

**TCP/11/16(272)**

**Planning Application 13/00259/IPL – Demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ**

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**Planning Application 13/00259/IPL – Demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ**

**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 2008

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**

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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 ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

**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.

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input type="checkbox"/>            |
| 2. Application for planning permission in principle  | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**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                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

Please note that the existing buildings on the site are in an advanced stage of deterioration and it is advisable that they be viewed from the outside only.

## 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 document: Notice of Review, Supporting Statement. Prepared by Hubbard & Mitchell Ltd. on behalf of Miller Farms. (20 pages)

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.

Notice of Review Supporting Statement prepared by Hubbard & Mitchell Ltd. (Document. 20 pages)  
Building Survey Report. Millard Consulting.  
Levels Survey Drawing (13/00259/4)  
Millard Consulting. Flood Risk Assessment. Correspondence.

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.

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**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.

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**Declaration**

**I the 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

S.A. Mitchell  
On behalf of Hubbard & Mitchell Ltd.

Date

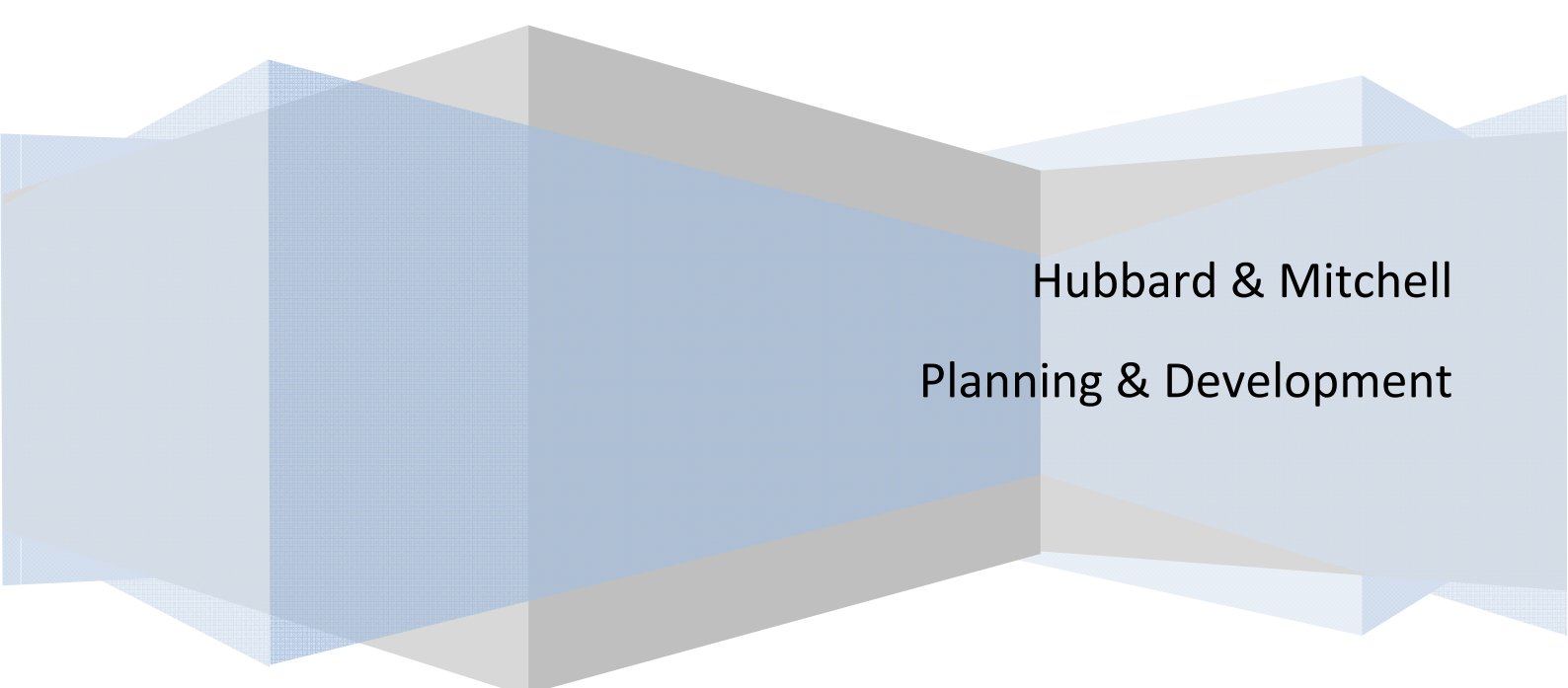
16.08.13



PLANNING APPLICATION NUMBER: 13/00259/IPL

# Notice of Review

SUPPORTING STATEMENT



Hubbard & Mitchell  
Planning & Development

## 1. INTRODUCTION

- 1.1 This supporting statement should be read in conjunction with the planning application submitted on behalf of Miller Farms for planning permission in principle for the erection of four dwelling houses on land to the north of Damside Farmhouse, Kinrossie in conjunction with the demolition of the remaining farm buildings which are in a derelict condition. For the purposes of transparency and clarity it should be noted that the reference to 'four dwellings' was removed from the proposal description, by the appointed officer, just prior to the decision notice being issued. The officer advised that it was not normal practice to attach numbers to an outline application.
- 1.2 The planning application requires to be considered under the terms of the development plan policy (in particular Policies 1 and 32 of the Perth Area Local Plan 1995) but also the revised Housing in the Countryside Policy that was approved by Perth & Kinross Council in 2012 as well as Scottish Planning Policy and related Advice Notes. The emerging Local Development Plan, which is the most recent expression of Council Policy, is also considered to be a material consideration in assessing this application.
- 1.3 The Planning etc. (Scotland) Act 2006 sections 10(8) and 16(1) impose a statutory requirement on Local Authorities to keep development plans up to date stating that reviews must take place at least every 5 years. The adopted Perth Area Local Plan, which is 17 years old (13 years for housing land considerations), has been relied upon to substantiate two of the three reasons cited for refusal of this application, despite SPP clearly stating that development management decisions '*should be taken against a framework of up to date and effective development plans and supplementary guidance*' (SPP at 22)
- 1.4 The applicant's strongly maintain that this application accords with the Council's Housing in the Countryside Policy (2012) and with important statements of Scottish Government Policy which are material to development management decisions.
- 1.5 The application did not attract any objections from the public or any objections from statutory or internal consultees. No additional or further information was sought by the planning officer from the applicants to support the application or to enable a decision to be reached. Nevertheless, the decision on this application took 4 months to issue.

## 2. DEVELOPMENT PLAN

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 2.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2012 (for which there are no directly relevant policies) and the Perth Area Local Plan 1995, specifically policies 1 and 32.
- 2.3 In terms of other material considerations, the council's Housing in the Countryside Policy (approved in November 2012) is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. This policy is contained in the emerging Local Development Plan (LDP) which is also considered material to this application. In addition, Scottish Planning Policy (February 2010) and Planning Advice Note 72, Housing in the Countryside are also considered to be of relevance to this application.
- 2.4 Policy 1 of the Perth Area Local Plan (1995) seeks to ensure that all new sites within the landward area are compatible with their existing surrounding land uses. The appointed officer does not raise any concerns over the proposal's compatibility with existing land uses, which are a mix of residential and agricultural. However, for the purposes of clarity, it should be noted that the two existing agricultural sheds (referred to in the delegated report of handling), sited on the east side of the site, on the other side of the U134 road are in the same ownership as the application site. As outlined in the Planning Application Supporting Statement, farming operations have now re-located away from this site to the site at Rosefield, some 3 miles to the south and as a consequence, these sheds are now only used for storage. Environmental Health have not raised any concerns or objections to this planning application proposal or expressed any concerns over the presence of these buildings in relation to the residential amenity of future occupiers of the proposed development site. Furthermore it should be noted that the area of land containing these two sheds has been included in the new settlement boundary around Damside in the emerging LDP which may offer some future scope for alternative use.
- 2.5 Policy 1 of the Perth Area Local Plan (1995) also seeks to ensure that all new sites have a good landscape framework in which the development proposed can be sited. In terms of the assessment of the proposed development site against this criterion, the applicants strongly disagree with the conclusions drawn and with the approach taken. The site is bordered to the south by residential development and to the east by the U134 road. The northern and western boundaries are bordered by a bank, currently covered by scrub vegetation, which separates the site from the adjacent agricultural land which lies at a significantly lower level. There is a long established post and wire fence at the bottom of the bank defining the field boundary.



Western boundary. Showing bank between field and proposed development site.

The appointed officer makes no reference in his report, or in his assessment, to the topographical survey prepared by Millard Consulting and submitted as part of this planning application (See Survey Drawing number 12520/21/001 Millard Consulting attached along with corresponding letter (Millard Consulting dated: 13/12/12) . This survey shows the proposed development site to be 'clearly defined' in terms of its topography from the adjoining agricultural land. The section drawing provides spot level measurements at the base of the bank (on the agricultural land) and corresponding measurements at the top of the bank at the border of the proposed development site. As illustrated in the section drawing, the change in levels along the majority of the western boundary exceeds 2.00 metres which does not accord with the officer's reference to 'a fairly small change in ground levels.' This proposed development site is well contained and defined and the applicants strongly refute the officer's assessment. The appointed officer cites the lack of 'a good *'existing'* landscape framework' as a specific reason for refusal of this in principle application against Policy 1 of the PALP. The word *'existing'* has been interjected into the Policy wording by the Officer. The planning department and the LRB routinely use planning conditions to satisfy or strengthen boundary treatments to enhance a landscape framework where this is deemed necessary. This approach is in compliance with national planning policy (SPP) which advocates the use of appropriate planning conditions rather than unnecessarily withholding consent. This matter should therefore, more properly, be conditioned in any in principle application and dealt with at the detailed matters stage.

