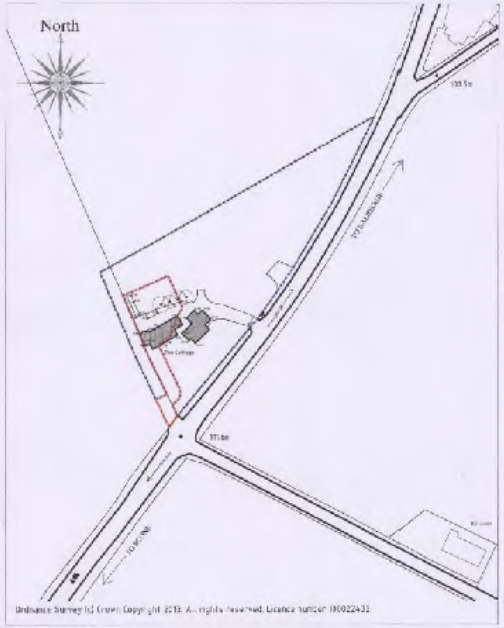
Scale. 1:50 Ref. 2212 Drawing No. 1 A

Date. 29-07-13 Drawn by. GW/ASM

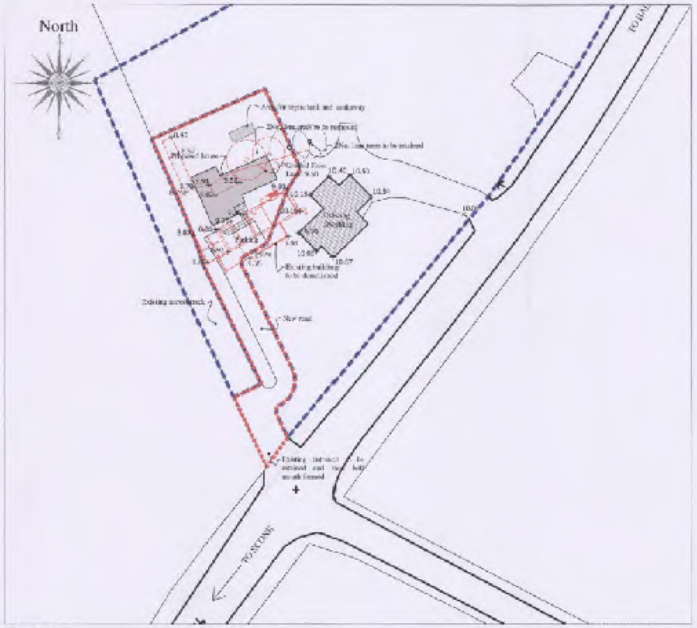
Harry Taylor and Company

RICS

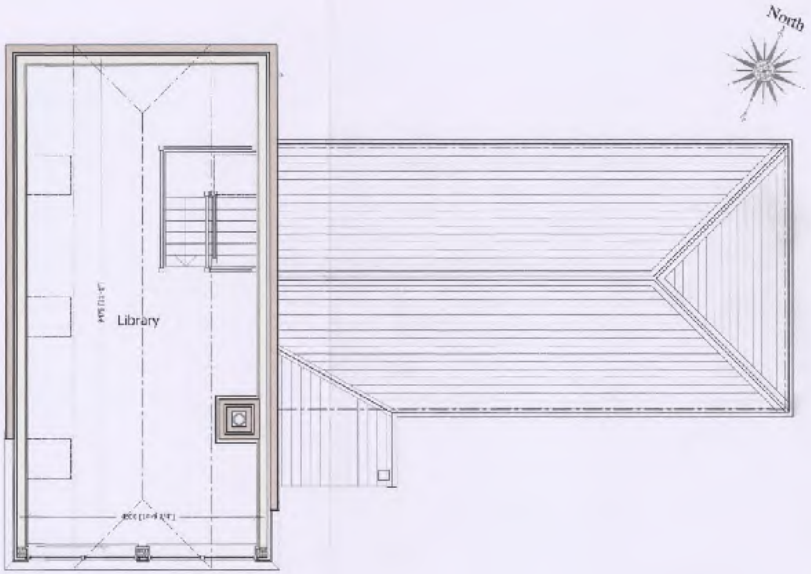
87



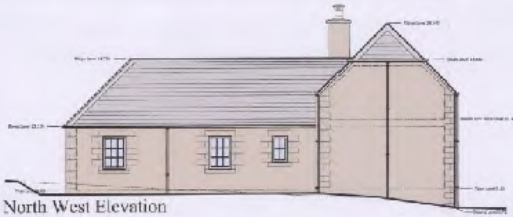

Location Plan
Scale 1:1250
1:2500 50 0 50 100 150 200 250 Metres




Site Plan
Scale 1:500
1:500 10 0 10 20 30 40 50 Metres




First Floor Plan
Scale 1:50
1:50 0 1 2 3 4 5 Metres



North West Elevation
Scale 1:100
1:100 2 0 2 4 6 8 10 Metres

South East Elevation
Scale 1:100

North East Elevation
Scale 1:100

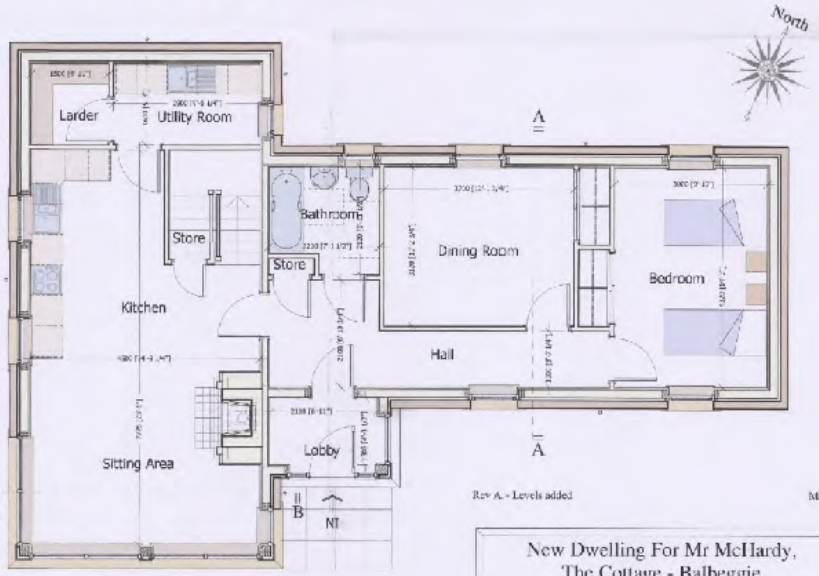
South West Elevation
Scale 1:100

Material Specification

| | |
|---|---|
| Walls | - Natural stone and timber boarding |
| Roof | - Natural slate |
| Windows | - White double glazed casement windows |
| External Doors | - White external timber/glazed door |
| Rainwater Goods | - Black PVC-u gutters and downpipes |


Section A - A
1:100 2 0 2 4 6 8 10 Metres


Section B - B
Scale 1:100




Ground Floor Plan
Scale 1:50
1:50 0 1 2 3 4 5 Metres

Rev A. - Levels added May 14

New Dwelling For Mr McHardy,
The Cottage - Balbeggie

Proposed Plans, Sections and Elevations

Scale. 1:50 Ref. 2212 Drawing No. 20 A
Date. May 14 Drawn by. ASM

Harry Taylor and Company
Chartered Building Surveyors
Mcduffs House
129 East Street
Fife
KY9 1UU
Tel. 01383 621592
Fax. 01383 441180
E mail. mail@harrytaylor.co.uk

RICS

PERTH & KINROSS COUNCIL

The Environment Service

**Planning and Regeneration**
*Head of Service* **David Littlejohn**

**Pullar House**
**35 Kinnoull Street**
**PERTH**
**PH1 5GD**
**Tel 01738 475300 Fax 01738 475310**

Mr Archie McHardy
c/o Harry Taylor And Company
