

**TCP/11/16(188)**

**Planning Application 11/01420/IPL – Erection of a dwellinghouse at Old Mill of Ross, The Ross, Comrie, PH6 2JS**

**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 MS L COLLINS

Address OLD MILL OF ROSS  
MILL OF ROSS  
COMRAIE

Postcode PH6 2JS

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name ALEXANDER SMITH

Address GREENLOANING COTTAGE  
GREENLOANING  
DUNBLANE  
PERTHSHIRE

Postcode FK15 0LT

Contact Telephone 1 01786 880421

Contact Telephone 2 0782 8227236

Fax No 01786 880421

E-mail\* plannersmith@aol.com

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

PERTH & KINROSS COUNCIL

Planning authority's application reference number

11/01420/1PL

Site address

OLD MILL OF ROSS, THE ROSS, COMRAIE, PH6 2JS

Description of proposed development

ERECTON OF ONE NEW DWELLING

Date of application

04/08/2011

Date of decision (if any)

21/03/2012

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**Statement**

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

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

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

SEE SEPARATE SHEETS

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.

SEE SEPARATE LIST

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

**Checklist**

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

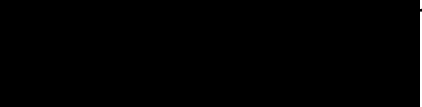
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

**Declaration**

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

Signed



Date

17/05/12

## **LIST OF SUBMITTED DOCUMENTS**

- 1. Notice of Review Form, dated 17/05/12**
- 2. Supporting Statement**
- 3. Enclosure No1: Copy of Application Form & Plans, dated 04/08/12**
- 4. Enclosure No 2: Copy of Decision Notice, dated 21/03/12**
- 5. Enclosure No 3: Copy of Housing in the Countryside Policy, August 2009**
- 6. Enclosure No 4: Copy Extract from Google Earth Aerial, and Street, Views**
- 7. Enclosure No 5: Copy of Perth & Kinross Council 'Siting.....Houses in Rural Areas'**
- 8. Enclosure No 6: Copy of Consultation Response re Flooding, dated 25/10/11**
- 9. Enclosure No 7: Copy of SEPA Indicative Flood Map for Application Site**
- 10. Enclosure No 8: Copy of letter to Perth & Kinross Council, dated 29/11/11**





**REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING CONSENT FOR  
THE ERECTION OF ONE DETACHED DWELLING, AT, MILL OF ROSS,  
COMRIE.  
SUBMISSION ON BEHALF OF MS K COLLINS, OLD MILL OF ROSS**

The application for Planning Permission in Principle, now subject to this review, along with indicative drawings, was submitted on 4<sup>th</sup> August, 2011 (*Enclosure No 1*). The application was refused on 21<sup>st</sup> March 2012, with the Decision Notice (*Enclosure No 2*) includes 4 reasons for refusal relating to potential flood risk (reason #2), the terms of Policy 54 (Building Groups) (Reason#1) as set out in the adopted Strathearn Local Plan, and Policy 27 of the Local Plan and Structure Plan Policy 8 (Reasons3&4) relating to protecting the settings of listed buildings.

Reason #1 refers to both Policy 54 of the adopted Local Plan and to Perth & Kinross Council's Housing in the Countryside Policy, as revised in August 2009 (*Enclosure No 3*). In effect, both say the same thing "*Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable areas formed by existing topography and/or well-established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s)*". The basis for the inclusion of reason#1 appears to be founded solely on the wholly subjective contention that this proposal fails to comply with the last sentence of that paragraph. Indeed, the submitted plans, and the Google earth aerial, and street, views (*Enclosure No 4*) confirm that the proposed site can, quite clearly, be viewed as part of the existing group. The site which, in any event, is in need of woodland management works, relates closely to the existing group, and can be considered as 'consolidating' the group. Given compliance with the core requirement of the policy, the matter of 'adverse effect' on the character and amenity of the group is, surely, a question of design. Since the application seeks Planning Permission in Principle, albeit supported by indicative design drawings, it was open to planning officers to discuss design, landscaping and detailed siting with the applicant's architect, who did confirm that his client was open to such discussions. It is noted from a consultation response that a recommendation has been made regarding submission of tree, and protected species, surveys, in the event that consent is granted. This, in the applicant's view is all in accordance with Perth & Kinross Council's guidance on 'The siting & Design of Houses in Rural Areas (*Enclosure No 5*)'. The applicant can confirm that she would be willing to comply with these conditions. It is also worth pointing out that, again because the application seeks Planning Permission in Principle, a condition could be applied requiring landscape/re-planting details to be submitted for further approval by Perth & Kinross Council.

Reason #2 refers to the unquantified risk of flooding, should this development be permitted. Setting aside the fact that the site sits significantly above the level of other dwellings within the group, the internal consultation (*Enclosure No 6*) confirms the position set out by the applicant's architect that the site lies *outwith* the 200-year flood zone as defined in SEPA's indicative Flood Map (*Enclosure No 7*). This issue was addressed by the applicant in a letter, dated 29<sup>th</sup> November 2011, to Perth & Kinross Council from her Planning Consultant (*Enclosure No 8*). In addition, the applicant can confirm that there is no history of flooding at the locus of the site, but that she will arrange for a Flood Risk

Assessment to be carried out should this be considered a pre-condition to the granting of consent.

Reasons #3&#4 relate to, again, the subjective view that development of the proposed site would be detrimental to the “character and amenity” of the existing building group. This issue was also addressed in the letter of 29<sup>th</sup> November and the remarks made therein remain relevant. It remains the applicant’s view that the site is appropriate for development and that an acceptable design could have been achieved had the applicant’s architect been afforded an opportunity to discuss these aspects. That this facility was not afforded is a source of some regret, not to say concern. The applicant is of the belief that the weight of local objection was instrumental in the decision to refuse and that this local objection drove the determination process, rather than the development being considered on purely policy and land-use terms. Consequently, the applicant does not believe that her proposal was afforded the wholly objective consideration, to which she was entitled.

**Conclusion:**

It is the applicants’ view that the refusal of consent was unreasonable, and driven by the measure of local objection, rather than through objective application of policy which, it is submitted should have led to a different outcome. It is also considered essential that The Review Body visit the site to allow a realistic assessment of the proposal to be made.

Consequently, Members of the Review Body are requested to consider this proposal, in the light of a site visit which, the appellant is confident, would allow Members to overturn the refusal and grant consent for this development.

Ref: 11/783/Ross/RB/01

16 AUG 2011

E319 -  
19329**APPLICATION FOR PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application  
 PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
 ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MISS	Ref No.	
Forename	KATHERINE	Forename	
Surname	COLLINS	Surname	
Company Name		Company Name	CONSOLIDA DESIGNS
Building No./Name	OLD MILL OF ROSS	Building No./Name	BOGITTAUGH
Address Line 1	MILL OF ROSS	Address Line 1	SOUTH CREEFF RD
Address Line 2		Address Line 2	
Town/City	COMRIE	Town/City	COMRIE
Postcode	PH6 2JS	Postcode	PH6 2HF
Telephone		Telephone	01764 679 670
Mobile		Mobile	
Fax		Fax	
Email		Email	DESIGNS.MYZEN.CO.UK
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b> <div style="border: 1px solid black; padding: 10px; margin-top: 5px;">           OLD MILL OF ROSS, MILL OF ROSS            COMRIE PH6 2JS         </div>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b> What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	<div style="border: 1px solid black; width: 150px; height: 15px;"></div>	Date:	<div style="border: 1px solid black; width: 150px; height: 15px;"></div>

**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

ERUCTION OF DWELLING HOUSE

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

0.152

Square Metre (sq.m.)

1520

## 8. Existing Use

Please describe the current or most recent use:

GARDEN GROUND

## 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

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

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

1

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

3

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

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

☒

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

☐

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

**Note:- Please include details of SUDS arrangements on your plans**

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

Yes ☒ No ☐

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

### 11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

*If yes, briefly describe how the risk of flooding might be increased elsewhere.*

### 12. Trees

Are there any trees on or adjacent to the application site?

Yes ☒ No ☐

*If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.*

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

*If yes, please provide details and illustrate on plans.*

*If no, please provide details as to why no provision for refuse/recycling storage is being made:*

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

ONE

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

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☐ Don't Know ☒

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:



Name:

Countryside Design

Date:

4-8-2011

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

## CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself *K Collins* was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

*[Redacted Signature]*

On behalf of:

*Miss K Collins*

Date:

*4-8-2011*

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐



Name	Address	Date of Service of Notice

### CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

**CERTIFICATE D**  
**Certificate D**

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself \_\_\_\_\_ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

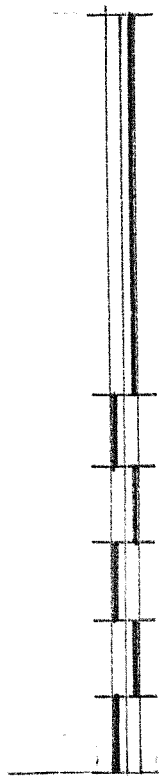
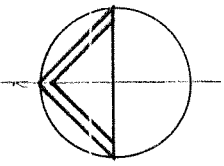
- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

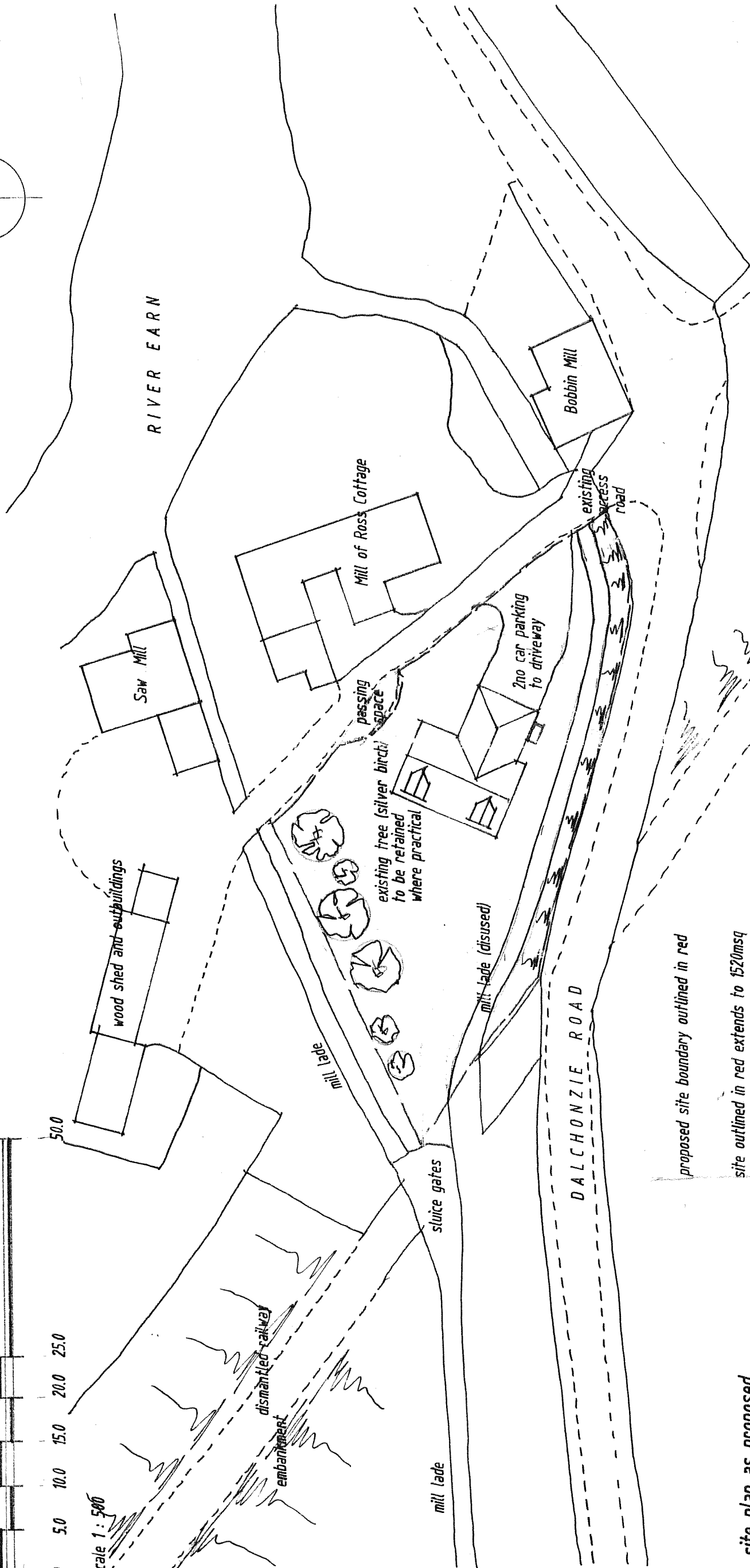
Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act



0 5.0 10.0 15.0 20.0 25.0

scale 1 : 500



site plan as proposed  
scale 1 : 500

proposed site boundary outlined in red

site outlined in red extends to 1520msq

existing access road outlined in blue property of applicant

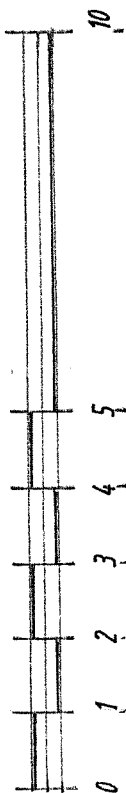
plot currently has tree cover in the form of self seeding silver birch and dead oak  
there are no substantial trees on the site currently

Proposed new dwelling house for  
Miss K Collins  
Old Mill of Ross  
Mill of Ross  
Comrie  
August 2011

