

LRB-2022-11
21/01973/FLL - Erection of a dwellinghouse land 50 metres south west of Leighland Stables, Mawcarse Crossroads, Mawcarse

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LRB-2022-11
21/01973/FLL - Erection of a dwellinghouse land 50
metres south west of Leighland Stables, Mawcarse
Crossroads, Mawcarse

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100552824-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Planning Solutions Edinburgh		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nicholas	Building Name:	Midlothian Innovation Centre
Last Name: *	Morris	Building Number:	
Telephone Number: *	07960020354	Address 1 (Street): *	Pentlandfield Business Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Roslin
Fax Number:		Country: *	Midlothian
		Postcode: *	EH25 9RE
Email Address: *	nicholaspse@gmail.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Andrew"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Young"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="RESIDENTIAL CARAVAN"/>
Address 2:	<input type="text" value="LAIGHLAND STABLES"/>
Address 3:	<input type="text" value="MAWCARSE CROSSROADS"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="MAWCARSE"/>
Post Code:	<input type="text" value="KINROSS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="706695"/>	Easting	<input type="text" value="315016"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of a dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached report

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Report containing the grounds for appeal. Location Plan Site Plan Elevations

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01973/FLL

What date was the application submitted to the planning authority? *

05/04/2022

What date was the decision issued by the planning authority? *

18/01/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Nicholas Morris

Declaration Date: 06/04/2022

Appeal on Behalf of Andrew Young against the decision by Perth & Kinross Council to refuse planning permission for the erection of a dwellinghouse on land 50 metres southwest of Laighland Stables Mawcarse Crossroads Mawcarse Ref 21/01973/FLL

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Introduction

This report provides the Grounds of Appeal against the decision to refuse planning permission to build a three-bedroom one and a half storey detached villa. **Ref:21/01973/FLL | Erection of a dwellinghouse | Land 50 Metres Southwest of Laighland Stables Mawcarse Crossroads Mawcarse**

Terms of Reference

We act for Mr Andrew Young

Site Description

The application site is located on the south side of the A91, approximately 2 km to the northeast of Milnathort. The application site is situated in a rural location with open land to the south, west and east boundaries and the public road directly to the north. A gas pipeline runs through part of application site in a north to south direction.



Planning History

14/00055/FLL Formation of permanent gypsy/traveller site and associated works (part retrospective) on 6 January 2015 Application Refused

21/01375/FLL Erection of a dwellinghouse 19 October 2021 – Application Returned

Background

Mr Young submitted a planning application to replace the existing caravan with a permanent dwellinghouse. The proposed dwelling to be 1.5 stories in height with the upper-level accommodation served by dormer windows. The finishing materials include concrete tiles on the roof, smooth white render, and a stone base course on the walls. The house is proposed to accommodate a dining/kitchen, utility room, two bedrooms and integral double garage at ground floor level and a lounge and two bedrooms at first floor level. The house is proposed to be located close to the southwest boundary of the site. The application site is bound partly by conifer planting. Access is proposed to be taken from the existing access onto the A91.

Grounds for appeal

The planning application was refused as it was deemed contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site is not part of an existing building group as defined by the SG and does not involve the replacement of a dwellinghouse as defined within the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.

There were no other objections raised by Transport Planning, Environmental Health, National Grid, HSE or other interested parties or external organisations. The overall design, choice of materials and footprint were not deemed to be unacceptable in relation to statutory and non-statutory guidance. The grounds for refusal are focussed on two specific areas within the guidance namely the renovation or replacement of buildings or whether or not the proposal would be part of a building group. The site is currently occupied by a gypsy traveller caravan although deemed to be moveable is in fact static and has been for several years. Replacing the existing caravan with a well-built permanent dwelling house would be a considerable improvement on the existing not withstanding that the existing building is a caravan (see annex two).

Moreover, since the application was submitted, planning permission has been granted to build several new dwellings on the land to the west of the existing property. Once completed the site would form a group of houses. This proposal, due to its proximity to the new building group should be considered part of the group and therefore comply with the Supplementary Guidance (SG).