Alastair Mitchell
Melville House
129 Scott Street
Perth
PH2 8LU

Telephone 01738 475300

Ref No 14/00833/FLL

Date 22nd May 2014

Dear Sir / Madam,

**Town and Country Planning (Scotland) Act, 1997 as amended by Planning etc (Scotland) Act 2006**

**RE: Demolition of outbuildings and erection of dwellinghouse at Land 20 Metres North West Of The Cottage Main Street Balbeggie**

Thank you for your recent application for planning permission or for the approval of conditions arising from a planning permission in principle for the above proposal. I write to confirm that your application has been registered. This letter is accompanied by a guidance note on "What Happens to my Planning Application?". This explains the process of assessing and deciding your application. Your application is for a 'Local Development' as defined in the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009.

**Registration Details**

Application reference number - 14/00833/FLL
Date of registration - 22nd May 2014

**Description of proposed development**

The description of the proposed development and/or the site address may have been changed from the planning application form in order to make the description more explicit and legally correct. This revised description will appear on the decision notice. It will be assumed that the amended description is acceptable to you unless you indicate otherwise.

**Statutory Advertisement**

If this application requires to be advertised under the Town and Country Planning (Development management Procedure)(Scotland) Regulations 2008, and payment has not yet been made, then I will re-contact you concerning payment for the cost of the advert.