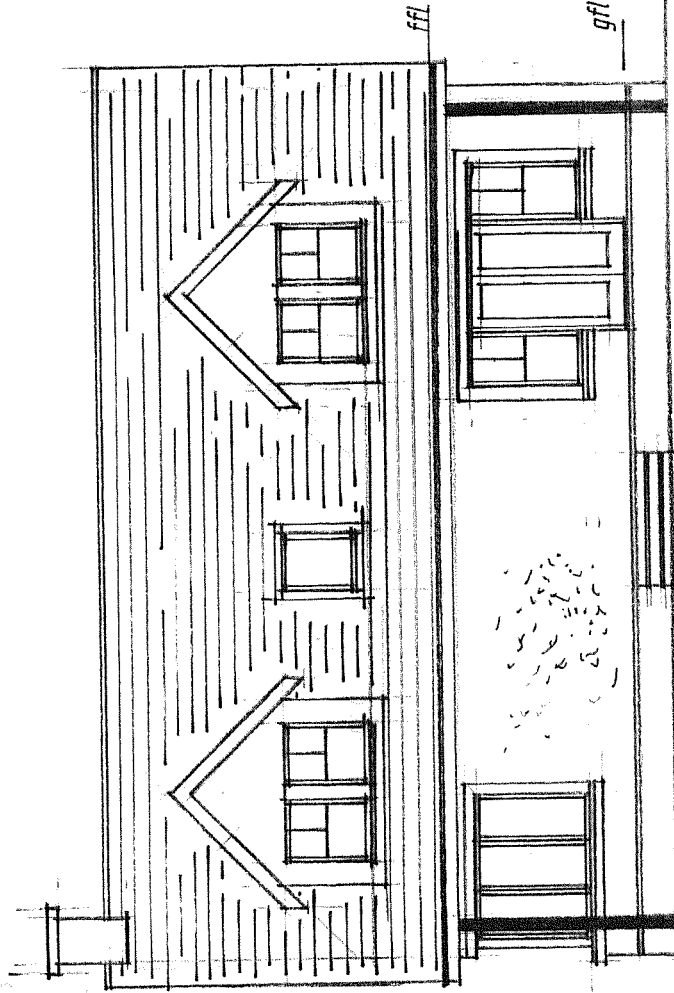
Drawing no CD 145/03

Proposed new dwelling house for  
Miss K. Collins  
Old Mill of Ross  
Mill of Ross  
Comrie  
August 2011

Drawing no CD 145/02



scale 1 : 100



west elevation as proposed  
scale 1 : 100

natural slate to roof

drop fascias, soffits, verges

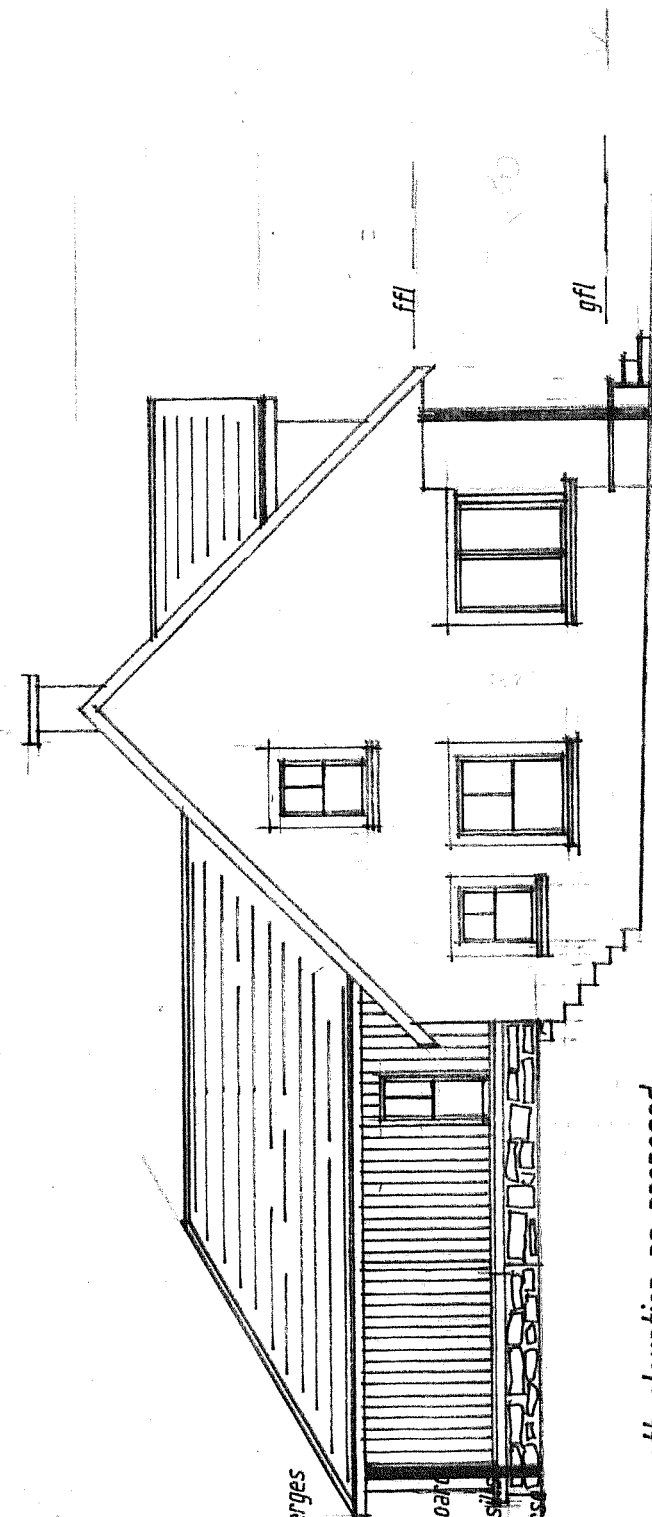
vertical timber lining boards

sand dusted concrete sill

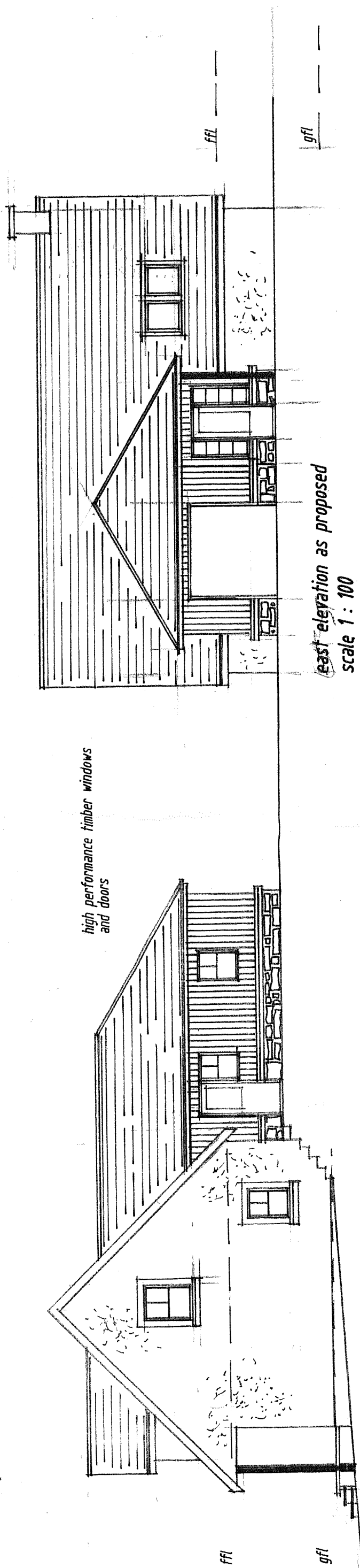
natural stone basecourse

wet-dash render

north elevation as proposed  
scale 1 : 100

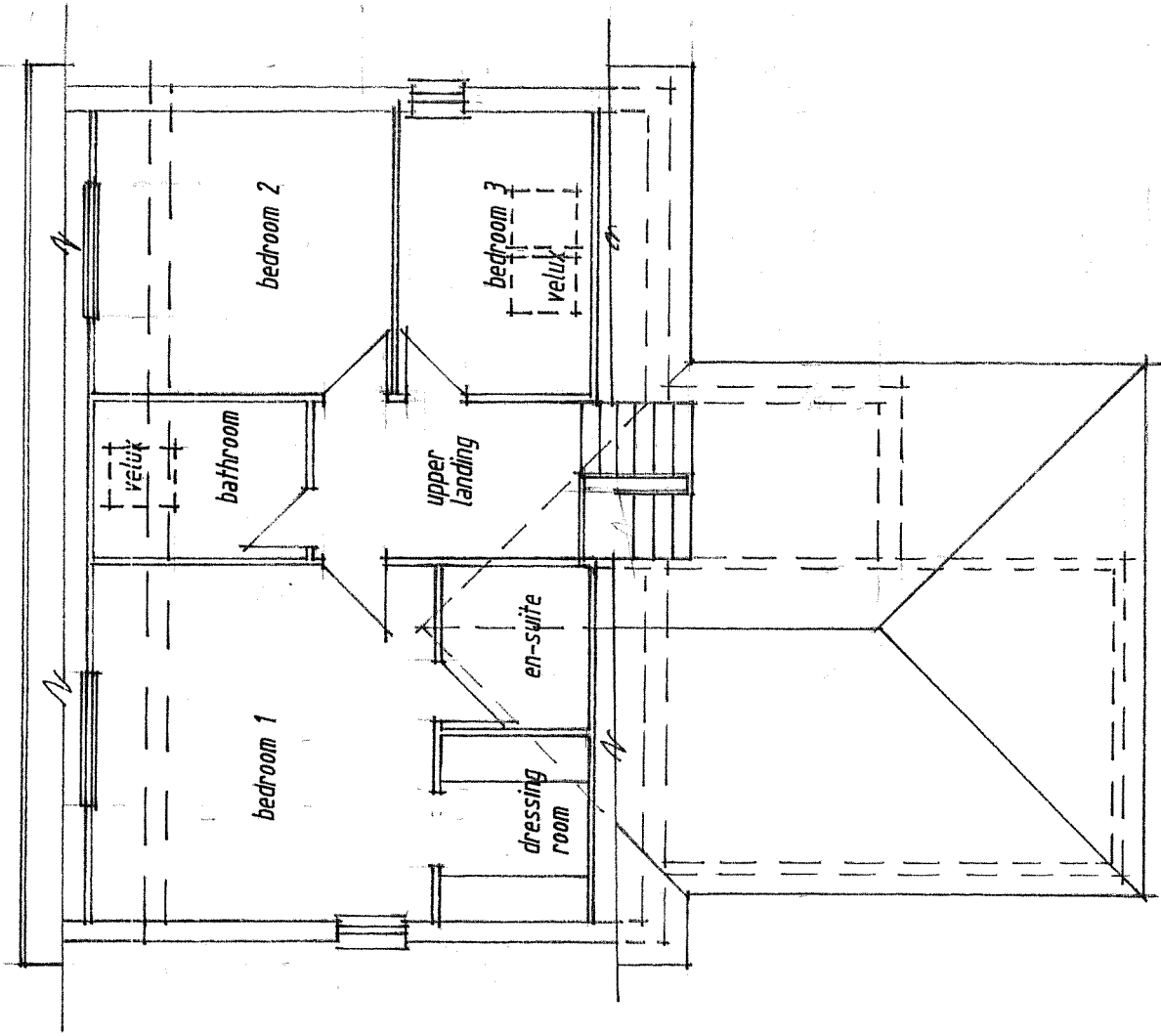
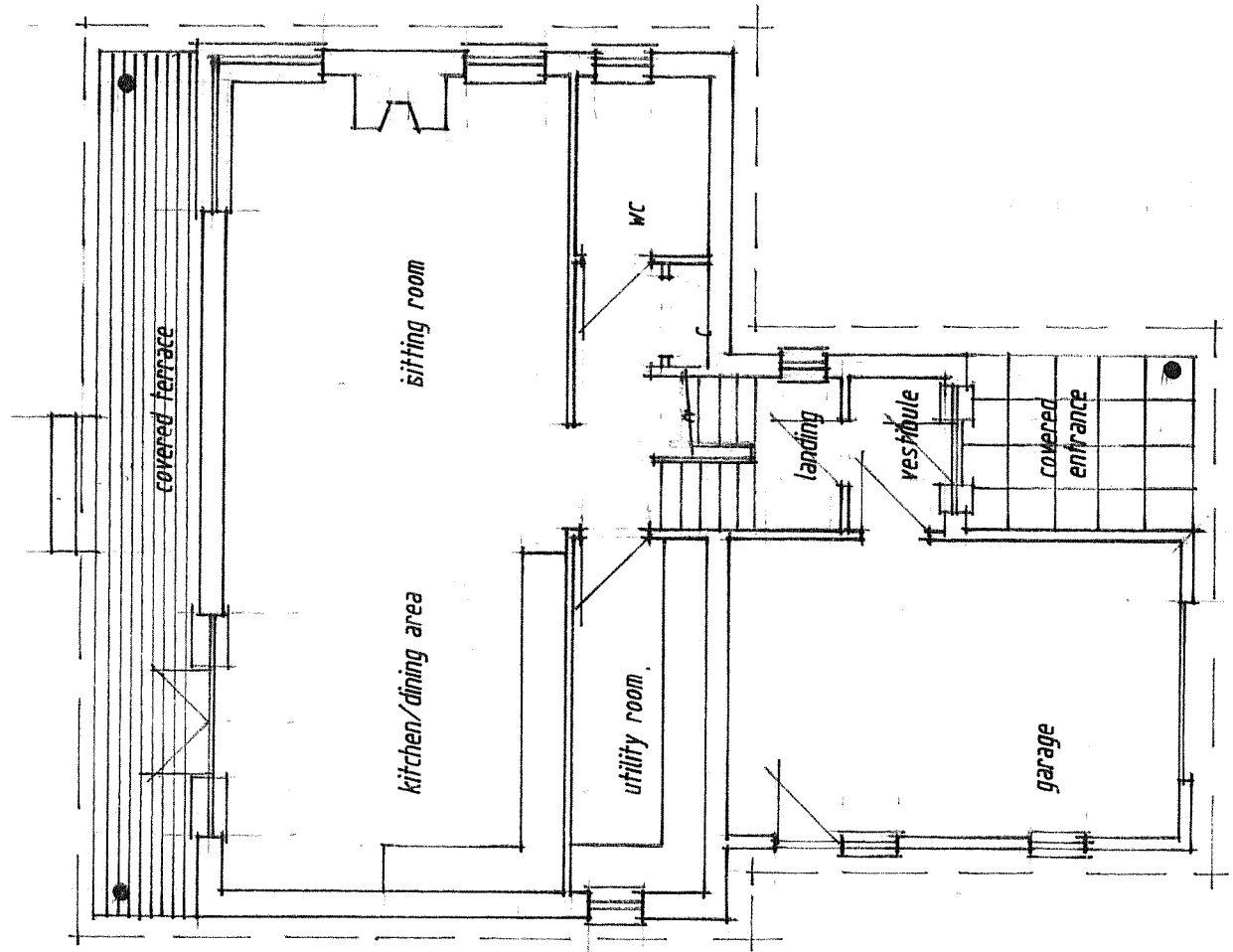
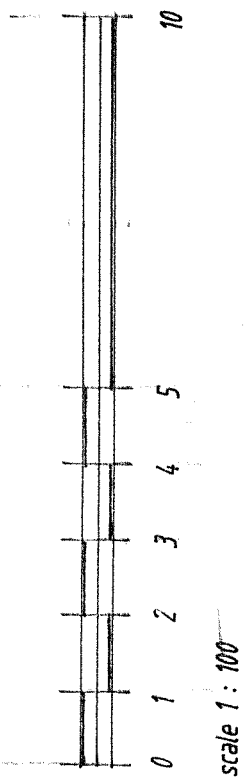