- 2.6 The principle of residential development on this site is required to be considered under the terms of Policy 32 – Housing in the Countryside in the adopted Perth Area Local Plan 1995. It is now 17 years since the local plan policy was adopted and Policy 32 has effectively been superseded by the revised Housing in the Countryside Policy that was approved by the council's Enterprise & Infrastructure Committee in November 2012. Assessing the proposal under Housing in the Countryside 2012, rather than the Housing in the Countryside Policy contained in the 1995 Local Plan is in line with SPP which directs planning department's to make development management decisions against a framework of up to date and effective development plans and supplementary guidance.

### 3. MATERIAL CONSIDERATIONS

3.1 In addition to the development plan policy referred to in section 2, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;

- Perth & Kinross Council – Housing in the Countryside Policy – November 2012
- Scottish Planning Policy - February 2010
- Planning Advice Note 72 – Housing in the Countryside – February 2005
- Proposed Local development Plan 2012
- Views of statutory and other consultees

#### **Perth & Kinross Council – Housing in the Countryside Guide – November 2012**

3.2 The Council's most recent expression of policy relating to proposals for housing in the countryside states that:

*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:*

*(1) Building Groups.*

*(2) Infill sites.*

*(3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.*

*(4) Renovation or replacement of houses.*

*(5) Conversion or replacement of redundant non-domestic buildings.*

*(6) Development on rural brownfield land.*

3.3 As is often the case with proposals for housing in the countryside, the application for planning consent in principle at Damside Farm falls into several of the above named categories. The replacement of the abandoned bothy falls to be considered under category 4, the replacement of the redundant and semi-derelict non-domestic buildings under category 5 and as a site 'formerly occupied by buildings' and now redundant, under the category of rural brownfield land (category 6). A case to support the proposal could also be made under category 1, Building groups, as there are more than three existing buildings on the site and the site is clearly defined by existing topography allowing for controlled extension of the group. However, as it is felt that the proposal is robustly supported under Categories 4, 5 and 6 a case is not specifically made under Category 1.

3.4 The remaining farm buildings on the site (the majority having been demolished) are in a very poor state of repair. The buildings are of relatively low architectural merit as is demonstrated in the supporting photographs. In order to gauge the renovation potential of the buildings, prior to submitting the planning application, Millard Consulting were commissioned to carry out an initial standing buildings survey. Their report is attached and is largely self-explanatory. The buildings are in an advanced

state of deterioration, have sub-standard foundations and structural inadequacies are in evidence in later modifications. A large section of the buildings sit directly at the edge of the U134 road and, due of the extensive underpinning required in these situations, it is generally accepted to be cost prohibitive to undertake conversion unless the buildings are of particular architectural merit. The form and structure of these buildings do not lend themselves to conversion into modern living accommodation and when combining these factors with the poor positioning of the buildings within the site it is proposed that the remaining semi-derelict buildings should be demolished. The planning officer assigned to this case makes no reference to the building survey in his assessment although concedes that, '(the buildings') *conversion to create modern living accommodation would probably be extremely difficult and costly to achieve*' (delegated report of handling p.3).

#### CURRENT CONDITION OF BUILDINGS 2012/13



Rear of buildings as viewed from Damside Farmhouse



View of buildings from the U134 road

- 3.5 Section 5 of the 2012 Housing in the Countryside guide offers scope for the replacement of redundant non-domestic buildings subject to the following criteria:

**5. Conversion or Replacement of Redundant Non-Domestic buildings**

*Consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:*

- a) The building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.*
- b) Any alteration and extension should be in harmony with the existing building form and materials*
- c) Replacement of such buildings will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.\* The replacement must be generally faithful to the design form and materials of the existing building but may incorporate non-original features which adapt it to modern space requirements and building standards or reflect a local architectural idiom.*

In terms of compliance with this policy, the buildings in question are undeniably redundant and have been for a considerable number of years. Their form is traditional, being constructed of a mixture of brick and stone under a slate roof and ranging in height from single to 1.5 storeys. Their potential for conversion, due to the factors outlined above and to their obvious advanced stage of deterioration, is not considered structurally or economically viable. The planning officer assigned to this case does not appear to hold issue with these criteria being generally satisfied.

With respect to the detailing of suitable replacement building/buildings this application is to obtain planning permission in principle consent. The Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008 (SSI 2008/432) and the relevant provisions of the Town and Country Planning (Scotland) Act 2006 set out the requirements for applications for planning consent in principle (Regulation 10) as follows:

- no requirement for plans and drawings other than a location plan;
- no requirement for a design or design and access statement to be prepared;
- a requirement to describe the location of the access points to the development from a road where this is not otherwise detailed in the application and accompanying documents.

The applicants in this case exceeded these minimum requirements by supplying a topographic survey, flood risk analysis and a standing buildings survey to assist in the decision making on the proposal.

It is understood that the Planning Authority have the right to request additional information using Regulation 24 (Further Information) where deemed necessary to determine an application. No such further information request was made in this case



despite the applicants writing (by email) on 26<sup>th</sup> March and 19<sup>th</sup> April asking if any additional information was required (no reply was received).

Detailed information concerning the scale, form and materials of dwellings is dealt with at the detailed application stage and the delegated officer's view that this element of the proposal fails under Section 5 because this information has not been submitted in this in principle application runs contra to good development management practice. Any specific aspects of design that need to be attached to this in principle consent should be addressed by an appropriate condition.

- 3.6 Section 4 of the 2012 Housing in the Countryside Guide provides scope for the replacement of abandoned houses which is relevant to the former bothy on this site:

**4. Renovation or Replacement of Houses**

*Consent will be granted for the restoration or replacement of houses, including Vacant or abandoned houses, subject to the following criteria:*

*a) Restoration rather than replacement will be favoured where the building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.*

*b) Any alterations and extension to an existing house should be in harmony with the existing building's form and proportion.*

*c) Only if it can be demonstrated that the existing house is*

*i) either not worthy of retention,*

*ii) or is not capable of rehabilitation at an economic cost, will substantial rebuilding or complete replacement be permitted.*

*Note: Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options. Where a house has been demolished prior to the submission of an application or grant of planning consent, there will be no guarantee that a replacement house will be granted.*

*d) Where rebuilding or demolition is permitted the replacement house shall be of a high quality design appropriate to its setting and surrounding area.*

*e) The replacement of an abandoned or ruinous house will be permitted where:*

*i) there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified*

*ii) it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds;*

*iii) the site boundaries are capable of providing a suitable enclosure for the new house.*

*f) The siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road, unless individual site conditions suggest that another position would create a better landscape fit.*

In line with criteria 4(e) and (f) above, it is proposed that in this case, individual site conditions do support the demolition and relocation of the former bothy to a position on the site that would afford a better landscape fit. Relocating/re-orientating a replacement dwelling would allow for:

- 1) Improved road safety issues
- 2) Protection/enhancement of the privacy/residential amenity of the neighbouring Damside farmhouse
- 3) Allow for the new dwelling to maximise views
- 4) Allow the new dwelling to 'fit' better in its landscape setting and more cohesively within the site as a whole.

- 3.7 Category 6 of the 2012 Housing in the Countryside Guide allows for redevelopment for small scale housing of brownfield land formerly occupied by buildings:

## **6. Rural Brownfield Land**

*Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation works.*

*Proposals for more than five new houses on rural brownfield land will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.*

Members of the LRB are asked to view the aerial photographs dated 1972, 1992 and 1998 that accompany this Notice of Review (see pages 17, 18, 19). The extent of the site 'formerly occupied by buildings' is clearly visible and extends significantly beyond the 0.2ha highlighted by the planning officer as falling to be considered under the category of brownfield land. Although the 0.2 ha at the northern end of the site was specifically highlighted by the applicants to be considered under the category of brownfield land in their supporting planning statement; this was because this area only fell to be considered under this single category rather than multiple categories.

This is not to imply that the areas at the southern end of the site and to the west of the site, both of which were formerly heavily occupied by buildings, should not be considered under this category. The applicants do not agree with the appointed officer's surmising that the area of the site currently occupied by (redundant) polytunnels should be considered under the category of 'replacement of non-domestic buildings' (albeit failing under this category). This area should be considered under the category of brownfield land.

The principal criteria laid out in the new policy wording for brownfield sites (heavily revised in 2009 and carried forward into the 2012 Housing in the Countryside Guide) are that:

- 1)The site was formerly occupied by buildings
- 2)The development proposed would remove dereliction **or** result in a significant environmental improvement
- 3)There are no other pressing requirements for other uses such as business or tourism

The criterion 'formerly occupied by buildings' is causing significant confusion among applicants, planning advisors and consultants and an examination of planning case history shows a marked decline in the number of applications the planning department are approving under this category. Hubbard & Mitchell sought clarification on the criteria required to comply with Category 6 requirements from the planning department and the matter was referred to Brenda Murray, Development Plan Team Leader. Ms Murray's response is attached in Appendix 1 (see email from Brenda Murray, dated 06/02/2012). This confirms that, to qualify under the first criterion, buildings should be demolished and removed from site i.e. the site should be '*a cleared site*'. With this prerequisite in mind, the 'test' for achieving the second criterion does not appear (from case history) to be well established or consistent. Development Management decisions pre-dating 2009, typically relied upon a net visual improvement in the appearance of the site being achieved by the removal of redundant and often semi-derelict buildings which does not equate with the new prerequisite of a 'cleared site'. Nonetheless, the second criterion demands 'removal of dereliction' **or** 'significant environmental improvement'. The term 'dereliction' is not defined in the local plan or in supplementary guidance but is widely understood to be: 'the state of having become abandoned and become dilapidated as a result of disuse.'