**Timescale for a decision**

In most cases with a Local Development, if you do not receive a decision from the Council within two months of the date of registration you may request a review by the Council's Local Review Body, or in a few cases, you may appeal to Scottish Ministers. The form to request a review may be obtained from The Secretary, Local Review Body, Perth and Kinross Council, Committee Services, Council Building, 2 High Street, Perth PH1 5PH or email to planninglrb@pkc.gov.uk . The form to request appeal may be obtained from the Scottish Government Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR Tel no. 01324 696 400.

Many applications take longer than two months to resolve and in these cases we will write to you to explain the reason and if appropriate ask for an extension to the two-month time period. If you have not heard from us after two months you should contact the case officer.

Please note that **work must not start** until you have received planning permission from the Council.

Yours faithfully

*Nick Brian*

Development Quality Manager

**Receipt of Application Fee Payment**

| | |
|---|---|
| Payment Type | cheque |
| Receipt Number | 02129 |
| Amount Received | £382.00 |
| Payment Date | 13th May 2014 |
| | |
| **Total Received** | **£382.00** |

**Receipt of Advertisement Fee Payment**

| | |
|---|---|
| Payment Type | cheque |
| Receipt Number | 02130 |
| Amount Received | £61.10 |
| Payment Date | 13th May 2014 |
| | |
| **Total Received** | **£61.10** |

## 5.6 Balbeggie

### 5.6.1 Description

Balbeggie lies approximately 5.0 miles to the north-east of Perth. With a population of 500, Balbeggie has grown along the A94 to Coupar Angus and the minor roads leading east and west. The settlement has a good range of shops and community facilities including a school and hall.

### 5.6.2 Spatial Strategy Considerations

Balbeggie appears as a principal settlement within the Perth Core in TAYplan but outside the Green Belt. In addition to the existing planning permission for 8 houses at Green Road, a housing site has been identified on the south and west boundary of the village.

### 5.6.3 Infrastructure Considerations

To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth, there will be an embargo on further planning consents for housing for sites of 10 or more until such time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites.

Developer contributions will be required towards transport infrastructure and details will be published as Supplementary Guidance during 2014.

Drainage from all development should connect to Public Waste Water Treatment Works.

All development will be required to incorporate SUDS proposals and may require a Drainage Impact Assessment.

Any development of 5 or more houses will be required to contribute towards affordable housing provision in accordance with the Council's Affordable Housing Policy.

All development will contribute towards the provision of on or off-site public space and play facilities where required, in line with Council guidance.