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - *Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.* Certain questions are asked so that the application can be properly determined against policy, for example, do the proposals comply with the development plan? If the proposals do comply with the development plan, are there any compelling reasons for not approving them? If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

The proposal does not fundamentally change how the site is used or have a negative impact on the amenity of the area. The site is very neat, tidy, and well maintained. A new detached dwelling house would not be inappropriate for the site, especially given the quality of the surroundings. As previously stated, provision does exist within the act that when compelling reasons have been established planning permission can be granted for projects that otherwise would have been refused. Given the quality of the site, the suitability of the access and the quality of the new building, the replacement of one gypsy caravan with a permanent detached house on this particular site it is not unreasonable. This does not in any way set a precedent for inappropriate development in the countryside.

We would therefore request that on this occasion the decision to refuse planning permission should be overturned and planning consent to build a single dwelling house be granted.

Annex one

Reason for refusal

The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site is not part of an existing building group as defined by the SG and does not involve the replacement of a dwellinghouse as defined within the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.

Report of Handling extract

The Perth and Kinross Local Development Plan 2019 (LDP2) through Policy 6 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy 19 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the six identified categories will be supported. 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 as outlined within the Supplementary Guidance (SG)

- o Building Groups*
- o Infill site*
- o new houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance*
- o Renovation or replacement of houses*
- o Conversion or replacement of redundant non-domestic buildings*
- o Development on rural brownfield land*

The only categories which may be applicable to this development are category 1 Building Groups and Category 4 Renovation or Replacement of Houses. None of the remaining criterion are considered to be relevant to this proposal.

In terms of category 4 relating to the replacement of houses; whilst the proposal involves the removal and replacement of a gypsy traveller caravan, the replacement of these units with a dwellinghouse is not catered for in the SG. The caravan was not approved as a dwellinghouse under the Housing in the Countryside Policy in 2014 but it was approved solely as a gypsy traveller caravan under the gypsy traveller policy of the Local Development Plan in 2014. Whilst the caravan is a residence it is a temporary, moveable structure and is therefore not considered to meet the definition of a dwellinghouse for the purposes of the Housing in the Countryside Guide. Therefore category 4 of the SG is not applicable in this instance.

In terms of category one, building groups, an existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, where they are for residential and/or business/agricultural nature.

The supplementary guidance, "The Housing in the Countryside Guide" which was adopted by the Council in 2020 assists in the assessment of the Policy 19. This highlights that:

Permission may be granted, subject to the criteria above, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads, or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.

The SG also makes it clear what can be defined as a building group and states that a "building group is defined as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group. The majority of the buildings in the group should either be residential or be suitable for conversion to residential under Category 5 of this guidance. Premises which are smaller than a traditional cottage, such as domestic garages and outbuildings, will not count towards the requirement for at least 3 buildings." The SG also requires new housing to respect the character, scale and form of the existing group and that development should be integrated into the existing layout and building pattern.

In this instance the site is occupied by a caravan. To the south of the site, out with the red line boundary, is what appears to be a storage building and further caravans and other small storage buildings which do not have scope to be converted into housing. The site cannot be defined as a building group as outlined within the SG. Therefore, the proposal also fails to meet the criteria outlined within the building groups category of the SG.

The proposal is therefore contrary to Policy 19 of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020.

Design and Layout

The Housing in the Countryside Guide 2020 includes detailed siting criteria which require to be considered in any proposal and these criteria are echoed by the requirements of Policy 1A and B of the LDP2 which relate placemaking. Overall, the policies require new development to reflect its surroundings in terms of scale, landscape character and design. The proposed dwelling is to have a relatively suburban appearance and is of no significant architectural

quality. There are similar designed dwellinghouses located to the southwest of the site at Mawcarse Crossroads and as such the general design, scale, and form of the dwelling ties in with the established character of the area. The finishing materials include concrete tiles and smooth render, both of which are prevalent in the area and whilst not of particularly high quality are considered to be acceptable. Furthermore, the site is currently occupied by a gypsy traveller caravan and the proposed dwelling, whilst larger than the caravan is not considered to be of any significant visual impact in comparison to the caravan. The layout of the site will remain similar to the existing site layout, using the same access and is therefore considered to be acceptable. The proposal in terms of design and layout is therefore considered to comply with the LDP2.