high performance timber windows  
and doors



east elevation as proposed  
scale 1 : 100

south elevation as proposed scale 1 : 100

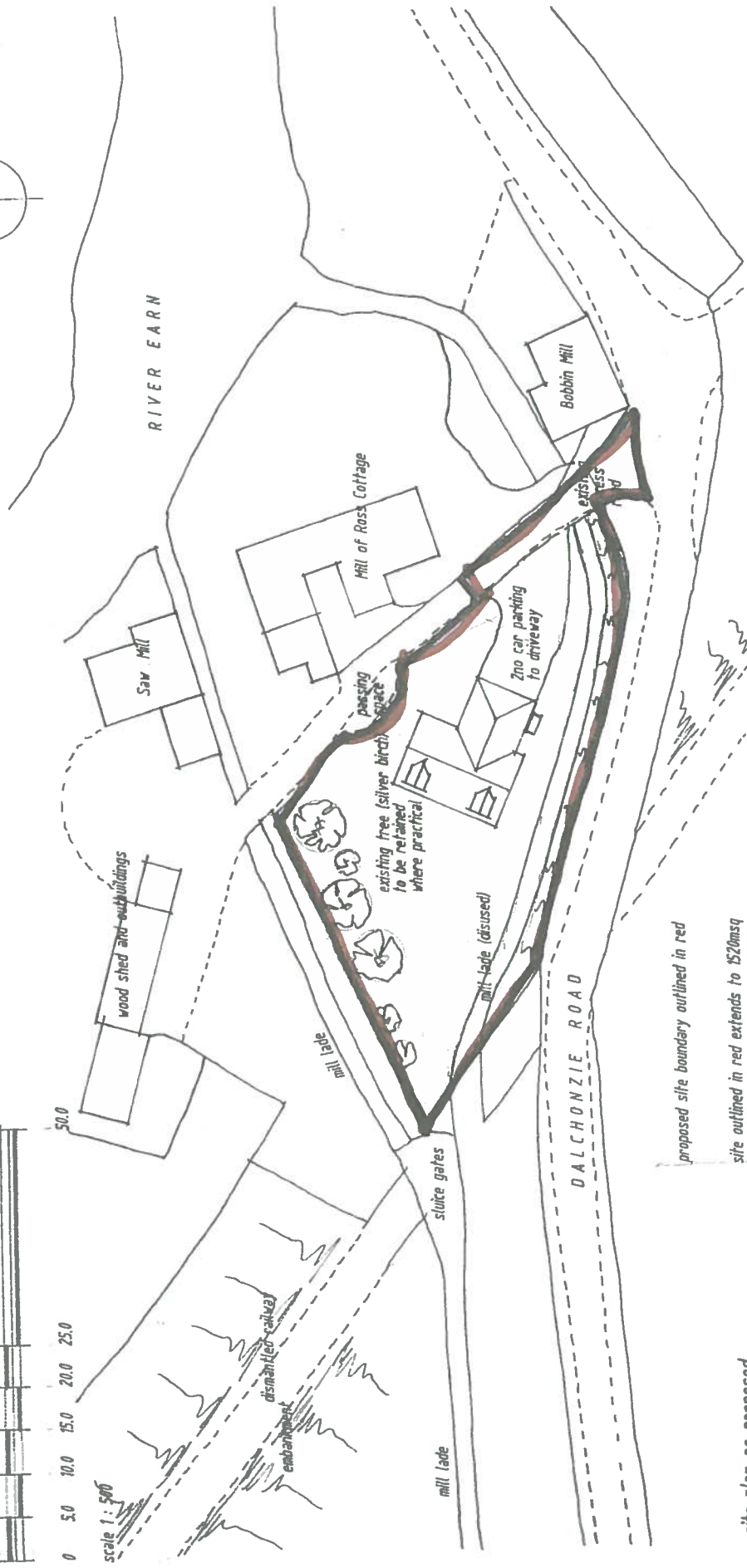


Proposed new dwelling house for  
Miss K Collins  
Old Mill of Ross  
Mill of Ross  
Comrie  
August 2011

Drawing no CD 145/01



scale 1 : 500



site plan as proposed  
scale 1 : 500

proposed site boundary outlined in red  
site outlined in red extends to 1520msq  
existing access road outlined in blue property of applicant

plot currently has tree cover in the form of self seeding silver birch and dead oak  
there are no substantial trees on the site currently

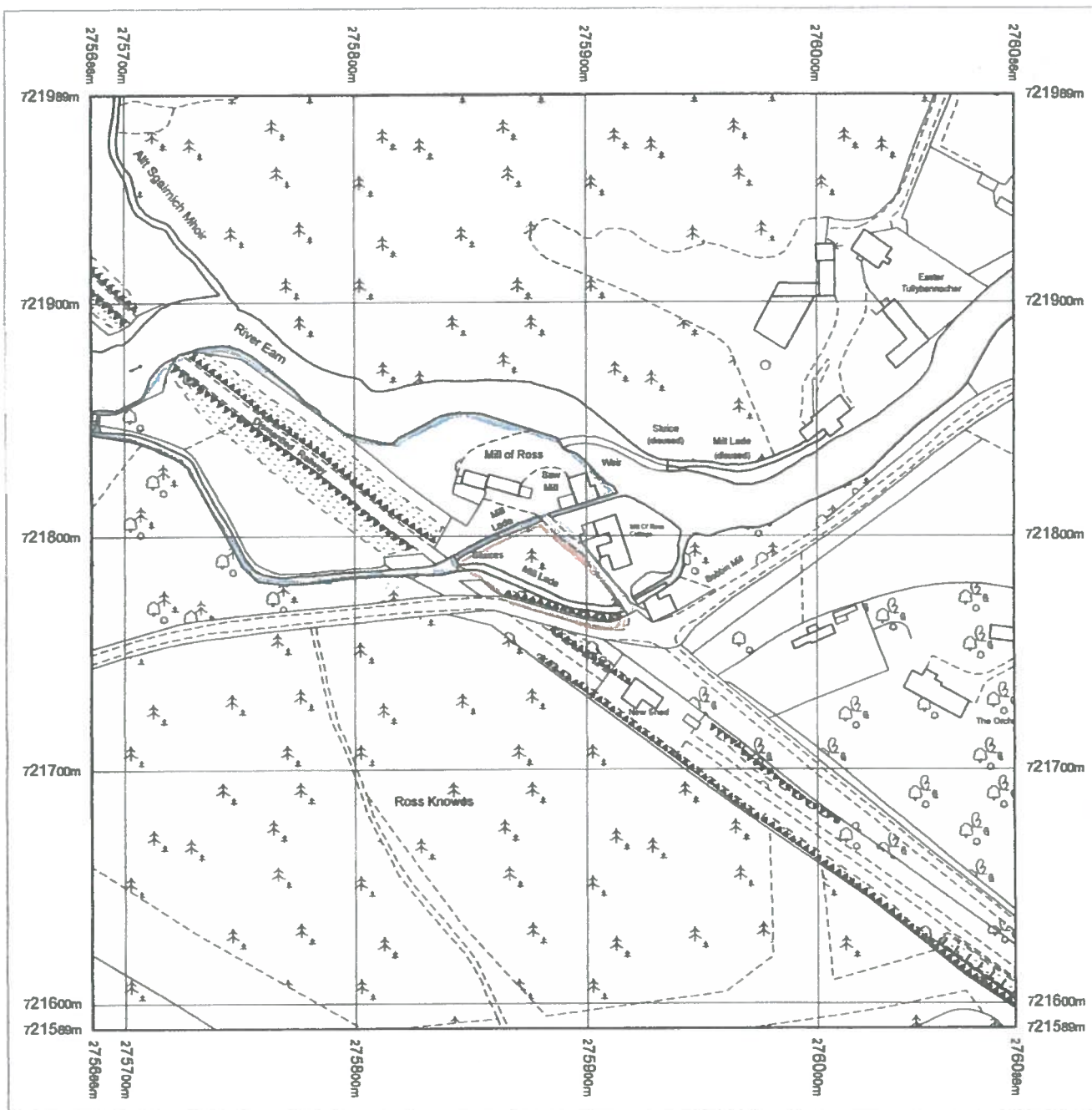
HOUSE DETAILS INDICATIVE ONLY

Proposed new dwelling house for  
Miss K Collins  
Old Mill of Ross  
Mill of Ross  
Comrie  
August 2011

Drawing no CD 145/03

PERTH AND KINROSS COUNCIL

DRAWING REF: 11/01442/2



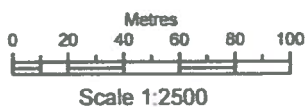
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



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Centre coordinates: 275885.5 721789.25

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PERTH AND KINROSS COUNCIL

DRAWING REF: 11/01448/1  
411





## **PERTH AND KINROSS COUNCIL**

Miss K Collins  
c/o Consolida Designs  
Boghaugh  
South Crieff Road  
Comrie  
PH6 2HF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21st March 2012

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

Application Number: **11/01420/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 31st August 2011 for permission for **Erection of a dwellinghouse Old Mill Of Ross The Ross Comrie Crieff PH6 2JS** for the reasons undernoted.

Development Quality Manager

#### **Reasons for Refusal**

1. As development of this site would have an adverse impact on the character of the existing building group, the proposal is contrary to both the Policy 54 of the Strathearn Local Plan 2001 and the 2009 Housing in the Countryside Policy insofar as both policies only allow for development within an existing building group where the character and amenity of the group is not adversely affected by the development which is proposed.
2. As it has not been fully demonstrated that the site is not liable to flood risk and / or that physical development of the site would not result in off-site flooding risk increasing, the proposal is considered to be contrary to Environment and Resource Policy 9 of the Perth & Kinross Structure Plan 2003 and Policy 7 of the Strathearn Local Plan 2001, both of which seek to restrict development on areas that are liable to flood.

3. As development of this site would have an adverse impact on the setting of the adjacent Listed Building(s), the proposal is contrary to Environment and Resource Policy 8 of the Structure Plan 2003 and Policy 27 of the Strathearn Local Plan 2001, both of which seek to protect the settings of Listed Buildings from inappropriate development.
4. A recommendation of approval by Perth and Kinross Council, in light of the proposals adverse impact on the setting of adjacent Listed Buildings, would be contrary to the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that a Planning Authority, in considering whether to grant planning permission for development which affects the setting of a Listed Building(s), shall have special regard to the desirability of preserving the setting of the affected building. If Perth and Kinross Council (as the Planning Authority) were to support this planning application, the Council as Planning Authority would not have had due regard to the desirability of preserving the setting of the adjacent Listed Buildings.

### **Justification**

The proposal is contrary to the Development Plan and there is no material reasons for approving 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**

**11/01420/1**

**11/01420/2**

**11/01420/3**

**11/01420/4**

# **Housing in the Countryside Policy**

## **August 2009**

## **Introduction**

The policy is intended to apply across Perth and Kinross, subject to specific circumstances identified in Local Plans, this would include an area like Glenshee where the Eastern Area Local Plan already includes a more relaxed policy to address the issues rural development and depopulation and the scattered nature of the settlement pattern.

In addition, in areas where particular constraints apply, the policies specific to these areas must also be complied with. Areas with specific designations include:

- Designated Historic Gardens and Designed Landscapes
- National Scenic Areas
- Areas of Great Landscape Value
- Special Areas of Conservation
- Special Protection Areas
- Ramsar Sites
- Sites of Special Scientific Interest
- Scheduled Ancient Monuments and their setting
- Loch Leven and Lunan Valley Catchment Areas for nature conservation/environmental reasons

This may result in a proposal being acceptable in terms of the Housing in the Countryside Policy but unacceptable for other policy reasons, and therefore refused.

## **Housing in the Countryside**

In accordance with SPP15, PAN 72 and PAN 68 the Council's objective is to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas including the open countryside. The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

The policy aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural development needs.

- i) Encouragement will be given to the incorporation of measures to facilitate home working within new development
- j) The proposed development should not conflict with any other policy or proposal in the Local Plan.
- k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.
- l) Proposals with the potential to result in increased disturbance of birds in Special Protection Areas must demonstrate how adverse impacts on the site's integrity will be avoided.
- m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.

### **1. Building Groups**

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

## **2. Infill Sites**

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

## **3. New Houses in the Open Countryside**

Favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

### **3.1 Existing Gardens:**

- a) Established gardens once associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site.
- b) Walled gardens where development would not affect the integrity of the structure or the garden, and may assist in the preservation of the wall.

### **3.2 Flood Risk:**

- a) Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.

### **3.3 Economic Activity**

- a) A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the

satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.