The series of 3 photographs included in this Notice of Review, accompanied by text below each set, provide a good visual history and record of the site's progressive abandonment. The photographs are dated 1972, 1996 and 1998 and reflect the progressive redundancy of the site as the farming business has centred its farming activities at its sister site at Rosefield, some 3 miles south. Since 1998, the site at

Damside has fallen into a state of progressive dilapidation which is clearly evident. The site has all the key characteristics of a rural brownfield site and a small scale residential development on this site with associated landscaping and remediation works would fully meet with the criterion of removing dereliction.

In regards to the third criterion, necessary modernisation and intensification of the farming operation has seen an evolution away from cattle to intensive arable and potato production. The size and infrastructure associated with these new enterprises are better suited to the site at Rosefield which lies adjacent to the A94. The centralisation of the farming operations to this new site has evolved over the last 30 years and is not considered reversible. The site is not suited to uses for tourism.

In summary, it is held that the brownfield element of this proposed development site fully accords with the criteria laid down in the 2012 Housing in the Countryside Guide.

### **Scottish Planning Policy 2010**

- 3.8 This document replaces the entire series of the previous topic based SPP's which are now all superseded by this one policy document. SPP is a significantly important material consideration as its publication post dates the Perth Area Local Plan 1995.
- 3.9 Paragraph 38 is directly relevant to this application and asserts that: *'Decisions on the location of new development should promote regeneration and the re-use of previously developed land'*.
- 3.10 Paragraph 80 states that, *'Redevelopment of urban and rural brownfield sites is preferred to development on Greenfield sites'*.
- 3.11 Paragraph 92 of SPP confirms that the planning system has a significant role in supporting sustainable economic growth in rural areas. *'By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.'*
- 3.12 Under the subject heading of Rural Development, Scottish Planning Policy paragraph 94 advocates that *'Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses'*. Section 94 also states, *'Opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the*

*new development is designed to fit in the landscape setting and will result a cohesive grouping. Modernisation and steading conversion should not be constrained within the original footprint or height limit unless there are compelling design or conservation reasons for doing so’.*

### **Planning Advice Note 72 – Housing in the Countryside**

- 3.6 PAN 72 – Housing in the Countryside was published in February 2005 and replaced the previous PAN 36. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 3.7 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *‘overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.’*
- 3.8 The PAN provides examples of the main opportunities which include;
- ‘New Groups of Houses where housing related to existing groupings will usually be preferred to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.’*
- 3.9 The PAN concludes by stating that *‘there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.’*
- 3.10 The guidance within PAN72 was published 10 years after the existing Local Plan was adopted. The council’s revised Housing in the Countryside Policy acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

### **Proposed Local Development Plan (2012)**

- 3.11 The proposed LDP is not adopted at the time of making this application but is nevertheless at an advanced stage of preparation. Although this application is self-supporting under current adopted Council Policy and relevant supplementary guidance, the new LDP, as the most recent expression of Council Policy, is an important material consideration which lends further weight to the proposal.

- 3.12 This proposed development site falls within the settlement boundary for Damside/Saucher as identified on Page 107 of the LDP. The Local Development Plan spatial strategy, states at the outset that, 'Scottish Government guidance and good planning practice encourage new development to utilise brownfield land where possible' which elicits favourable support for this long-term redundant site.
- 3.13 Although the appointed officer acknowledges the new LDP as a material consideration and particularly the inclusion of the proposed development site within the settlement boundary, he states that, as the Council received representations to this part of the LDP, he does not consider it appropriate to assess the proposal against the new plan.

This runs contra to the approach being taken in Appeal decisions where even as early as the last quarter of 2012, reporters were affording significant weight to the new LDP (inclusive of cases where the appeal site in question had received representations against it). For the purposes of accurate record, an example of this is cited in Appeal decision PPA-340-2065 (12<sup>th</sup> September 2012). In relation to the reporter's assessment of the weight to be given to the Perth and Kinross Council LDP in assessing the appeal (also under the Perth Area Local Plan 1995), the reporter states: *'The proposed plan has reached an advanced stage of preparation, for this reason I can attach significant weight to its contents particularly since the adopted local plan is 16 years old (12 years for housing land allocations)'*

- 3.14 It is of significant note that the proposed LDP is now almost a year further advanced and the applicants hold that it is of significant material relevance that this in principle planning application is supported under Policy RD1 of the LDP.
- 3.15 This in principle planning application for the removal of the semi-derelict buildings allied with a very small scale residential development offers the potential to greatly improve the visual appearance of this site. It is noteworthy that the proposal did not receive any objections from local residents of Damside or Saucher and this should be balanced against the point raised in 3.13 above regarding representations.

#### **Views of statutory and other consultees**

Environmental Health: No objections

Flooding Engineer: No objections

Transport planning: No objections

Scottish water: No objections

BP: No objections

Shell: No objections

HSE: No objections

Representations: None

#### 4. SUMMARY AND CONCLUSIONS

##### **Site Summary**

- The boundaries to this 0.5ha site are clearly identifiable and provide good containment through natural topographic features.
- The site has lain vacant and redundant for a considerable number of years. The remaining buildings are in a semi-derelict condition and continuing to deteriorate. The site has the characteristics of a disused and abandoned area with visible evidence of dereliction.
- It is not structurally viable to convert the remaining buildings and their current positioning on the site is poor.
- The site was formerly occupied by a minimum of eight other buildings as clearly evidenced by the historic aerial photographs submitted.
- There is no flood risk to the site.

##### **Conclusions**

- When assessing the criteria listed in Policy 1 of PALP in combination with the siting criteria set out in HICP 2012, our view is that the site is set within a framework which is perfectly capable of absorbing the development. If considered appropriate opportunities for landscape enhancement can be sought through the imposition of a planning condition.
- Policy 32 of the Perth Area Local Plan has been updated and superseded by the Housing in the Countryside Guide 2012. This proposal accords with the following acceptable categories of development which support residential development 'in principle' (4) Renovation or replacement of houses (5) Conversion or replacement of redundant non-domestic buildings (6) Rural brownfield land.
- Although this proposal accords with the three categories of development cited above, it is appreciated that each of the categories have differing criteria associated with them, which in turn attract different associated planning conditions. For the purposes of facilitating proper conditioning of this 'in principle' consent, it is therefore proposed that the site 'on balance' be considered as rural brownfield.
- The proposal meets the criteria for rural brownfield land as set out in the 2012 Housing in the Countryside Guide, (1) The site was formerly occupied

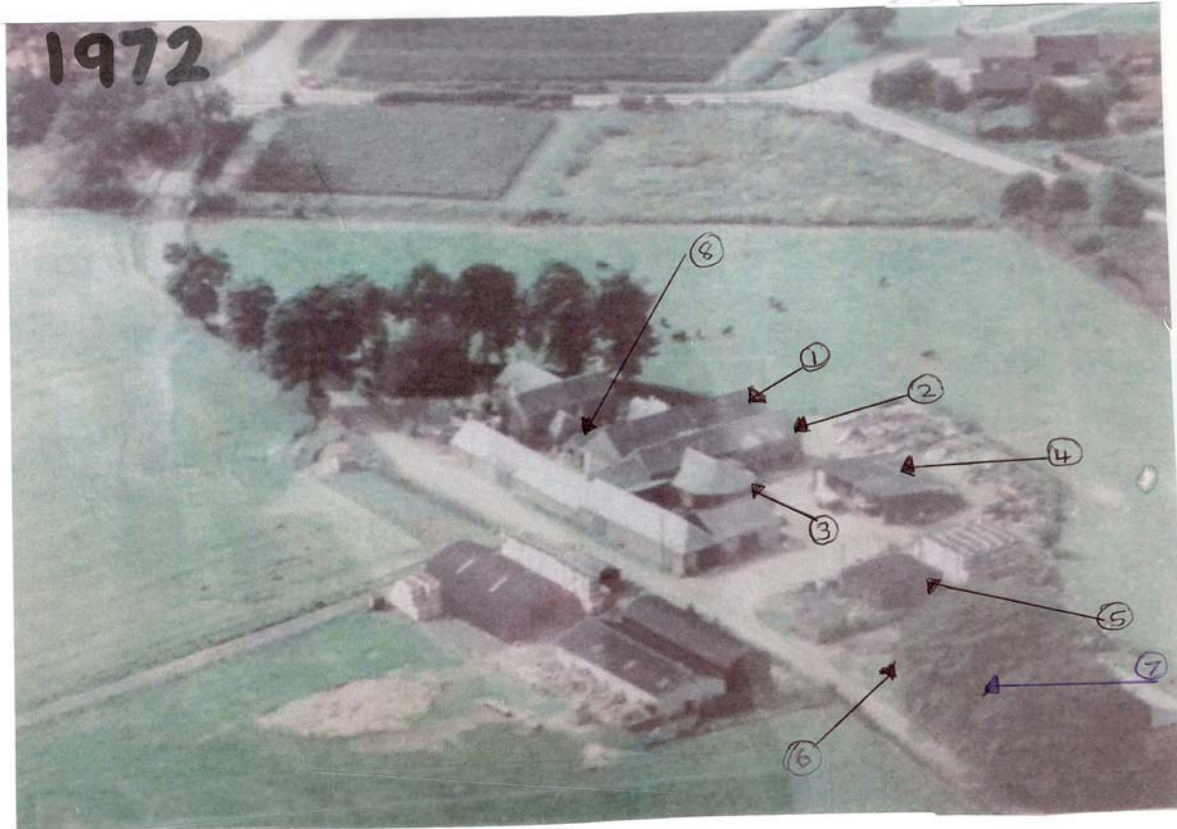
by buildings (2) The proposal would remove dereliction (3) There are no pressing requirements for other uses.