Residential Amenity

The position, scale and orientation of the house is considered to be acceptable. The windows are orientated and positioned to ensure there is no overlooking to neighbouring properties. There is also sufficient garden ground to serve the proposed dwelling.

Traffic and Transport

Policy 60B of the LDP2 seeks to ensure that development sites are readily accessible by all modes of transport in particular walking, cycling and public transport. The site is proposed to be served by the existing access which serves the caravan. On that basis the proposal is considered to comply with policy 60B of the LDP2.

Drainage

Whilst the existing permission on this site included conditions relating to phosphorus mitigation it has now been concluded, after extensive discussions with SEPA, that the application site is located out with the Loch Leven Catchment Area. This matter was queried with SEPA on two separate occasions, and they have now stated, categorically, that whilst the site is located close to the boundary of the catchment area, it is located out with the catchment area. SEPA state "Our review of the hydrometric area indicates the site is not in the Loch Leven catchment". As such there is no requirement to meet the criteria outlined in policies 46A and B of the LDP2. The proposed house is to connect into the existing drainage network on the site which is considered to be acceptable and in accordance with policy 53B and the drainage criteria outlined in policy 21B of the LDP2.

Ecology and Trees

There are no trees on the site and the site is currently all hardstanding. As such there is not considered to be any impact on ecology.

Pipeline

The site is located within the consultation zone of a high-pressure pipeline. The Health and Safety Executive have been consulted on the proposal and do not advise against the granting of planning permission.

Developer Contributions

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Milnathort Primary School where a capacity constraint has been identified. A contribution of £5164 is therefore required.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

Nonapplicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Annex two

Site photographs



Existing caravan



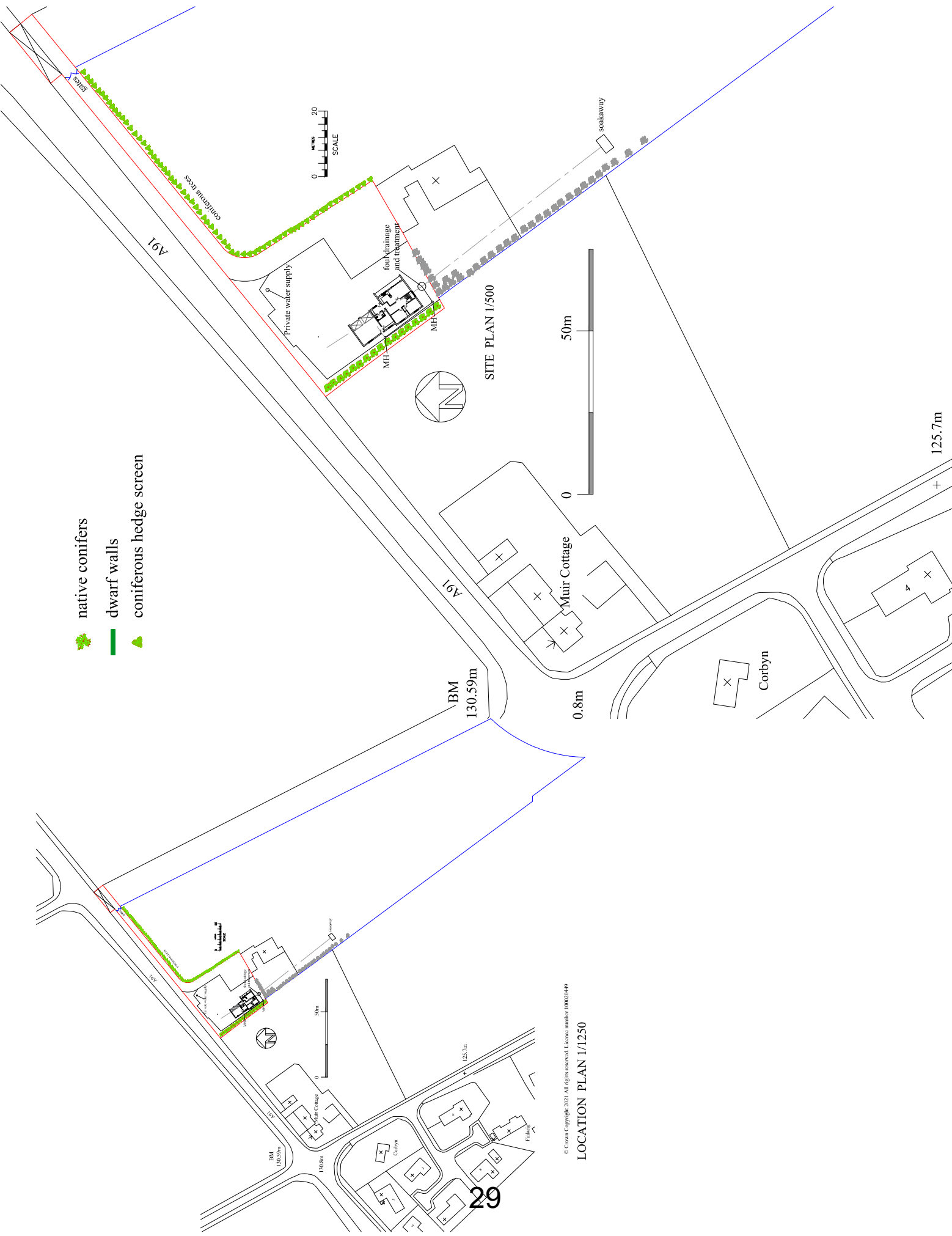