- b) Proposals for new country estates with ancillary accommodation may be permitted where they are of outstanding architectural quality and create a new designed landscape. In addition they must demonstrate that they will bring associated employment and long term economic benefits to communities in the surrounding area.

### 3.4 Houses for Local People:

A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required.

Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.

### 3.5 Pilot projects creating eco-friendly houses:

Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.

### Siting Criteria

Proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

- a) it blends sympathetically with land form;
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;
- d) it does not have a detrimental impact on the surrounding landscape.

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;

- a) it occupies a prominent, skyline, top of slope/ridge location;
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and
- c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

#### **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;



- g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials.
- h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development.
- i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location.
- j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application.
- k) The development is in an accessible location ie in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

Note: Where farming operations require to be moved details of any replacement building and where this will be located should be submitted along with the application for conversion.

For the purposes of this policy a building will be classed as redundant when it can be demonstrated that it: has not been in use for a considerable number of years; is no longer fit for purpose; or is unsuited to the restructuring needs of the farm necessary to ensure a viable farm business.

## **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.

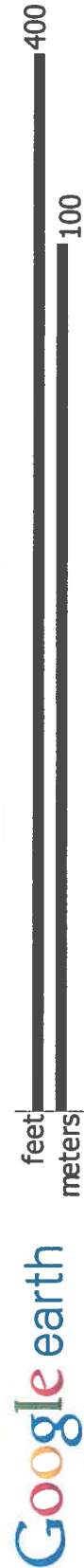
Whilst most new development will continue to be in, or adjacent to, existing settlements, the Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories, and meet all the following criteria:

**For All Proposals**

- a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.
- b) Pre-application discussion is recommended.
- c) Satisfactory access and services should be available or capable of being provided by the developer.
- d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

- f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).
- g) Existing on site materials, particularly stone and slate, should be re-used in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.
- h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.







Google earth

feet  
meters

20

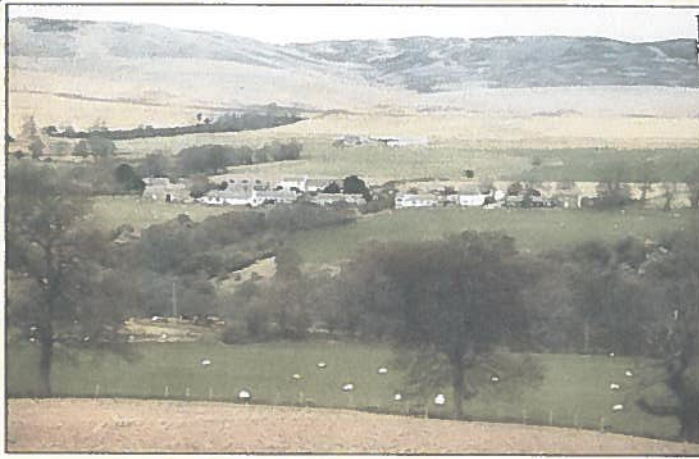
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Google earth

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# GUIDANCE

ON THE SITING  
AND DESIGN OF HOUSES  
IN RURAL AREAS



## INTRODUCTION

People have built their homes in our countryside for generations and the resulting buildings have, by and large, contributed to its charm and character. However, the pace and process of development has changed considerably in recent years. At one time house building was an activity using local material and styles which was carried out by people who lived alongside their work. This tradition has practically vanished. Most new houses in the countryside are now built by people who are drawn to it as an attractive living environment in which to retire, or from which they are prepared to travel considerable distances to work, as well as to shop and to conduct their entire range of social contacts.

The changes to the transportation system which have made this possible have also transformed the building industry so that building materials, standardised components and indeed entire house kits are now transported from one end of the country to the other (and are sometimes imported from abroad). The results in the countryside have too often been unsatisfactory and there is increasing awareness that greater care is needed in the selection of sites and in the choice of buildings for them if the countryside is to be both protected from inappropriate design and creeping suburbanisation (examples of which are illustrated on this page).

In response to these changes the Scottish Office and many planning authorities have recently produced planning advice notes and guidance and, in addition, various books have been published which deal with the design issues in greater depth. A list of some of these publications is contained at the end of this guide.



Little regard for topography.



No respect for characteristic rural building design.



No relationship to adjacent traditional building.



Suburbanisation in a scenic area.

## HOUSING IN THE RURAL AREAS OF PERTH AND KINROSS

The countryside of Perth and Kinross is our principal natural asset. It is a source of pride to those who live here and something we share with the many thousands of visitors who come every year to enjoy its beauty. Like other aspects of our heritage we wish to pass it on, unspoilt, to future generations.

However, a growing population and the aspirations of ever greater numbers of people to actually live in the countryside, pose threats to the qualities we wish to protect. There is therefore a need to ensure that new development is both well located and well designed so that it sits comfortably with existing natural and man-made features.

Guidance on where, and in what circumstances, permission may be expected for a new house in the countryside is contained in the District Council's "Housing in the Countryside Policy". This was adopted in May 1994 and conforms to national planning policy and advice issued by the Scottish Office Environment Department. Broadly, the main opportunities for creating a house in the rural areas of Perth and Kinross are as follows:

- In a village or a hamlet.
- on a site located within a Development Zone identified in a Local Plan.
- on a site within or adjacent to a specifically defined building group.
- by the restoration or replacement of an existing house.
- from the conversion of a non-domestic property.
- on the basis of a clearly identified "operational need".

The siting and design advice contained in this Guide has been adopted by the District Council to give applicants a clear illustration of the standards which the Council is trying to achieve in the selection of sites and the design of houses in the rural areas. The guidance is not meant to be prescriptive; although it draws largely upon the Scottish vernacular tradition, it is recognised that there are examples of other styles throughout the District which have enriched the architectural variety of the area. In some cases these are idiosyncratic and unlikely to be models for future designs but there is, for example, a valuable tradition of farm houses and cottages, estate architecture and the grander type of country house which can be the inspiration for future proposals. It is not the intention of the guidance to preclude distinctive, well-designed new houses which may not draw upon any of these traditions, but experience suggests that such proposals are relatively rare and can best be determined on their individual merits outwith the scope of this guidance. It is unlikely, however, that suburban-style bungalows will be acceptable when the guidance is applied in the consideration of planning applications.

Although intended primarily for use in dealing with planning applications on sites which have been approved in principle, because they meet the locational criteria described above, the guidance is also offered for use on sensitive sites within rural areas generally.

All the photographs, elevational drawings and plans relate to houses in Perth and Kinross, many of which have been granted planning consent in recent years. Many have been built and are now occupied. They illustrate that modern living requirements can be allied to sensitive siting and design.

Advice on the interpretation of the guidance and on any matter related to the provision of houses in the rural area can be obtained from the Planning Department of Perth and Kinross District Council at Council Building, 2 High Street, Perth - Telephone (01738) 639911.



# LOCATION OF HOUSES...

Central and local government guidance prefers housing to be directed to rural towns and villages where services and facilities exist.



Encouragement will be given to the erection of houses within, or adjacent to, established building groups which have compact nucleated shapes creating an identifiable "sense of place", provided they do not detract from the amenity of the group and provided any extension of the group is onto a definable site created by topography, landscape features or field boundaries which will contain any further spread of the group.



Permission will generally be given for the erection of houses within existing small groups where sites are contained by housing or other buildings and where further development would not significantly detract from the character or amenity of existing houses, or lead to extension of the group.



The erection of houses which fall within, and meet the criteria of, Development Zones will be allowed. Development Zones are identified within Local Plans. The criteria relate to such matters as location, building pattern and design.



In exceptional cases, the erection of a house will be permitted where it is accepted that there is operational need for that house in connection with some rural activity, such as the practical running of a farm. Such houses should be located at the steading, and preferably be modest in scale, as was traditionally the case. Any planning consent will be subject to a condition restricting the occupancy of a house, for example to allow the house to be occupied only by an agricultural employee at a particular farm.



# ...IN RURAL AREAS





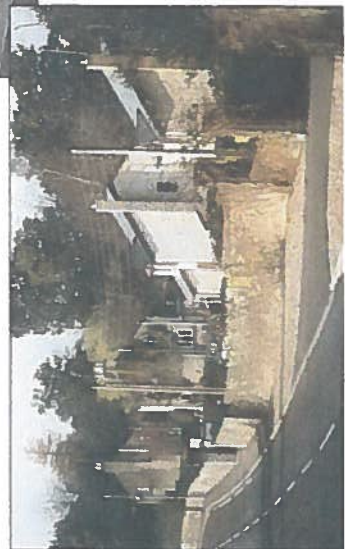
## GUIDING PRINCIPLES

Many siting and design principles hold good whatever the nature of the building proposal, be it the erection of a new house or the conversion of a steading, and irrespective of whether the house is to be built within a village or in a more isolated location.

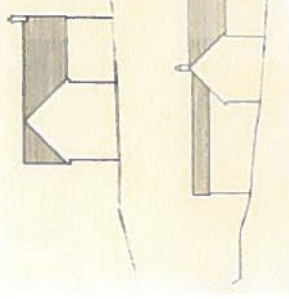
The proportions of the house should provide robust walls and a vertical emphasis to windows and doors, often in a symmetrical pattern. The incorporation of large horizontal windows should be avoided on main elevations. Steeper roof pitches are a characteristic of rural buildings. They are durable and easily maintained and can provide useful storage or habitable accommodation within the roof space.



Respect traditional local building characteristics by following the pattern, form and style of adjacent houses.



Break up the composition of the building to provide interest - both internally and externally.



Avoid using an isolated hilltop site, it may give you a view but it would be visually obtrusive and will afford little shelter from the Scottish climate. Use or create a level site. Where a sloping site is unavoidable fit the house to the site without using a large amount of underbuilding.



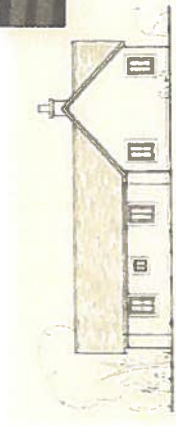
Use existing topography or trees to provide a landscape setting for the house. This reduces scale and visual impact and makes the entire development immediately look established. Trees can provide shelter, a sense of place or enclosure, and a ready made garden.



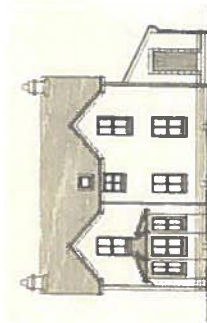
# TRADITIONAL HOUSES...



Examples of houses approved  
and built in Perth and Kinross  
in recent years.



James Buchanan Partnership



A. J. Fothergill & Campbell



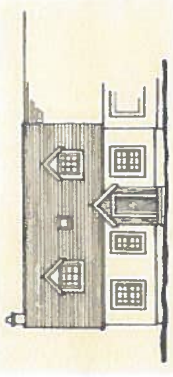
# ...AND NEW HOUSES



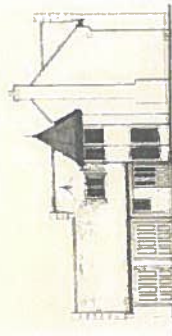
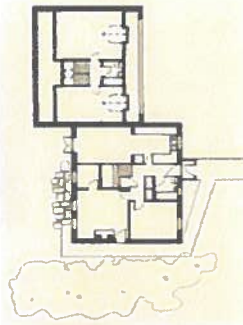


## FROM DRAWING BOARD...

Newman Properties Ltd. A. J. Hindle & Campbell



Two modest cottages in a village, built on a site which could have physically accommodated a large house or bungalow.

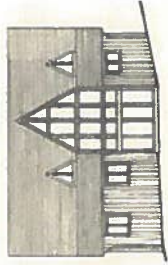
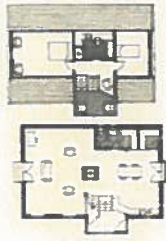


P. 100



## ...TO REALITY

Case Architects Scotland



There is scope for unusual, modern architecture, where an appropriate site is selected and natural materials prevail.



A new family home of distinctive design, in harmony with the local building group and with the landscape.





## RESTORATION, REPLACEMENT...

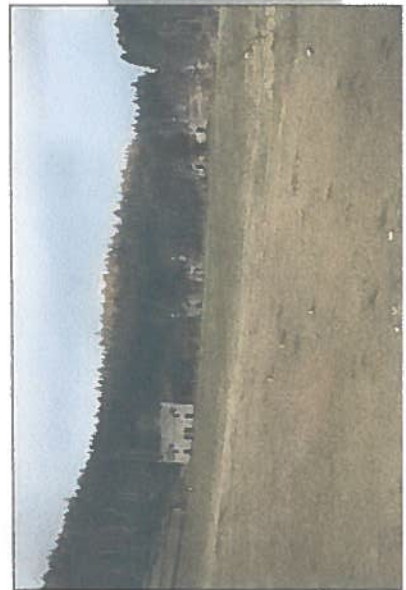
The District Council will always prefer the renovation of an abandoned house or the conversion of a non-domestic building to the erection of a new house in the open countryside as this is much more likely to maintain and enhance the existing character and appearance of the countryside.



There are many ways in which old dwellings can be restored and modern living accommodation provided. A single farm cottage can be rehabilitated to look fresh and new while still remaining part of a steading group, or a row of cottages can be converted into a single spacious house which retains the original character. The building may only require repair but even where it needs internal alteration or a small extension to make it habitable it may not be necessary to obtain planning consent. Normally planning permission will only be required where significant changes are being made to the building's appearance.



A house may be replaced where it is clearly recognisable as a house having the majority of its main structural elements intact. The presence of a few stores on the site is not sufficient to justify the erection of a new house.



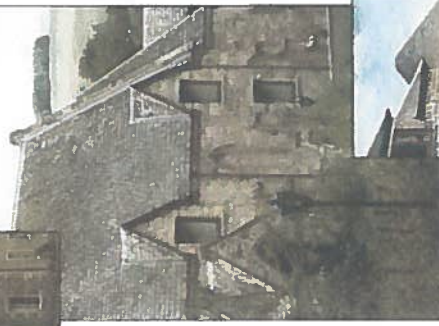
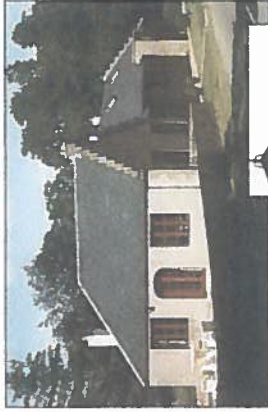
Abandoned houses may be restored provided the house is structurally sound and capable of rehabilitation without substantial rebuilding, and that any alterations and extension are in sympathy with, and subordinate to, the existing building.