- In line with the rural brownfield land policy contained in the 2012 Housing in the Countryside Guide the proposal should be limited to a maximum of five dwellings.
- The remaining semi-derelict buildings should be demolished.
- Existing on site materials, particularly stone and slate, will where possible be re-used in construction of the new dwelling houses and /or boundary enclosures to help reflect local character and contribute to sustainability.
- Any subsequent detailed proposal will respect the local area in terms of scale, layout and design and will incorporate landscaping and planting designed to help integrate any new buildings into the landscape. Specific emphasis will be placed on providing biodiversity benefits.
- As evidenced by the Flood Risk Report prepared to support this application, there is no flood risk to the site.



Aerial photograph taken in 1972:

**PROPOSED DEVELOPMENT AT DAMSIDE - 1972**



- 1 - Cattle Court
- 2 - Cart Shed, Straw Shed and Granary
- 3 - Indoor Mill
- 4 - Cart Shed
- 5 - Tractor Shed
- 6 - But and Ben
- 7 - Silage Pit and attached Straw Shed
- 8 - Domestic Outbuildings ( Stick Shed, Coal Shed, Washhouse )

The Granary, Indoor Mill and Tractor Shed were demolished Circa 1990. The Cattle Court, Cart Shed, Straw Shed and Cart Shed were demolished circa 1993/94. The But and Ben was lived in until 1972 but remained standing until 1985.

Aerial photograph taken in 1992:

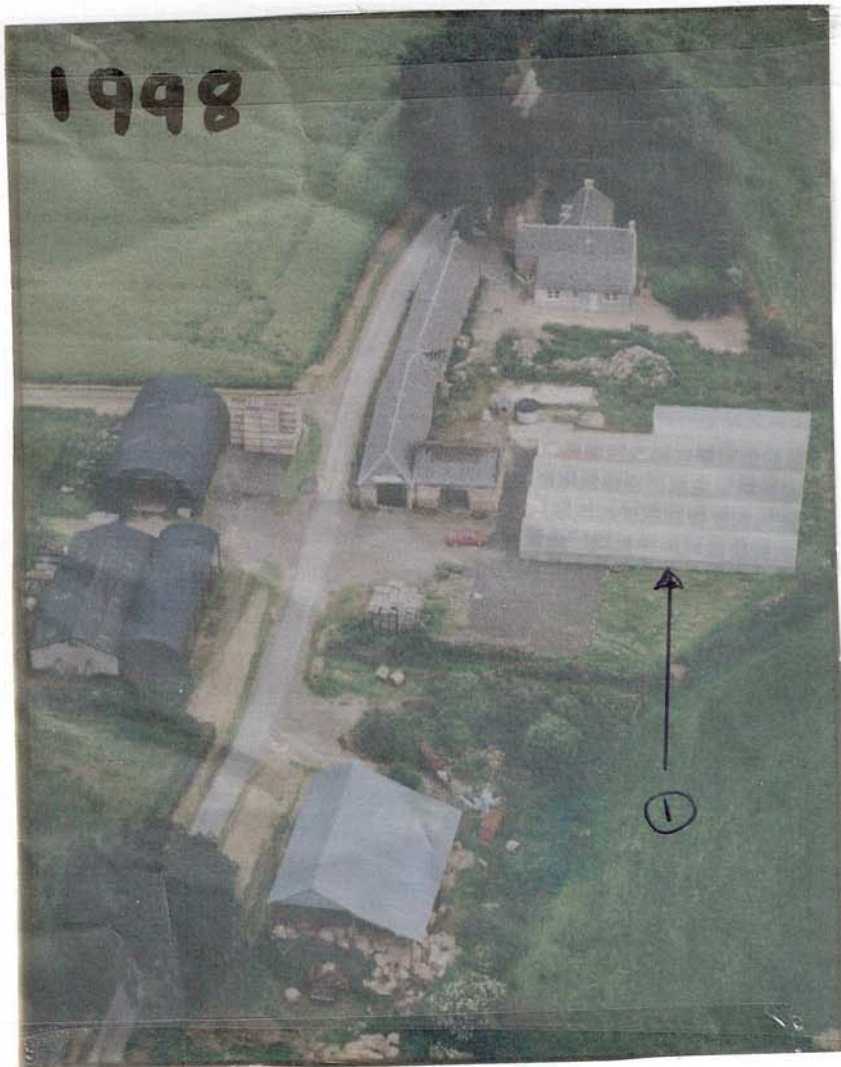
**PROPOSED DEVELOPMENT AT DAMSIDE**

**PHOTOGRAPH 1992**



This aerial photograph taken in 1992 shows that the Indoor Mill & Tractor Sheds have been demolished. This photograph also clearly shows the Silage Pit with attached Straw Shed ( annotated as number 1).

## PROPOSED DEVELOPMENT AT DAMSIDE - 1998



The Polytunnels were erected in 1996 ( shown as number 1 on the photograph). Some of the Polytunnels remain as of 2012, some have been demolished. The Domestic Outbuildings, Cattle Court, Cart Shed and Straw Shed were demolished circa 1990. The farming operations continued centralisation at Rosefield where the farming operations shifted towards arable with considerable investment in purpose built sheds suitable for potato production.

## Appendix 1: Correspondence from Brenda Murray, development Plans Team Leader

RE: Rural Brownfield

From Brenda Murray BEMurray@pkc.gov.ukhide details

To shirlmtc shirlmtc@aol.com

CC David Niven DRANiven@pkc.gov.uk, Peter Marshall PJMarshall@pkc.gov.uk

Mon, 6 Feb 2012 16:53

Dear Shirley

Thanks for your email in relation to clarification of the housing in the countryside policy. I can confirm that to comply with Category 6 Rural Brownfield Land the application site would require to be a cleared site at the time of making the application. I do appreciate that this, when considered alongside the definition of brownfield land could lead to confusion and misinterpretation of the policy. As you may be aware the 2009 policy has been included in the Proposed Local Development Plan albeit in a shorter format, with the bulk of the 2009 policy forming Supplementary Guidance. This Guidance is currently being consulted on alongside the Proposed Plan and I would encourage you to submit a comment in this respect so that further consideration can be given to the wording of this part of the guidance. I have attached a link to the website for your information [www.pkc.gov.uk/ProposedLDP](http://www.pkc.gov.uk/ProposedLDP).

Regards

Brenda

**Brenda Murray**

Development Plans Team Leader - Planning & Regeneration

The Environment Service

Perth and Kinross Council

Pullar House

35 Kinnoull Street

Perth

PH1 5GD

Telephone: 01738 475343

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Website: [www.pkc.gov.uk](http://www.pkc.gov.uk)





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TRANSPORTATION

Our Ref: SM/12520/05

11<sup>th</sup> December 2012

**By Post & Email to: ([wendyhubbard2@gmail.com](mailto:wendyhubbard2@gmail.com) & [shirlmtc@aol.com](mailto:shirlmtc@aol.com))**

**Hubbard and Mitchell Ltd**  
Balshando Farm  
Lundie  
Dundee  
DD2 5PD

Dear Madam,

### **BUILDING SURVEY, DAMSIDE, PERTH**

We confirm that a non intrusive visual structural inspection of the farm buildings at the above noted steading was undertaken on Wednesday 21<sup>st</sup> November 2012. The inspection did not consider issues such as timber infestation and dampness as this is outwith the scope of this report

The survey included a long single storey traditional stone walled farm building with slated roof on timber roof trusses. Part of the building at the South of the site was previously utilised as a Bothy and was lived in up until around forty years ago. There is also a single storey brick walled storage shed at the North end with profiled concrete roof cladding.

The main structure which runs down the West side of the access road has fallen into a state of disrepair and the roof has collapsed or been removed from around half of the building. Vegetation is growing from the exposed wall heads and severe weathering of the interior walls has occurred. The original Bothy part of the building still has roof trusses over but has deteriorated significantly since it was lived in previously.

A section of the remaining roof towards the south end of the site has had its slates removed and the exposed timber trusses are in poor condition as a result of being exposed to the elements. The timber trusses that remain at either end of the structure appear to be reasonable condition and the ridge lines appear straight but due to being open to the elements at one end these have become weathered

Generally the original stone walls appear to be in a reasonable condition and no obvious signs of significant bulging or movement were noted. The pointing in the mortar joints has suffered badly from weathering and is in poor condition in a number of locations. This is particularly evident at the North end of the structure.

On the gable at the North end of the structure there is an opening that appears to have been increased in height and width in the past. The sides of the opening have been finished in engineering brick built into the original stone and piers have been built up to support a timber lintel. We would not consider the current details structurally satisfactory. The exposed timber from the roof trusses at this opening has suffered from weathering and are in poor condition

The cast iron gutter systems throughout the site have suffered badly from corrosion and have been removed from the majority of the building.

Dundee • Inverness • Stirling



INVESTOR IN PEOPLE

Although no trial pits were undertaken it appears that there are no concrete foundations underneath the main walls and large foundation stones appear to sit quite shallow in the ground. This is common for buildings of the age and style. There did not appear to be any form of damp proof membrane in the walls to prevent dampness from entering the stone walls.

The brick built shed at the North end of the structure is likely to have been built more recently. The brick walls are in reasonable condition and no obvious signs of movement or bulging were noted. The roof cladding is heavily weathered and covered in moss.