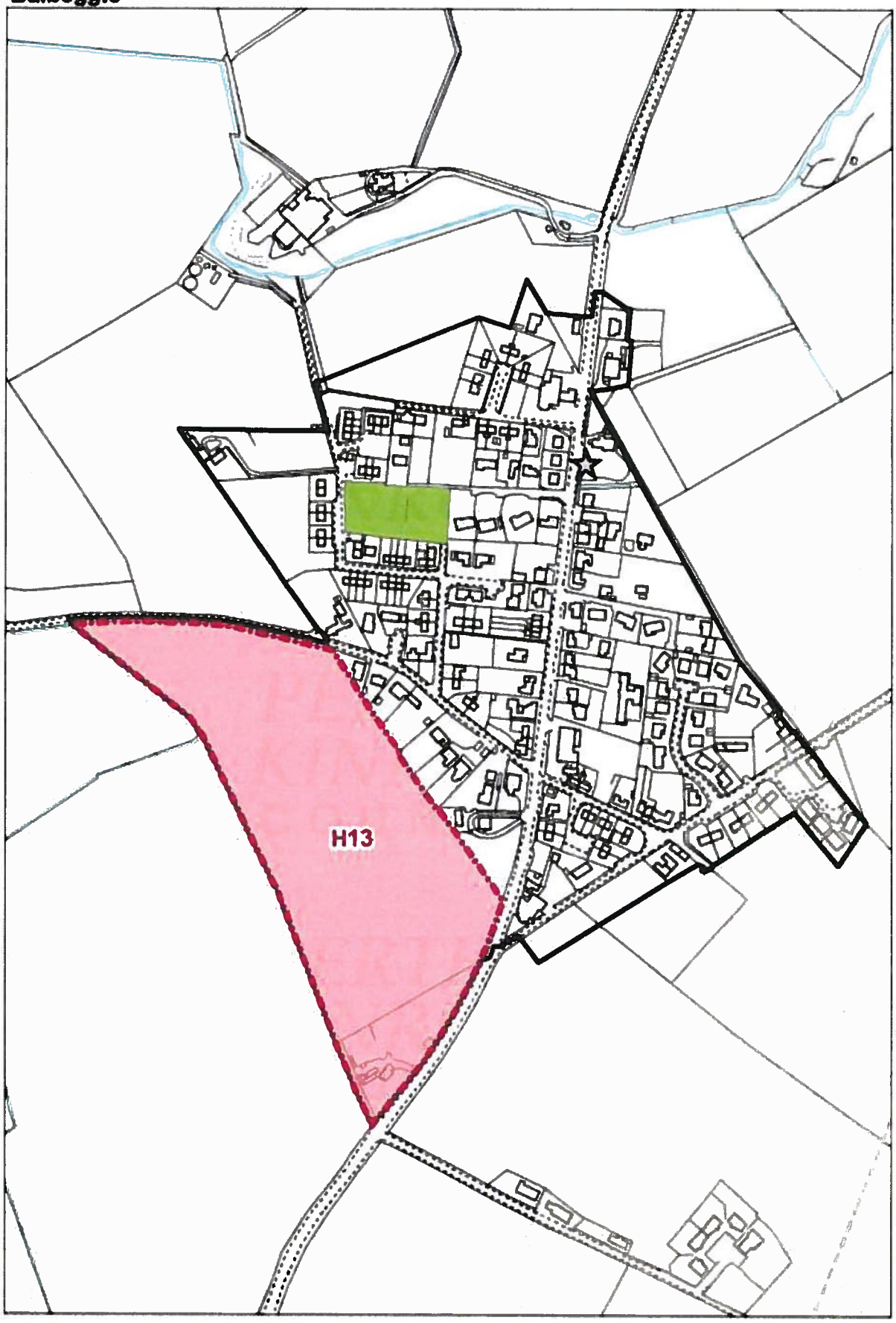
**Residential Site**

| Ref | Location | Size | Number |
|---|---|---|---|
| H13 | St Martins Road | 6.5 ha | 100 |

**Site Specific Developer Requirements**

- ⇒ A mix of housing types and sizes including low cost housing.
- ⇒ Phased development linked to expansion of primary school capacity in this or adjacent catchment.
- ⇒ The site lies adjacent to areas of flood risk and Flood Risk Assessment will be required at the time of any planning application.
- ⇒ Road and access improvements to the satisfaction of the Council as Roads Authority.
- ⇒ Provide access from the A94 Perth Road and St Martins Road.
- ⇒ Transport Assessment.
- ⇒ Landscaping framework to create a suitable boundary treatment to enhance village edge includes retention of established hedge.
- ⇒ Enhancement of biodiversity.
- ⇒ Path links through site from village to the core path network.

**Balbeggie**






Scale: 1:5,000

# PERTH AND KINROSS COUNCIL

Mr Archie McHardy
c/o Harry Taylor And Company
Alastair Mitchell
Melville House
129 Scott Street
Perth
PH2 8LU

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 4th July 2014

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Number: **14/00833/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd May 2014 for permission for **Demolition of outbuildings and erection of dwellinghouse Land 20 Metres North West Of The Cottage Main Street Balbeggie** for the reasons undernoted.

Development Quality Manager

**Reasons for Refusal**

1. The proposal does not satisfy any of the criteria of the Policy RD3 (Housing in the Countryside) of the adopted Perth and Kinross Council Local Development Plan 2014 where a new dwellinghouse would be acceptable. It is therefore contrary to this policy and to the Council's Housing in the Countryside Guide 2012.

2. The proposal is contrary to policy NE2B (Forestry, Woodland and Trees) of the adopted Perth and Kinross Local Development Plan 2014. There are existing trees on the site and no tree survey has been submitted to enable a full assessment to be made of the impact of the development on the trees.

3. The proposal is contrary to Policy PM1 of the adopted Perth and Kinross Council Local Development Plan 2014 as due to its siting and design it does not contribute positively to the quality of the surrounding built and natural environment.

## Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## Notes

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page**

**Plan Reference**

**14/00833/1**

**14/00833/2**

**14/00833/3**

**TCP/11/16(313)**
**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

## PLANNING DECISION NOTICE *(included in applicant's submission, see pages 93-94)*

## REPORT OF HANDLING

## REFERENCE DOCUMENT *(included in applicant's submission, see pages 87-88)*

# REPORT OF HANDLING

# DELEGATED REPORT

| | | |
|---|---|---|
| **Ref No** | **14/00833/FLL** | |
| **Ward No** | **N2- Strathmore** | |
| **Due Determination Date** | **21.07.2014** | |
| **Case Officer** | **Persephone Beer** | |
| **Report Issued by** | | **Date** |
| **Countersigned by** | | **Date** |

**PROPOSAL:** Demolition of outbuildings and erection of dwellinghouse

**LOCATION:** Land 20 Metres North West Of The Cottage Main Street Balbeggie

**SUMMARY:**

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 9 June 2014

**SITE PHOTOGRAPHS**

## BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for the demolition of outbuildings and the erection of a dwellinghouse 20 metres to the north west of the Cottage, Main Street, Balbeggie.