## ...AND CONVERSION

The conversion of non-domestic buildings, such as barns and stables, to form a house is generally encouraged provided the existing building makes a positive contribution to the landscape and its retention is considered beneficial to its surroundings and that the building is capable of conversion without requiring extensions or alterations that would detract from its external appearance, character or attractiveness.



Buildings can be converted to form a single dwelling or to create a number of houses. Provide adequate amenity space and curtilage when converting an existing building, particularly if more than one house is to be created in a steading or group of buildings, or where some of the buildings are to continue in their present use.



The conversion of an old and unusual non-domestic building, such as a village hall, mill, office, church or farmhouse, can create a unique residential accommodation, as well as maintaining part of our building heritage.



Attention to the detail of the proposed house, be it new or converted, is just as important as the choice of the site or the consideration of the form and design of the house.

A cardinal principle is to look for, identify and use the local building characteristics to be found in the area around the site. Following these local characteristics can help a new house to be in harmony with its neighbours and can ensure that extensions and conversions respect the existing building. Good detailing will not only improve the appearance of the house but will make it more durable and weatherproof - indeed many of the vernacular building characteristics to be found in Perth and Kinross, such as steeply pitched roofs and small window openings on exposed or north facing elevations, are a direct response to the harsh climate in parts of the district.

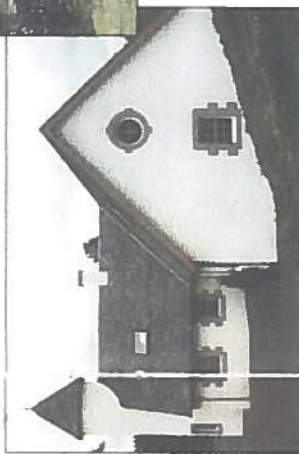
Although the predominant, and therefore most noticeable, traditional buildings in Perth and Kinross tend to be simple rural houses, cottages and steadings in stone, harling and slate, the district does contain a wealth of various building styles reflecting the history of building development in the area. This ranges from rows of simple cottars' cottages through farmhouses to grand Victorian country houses. Indeed, country estates are one of the most common sources of distinctive local design, often having their own individual details such as long column porches, round-topped windows, decorative eaves or ornate chimneys which are repeated throughout all the buildings on the estate, and sometimes even on walls and fences, to create a picturesque quality which is so appropriate in the countryside. Other characteristics can simply reflect the work of a local architect, or more probably a local builder or stonemason. A detailed design theme can extend over quite large areas of countryside - the Breadalbanes style being perhaps the most distinctive in this district.

This guidance on details, as on the other elements of design such as form and materials, is not a romantic attempt to recreate buildings of a bygone era. There is considerable scope for modern architecture and building techniques to support new lifestyles but an honest contemporary approach can be matched with local building characteristics to provide modern accommodation in an aesthetically attractive manner. It requires sensitivity and care by the designer but will not necessarily result in additional expenditure.

There is scope for individual flair, even idiosyncrasy, where fundamental design principles are followed.

Alterations and extensions should be sympathetic to the original building in scale, form, design and materials.

Respect and reflect local design details, e.g. roof pitch, chimneys, eaves, dormers, windows, doors, porches. Close attention to traditional design details can help to integrate a new or converted house into its built and natural surroundings. The photographs at the foot of the opposite page are of detailed features of old buildings, while those at the foot of this page are all of new buildings - the difference can be indistinguishable!





## MATERIALS...

Traditional buildings were constructed of materials that could be obtained close to the site.

In Perth and Kinross, apart from the Carse of Gowrie where bricks were made from the local clay deposits, stone was used for building walls, and was sometimes then weatherproofed with Scotch harl and painted. A few buildings had timber walls. Roofs were originally thatched with reed, straw, whin or heather and then gradually replaced by slates, which are now identified as the predominant traditional roof covering. In parts of Kinross-shire clay pantiles, imported from Holland, were used. Timber on windows, doors and eaves was normally pine, painted externally, and early windows were small paned due to the limitation of the size of glass.

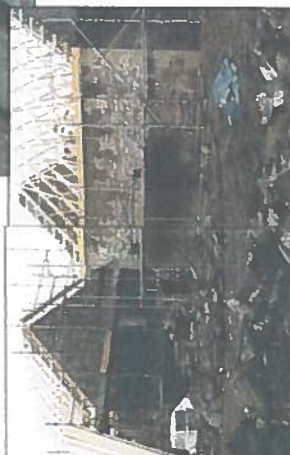
Nowadays a wide choice of materials is available from all over Britain, and even from Europe, but your house will look better if it is externally finished with materials which are found locally or with artificial materials which match them as closely as possible. This will also help the house to weather well through time. Traditional materials are therefore always to be preferred - stone or wet dash harling on walls, slates or pantiles on roofs, and timber on doors, windows and eaves.

Avoid a combination of materials on walls and the use of feature panels of alien modern materials. Use a limited number of materials in appropriate natural colours. Simple contrasting colours can be strikingly effective.



Timber can be used to good effect, either in traditional construction and ornamentation or in avant-garde fashion.

Outbuildings, garages, stables, liquid gas and oil storage tanks, walls, fences, access and landscaping can all have just as big an impact as the house itself. Give them detailed attention when you design the house even though you may not intend to build them until later. Design the house, the outbuildings and the space around as one entity. Retain existing built and natural features to be found on the site, like stone dykes and hedges, wherever feasible. These help to retain the character of the area and to integrate the new development with the landscape as well as defining the space associated with the building.



Avoid the use of tarmacadam surfacing - they will look suburban in rural areas. Continue to use the existing access, if it is safe.



## ...OUTBUILDINGS ENCLOSURES



Your proposal to erect a house in the rural area should not only provide the accommodation that you desire but its appearance should add to and complement the many fine buildings constructed by our predecessors. Your house is likely to be there long after you have left it. It is a challenge to amalgamate your accommodation requirements and circumstances with respect for the protection and enhancement of the environment.

Look at the examples already built in Perth and Kinross - at older properties with local features which contribute so much to the character of the countryside and at modern houses which demonstrate how to provide current living standards in the countryside.

Consider the rehabilitation, and if necessary the extension, of an existing building. This can be a means of providing your new living accommodation in the countryside in a unique manner.

Consider carefully the choice of site by making use of the topography and reflecting the local building pattern. The correct choice of site and the use of an appropriate design will help the house to fit into the landscape. The Council's policy on houses in the countryside will help to direct you to appropriate locations.

Design your house to fit the site. This need not result in the house costing more than an "off-the-peg" house out of a brochure. If it does cost more the difference is liable to be only marginal and may well result in a house of increased value which is more cheaply maintained in the longer term.

Consider carefully the size of the proposed house. Smaller houses can more easily be absorbed into the landscape. If you want a larger house, can it be designed like a traditional farmhouse, can it be broken down into components to reduce its apparent scale, or can it be incorporated into a larger designed landscape?

Discuss your building ambitions with a chartered architect. He is trained in design matters.

The officials of the District Council's Planning Department are ready to discuss your proposal with you from the earliest stage. Ask to speak to the Development Control officer who deals with your area.



An example of good practice.

## READING LIST

These books and publications are recommended for a more detailed appraisal of the siting and design of new houses in the countryside.

R.J. Nalsmith: *Buildings of the Scottish Countryside*; published by Victor Gollancz, 1985.

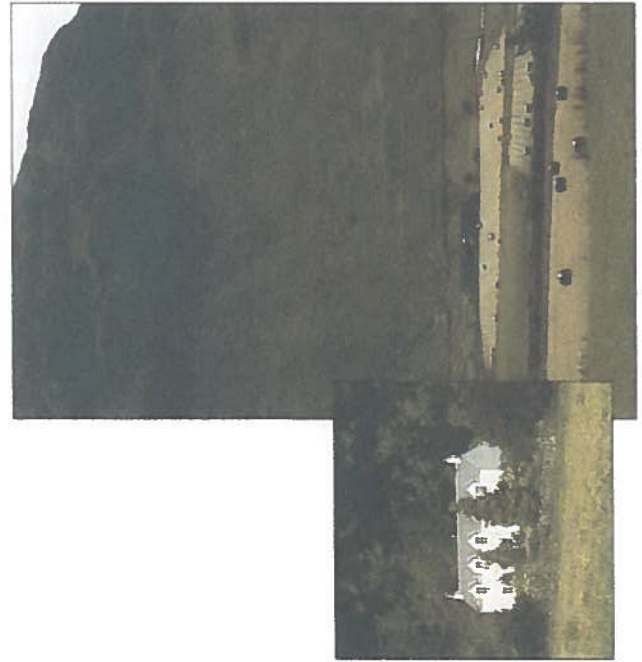
J.M. Fladmark, G.Y. Mulvagh & B.M. Evans: *Tomorrow's Architectural Heritage - Landscape and Buildings in the Countryside*; published by Mainstream Publishing, 1991.

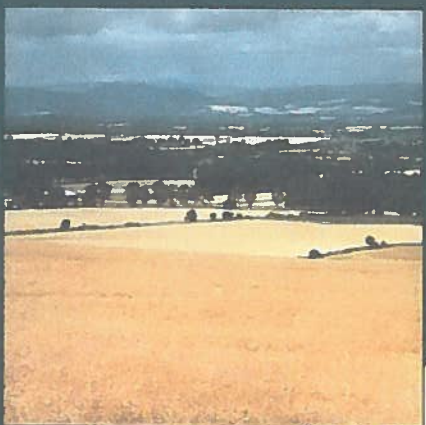
Scottish Office Planning Advice Note 36: *Siting and Design of New Housing in the Countryside*, 1991.

Scottish Office Planning Advice Note 44: *Fitting New Housing Development Into the Landscape*, 1994.

Scottish Office: *Timber Frame Houses in the Scottish Countryside*, 1994.

The District Council's Local Plans and Housing in the Countryside Policy are recommended as the more formal local planning context within which the principle and siting of new houses in the rural areas will be considered.









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**From:** Russell Stewart  
**Sent:** 25 October 2011 14:22  
**To:** Andy Baxter  
**Subject:** RE: 11/01420/IPL - Consultation

Hi Andy

That is a weird coincidence as I was actually looking at it when you emailed!

The development site is located out with the 1/200 flood zone on SEPA's Indicative Flood Map. However there is a Lade that runs to the North and South of the site. I am not aware of the control mechanisms for the Lade and therefore further information is required to determine if flooding from the Lade will be an issue up to the 1/200 return period.

I have looked through our flood records and there are no recorded incidents of flooding at this location. However, our flood register is reliant upon PKC employees and the public providing flood accounts and is not an accurate reflection of flooding in the Perth and Kinross area. In addition, the register only dates back to 1999 and does not record flooding of agricultural land.

Therefore, I object to this development due to lack of information. The applicant will have to undertake a Flood Risk Assessment in order to prove the Lade will not flood the site up to the 1/200 return period. The complexity of the FRA will be dependant on the information available and the magnitude of the flooding issue. I am happy for the applicant to contact me to discuss the content of the FRA.

Regards  
Russell

Russell Stewart  
Engineer  
Flooding Section  
The Environment Service  
Perth & Kinross Council  
The Atrium  
137 Glover Street  
Perth  
PH2 0HY

Tel: 01738 477277  
Fax: 01738 477210  
Email: [rsstewart@pkc.gov.uk](mailto:rsstewart@pkc.gov.uk)

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**From:** Andy Baxter  
**Sent:** 25 October 2011 13:59  
**To:** Russell Stewart  
**Subject:** 11/01420/IPL - Consultation

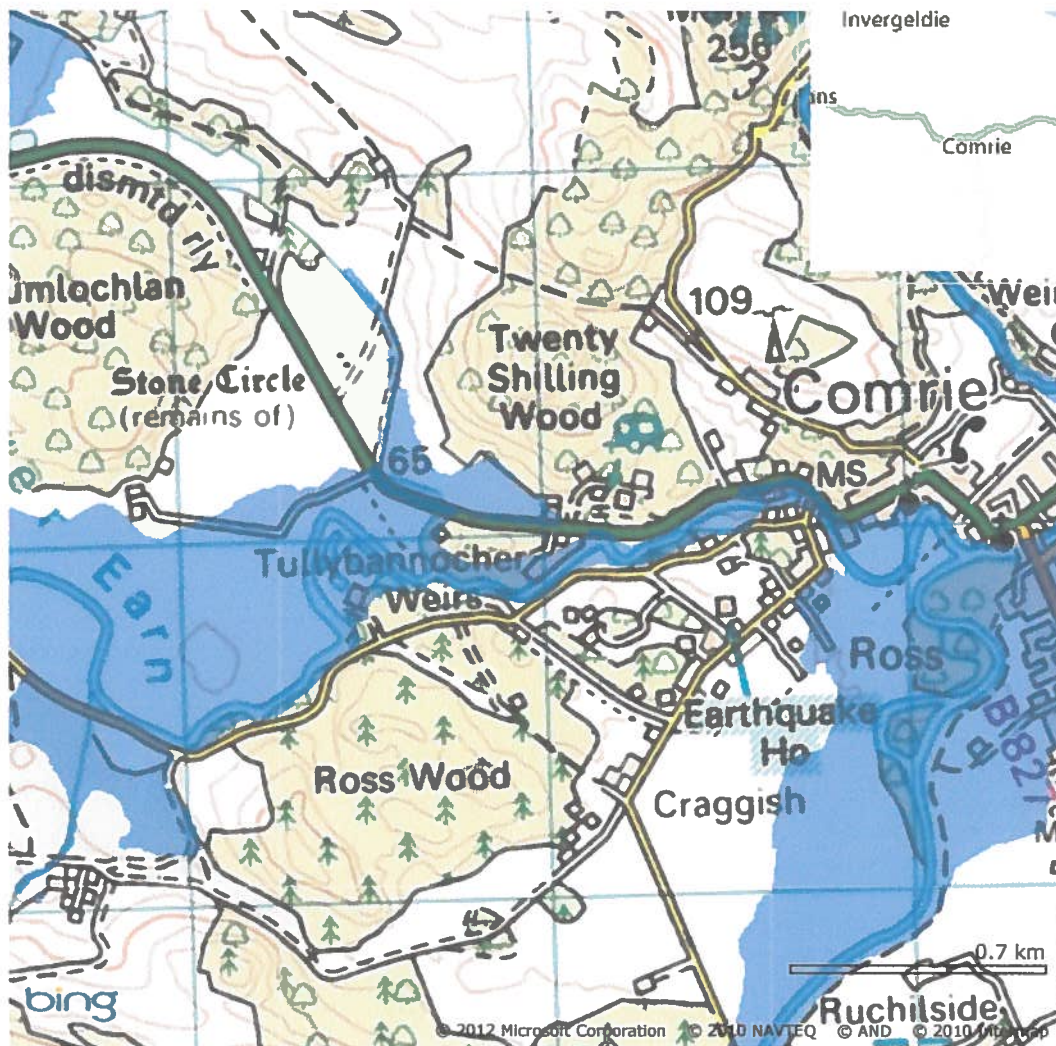
Hi Russell,  
If you haven't already done so, could you have a quick look over this application and let me know your thought?  
Thanks  
Andy

Andy Baxter  
Planning Officer (Planning & Regeneration)



## Indicative River & Coastal Flood Map

Please note: the flood map does not take into account all flood defences which may be in place now or in the future.