A number of significant structural works would require to be undertaken to return the main structure to a condition deemed suitable for use to modern day standards and these include:

- All existing pointing to be deep raked out and all structure to be repointed
- Vegetation removed from exposed wall heads and made good. This may require a degree of rebuilding works were necessary,
- Some form of remedial damp proofing works to be installed in the walls throughout
- Potential large scale underpinning works to provide a more suitable foundation. The scale of this depends upon depth and suitability of existing foundation stones. The structure is situated on sloping ground and so this may vary over site.
- Complete timber roof replacement over entire structure and installation of suitable lintels and bridles over high door openings
- Complete replacement of all roof drainage systems
- Reconstruction of the stone gable at the north end of the site.
- Installation of an insulated concrete floor slab throughout
- Treatment of any areas of dampness in the existing walls. This should be assessed by a specialist contractor.

As a result of the above list we would suggest that the amount of work involved in upgrading these buildings to modern day standards is uneconomic and we would recommend that demolition may be the most suitable solution.

We trust that this meets with your current requirements, however, should you require to discuss any of the above then do not hesitate to contact us

Yours sincerely,

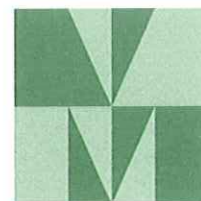
A black rectangular box redacting the signature of Scott McEwan.

Scott McEwan  
Millard Consulting









**Millard  
Consulting**

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STRUCTURES
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EXPERT EVIDENCE
TRANSPORTATION

Our Ref: AB/12520/21

13<sup>th</sup> December 2012

**Ms W Hubbard**  
Hubbard and Mitchell Ltd  
Balshando Farm  
Lundie  
Dundee  
DD2 5PD

Dear Wendy,

**PROPOSED HOUSING DEVELOPMENTS AT DAMSIDE FARM, NR BURRELTON, PERTHSHIRE  
AND KINROSS**

We have now undertaken the spot leveling exercise as requested and are now in a position to advise with regards to flood risk on site numbers 1 and 2 noted on the enclosed drawing (drawing number 12520/21/001). The cross section surveyed through the Kinnochtry Burn and the development sites is also shown on the enclosed drawing.

As can be seen from the enclosed drawing a substantial area of low lying ground is located on the right bank of the watercourse in the vicinity of the development sites. It is likely this area will function as floodplain during times of high flows. The ground level of development sites 1 and 2 is significantly above the level of the floodplain area, with the survey showing a difference in level of approximately 2.5m between the channel bed of the burn and the lowest part of Site 2.

Based on a site walkover and the level survey it is our opinion that both sites 1 and 2 will be free from flooding from the Kinnochtry Burn during a 1 in 200 year flood event. In addition both vehicular and pedestrian access routes to both sites will be maintained during the same event.

We trust the above, along with the enclosed, is satisfactory however should you have any queries, please do not hesitate to contact us.

Yours sincerely,



**Brian Coghlan**  
Millard Consulting

Encl



**TCP/11/16(272)**

**Planning Application 13/00259/IPL – Demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part submitted as part of applicant's submission, see page 207)*



# PERTH AND KINROSS COUNCIL

Miller Farms  
c/o Hubbard And Mitchell Ltd  
FAO Shirley Mitchell  
Balshando Farm  
Lundie  
Dundee  
DD2 5PD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 13th June 2013

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00259/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 10th February 2013 for permission for **Demolition of farm bothy and farm buildings and residential development (in principle) Farm Bothy Damside Farm Kinrossie Perth PH2 6HZ** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the site does not have a good, existing landscape framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks (amongst other things) to ensure that all new sites have a good landscape framework which is capable of absorbing the development which is proposed.
2. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
3. The proposal is contrary to the Council's Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

## **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the planning application.

## **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](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

13/00259/1

13/00259/2

13/00259/3

13/00259/4

13/00259/5

13/00259/6

13/00259/7

13/00259/8

## PERTH AND KINROSS COUNCIL

### DEMOLITION OF FARM BOTHY AND FARM BUILDINGS AND RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) AT FARM BOTHY, DAMSIDE FARM, KINROSSIE, PERTH, PH2 6HZ

#### DELEGATED REPORT OF HANDLING

Ref No	13/00259/IPL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N2 – Strathmore			Yes	No
Target	8 April 2013				
<b>RECOMMENDATION</b>					
Refuse the planning application on the grounds that the proposal is contrary to the Development Plan and contrary to the approved Housing in the Countryside Guide 2012.					

#### BACKGROUND & DESCRIPTION

The application site relates to a 0.5ha area of land at Damside Farm, a small former farm located at Kinrossie, approximately 10 miles northeast of Perth, between the A94 and Collace. The site at present comprises a number of traditional redundant farm buildings, a small former bothy, an area of existing polytunnels and a 0.2ha area of land which was formerly occupied by buildings which is now a mix of hardcore, small spoil heaps and overgrown vegetation.

The site is bordered to the south by Damside Farmhouse and to the west and north by agricultural land which lies at a lower level than the application site. The eastern edge of the site is defined by a public road (U134) which runs between Saucher and Damside. On the opposite site road are two large, fairly modern agricultural sheds which still appear to be in use, but are outwith the scope of this planning application.

This planning application seeks to obtain a planning in principle consent for the removal of all the traditional buildings and polytunnels, and the creation of a residential development on the larger site which includes the area to the north which is currently unoccupied by buildings.

An indicative number of four units has been suggested by the applicant.

#### APPRAISAL

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the recently approved Tay Plan 2012, and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

In terms of the Development Plan, although there are general policies of broad relevance contained in the Tay Plan, the principal policies relating to land use which

are directly relevant to this proposal are contained in the Local Plan. Within the Local Plan, the site lies within the landward area where *Policies 1 and 32* are directly applicable.

*Policy 32* refers to new Housing in the open Countryside, whilst *Policy 1* relates to all new developments within the landward area and seeks (amongst other things) to ensure that all new sites are compatible with existing land uses and that all new sites have a suitable landscape framework which is capable of absorbing the development which is proposed.

In terms of other material considerations, National Planning Guidance, the Councils other approved policies on Developer Contributions, Affordable Housing and HITCG (2012), and the contents of the proposed LDP are all material considerations.

Based on the above, I ultimately consider the key test(s) of the acceptability of this planning application to be based on two key issues, firstly whether or not the site has a good existing landscape framework and is compatible with its surrounding land uses (assessment against *Policy 1 PALP*) and secondly, whether or not the proposal is acceptable in land use terms (i.e. compliance with the HITC policies), bearing in mind the provisions of the Development Plan.

I shall address these issues in turn.

*Policy 1* of the PALP seeks to ensure that all new sites within the landward area are compatible with their existing surrounding land uses, and that all new sites have a good existing landscape framework in which the development proposed can be sited. In terms of compatibility with existing land uses, the existing neighbouring land uses are a mix of agricultural and residential and although I note the existence of two large agricultural sheds to the east of the site, I also note that my colleagues in Environmental Health have not raised any specific issues regarding the impact this relationship may have on the residential amenity of future occupiers of this site. To this end, I have no particular concerns over the proposals compatibility with the existing land uses.

In terms of the existing landscape framework, the site is relatively open along its northern and western boundaries, with the only real definition coming via a natural change in levels between the surrounding land and the application site. Although topographical features can in some instances be considered definitive boundaries to sites, in this case I am not convinced that a fairly small change in ground levels constitutes either a good landscape framework or good natural site containment. I therefore consider the proposal to be contrary to *Policy 1* of the PALP, which seeks to ensure that all new sites have a good landscape framework, and are well contained or defined.

Turning to the second issue, the acceptability of the land use (for residential), the development essentially comprises four different elements which are a) the replacement of the traditional buildings with residential units, b) the replacement of the polytunnels with residential units, c) the replacement of the small bothy with residential units and d) a residential development on the site of the former buildings to the north.

I shall assess the planning merits of each individual element in turn, against both the Local Plan version of the HITCP and the 2012 HITCG starting with the replacement of the existing, non-domestic traditional buildings.



The Local Plan version of the HITCP only offers scope for the conversion of traditional buildings; however the 2012 HITCG is slightly more relaxed and offers some scope for the replacement of traditional, non-domestic buildings with new housing - providing a series of specific criteria can be met. The principal criteria are that the existing buildings are redundant, are of traditional form and contribute to the character of the area, that their conversion has been demonstrated not to be economically (or structurally) viable and that their replacement is generally faithful to the design form of the existing building(s).

With regard to the first three criteria, in my opinion the proposal is generally consistent with these insofar as there is no doubt that the existing building(s) are of a traditional form, are clearly not in day-to-day use and that their conversion to create modern living accommodation would probably be extremely difficult and costly to achieve - however it is slightly disappointing that no specific costings have been submitted in support of the proposal to support their replacement as oppose to their conversion.

However, with regard to the third criteria – a suitable replacement – this application seeks to obtain planning in principle consent only and specific details regarding the proposed replacement(s) have not been tabled by the applicant. Whilst planning conditions could in theory control the siting of the replacement building(s), and to some extent the design and form of the replacement building(s), at this stage it is difficult to make a strong argument that the proposal would generally be faithful to the design and form of the existing building as there is simply no evidence to support this. As a result, I therefore consider this element of the proposal to be contrary to the requirements of the 2012 HITCG, although I acknowledge that with detailed information (via a detailed planning application) relating to the proposed replacement building(s) there is perhaps some scope for this part of the proposal to be brought inline with aims of the 2012 HITCG.

In terms of the replacement of the existing polytunnels, which appear to still be in use to some degree, even with a relaxed view that the tunnels could be defined as non-domestic 'buildings', there is simply no scope within either the Local Plan or the 2012 HITCG for the replacement of existing modern, non-domestic buildings with new housing.