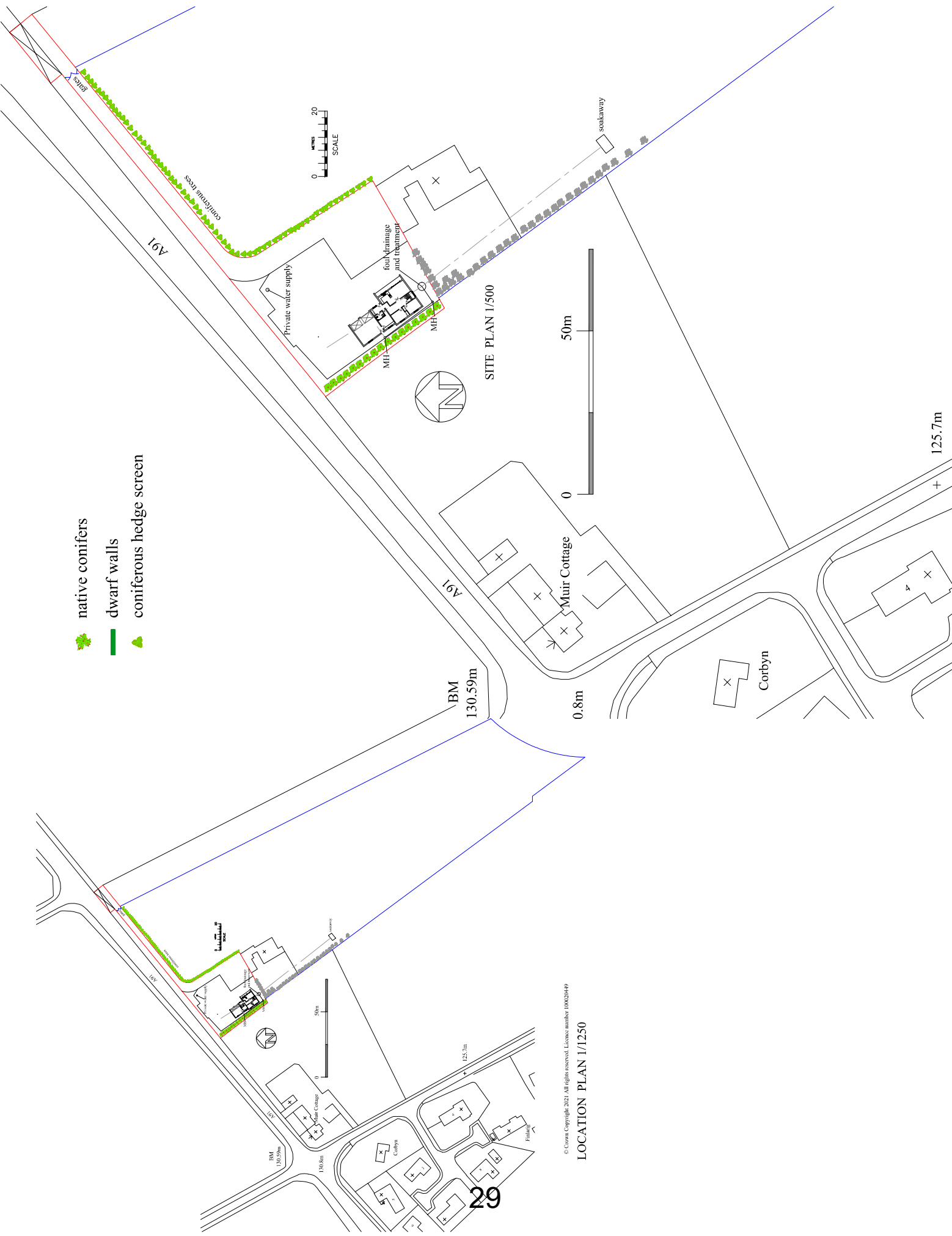
The site has an attractive entrance more suitable for a detached residential property