Some features of the flooding map are based on digital spatial data licences from the Centre for Ecology and Hydrology ©CEH, ©MO, ©NSRI, ©MLURI, ©OSNI, ©DARD(NI), ©Defra and includes material based on Ordnance Survey 1:50,000 maps with permission of the controller of Her Majesty's Stationery Office ©Crown Copyright.

### Important Information

By viewing this page you are deemed to have read and understood the important information summarised below. The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland and does not provide enough detail to show the flood risk to individual properties. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given by SEPA in this regard. SEPA reserves the right to change the information contained in the flood map without notice. Users are required to validate any information provided independently - any reliance upon the flood map is at the user's own risk. The criteria, assumptions and intended purpose of the flood map can be found in the full text of this notice, along with the terms and conditions associated with its use. © SEPA 2010 ALL RIGHTS RESERVED

### LEGEND

#### INDICATIVE FLOOD MAP

- Areas at risk of flooding from rivers
- Areas at risk of flooding from the sea
- Areas at risk of flooding from both rivers and the sea

#### FLOOD DEFENCES

- 44 Defence scheme ref no. and location
- Embankment
- Wall
- Channel Improvement
- Area benefiting from flood defence relative to the scheme's standard of protection
- Storage area
- Pump
- Culvert
- Floodgate





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***A H Smith***

BSc (Hons)  
Urban & Rural Planning

***Town Planning Consultant***

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**FOR ATTENTION OF Mr A BAXTER**

My ref: SS/Gen/301/Ross/01

29 November 2011

**ERECTION OF ONE NEW DWELLING AT OLD MILL OF ROSS, THE ROSS, COMRIE  
FOR MISS K COLLINS (App ref: 11/01420/IPL)**

I refer to the above, and to recent e-mails/discussions *etc*, with Steve Lindsay, regarding issues which have arisen relating to both the development, itself, and the proposed site. From my reading of the consultation submissions and the local representations, it would appear that your concerns relate to 'design' and 'flooding'. I have been asked by Mr Lindsay, on behalf of Miss Collins, to address these issues.

**FLOODING:** Having looked through the documents on your web site, relating to this development, I can see no indication that SEPA have been consulted in this regard. Given the location of the site, and the terms of the representations received, I would have expected that SEPA would have been included within your consultation process. I would have thought this even more relevant, given the elevation of the site, and Miss Collins' clear contention that there has never been any flood event which would affect the application site. Again, given the elevation of the site, it would seem likely that, should the development site, or the access road serving it, ever be flooded, the consequences for other properties in the vicinity would be catastrophic! That this has never happened surely confirms the there *is* no flood risk which would affect the proposed dwelling. Contrary to the contention set out in the representations, the development site is not located within the defined area, as set out on SEPA's "*Indicative River & Coastal Flood Map*" but is, rather, adjacent to it. I would have considerable concerns if this application was to be refused, with this as a reason, without having obtained the formal views of SEPA. For avoidance of doubt, it is the applicant's clear contention that the site is not at any meaningful risk from flooding, and that no evidence has been provided which would contradict that view.

**DESIGN:** Concerns have been raised by both your own internal consultee (Ms Haworth) and within the local representations, regarding both the siting of the new dwelling (in relation to the building group) and to individual aspects of the proposed design. Turning first to the comments offered by your Conservation section, I note Ms Haworth's concerns, set out in her e-mail response dated 23<sup>rd</sup> September. Whilst I agree with Ms Haworth's view that the existing building group has "*a very coherent character*", I strongly disagree with her apparent view that *any* development on the application site would fundamentally detract from that character. Neither Government advice, nor adopted Perth & Kinross Council planning policies/advice preclude developments of the type proposed but, rather, require that any such development should be sympathetic to its surroundings. (In this context it is worth pointing out that the Mill of Ross building group was clearly not considered worthy of formal designation as a Conservation Area in its own right.)

That said, it is accepted that any such development must be sympathetic to the existing buildings and, again, Ms Haworth's comments are noted. Had there been any approach made to Miss Collins' architect, at the time when the consultation response was provided (some two months ago) it would have been possible to discuss these concerns and I am in no doubt that an acceptable design could have been agreed, particularly since the current application only seeks Planning Permission in Principle. It would also have been possible to resolve concerns relating to tree loss. As you will be aware the existing vegetation is in very poor condition, and is urgently in need of management if significant natural losses are to be counteracted. Development of the site could secure such a scheme and ensure provision of new planting to both further integrate the new dwelling, as well as improving the general amenity of the whole area. This remains an option, and Mr Lindsay would be quite willing to meet with Mr Baxter, and Ms Haworth, to discuss design issues, with appropriate conditions being attached to any consent. With regard to the principle of any building being permitted on the application site, I am of the view that, given the lack of designation as a Conservation Area, the guiding policy is set out in your Council's "Housing in the Countryside Policy (August 2009) particularly **Criterion 1. Building Groups**. In this context, it is my view that sympathetic development, utilising imaginative design, combined with traditional materials, would *"not detract from (either) the residential and visual amenity of the group"*. Again, I believe that constructive dialogue could resolve these concerns. Given the topography of the application site, and surrounding area, and the relationship of the site to other properties, it also seems clear that the new dwelling could reasonably be viewed as either part of that group or *"would extend the group into definable sites formed by existing topography and/or well established landscape features which will provide a suitable setting"*.

In conclusion, I would suggest that this site is entirely appropriate for development of an additional dwelling, and that contentious issues are either unproven (flooding), or could be resolved through discussion. Miss Collins, and her architect, remain open to this approach and I would suggest that any decision should be delayed to allow these discussions to take place.

I look forward to hearing from you in due course.

Kind regards,

A H Smith  
Cc: Mr S Lindsay  
Miss K Collins

**TCP/11/16(188)**

**Planning Application 11/01420/IPL – Erection of a dwellinghouse at Old Mill of Ross, The Ross, Comrie, PH6 2JS**

**PLANNING DECISION NOTICE** (included in applicant's submission, see pages 413-414)

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** (included in applicant's submission, see pages 408-411)





## PERTH AND KINROSS COUNCIL

### ERECTION OF A DWELLINGHOUSE AT OLD MILL OF ROSS, THE ROSS, COMRIE, CRIEFF, PH6 2JS

#### DELEGATED REPORT OF HANDLING

Ref No	11/01420/IPL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N6 – Strathearn			Yes	No
<b>RECOMMENDATION</b>					
Refuse the planning application on the grounds that the proposal is not consistent with the Development Plan and National Guidance.					

#### BACKGROUND & DESCRIPTION

The application site relates to a triangular area of unused garden ground associated with the Old Mill of Ross, an attractive Listed Building located within a small group of buildings south-west of the village of Comrie. The 0.15 ha site is bounded by the public road to the south, Mill of Ross to the east and a small lade to the north. In addition to being adjacent to several Listed Buildings, the site is immediately adjacent to the HGDL which is associated with Ross Wood.

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling. An indicative, modest house type has been submitted to demonstrate how a dwelling could be accommodated on the site.

#### APPRAISAL

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. In addition Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires the Council to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural historic interest which the building possesses

In terms of the Development Plan, there are a number of policies in both the Structure Plan (Perth & Kinross Structure Plan 2003) and the Local Plan (Strathearn Local Plan 2001) specifically relevant to this proposal.

ERP 8 of the Structure Plan and Policy 27 of the Local Plan both seek to protect the settings of Listed Buildings from inappropriate developments, whilst ERP 9 of the Structure Plan and Policy 7 of the Local Plan seek to restrict new developments within areas that are liable to flood. Within the Local Plan, the site lies within the landward area where the principle land use policy (in relation to new housing) is Policy 54, which relates to new housing in the open countryside. This policy offers support for new housing, subject to a number of specific criteria being met.

In terms of other material considerations, this includes general guidance on rural developments is contained in SPP, with both the SPP and the SHEP offer guidance on developments affecting the setting of Listed Buildings and assessment against the Councils other approved policies, namely the PGN on Primary Education and the revised 2009 HITCP. The PGN on Education requires a financial contribution for all new mainstream houses which are within the catchment of primary schools that are operating at over 80% capacity, whilst the 2009 HITCP is the most up to date expression of Council Policy towards new housing in the open countryside.

Based on the above, and considering the sites characteristics and location, I consider the key test of the acceptability of this proposal to be a) whether or not the proposal is acceptable or not in land use terms (assessment against the HITCPs), b) whether or not the proposal will adversely impact on the setting of adjacent Listed Buildings and c) whether or not flooding has been fully addressed, bearing in mind the provisions of the Development Plan.

I shall address these in turn, starting with the HITCP issues.

Both the HITCP as contained in the Local Plan, and the revised version of 2009 offer support in principle for new developments within existing building groups providing that the proposal does not detract from the amenity or character of the existing group. For reasons stated, below, I consider the infill of this plot to detract from the historic character of the existing group, and therefore consider the proposal contrary to both the HITCP as contained in the Local Plan and the 2009 version.

This leads me to the second issue, the impact on the setting of the Listed Buildings. The existing listed grouping has a very coherent character which is created by the use of similar materials, simple design and building details such as jerkin-headed gables, rubble walling and grey-green schist dressings, and their linear formation along the riverside. In my opinion, the group has a very secluded, distinct sense of place created by the sense of enclosure of the surrounding river, mill lades, railway embankment and dense woodlands as well as the topography of the site where the access road dips steeply down towards the riverside site.

Given these factors, I have significant concerns regarding the potential impact that even a modest dwelling (as has been indicatively submitted) may have on the Listed Buildings and I simply do not consider this site appropriate for a new dwelling due to the likely potential impact on the setting of the Listed Buildings. A new addition to the group, even if of a high design standard, would undoubtedly dilute and undermine the special relationship of the existing Listed Buildings with each other and the site itself. The existing linear formation of the buildings and their relationship with the contextual features would be eroded as a result of this proposed infill development. In addition, the existing woodland area between the two lades to the west of the access road, which presently contributes significantly to the setting of the group, would be harmed by the inevitable removal of trees to facilitate and construct a new vehicular access. Even if perimeter belts were retained for screening purposes the presence of the new dwelling would be distinctly evident and the special sense of the depth and density of the woodland, and the glimpse views available across the site, would be lost. It is therefore my opinion that the principle of any development on this site would have an unacceptable detrimental impact on the individual and collective settings of the adjacent Listed Buildings. Accordingly, the proposal is contrary to the relevant cultural heritage policies contained in the Development Plan, National Guidance and an approval would be contrary to the requirements of the PLBCA act, all of which seek to protect the settings of Listed Buildings.

Turning to the last, and third issue (flooding matters), within the representations flood risk associated with the site has been raised. The Council's flooding engineer has commented on the proposal and raised some concern regarding the potential for the site to flood. Although the site is not on the SEPA's flood map, and SEPA have not commented on the planning application, the location of watercourses adjacent to the site are clearly of some concern, particularly with no FRA. I appreciate that there may be a technical solution to the flood risk on this site, however at the present time it has not been demonstrated that the site is not at risk of flood. I therefore consider the proposal to be contrary to the relevant flooding Development Plan policies, and national guidance contained in the SPP.

With regard to others matters raised within the representations such as loss of habitats and loss of residential amenity to neighbouring properties, I appreciate the concerns raised within the representations however I consider both these aspects addressable through either conditions or design. With regard to tree loss, this too can be controlled via conditions and design, however as stated previously the potential loss of trees for a new access is regrettable and would harm the character of the group.

Based on the above, and as there are no other material considerations which justify approving the planning application, I recommend the planning application for refusal.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Strathearn Local Plan 2001.

### Perth & Kinross Structure Plan 2003

*Environment and Resources Policy 8* states that the Council will seek to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweighs the cultural interest in the site.

*Environment and Resources Policy 9* states that there is a presumption against development in areas where there is a significant probability of flooding.

### Strathearn Local Plan 2001

Within the Local Plan the planning application site lies within the landward area where Policies 1, 7, 27 and 54 are directly applicable to all new proposals. Policy 1 seeks (amongst other things) to ensure that all new developments have a good existing landscape framework which is capable of absorbing the development which is proposed, Policy 7 seeks to ensure that areas which are liable to flood are not developed upon. Policy 27 seeks to ensure that the setting of Listed Buildings are not compromised by inappropriate new development, whilst Policy 54 is the Local Plan version of the Councils Housing in the Countryside Policy.