In terms of the replacement of the small bothy, whilst the applicant has indicated that this building was functioning as living accommodation (albeit some 40 years ago), the building is far more akin to a non-domestic building. However, as the building is fairly traditional in its appearance, I have no objection to its replacement however without details of its replacement; the same issues apply to that of the replacement of the main building.

Lastly, to the north of the existing buildings is an area of approx 0.2ha which was formerly occupied by a larger agricultural building. That building is now demolished however there is clear evidence of spoil heaps, and areas of hard core which includes the former access. Whilst there is no support for the re-development of brownfield sites within the Local Plan, the 2012 HITCG does offer some scope for the re-development of brownfield land under section 6, Rural Brownfield Land. This section of the policy offers support in principle for the re-development of brownfield land for small scale housing on sites which were formerly occupied by buildings, and where the development proposed would remove dereliction or result in significant environmental improvements. I have no objection to the suggestion by the applicant that the site is brownfield by definition, or that the site was *formerly* occupied by buildings as this is clearly demonstrated via historic aerial photographs.

To this end, the key issue for whether or not the proposal accords with this section of the policy is whether or not the re-development of the site (for housing) would result in a significant environmental improvement from the status quo. There is no specific definition within the 2012 HITCG what constitutes a significant environmental improvement; however a net visual improvement in the appearance of the site is often used as one of the key benchmarks.

The site at present is certainly in an unkempt condition, with areas of overgrown spoil heaps and hardcore clearly visible from the public road, however, from a visual point of view, I am not convinced that in this particular part of the site a significant environmental benefit can be achieved. When viewing the site from the public road, it is reasonably clear that the site has been developed in the past, however I do not consider the sites overall appearance to be visually incongruous in the context of a rural environment. On this basis, I consider the *brownfield element* of the proposal to also be unacceptable, and contrary to the aims of the 2012 HITCG.

In terms of other material considerations, this includes consideration of the Developer Contributions Policy, Affordable Housing and consideration of the LDP. In terms of the Developer Contributions, this policy seeks contributions for all new houses within the catchment of a primary school which is operating at over 80% capacity. As this planning application is for planning permission in principle, in the event that this application is supported at the LRB, this matter can be appropriately addressed via a planning condition.

In terms of affordable housing, whilst the applicant has indicated an indicative number of four units (which would not ordinarily trigger any affordable requirements), in physical terms only, the site is clearly capable of more than four units. To this end, in the event that a consent for this site were to be forthcoming via the LRB, the standard compliance condition in relation to affordable housing should be attached to any consent to ensure a development of 5 or more provides affordable housing (or a contribution).

In terms of the LDP, the proposal lies within the settlement of Damside / Saucher, where *Policy RD1* would ordinarily be directly applicable. However, the Council has received a number of representations to this part of the proposed LDP, and to this end, I do not consider it appropriate to assess the proposal against Policy RD1.

Based on the above, I recommend the planning application for a refusal.

## **NATIONAL PLANNING GUIDANCE / POLICIES**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,

- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this planning application is paragraphs 92-97 which relates to rural development

### Planning Advice Note 73 – Housing in the Countryside

*Designing Places*, published in November 2001, sets out the then Scottish Executive's expectations of the planning system to deliver high standards of design in development for rural and urban areas. The design based Planning Advice Note (PAN) series is an additional means by which we can maintain the profile of design and identify best practice in planning for high quality development. This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). Within the Tay Plan there are no specific policies of specific relevance relevant to this proposal.

Within the Local Plan, the site lies within the landward area, where the following policies are directly relevant.

*Policy 1 (General Development)* states that all developments within the Plan area will be judged against the following criteria (amongst others)

- The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.
- The development should be compatible with it's surroundings in land use terms and should not result in a significant loss of amenity to the local community.

*Policy 32 (Housing in the Countryside Policy)* is the local plan version of the Council in the Housing in the Countryside Policy which offers support for new housing providing that certain criteria can be met.

## **OTHER COUNCIL POLICIES**

### Proposed LDP 2012

Within the proposal LDP, the site lies within the settlement boundary of Damside / Saucher, where *Policy RD1* is applicable. *Policy RD1* seeks to ensure that the amenity of existing areas is not adversely affected by new developments.

### Housing in the Countryside Guide 2012

This document is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. Of specific relevance to this proposal is categories 5, which relates to the conversion or replacement of redundant no-domestic buildings, and category 6, which relates to the re-development of Brownfield Land.

### Developer Contributions 2012

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**

None specifically relevant to this proposal.

## **PKC CONSULTATIONS**

Transport Planning have been consulted on the planning application and made no specific comments.

ECS has commented on the planning application and confirmed that the local primary school is Collace Primary School.

The Environmental Health Manager has commented on the planning application and raised no concerns.

Flooding Engineer has commented on the planning application and raised no concerns.

## **EXTERNAL CONSULTATIONS**

Scottish Water have been consulted on the planning application and raised no comment.

BP have commented on the planning application and raised no objection.

Shell have commented on the planning application and raised no objection.

HSE have been consulted on the planning application and raise no objection.

## **REPRESENTATIONS RECEIVED**

None.

## **ADDITIONAL STATEMENTS**

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

## **PUBLICITY UNDERTAKEN**

The planning application was advertised in the local press on the 22 Feb 2013.

## **LEGAL AGREEMENTS REQUIRED**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDED REASON(S) FOR REFUSAL**

- 1 As the site does not have a good, existing landscape framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks (amongst other things) to ensure that all new sites have a good landscape framework which is capable of absorbing the development which is proposed.
- 2 The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.

- 3 The proposal is contrary to the Council's Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

### **JUSTIFICATION**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the planning application.

### **INFORMATIVES**

None

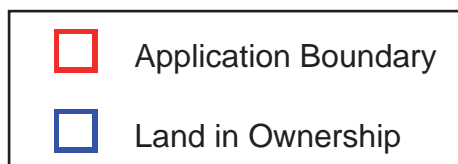
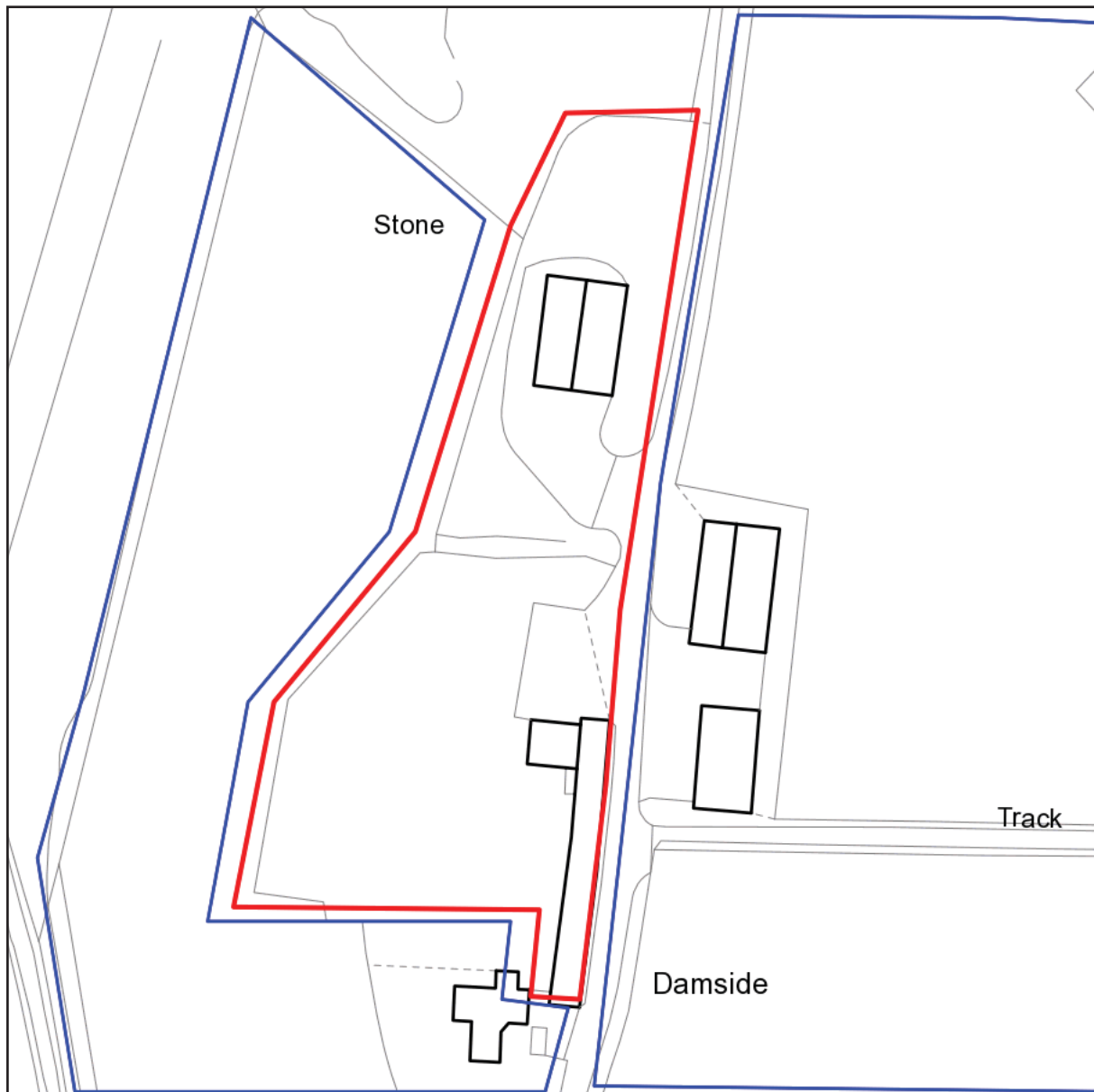
### **PROCEDURAL NOTES**