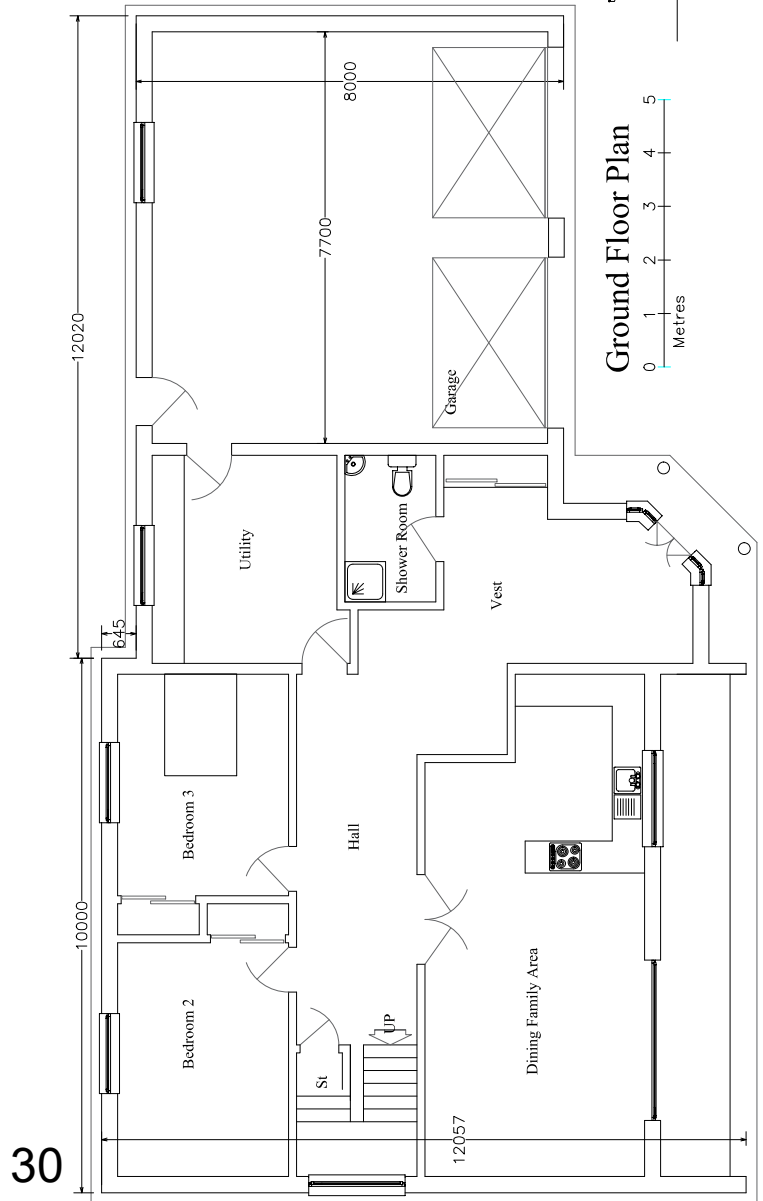
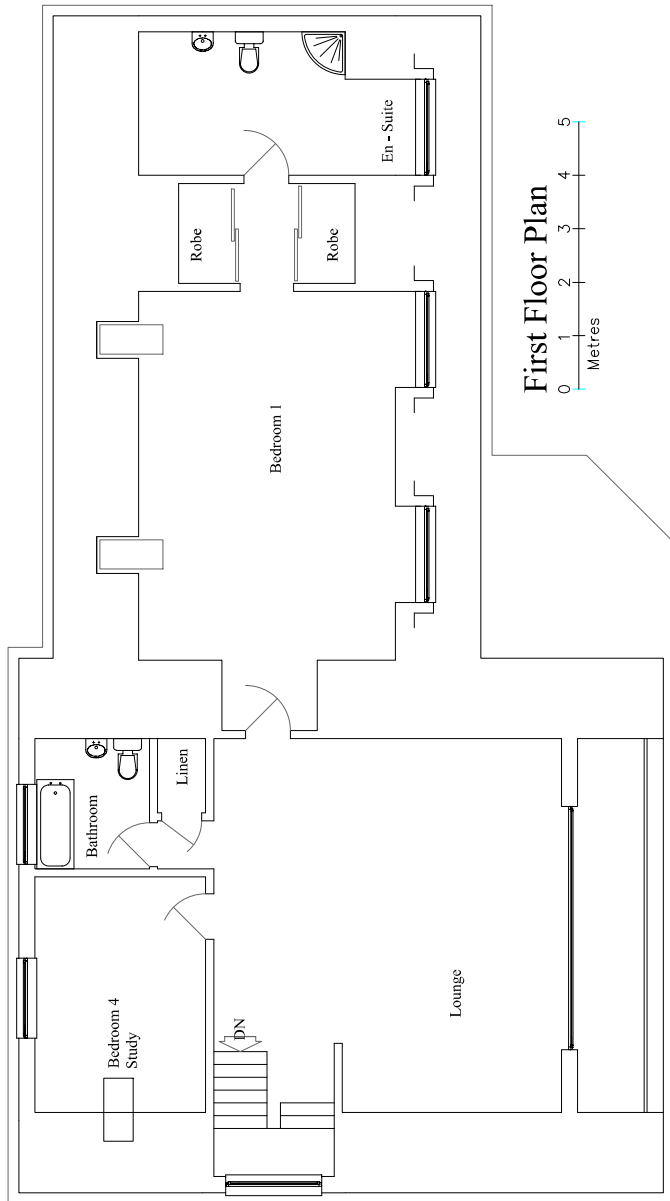
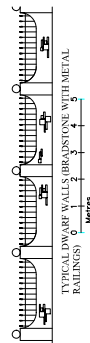
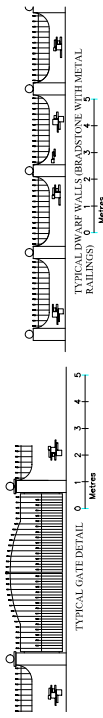
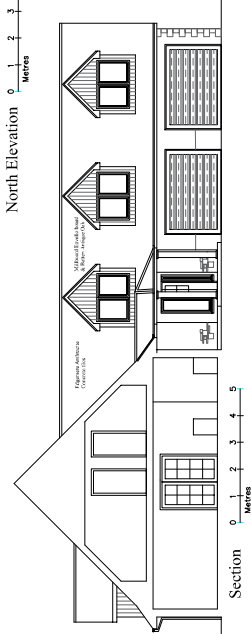