## **OTHER COUNCIL POLICIES**

### Proposed LDP

The proposed LDP has been approved by the Council and is now out for public consultation. The contents of this Plan do not raise any specific issue for this proposal.

### Housing in the Countryside Policy 2009

This policy was the most recent expression of Council policy towards new housing in the open countryside when the planning application was submitted, 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 in 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 and when the proposal does not impact on the character of the existing building group.

### Planning Guidance Note – Developer Contributions May 2009

Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

### Planning Guidance Note–Primary Education & New Housing Development May 2009

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.

## **NATIONAL PLANNING GUIDANCE**

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. Of relevance to this planning application are,

### 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 application are:

- Paragraphs 92-97, which relate to rural development
- Paragraphs 113-114, which related to Listed Buildings
- Paragraphs 202-203, which relate to flood risk

### Scottish Historic Environmental Policy

This document produced by Historic Scotland offers guidance to Planning Authorities on dealing with planning application which affect Listed Buildings, and their settings.

### **SITE HISTORY**

None specifically relevant to this proposal.

### **PKC CONSULTATIONS**

Transport Planning have been consulted on the planning application and have raised no objections, or concerns.

The Executive Director (ECS) has commented on the planning application and confirmed that the site is within the school catchment area of Comrie PS.

The Conservation Section have commented on the planning application and raised concerns regarding the potential impact that the proposal would have on the setting of adjacent Listed Buildings.

### **EXTERNAL CONSULTATIONS**

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

### **REPRESENTATIONS RECEIVED**

Four letters of representations have been received, from neighbouring properties.

The main issues raised within the representations are:

- Potential for Flood risk
- The proposal is contrary to the Development Plan
- Loss of trees and wildlife habitat
- Access issues
- Impact on Listed Building
- Drainage issues
- Impact on residential amenity

These issues are addressed in the main section of the report.

## **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	None
Report on Impact or Potential Impact	None Submitted

## **LEGAL AGREEMENTS REQUIRED**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **PUBLICITY UNDERTAKEN**

The planning application has been advertised in the local press on the 9 September 2011 and the relevant site notice posted.

## **RECOMMENDED REASONS FOR REFUSAL**

- 1 As development of this site would have an adverse impact on the character of the existing building group, the proposal is contrary to both the Policy 54 of the Strathearn Local Plan 2001 and the 2009 Housing in the Countryside Policy insofar as both policies only allow for development within an existing building group where the character and amenity of the group is not adversely affected by the development which is proposed.
- 2 As it has not been fully demonstrated that the site is not liable to flood risk and / or that physical development of the site would not result in off-site flooding risk increasing, the proposal is considered to be contrary to Environment and Resource Policy 9 of the Perth & Kinross Structure Plan 2003 and Policy 7 of the Strathearn Local Plan 2001, both of which seek to restrict development on areas that are liable to flood.
- 3 As development of this site would have an adverse impact on the setting of the adjacent Listed Building(s), the proposal is contrary to Environment and Resource Policy 8 of the Structure Plan 2003 and Policy 27 of the Strathearn Local Plan 2001, both of which seek to protect the settings of Listed Buildings from inappropriate development.
- 4 A recommendation of approval by Perth and Kinross Council, in light of the proposals adverse impact on the setting of adjacent Listed Buildings, would

be contrary to the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that a Planning Authority, in considering whether to grant planning permission for development which affects the setting of a Listed Building(s), shall have special regard to the desirability of preserving the setting of the affected building. If Perth and Kinross Council (as the Planning Authority) were to support this planning application, the Council as Planning Authority would not have had due regard to the desirability of preserving the setting of the adjacent Listed Buildings.

## **JUSTIFICATION**

The proposal is contrary to the Development Plan and there are no material reasons which justify approving the planning application.

## **INFORMATIVES**

None

## **PROCEDURAL NOTES**

None

## **REFUSED PLANS**

11/01420/1 - 11/01420/4

### **Note**

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied in preparing the above, although several letters of representations have been received, although four letters of representations have been received.





**TCP/11/16(188)**

**Planning Application 11/01420/IPL – Erection of a dwellinghouse at Old Mill of Ross, The Ross, Comrie, PH6 2JS**

## **REPRESENTATIONS**

- Objection from Mr A Caldwell, dated 20 September 2011 and second letter dated 11 November 2011
- Objection from Ms C Grace, dated 20 September 2011
- Objection from Owner/Occupier of New Shed, Mill of Ross, dated 21 September 2011
- Representation from Biodiversity Officer, dated 22 September 2011
- Representation from Environmental Health Manager, dated 29 September 2011
- Objection from Flooding Section, dated 25 October 2011
- Representation from Transport Planning, dated 16 December 2011
- Representation from Mr A Caldwell, dated 4 June 2012
- Representation from Ms C Grace, dated 5 June 2012



Development Quality Manager  
Planning & Regeneration  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Mill of Ross  
Gomrie  
Perthshire  
PH6 2JR

23 SEP 2011

RECEIVED  
23 SEP 2011

20<sup>th</sup> September 2011

**Planning Application Reference: 11/01420/IPL**

I wish to object to the above planning application and would suggest that a full flood risk assessment is requested prior to determining this application.

I note that the applicant did not seek any pre application advice from the Planning Authority and would request that the planning officer, flood risk assessment officer and conservation officer visit this sensitive site to assess the application. While detailed comments would only be possible in response to a full planning application and a detailed flood risk assessment, I believe this is an inappropriate site for any development due to the following reasons:

- **Flooding and increased flood risk to neighboring listed buildings.**  
This site lies on the banks of the River Earn with 2 working mill lades running through the property. I have lived at the Mill of Ross for 15 years and know that the low lying area of this site regularly floods from the mill lade running to the south and can be classified as 'bog'.

It should be noted that the flow of water to both mill lades is greatly restricted by the neighbouring Fish Farm. If at any point in the future full flow was restored to the mill lades, localised flooding to the low lying areas of the site would increase. The flood risk assessment would need to reassure me that there would be no increased flood risk on my property from development of the site. The mill lades continue to the River Earn through my property.

The site is within the 'areas at risk of flooding from rivers' on SEPA's flood map.

- **Site topography.** This negates the possibility of development without significant and highly disruptive engineering works completely out of proportion to the location and development of a single dwelling house. The attached plan and illustrative photographs show the topography of this site is divided into three distinct areas (see attached map):

- a substantial rock outcrop sitting approx 4 -5 meters above the access road level to the east and occupying about one third of the site (A).
  - an area where the site vehicular access is proposed formed within the last 10 years from 2m of loosely compacted assorted garden and builders rubble set on bog ground (B).
  - an area of constant bog covering about half the site and subject to regular localized flooding from the mill lade to the south (C).
- **Development in open countryside.** The site is described in the application form as 'existing garden'. This is misleading, as it is a heavily wooded bog with substantial rock outcrop and no previous regular use of any description.
  - **Listed Buildings.** The development of this site will adversely affect the setting, character and amenity of the group of listed buildings, the Bobbin Mill, The Mill of Ross, The Sawmill and the Old Mill of Ross and should be brought to the attention of the conservation officer for comment. It will detract from both the residential and visual amenity of the group. It is not possible to judge the extent of the impact without further detail of the proposed development.
  - **Special Landscape Character.** This heavily wooded site forms part of the special landscape character of the area (including the listed buildings) as is clearly shown in the attached aerial photograph. From the 'Landward Map' in the Local Plan it identifies the site and the listed buildings within the National Scenic Area.
  - **Tree loss.** The development of the site would result in significant tree loss (in the region of 50+). This includes a number of mature trees. This should be brought to the attention of the relevant officer.
  - **Drainage.** The application states that drainage will be private and will discharge to land via soakaway. This is extremely concerning given that the low-lying terrain is bog subject to regular, localised flooding).
  - **Access.** The application proposes a further 3 cars using the driveway serving 2 other properties (and a third if you include the unimplemented planning permission for the residential conversion of the old sawmill). The junction with the public road has extremely poor sight lines and this should be brought to the attention of the relevant officer.
  - **Biodiversity.** The site is currently heavily wooded, bog area providing valuable habitat to pond, small animal and bird life.
  - **Loss of amenity, privacy and visual intrusion.** Once again it is not possible to judge the actual extent of this loss to the Mill of Ross (and the

Bobbin Mill and the Old Mill of Ross) on the basis of the application for 'Planning in Principle'.

- **Local Plan.** Having looked through the Local Plan I would be grateful if you would also take the following points into account when considering the application:
  - Policy 2 Development Criteria that states that 'built development should where possible be built within settlements which are the subject of inset maps' (i.e. this site is outside the 'village envelope' of Comrie).
  - Policy 7 in relation to flooding.
  - Policy 27 in relation to listed buildings.

I would suggest that, notwithstanding the need for a flood risk assessment, the practical constraints of development on this sensitive site are overwhelming and that a site visit will reinforce this conclusion.

Yours faithfully



Alan Caldwell

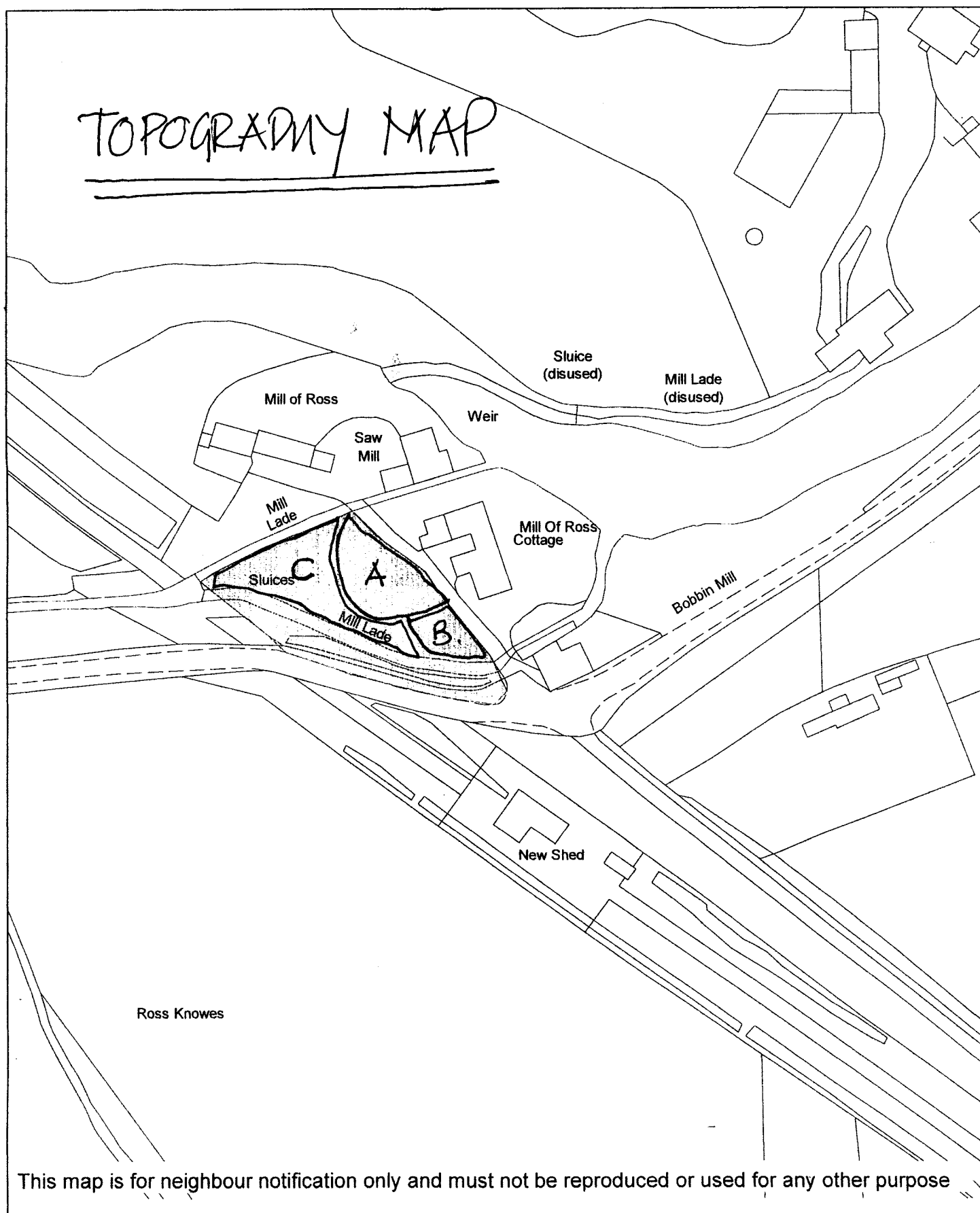
Attached:

- Site topography map
- Aerial photograph of site



# Perth & Kinross Council NEIGHBOUR NOTIFICATION

Location Plan showing planning application site




This map is for neighbour notification only and must not be reproduced or used for any other purpose





Aerial view of the heavily wooded site in the lower left quadrant of the photo and view of site from one of the two mil lades running through the site.



Andrew Baxter  
Planning & Regeneration  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Mill of Ross  
Comrie  
Perthshire  
PH6 2JR

11<sup>th</sup> November 2011

Dear Andy,

**Planning Application Reference: 11/01420/IPL**

I refer to my letter of objection of 20<sup>th</sup> September 2011 and our subsequent telephone call. Thanks again for taking the time to contact me and I am reassured by the feedback you gave me.

In conversation with my friend, Andrew Scott at Auchingarrich Wildlife Park, he gave me a copy of the attached letter from your colleague Christine Brien. This related to a pre-planning enquiry for a new house adjacent to a group of traditional farm buildings and Andrew's house.

You will see that an application was considered unacceptable for the quoted reasons. As the same policies apply to the site at the Mill of Ross (and it is considerably more sensitive - flooding, listed building etc) it would be good to know if there is any reason why the response in relation to the current application should be any different.

I trust you will take this into account in progressing the current planning application and let me know if I have misunderstood the policy context.