None

### **REFUSAL PLANS**

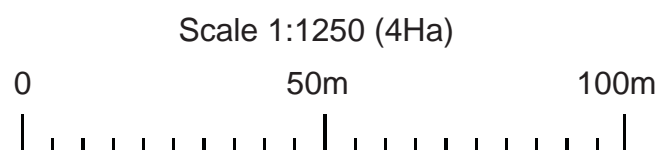
13/00259/1 - 13/00259/8

Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ



Information

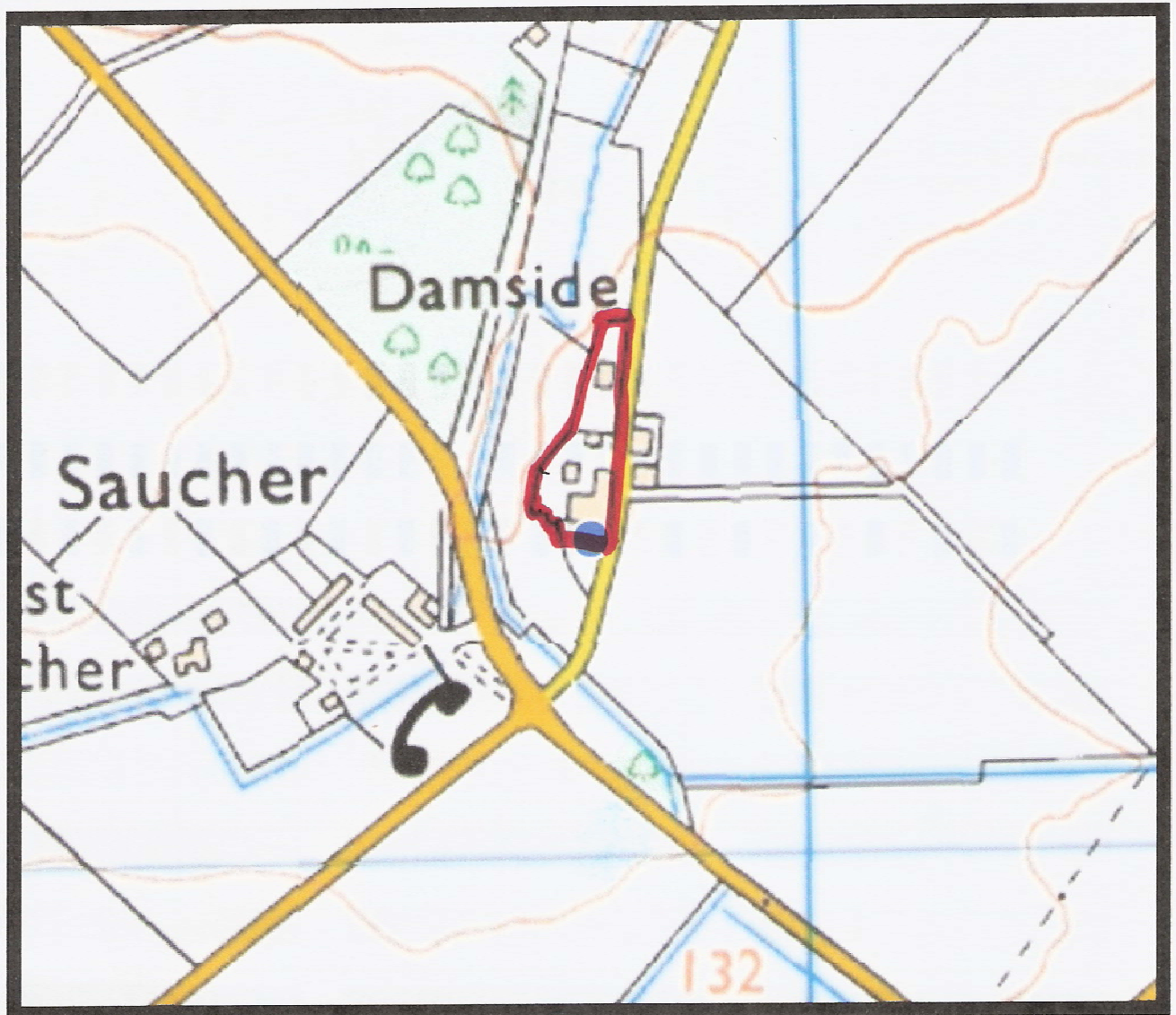
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LOCATION MAP



 APPLICATION SITE







**APPLICATION FOR PLANNING PERMISSION  
IN PRINCIPLE FOR THE ERECTION OF FOUR  
DWELLING HOUSES, LAND TO THE NORTH  
OF DAMSIDE FARMHOUSE, KINROSSIE,  
PERTH, PH2 6HZ**

**SUPPORTING PLANNING STATEMENT**

**Submitted on behalf of Miller Farms**

**By Hubbard & Mitchell Ltd.**

## SITE DESCRIPTION

The application site is situated at Damside Farm, Kinrossie, approximately 10 miles northeast of Perth, between the A94 and Collace. The proposed residential development site comprises of a number of redundant farm buildings that are in a semi-derelict condition in conjunction with an area of brownfield land (formerly occupied by buildings). The site is bordered to the south by Damside Farmhouse and to the west and north by agricultural land which lies at a lower level than the development site. The eastern edge of the site is bordered by a small unclassified road, the U134, that runs between Saucher and Damside. The site measures approximately 0.5 hectare in area.

## PROPOSED DEVELOPMENT

The application, which is for planning permission in principle, proposes a low density development of four dwelling houses on this site, commensurate with its rural character. It is proposed that the remaining farm buildings on this site, which are in a semi-derelict condition and poorly positioned on the site, are demolished to enable the site to be designed and landscaped in an optimal way. All details of the proposed new dwellings are therefore reserved for subsequent approval. Nevertheless, any such subsequent proposal will respect the local area in terms of scale, layout and design and will incorporate landscaping and planting designed to help integrate any new buildings into the landscape. Specific emphasis will be placed on providing biodiversity benefits. Existing on site materials, particularly stone and slate, will where possible be re-used in construction of the new dwelling houses and /or boundary enclosures to help reflect local character and contribute to sustainability.

## SITE HISTORY

The series of 3 aerial photographs that are attached, accompanied by text below each set, provide a good visual history of the site. The photographs are dated 1972, 1996 and 1998 and reflect the progressive redundancy of the site as the farming business has centred its farming activities at its sister site at Rosefield, some 3 miles south. Necessary modernisation and intensification of the farming operation has seen an evolution away from cattle to intensive arable and potato production. The size and infrastructure associated with these new enterprises are better suited to the site at Rosefield which lies adjacent to the A94. The centralisation of the farming operations at Rosefield are evidenced by the following planning applications: 1994 – Farmhouse 94/01754/FUL, 1995 – consent for purpose built potato storage shed – 95/00006/PN, 1999 – office extension 99/01871/FUL, 2004 – Potato shed 04/02421/FUL, 2007 – Insulated potato shed 07/02779/FUL. Since 1998, the remaining farm buildings at Damside have fallen into a state of progressive disrepair and are now semi-derelict.

## PLANNING HISTORY

There is an extant planning consent on the site for change of use and alterations from farm Steading to residential use Ref: 90/01150/FUL.

CURRENT CONDITION OF BUILDINGS 2012/13

Please also refer to the Building Survey Report attached (Millard Consulting)



Rear of buildings as viewed from Damside Farmhouse



Northern gable end of farm buildings



Damside Farmhouse, outbuildings and bothy.



View of buildings from the road

## FLOODING & FLOOD RISK

### Legislative Background:

As a result of the increased risk of flooding, the Scottish Government has developed a policy based on the principles of avoidance, awareness, assistance and alleviation. In June 2009, the Scottish Parliament enacted the Flood Risk Management (Scotland) Act to implement the European Directive 2007/60/EC (the Flood Directive) and modernise flood risk management in Scotland. The new Act provides the framework for a sustainable and risk based approach to flood risk management considering flooding from all sources. In February 2010, the Scottish Government published the Scottish Planning Policy (SPP) which combines and updates previously separate planning policies, including SPP7 (Planning and Flooding).



A small burn/watercourse, known as the Kinnochtry Burn, runs in a northerly direction down the western boundary of the settlement boundary of Damside (as proposed in the draft LDP). The proposed development site is not located directly adjacent to the burn. There is a field, situated at a 'lower level' than the development site which separates the development site and the burn. Nevertheless, due to the 'relative' proximity of the watercourse, pre-application consultation was carried out with Perth and Kinross Flooding Team ( Flooding Officer and Flood Engineer) as part of due diligence. Correspondence to/from the Flooding Team is attached.

The SEPA flood risk map shows the proposed development site to be outwith the 1:200 flood risk event. This interpretation is confirmed in the email received from Russell Stewart, PKC Flood Engineer, (29<sup>th</sup> October 2012, attached). Nevertheless, as Mr Stewart advised, the SEPA flood Risk map is 'indicative only' and therefore due to the relative proximity of the development site to the 'outer edges' of the 1:200 extent, it was deemed prudent to carry out a levels survey.