The site lies around 150 metres to the south west of the settlement of Balbeggie adjacent to the main A94 road.

## SITE HISTORY

91/00952/FUL ERECTION OF A HOUSE - IN PRINCIPLE - AT 29 August 1991 Application Refused

94/00788/FUL CONVERSION OF STEADING TO HOUSE (IN OUTLINE) AT 29 August 1994 Application Permitted

09/00728/OUT Erection of dwellinghouse in outline 15 July 2009 Application Refused

14/00151/IPL Conversion of existing building to form dwellinghouse (in principle) 17 March 2014

09/00728/OUT Erection of dwellinghouse in outline 15 July 2009 Application Refused

14/00151/IPL Conversion of existing building to form dwellinghouse (in principle) 17 March 2014

## PRE-APPLICATION CONSULTATION

Pre application Reference: None.

## NATIONAL POLICY AND GUIDANCE

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, and a series of Circulars.

## DEVELOPMENT PLAN

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**

Whilst there are no specific policies or strategies 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 – Adopted February 2014**

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.

The principal policies are, in summary:

Policy PM1A - Placemaking
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 adaption.

Policy RD3 - Housing in the Countryside
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 NE2B - Forestry, Woodland and Trees
Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

**OTHER POLICIES**

Perth and Kinross Housing in the Countryside Guide 2012
Perth and Kinross Developer Contributions Policy 2012

**CONSULTATION RESPONSES**

Transport Planning
No objection subject to conditions.

Education And Children's Services
Contribution required with regard to primary school provision as the catchment school will reach the 80% capacity threshold.

Perth - Airfield
No response within timescale.

**REPRESENTATIONS**

There have been no representations with regard to this application.

**Additional Statements Received:**

| | |
|---|---|
| Environment Statement | Not Required |
| Screening Opinion | Not Required |
| Environmental Impact Assessment | Not Required |
| Appropriate Assessment | Not Required |
| Design Statement or Design and Access Statement | Not submitted. |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

**APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

**Policy Appraisal**

The proposal is set within an area of countryside outwith any settlement boundary as defined in the adopted Perth and Kinross Local Development Plan 2014. Policy RD3 (housing in the countryside) is applicable. This seeks to encourage appropriate housing development in rural areas including the open countryside. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
(a) Building Groups.
(b) Infill sites.
(c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.

(d) Renovation or replacement of houses.
(e) Conversion or replacement of redundant non-domestic buildings.
(f) Development on rural brownfield land.

Category (a) Building Groups defines a building group as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Part of the wider site was assessed in 2009 as part of application no. 09/00728/OUT under the 2005 Housing in the Countryside Policy in operation at that time. This policy included a similar definition of building group and at that time the site did not fit with this category. This is still the case. The site does not constitute a building group as defined in the Housing in the Countryside policy 2012.

It is not an infill site as defined in category (b) which allows for up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage.

It does not fit in to category (c ) that permits new houses on specific sites such as existing gardens associated with a country/estate house or in a walled garden. It is not being relocated due to flood risk (3.2), it is not required for economic activity or for a local applicant currently inadequately housed. It is not a pilot project creating an eco-friendly house.

Category (d) allows for the renovation or replacement of houses. This is not a proposal for the renovation or replacement of an existing house.

(e) Conversion or Replacement of Redundant Non-Domestic buildings
The policy allows for replacement of non-domestic buildings subject to criteria and generally supports conversion rather than replacement. If the building due to structural deficiencies cannot be converted replacement may be possible but the new building should be generally faithful to the design form of the existing. This proposal does not comply with this part of the policy. Previous proposals have included the suggestion that the existing stable block/garage is structurally sound and could be converted into a dwelling. No justification or explanation has been submitted for its demolition.

The site is not category (f) rural brownfield.

**Design and Layout**

The proposal is for a one bedroom dwelling partly single storey and partly one and a half storey formed in a T shape. A single storey wing contains the proposed dining room and bedroom. The space at first floor level above the kitchen/sitting area is proposed as a library.

The new dwellinghouse will be sited close to the existing house, at the nearest point it is around 10 metres away.

An existing garage/store building with attached greenhouse is to be demolished. Two mature lime trees are to be felled to accommodate the development.