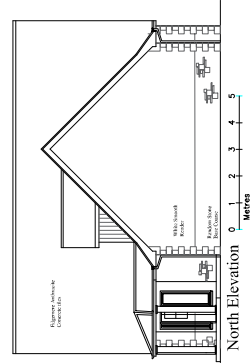
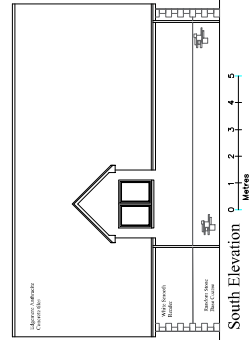
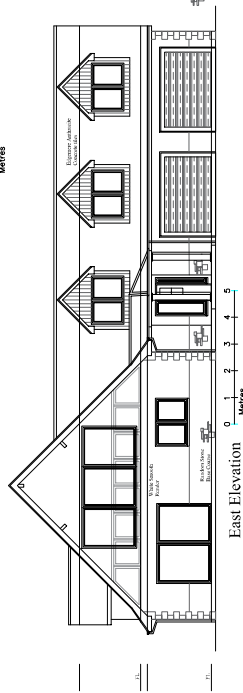
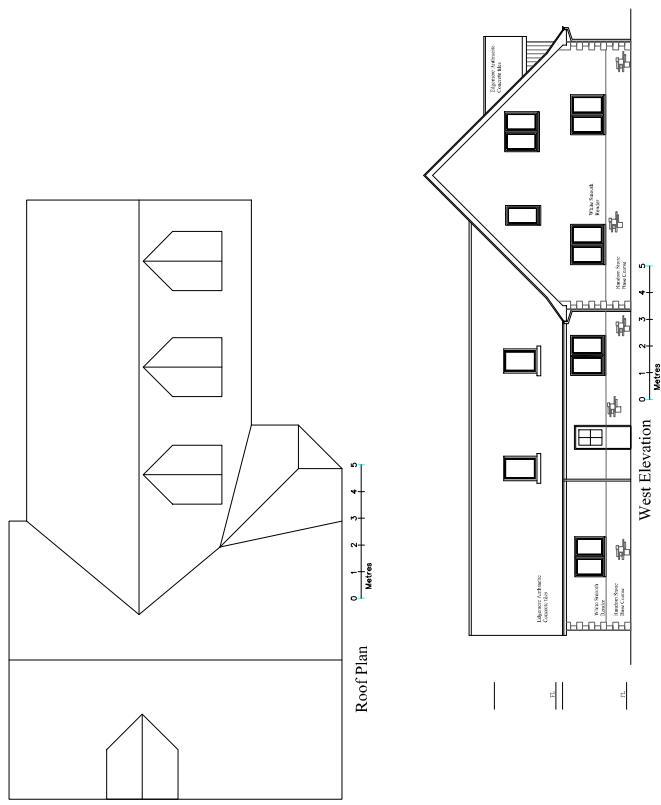