What is not evident from the SEPA map, is that the proposed development site is situated on land which sits significantly raised above the height of the field bordering the burn. Following a further telephone conversation with Russell Stewart it was agreed that this could be demonstrated by a series of spot levels taken across the field from the burn to the site to 'provide evidence' of the raised ground and that FFL's of above 125.8 AOD could easily be achieved. Millard Consulting were commissioned to carry out a levels survey to demonstrate AOD levels across the site. See Survey Drawing number 12520/21/001 Millard Consulting attached along with corresponding letter ( Millard Consulting dated: 13/12/12). As illustrated in the section drawings, the proposed development site lies on ground which is raised approximately 2 metres above 'field level' – with levels taken down the length of the site (north to south) – to illustrate this 'change in levels'. The photographs below also give a good visual perspective to the 'raised' nature of the proposed site.



Looking SE towards the proposed development site from the field on the west of the site.



Damside Farmhouse. Showing bank between field and proposed development site.

There is no previous history of flooding on the site. Moreover, in assessing the physical geography of the site, combined with the information gathered by Millard consulting, we do not believe that the potential development site presents itself as being at risk from flooding.

#### SURFACE WATER DRAINAGE

As this application is made in principle no details of the houses and their roof areas or the type of access surfacing is being proposed at this time. Full details relating to surface water disposal from roofs, access and paved surfaces will be submitted at the time of a detailed proposal which will fully employ SUDS measures. This should yield a net benefit for this site over its historic use as a working farm.

#### FOUL DRAINAGE

The settlement of Damside lies outwith the publicly sewered areas and as such, drainage investigations have not been fully undertaken at this stage. At the time of submitting a detailed proposal a private system will be designed in compliance with the Scottish Building Standards Agency technical handbooks as appropriate to ensure that there is no adverse effect on the natural or built environment.

#### ACCESS



There are multiple existing accesses into the site off the U134. It is expected that the access/accesses will be subject to conditions to safeguard and improve pedestrian and traffic safety to/from the site. Full details of the site access/accesses are therefore reserved and will be submitted as part of a detailed proposal.

## POLICY CONSIDERATIONS

The development plan for the area comprises the Strategic Development Plan (Tayplan 2012) and the Perth area Local Plan 1995 (incorporating alteration No. 1, housing land 2000). The applicants do not believe that this development proposal raises any issues of strategic relevance to the Strategic Development Plan. In terms of the development plan, the site lies outwith any settlement boundary identified within the PALP 1995 as so falls to be assessed against Policy 32, housing in the countryside. In broad terms this proposed development site is generally in line with the criteria required for building groups and replacement houses (relevant to the bothy) – as defined in Policy 32.

The Council have updated their supplementary guidance on Housing in the Countryside and the 2009 HITC Policy is therefore a material consideration. This proposed development site falls under a number of categories within the revised Housing in the Countryside Policy. The northern part of the site fulfils the category requirements of a rural brownfield site. The site was formerly occupied by buildings as evidenced in the 'Planning History' section of this supporting statement, (see photographs taken in 1972, 1992 and 1998). The buildings that formerly occupied this section of the site include a 'but and ben' (formerly lived in) a large silage pit and large straw barn. The site is currently standing derelict and has been in this condition for a number of years. No rehabilitation of the site has been carried out. The site is not suitable for business or tourism uses. It is believed that the criteria 'For all proposals', categories A-M where applicable, could be adequately met at the time of submitting a detailed proposal.

The southern part of the site is occupied by a vacant bothy (lived in up until approximately 40 years ago) and farm buildings in a poor state of repair (sections of the roof had to be removed last year during gales as they were felt to be dangerous). The buildings are of relatively low architectural merit. See supporting photographs. In order to gauge the renovation potential of the buildings, prior to submitting an application, Millard Consulting were commissioned to carry out an initial standing buildings survey. Their report is attached and is largely self-explanatory. The buildings are in an advanced state of deterioration, have sub-standard foundations and structural inadequacies are in evidence in later modifications. When combining these factors with the poor positioning of the buildings within the site it is proposed that these buildings should be demolished.

Under Housing in the Countryside Policy (2009) and in line with criteria 4(e) and (f) it is proposed that in this case, individual site conditions do support the demolition and relocation of the former bothy to a position on the site that would afford a better landscape fit. Relocating/re-orientating a replacement dwelling would allow for:

- 1) Improved road safety issues

- 2) Protection/enhancement of the privacy/residential amenity of the neighbouring Damside farmhouse
- 3) Allow for the new dwelling to maximise views
- 4) Allow the new dwelling to 'fit' better in its landscape setting and more cohesively within the site as a whole.

With regard to the remaining farm buildings, due consideration has been given to their relative architectural merit, their structural deficiencies and to the potential for creating an improved landscape fit over the site as a whole. In the current economic climate, it is also important to put forward a scheme that whilst fully in accord with Policy guidelines will also realistically be taken forward and delivered. Under Housing in the Countryside Policy, Section 5, it is held that an in principle application for four residential dwellings on this site, allowing for the demolition of the existing buildings, has the potential to yield a proposal of a scale, layout and design wholly in keeping with its rural character and much improving upon current site presentation. Appropriate landscaping and boundary treatment have the potential to further enhance the site and improve road conditions along the site frontage. As evidenced in the 'Site history' section of this supporting statement, farming operations have progressively ceased on this site over the last twenty years as the restructuring and modernisation of the farming operations have centred activity at Rosefield some 3 miles south. The remaining farm buildings on this site (a great number having been demolished), have been redundant for a considerable number of years as is in evidence by their condition.

#### **PROPOSED LOCAL DEVELOPMENT PLAN (2012)**

The proposed LDP is not adopted at the time of making this application. Moreover it is held that this application is self-supporting under current adopted Policy. Nevertheless, the new LDP is the most recent expression of Council Policy and is therefore a material consideration.

This proposed development site falls within the settlement boundary for Damside/Saucher as identified on Page 107 of the LDP. Spatial strategy considerations support appropriate infill development to create a more cohesive settlement.

Placemaking is an important feature of the new proposed Plan. As this application is an 'in principle' application many of the criteria for Placemaking will be addressed at a later stage. Nevertheless, where highlighted in red text below, a specific approach has been taken as part of this application.

#### **Policy PM1: Placemaking**

*Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. ( See relevant Section and report on Flood Risk)*

*The design and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and*

*nature of the development. (Improvements to building siting and layout on this site should result in improvements to the road in this section to the benefit of neighbouring settlements)*

Policy PM1B

*All proposals should meet all the following placemaking criteria:*

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings. (See note at (e) below)*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines.*
- (c) The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate, or establish one where none exists. (See note at (e) below) Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. (The proposal to demolish the farm buildings, which currently sit 'right on the road edge' and to take the 'build line' back to that established by Damside Farmhouse will improve road safety, especially for those on foot/bike. The road is small and narrow at this point and made more 'difficult' by the tree cover immediately to the south)*
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.*
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. (The existing buildings, in this case, as outlined above, are not considered appropriate to 'convert' to residential dwellings. Nevertheless, stone and slate from the site, capable of re-use will be salvaged and retained for use on-site.)*

Policy RD1: Residential Areas

RD 1 (a) Supports *Infill residential development of a similar density to its environs.*

*It is considered that an in principle application for four residential dwellings on this site represents a low density development commensurate with the rural environment and respectful of the character and density already in evidence in Saucher and Damside.*

RD1 (c) Supports *proposals which will improve the character and environment of the area or village.*

*It is believed that the rehabilitation and restructuring of this site has the potential to enhance and improve both the natural and built environment of the surrounding area. The existing buildings are in a very poor state of repair and falling into dereliction. The site has not been rehabilitated since the farming operations have ceased on this site and centralised at Rosefield. The site stands to benefit from the clearing and landscaping associated with a proposed small development of a residential nature.*

### **Scottish Planning Policy (SPP)**

Where appropriate to an In Principle planning application the Policies set out in Paras 92-96 (Rural Development) and Paras 196-211 – Flooding and Drainage, have been complied with in this application.

### **CONCLUSION**

In conclusion it is not considered that this application proposal would have any adverse impacts on the character and appearance of the surrounding area. The existing buildings are visually unattractive in their advanced stages of dilapidation and the whole site would benefit from being cleared and rehabilitated. There does not appear to be any conflict with Policies 1 and 32 of the adopted Perth Area Local Plan or with Policy RD1 in the emerging LDP or with the Council's Housing in the Countryside Policy. It is therefore hoped that, subject to the imposition of appropriate planning conditions, the Council will be minded to approve planning permission in principle.

**TCP/11/16(272)**

**Planning Application 13/00259/IPL – Demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ**

## **REPRESENTATIONS**

- Representation from Environmental Health Manager, dated 25 February 2013
- Representation from Transport Planning, dated 13 March 2013



# Memorandum

To	Head of Development Control	From	Environmental Health Manager
Your ref	PK13/00259/IPL	Our ref	KIM
Date	25 February 2013	Tel No	(47)6442

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### **PK13/00259/FLL RE: Demolition of farm bothy and farm buildings and erection of 4 residential dwellings (in principle) Farm Bothy Damside Farm Kinrossie Perth PH2 6HZ for Miller Farms**

I refer to your letter dated 13 February 2013 in connection with the above application and have the following comments to make.

#### **Water (assessment date 21/2/13)**

##### Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent.

##### Background

The development is in a rural area with private water supplies (namely Milton of Collace Supply) known to serve properties in the vicinity. The applicant has indicated that they will connect to the public mains supply. To ensure the new development has an adequate and consistently wholesome supply of water AND/OR to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informative. No public objections relating to the water supply were noted at the date above.

##### Informative

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.









# MEMORANDUM

To	Andrew Baxter Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/00259/IPL	Date	13 March 2013

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

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 13/00259/IPL for planning consent for:- **Demolition of farm bothy and farm buildings and erection of 4 residential dwellings (in principle) Farm Bothy Damside Farm Kinrossie Perth PH2 6HZ for Miller Farms**

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 and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

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.