**Landscape**

The proposal is set within an existing grassed area which could be considered part of the curtilage of the existing dwellinghouse. There is a line of mature lime trees on the site, two of which are to be removed. No substantive details of the trees on the site have been provided. A tree survey would have been useful to assess any scope for built development on the site and to understand the rationale for felling two of the lime trees.

**Residential Amenity**

The new dwellinghouse is proposed to be located approximately 10 metres from the existing house. Whilst I do not consider that the residential amenity of the existing dwellinghouse will be adversely affected by overlooking or overshadowing I do consider that the location of the proposed new house in such close proximity gives a somewhat unsatisfactory layout.

**Visual Amenity**

The proposed new dwellinghouse is to be constructed of timber boarding and stone. There is a large amount of glazing proposed on the south east elevation and the house has a slightly unbalanced appearance, part of it being single storey and partly one and a half storey. It is not highly visible from any public viewpoints and would not have a particularly adverse visual impact although would also not enhance its surroundings.

**Roads and Access**

The Council's Transport Planners have commented and have no objection to the proposal subject to various conditions. The site is to be accessed off a track from the main road. This would be partly upgraded as part of the proposal.

**Drainage and Flooding**

The development will use a private drainage system. There have been no issues identified with regard to drainage and flooding.

**Developer Contributions**

The Developer Contributions Guidance is applicable to this application. Education and Children's Services has requested that an education contribution with regard to the catchment school be provided. Whilst the plans for the proposed new dwellinghouse indicate that it only has one bedroom the space available would easily accommodate more bedrooms and I would consider that should permission be granted a contribution would be required.

**Economic Impact**

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

**Conclusion**

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 not 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 refusal.

**APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

**LEGAL AGREEMENTS**

None required.

**DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

**RECOMMENDATION**

**Refuse the application**

**Reasons for Recommendation**

1 The proposal does not satisfy any of the criteria of the Policy RD3 (Housing in the Countryside) of the adopted Perth and Kinross Council Local Development Plan 2014 where a new dwellinghouse would be acceptable. It is therefore contrary to this policy and to the Council's Housing in the Countryside Guide 2012.

2 The proposal is contrary to policy NE2B (Forestry, Woodland and Trees) of the adopted Perth and Kinross Local Development Plan 2014. There are existing trees on the site and no tree survey has been submitted to enable a full assessment to be made of the impact of the development on the trees.

3 The proposal is contrary to Policy PM1 of the adopted Perth and Kinross Council Local Development Plan 2014 as due to its siting and design it does not contribute positively to the quality of the surrounding built and natural environment.

**Justification**

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

**Informatives**

None.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

14/00833/1

14/00833/2

14/00833/3

**Date of Report 03.07.2014**

**TCP/11/16(313)**
**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

## REPRESENTATIONS

- Representation from Education and Children's Services, dated 28 May 2014
- Representation from Transport Planning, dated 6 August 2014

# M e m o r a n d u m

| | | | |
|---|---|---|---|
| To | Nick Brian<br>Development Quality Manager | From | Maureen Watt<br>Assistant Asset Management Officer |
| Your ref | 14/00833/FLL | Our ref | GR/CW |
| Date | 28 May 2014 | Tel No | 476308 |

**Education & Children's Services** **Pullar House, 35 Kinnoull Street, Perth PH1 5GD**

**Planning Application Ref No: 14/00833/FLL**

I can confirm this development falls within the Balbeggie Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

| | |
|---|---|
| Approved capacity | 73 |
| Highest projected 7 year roll | 64 |
| Potential additional children from this and previously approved/yet to be determined applications | 7.29 |
| Possible roll | 71.29 |
| Potential % capacity | 98% |

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please don't hesitate to contact me should you require any further information.

*Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk*

PERTH & KINROSS COUNCIL

The Environment Service

# M E M O R A N D U M

| | | | |
|---|---|---|---|
| **To** | **Persephone Beer**<br>**Planning Officer** | **From** | **Tony Maric**<br>**Transport Planning Officer**<br>**Transport Planning** |
| **Our ref:** | **TM** | **Tel No.** | **Ext 75329** |
| **Your ref:** | **14/00833/FLL** | **Date** | **06 August 2014** |

**Pullar House, 35 Kinnoull Street, Perth, PH1 5GD**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984**

With reference to the application 14/00833/FLL for planning consent for:- **Demolition of outbuildings and erection of dwellinghouse Land 20 Metres North West of The Cottage Main Street Balbeggie for Mr Archie McHardy**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

- Visibility splays of 2.40m x 70.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A94 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

- 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.

- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

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.

I trust these comments are of assistance.