Yours sincerely,



Alan Caldwell





**PERTH &  
KINROSS  
COUNCIL**

The Environment  
Service

**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month.*

Mr and Mrs Scott  
Auchingarrich Wildlife Centre  
Comrie  
Crieff  
PH6 2NF

**Planning**  
Head of Service Roland Bean

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

Contact Christine Brien  
Direct Dial 01738 475359  
E-mail: cmfbrien@pkc.gov.uk

Our ref 10/00843/PREAPP

Your ref

Date 23 August 2010

Dear Mr and Mrs Scott

**Pre Application Enquiry  
Erection of a single dwellinghouse Plot 1, Auchingarrich Farm**

I refer to your letter received on 10 August in connection with the above proposed development.

This proposal would be considered in relation to the policies of the Council and the guidance of the Scottish Executive, in particular the Development Plan for the area, which in this case comprises the Perth and Kinross Structure Plan and the Strathearn Area Local Plan. Of particular relevance are Local Plan policies 1, 2, 3, 5, 24, 39 and 54. These Plans may be inspected at Pullar House and at the Council's area offices and libraries. Most of the Plans and the undernoted policies can also be viewed on the Council's internet page at [www.pkc.gov.uk](http://www.pkc.gov.uk).

Other policies which will be applicable are:

- The Council's Housing in the Countryside Policy 2009
- The Council's Primary Education and New Housing Development Policy 2009

It is my initial view that an application is likely to be considered to be unacceptable as it does not appear to fall within any of the categories of new house development identified in Policy 54 of the Local Plan or the Council's Housing in the Countryside Policy. On this basis and with no strong planning justification supporting a departure from the Development Plan there is no sound planning reason to allow the support of the development of a house plot at either of the locations indicated.

Whilst your investment in Auchingarrich is greatly beneficial to Comrie and the surrounding area, this is not a justification *in planning terms* to set aside the long-established policies that I have to work to. If a dwellinghouse were required specifically in conjunction with the wildlife park, for example for an on-site manager, it may be possible to support such a proposal, depending on the exact location. The occupancy of any such



Roads, Transport & Environment Services Tel 01738 476476

Planning Tel 01738 475300

Economic Development Tel 01738 477940

Jim Irons  
Executive Director

dwellinghouse would be restricted and could not therefore be bought or occupied by someone not employed at the wildlife park.

I would ask you to note that this is the preliminary view of an official and does not prejudice any consideration by the Council of a formal application for planning permission. It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as possible. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification you consider helpful. Formal assessment will also involve visiting the site and the surrounding area, researching the planning history of the site and the surrounding area, carrying out any necessary consultations and taking account of any comments received from the public.

You may also wish to consider whether it might be in your interests to employ the services of a planning consultant or architect to give you advice on whether or not to proceed to make a formal planning application. Please note however, that irrespective of whether or not you employ the services of an advisor, resources will not permit me to respond to any further pre-application enquiry regarding this proposed development.

I trust this is of assistance.

Yours sincerely



Christine Brien  
Planning Officer

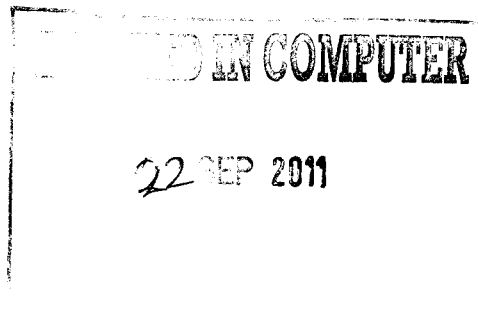


Development and Quality Manager  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

20/09/11

The Bobbin Mill  
Mill of Ross  
Comrie  
PH6 2JR

AMRB



Dear Planning Officer

Re: Planning Application No: 11/01420/IPL

As a neighbour of this proposed planning application, I wish to register my objection to the scheme for the following reasons.

1. **Flood risk:** I am concerned that the site in question is a flood risk, lying as it does between two mill lades which discharge into the river Earn. The southern-most lade does flood from time to time and the land round about it is mostly bog. I have looked up SEPA's flood map for the area and the site falls into an "area at risk of flooding from rivers" though this is not acknowledged on the application. A flood risk assessment is vital before any application is processed.
2. **Major disruption to the local terrain:** I'm having difficulty trying to work out how a house would fit in the site given the terrain. At the south end it is bog, and the rest of the area is dominated by a large rocky outcrop which would presumably have to be removed, if that is possible, to make space for a dwelling. In addition, the area is woodland and not garden, as specified in the application and is rarely used.
3. **Drainage:** The application says the drainage would be by soakaway to land. I'm really concerned by this, as the area is bog and floods fairly regularly.
4. **Loss of trees and habitat:** Any building on this site would result in a large number of trees having to be removed which would fundamentally change the nature of the area. Given that this is part of the National Scenic Area, that surely must be taken into account. There is also the issue of destruction of all kinds of wildlife habitat, most notably red squirrels which are managing to survive locally and are often seen in these woods.
5. **Adverse effect on the setting of historical buildings:** The group of buildings here all have an historical connection and are listed. A new dwelling will stick out like a sore thumb and will have an effect on the setting and amenity of those buildings. When the Bobbin Mill was being

restored, 12 years ago, we took great care and indeed were obliged by conservation depart, to ensure that any external alterations were in keeping with the character and setting. A new dwelling opposite the Bobbin Mill would make a nonsense of that care.

6. **Access:** The plan shows access for 3 cars using the existing track. This concerns me greatly. There are already 2 houses using this track, and there is existing planning permission on the sawmill potentially making it 3. The new dwelling would make 4. Although the track leads on to an unnumbered road, it can be a busy road with cars, large lorries and farm traffic. The sight lines in both directions from the top of the track are limited and it is a dangerous corner. There are often squealing tyres!
7. **Loss of amenity, privacy and visual intrusion:** It is hard to judge from the plans how this would be affected, but I have built up a solid little self catering business in the Bobbin Mill and one of the reasons my guests return regularly is because of the privacy and peace and the historical nature of the group of buildings. I am concerned that another house in such close proximity would detract from that.

I presume that there will be a visit from all the relevant officers to this site to assess the damage that a new dwelling would do to this very special area. It is a complete nonsense to consider putting a house on this bit of land.

Yours sincerely

Christine Grace





21.9.11

RECEIVED  
22 SEP 2011

New Shed  
Mill of Ross  
Comrie  
Perthshire

P.A. Ref. 11/01420/1PL.

Dear Mr. Brian

20 SEP 2011

I would like to comment on the above application.

I have no objection in principle to a house being built on this site, but I feel I should point out that all buildings to the west of the road at Mill of Ross are listed as a group, category B. as far as I am aware. Another house within this group unless sympathetically designed would have a detrimental effect on the group as a whole.

The site of the proposed building is elevated well above the surrounding buildings & a detail drawing specifying relative heights to existing buildings should be a condition of any planning consent. Maybe a site visit from yourselves would help.

Yours faithfully



## Audrey Brown - Democratic Services

---

**From:** David Williamson  
**Sent:** 22 September 2011 12:17  
**To:** Andy Baxter  
**Subject:** 11/01420/IPL Erection of a dwellinghouse Old Mill Of Ross The Ross Comrie Crieff PH6 2JS

Andy,

The site is described as garden ground in the application, but the area in question is an area of rough ground with large rocky outcrops and a large number of trees that would need to be felled to make way for the proposed development. It is also bordered on two sides by old mill lades, which link to the River Earn, and may provide habitats for otters, which are recorded in the area, particularly as there is a fish farm close by.

If you are minded to approve this application, I would suggest a condition that a full tree survey and protected species survey be submitted as part of the full application.

Regards,

David

*David Williamson  
Biodiversity Officer - Planning and Regeneration  
Perth and Kinross Council  
The Environment Service  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD*

*01738 475278  
[dwilliamson@pkc.gov.uk](mailto:dwilliamson@pkc.gov.uk)  
[www.pkc.gov.uk](http://www.pkc.gov.uk)*

*Every Council Officer has a duty under the Nature Conservation (Scotland) Act 2004 to conserve and enhance biodiversity*



# Memorandum

To Development Quality Manager

From Environmental Health Manager

Your ref PK11/01420/IPL

Our ref MP/TJ

Date 29 September 2011

Tel No (01738) 476 415

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an application for Planning Permission

### PK11/01420/IPL RE: Erection of a dwellinghouse Old Mill Of Ross The Ross Comrie Crieff PH6 2JS for Miss K Collins

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

#### Recommendation

**I have no objection in principle to the application but recommend the undernoted condition be included on any given consent.**

#### Comments

##### Noise

This application introduces a dwellinghouse onto an unused site in the Mill of Ross area near Comrie. The house is in the vicinity of a saw mill but as this is disused, I have no objections. I note there are 3 objectors, but none of these cite reasons pertinent to this section.

##### Contamination

As the proposed site lies close to what was once a working saw mill, a dismantled railway embankment and a disused lade, there is the increased risk of historic land contamination that needs to be risk assessed prior to development beginning. I therefore recommend the following condition be placed on the application.

##### Condition

Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority



**Audrey Brown - Democratic Services**

---

**From:** Russell Stewart  
**Sent:** 25 October 2011 14:22  
**To:** Andy Baxter  
**Subject:** RE: 11/01420/IPL - Consultation

Hi Andy

That is a weird coincidence as I was actually looking at it when you emailed!

The development site is located out with the 1/200 flood zone on SEPA's Indicative Flood Map. However there is a Lade that runs to the North and South of the site. I am not aware of the control mechanisms for the Lade and therefore further information is required to determine if flooding from the Lade will be an issue up to the 1/200 return period.

I have looked through our flood records and there are no recorded incidents of flooding at this location. However, our flood register is reliant upon PKC employees and the public providing flood accounts and is not an accurate reflection of flooding in the Perth and Kinross area. In addition, the register only dates back to 1999 and does not record flooding of agricultural land.

Therefore, I object to this development due to lack of information. The applicant will have to undertake a Flood Risk Assessment in order to prove the Lade will not flood the site up to the 1/200 return period. The complexity of the FRA will be dependant on the information available and the magnitude of the flooding issue. I am happy for the applicant to contact me to discuss the content of the FRA.

Regards  
 Russell

Russell Stewart  
 Engineer, Flooding Section  
 The Environment Service  
 Perth & Kinross Council  
 The Atrium  
 137 Glover Street  
 Perth, PH2 0HY

Tel: 01738 477277  
 Fax: 01738 477210  
 Email: [rsstewart@pkc.gov.uk](mailto:rsstewart@pkc.gov.uk)

---

**From:** Andy Baxter  
**Sent:** 25 October 2011 13:59  
**To:** Russell Stewart  
**Subject:** 11/01420/IPL - Consultation

Hi Russell,  
 If you haven't already done so, could you have a quick look over this application and let me know your thought?  
 Thanks  
 Andy

**Andy Baxter**  
**Planning Officer (Planning & Regeneration)**  
 Perth & Kinross Council  
 The Environment Service  
 Pullar House  
 Perth, PH1 5GD

Tel - 01738 475339  
 Fax -01738 475310  
 Email - [ABaxter@pkc.gov.uk](mailto:ABaxter@pkc.gov.uk)  
 Web - [www.pkc.gov.uk](http://www.pkc.gov.uk)







# MEMORANDUM

To	Andrew Baxter Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	11/01420/IPL	Date	16 December 2011

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

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

With reference to the application 11/01420/IPL for planning consent for:- **Erection of a dwellinghouse Old Mill of Ross The Ross Comrie Crieff PH6 2JS for Miss K Collins**

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

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.



Gillian Taylor  
Perth & Kinross Local Review Body  
2 High Street  
Perth  
PH1 5PH

Mill of Ross  
Comrie  
Perthshire  
PH6 2JR

4<sup>th</sup> June 2012

Your ref: TCP/11/16 (188)

Dear Gillian Taylor,

**Planning Application Reference: 11/01420/IPL – Representations to the Perth & Kinross Local Review Body**

I refer to your letter of the 23<sup>rd</sup> May 2012 and wish to make the following points in relation to the review of the original decision.

1. I strongly support the analysis and reasons for refusal as set out in the Planning Officer's delegated report, which concluded 'that the proposal is contrary to the Development Plan and there is no material reasons for approving the planning application'.
2. The applicant's submission for review fails to give any adequate reasons why the Local Review Body should overturn the decision.
3. The Planning Officer's report has provided a clear analysis and justification and there is nothing new in the applicant's submission that would suggest a visit by a councillor is necessary to enable the Local Review Body to make its decision. Both the Planning Officer and the Conservation Officer made site visits in assessing the application. However, if a site visit is to be made I would be grateful to be given the opportunity to attend.
4. I note that the applicant proposes that permission be granted subject to a condition that a satisfactory Flood Risk Assessment (FRA) is produced. However, this would only be of assistance if flooding were the sole problem with this proposal. In fact there are other significant reasons, each of which would, on their own, justify refusal.

Yours sincerely,

Alan Caldwell



The Bobbin Mill  
The Ross  
Comrie  
Perthshire  
PH6 2JR

Gillian Taylor  
Perth & Kinross Local Review Body  
2 High Street  
Perth  
PH1 5PH

Your ref: TCP/11/16 (188)

5<sup>th</sup> June 2012

Dear Ms Taylor,

**Planning Application Ref: 11/01420/IPL**

With reference to your letter of 23rd May 2012 indicating that Miss Collins has applied for a review of the decision to refuse planning permission in principle for a house at Old Mill of Ross, The Ross, Comrie, PH6 2JS, please take the following comments into consideration.

Having read the applicant's submission in requesting the review, I can see no new argument that would support a reversal of the decision to refuse. I wholly support the conclusions the Planning Officer has reached and the reasons given for reaching those conclusions. Contrary to Miss Collin's assertion, the site is clearly inappropriate for any housing development. It would dramatically affect the character and setting of the adjacent listed and historical group of buildings.

With regard to the request for a site visit, I understand that in evaluating the application, visits were already carried out by both the Planning Officer and the Conservation Officer. If for some reason Councillors decide to make an accompanied site visit I would wish to be present and I'd be grateful if you would notify me accordingly.

Yours sincerely

Christine Grace