**TCP/11/16(313)**
**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

# FURTHER INFORMATION

- Further information from the Development Quality Manager, as requested by the LRB on 30 September 2014
- Agent's response to the further information from the Development Quality Manager

# M e m o r a n d u m

| | |
|---|---|
| To Gillian Taylor<br>Clerk to the Local Review Body | From Persephone Beer<br>Assistant Planning Officer<br>Our Ref: 14/00833/FLL |
| Your Ref: TCP/11/16 (313) | Tel No Ext. 75354 |
| Date: 20 October 2014 | |

**The Environment Service** **Pullar House, 35 Kinnoull Street, Perth PH1 5GD**

**Town & Country Planning (Scotland) Act 1997**
**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**
**Application Ref: 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie – Mr A McHardy**

I refer to the above application that was considered by the Local Review Body on 30th September 2014.

Following the first consideration by the Local Review Body the Development Quality Manager was asked to assess the application against the criteria of H13 of the Perth and Kinross Council Local Development Plan 2014.

The site is part of housing allocation H13 which contains a number of site specific developer requirements:

**Site Specific Developer Requirements**
 A mix of housing types and sizes including low cost housing.
 Phased development linked to expansion of primary school capacity in this or adjacent catchment.
 The site lies adjacent to areas of flood risk and Flood Risk Assessment will be required at the time of any planning application.
 Road and access improvements to the satisfaction of the Council as Roads Authority.
 Provide access from the A94 Perth Road and St Martins Road.
 Transport Assessment.
 Landscaping framework to create a suitable boundary treatment to enhance village edge includes retention of established hedge.
 Enhancement of biodiversity.
 Path links through site from village to the core path network.

The application site is a small part of the allocated housing site located at its southern end. The applicant also owns land to the north east of this application site. The applicant's land was originally excluded from allocation H13 in the proposed Local Development Plan. The owner made representations on the Development Plan offering his land as a site for 10 houses. The representation was considered at the Examination in to the Plan. The Reporters' comments were that "… the boundary of site H13 could be extended to include the land around the property known as "The Cottage". The applicant's land and this site was

included as part of H13 in the Modified Development Plan and is now within the adopted Local Development Plan.

I discussed this application with the Council's Development Plan team and sought their views on the proposal in relation to H13 and their comments were that: "The site is within a settlement boundary and within site H13 however given that the development is for a single house within the curtilage of an existing house and would in fact replace existing outbuildings (constituting brownfield development) it is unlikely that the development would have a significant impact on the vision or achievement of a masterplan for Site H13. We wouldn't object to a house on this site but it would need to meet the policy requirements of PM1, RD1, TA1 and NE2". The Development Plan officer agreed that the grounds for refusal in terms of Placemaking and Forestry, Woodland and Trees were still very much relevant in this case

Whilst the current application is only a small part of the overall housing site H13 I consider that its inclusion in the housing allocation is significant. Inclusion as part of the overall site brings responsibilities on the site owner to share the implementation of the site requirements.

The Development Plan clearly sets out developer requirements that would be expected to be shared across the whole of the site. My main concern is that whilst the development of a single house on this site may not impact significantly on the achievement of a masterplan for H13 it could set a precedent for other similar developments particularly around the edge of H13.

I therefore consider that the proposal is premature until a master plan for the site has been prepared that addresses the site specific developer requirements.

Approval of this development would be premature in terms of the Flood Risk Assessment required for site H13 identified in the site specific developer requirements within the Local Development Plan.

Approval of this development would be premature in terms of the Transport Assessment required for site H13 identified in the site specific developer requirements within the Local Development Plan.

The proposal is contrary to the Council's Affordable Housing policy which requires the development to contribute to affordable housing provision required due to the site being part of a larger housing site; H13.

The site specific developer requirements also include provision of links through the site from the village to the Core Path network. A Core Path currently runs along the A94 road to the south of the H13 site. Another Core Path runs along a part of the north western corner of the site. There are currently no paths linking through the site. There may be scope to join the two Core Paths along the track that is shown in the western part of the applicant's land however without further detail of how the site specific requirements are to be met it would be difficult to comment with any degree of certainty on this aspect of any future development.

A landscaping framework and roads and access improvements are also required as part of the development of the wider site, to be identified through a site master plan. The applicant's land is an important part of the setting of the southern part of the site with a number of mature trees that contribute to the landscape setting. Works in relation to the construction of a new access and proposed tree felling in relation to the new house could have a detrimental impact on the landscaped setting of the whole of site H13.

In conclusion whilst I appreciate that this application site represents a very small part of the overall housing allocation site H13 the approval of this application would establish a precedent for other piecemeal developments; to the detriment of the proper planning and general amenity of the surrounding area.

Note:
Should the application be approved a contribution towards Education Provision and Transport Contributions would be required.

The original refusal reasons 2 and 3 are still valid.

2. The proposal is contrary to policy NE2B (Forestry, Woodland and Trees) of the adopted Perth and Kinross Local Development Plan 2014. There are existing trees on the site and no tree survey has been submitted to enable a full assessment to be made of the impact of the development on the trees.

3. The proposal is contrary to Policy PM1 of the adopted Perth and Kinross Council Local Development Plan 2014 as due to its siting and design it does not contribute positively to the quality of the surrounding built and natural environment.

I trust that the above comments are of assistance. If you have any queries about the application please do not hesitate to contact Persephone Beer on 47534.

PRB

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**Response to Memorandum from Persephone Beer, Assistant Planning Officer**
**20th October 2014**
**Demolition of Outbuilding and Erection of a New House on Land Adjacent to**
**The Cottage, Main Street, Balbeggie**
**Ref 14/00833/FLL**

As stated within the original planning statement it is our client's intention to demolish the existing range of derelict outbuildings and create a new dwelling house, to improve the amenity around the perimeter of his existing dwelling house.

The Planning Officer has noted within their memorandum dated the 20th October 2014, that they would not object to a development of this style on this site if we can meet the requirements of Planning Policy PM1, RD1, TA1 and NE2, we would like to make comment on each of these policies as follows,

The planning officer has concerns regarding the siting of the building in terms of Policy PM1A. The proposed development is within a mature setting with hedges to the South and West and a series of mature trees that lead into Balbeggie which screen both the existing dwelling house and a proportion of the derelict buildings. The new dwelling would enhance the approach to the village, as it would remove the series of derelict buildings that currently existing, and would also reduce the overall footprint of buildings that currently existing on the site. The redevelopment of the existing derelict outbuildings is no different to the steading development which took place at Townhead to the South side of the site, where a series of agricultural buildings were removed and five houses created, with no screening around the perimeter. My clients development if for a single dwelling and will retain the existing landscaping, and will not affect the main approach to the village.

Policy RD1, states that the proposal should improve the character and environment of the area or village. The existing derelict outbuildings will be removed and the new dwelling house created. The siting of the new house will be heavily screened from the West by the existing boundary treatment, and will not have a detrimental effect.

The planning officer raised concerns in terms of Policy TA1A, Infrastructure. The proposed new house would utilise the existing access track, with some upgrading being carried out at the junction with the main road. The site also has a footpath which links the development to the village of Balbeggie where there are currently bus stops adjacent to the MacDonald Arms.

The planning officer noted that the proposal was contrary to policy NE2B. As stated within the original statement. The existing 4 No. lime trees which are located to the North of the existing range of buildings and cottage, are very close to the existing buildings and due to their height it would be advantageous to have these removed to protect not only the proposed dwelling but also the existing dwelling. The existing lime trees are set within an individual group and do not enhance the existing line or mature trees that are set on the boundary. They do not add to the existing screening, and if the site was developed as a whole it would be unlikely that these would be retained.

The Planning Officer has raised concerns about the precedent that this development may set, however there are no other derelict buildings within H13, and my client is only creating the dwelling house to improve his existing amenity within the corner of H13. As the dwelling sits within the South West corner of H13, if retained within my client's ownership, this area of ground may never be developed as part of H13, and the development of the single house should be viewed as a separate application, and not as part of the whole development area of H13.

I noted the planning officers concerns in regard to the Flood Risk Assessment, however as it is the intention to demolish a range of existing buildings on the site and replace these with a single dwelling house, the decrease in roof area and the potential flooding would seem to be negligible. If the area was to be developed in its entirety, this assumes that the client will be willing to sell all his ground to the developer. If my client retains his ground it could not be included within the flood study. Also as the site in particular is located at the highest point in H13 it would seem unlikely that flooding will be an issue.

The Officer raises concerns regarding core paths, however the proposed dwelling house would have no detrimental impact to the paths that already exist or cause any issues in terms of future linking of the paths. It may be a considerable time before a developer looks to develop the whole of H13, to allow for all of the points to be addressed in there entirety and I would therefore ask that this re-development of the existing outbuildings is viewed on an individual basis.

We disagree with the Planning Officers conclusion to the proposed development, as we are looking at removing an existing series of derelict buildings and replacing these with a new dwelling house, this is no different to the redevelopment of the farm steading at Townhead to the South site of the site. The removal of the derelict building will enhance the approach to Balbeggie. Also as the proposed development is contained within the South Western corner of the site it will not have a detrimental effect to the development of H13. We feel that we have provided justification to meet both Policy NE2B and PM1, the points on which the application was refused.