Existing outbuildings to the south of the site



The site is clean, tidy, well maintained with a quality tarmacked road and attractive landscaping.

[illegible]



General Notes

All existing mobile units to be removed from this site prior to erection of the new dwelling.

Existing use is to be discontinued and changed to residential dwelling.

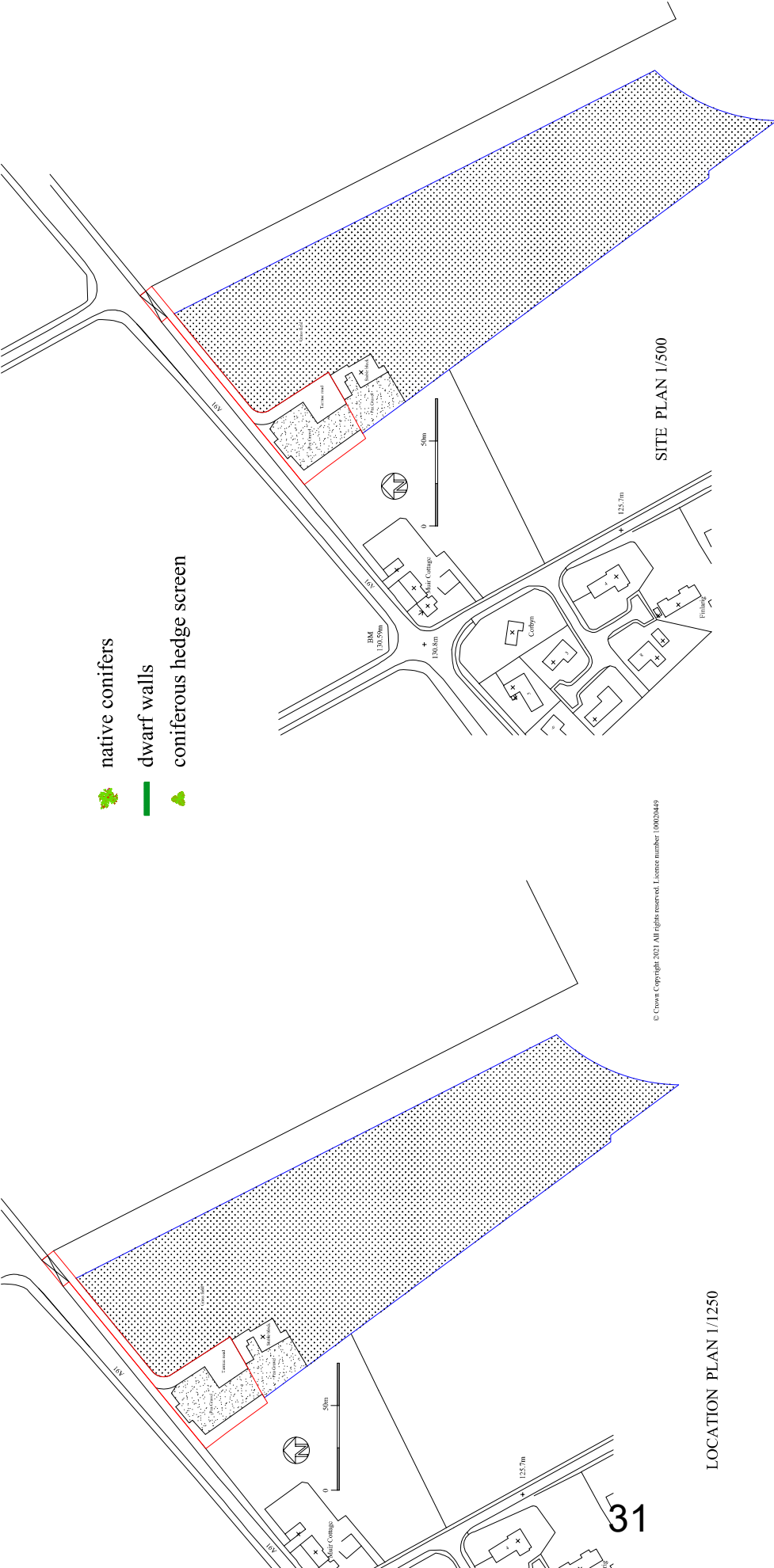
2	Canopy Added	23Mar21
1	Revised Sizes	24Mar21
No.	Revision /Issue	Date

Project name and address
Banaba Properties LTD
Lairdland Stables
By Mawcarse Crossroads
Kinross KY13 9SJ

ARCHITECTURAL SERVICES
237 Baldridgeburn
Dunfermline
KY12 9EG
T: 07535015595

This drawing has been prepared to attain statutory Local Authority Consent. All sizes and existing structure to be confirmed on site prior to commencing work.
 W: www.ArchitecturalServicesScotland.com
 E: info@ArchitecturalServicesScotland.com
 T: 07533401595

Project New House	Sheet
Date 24th March 2021	2
Scale 1:50 1:100	



- native conifers
- dwarf walls
- coniferous hedge screen

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LOCATION PLAN 1/1250

SITE PLAN 1/500

General Notes

No.	Revision/Issue	Date

Project name and address
 10002449
 10002449
 10002449
 10002449

ARCHITECTURAL SERVICES
 27 Biddington
 10002449
 KY12 9EG
 T: 07533015595

This document has been prepared for the
 statutory Local Authority Consent. All items
 shown are for information only and do not
 constitute a commitment to build.
 It is the responsibility of the client to ensure
 that the information is correct and to ensure
 that the information is used for the intended
 purpose only.

Project Name	Sheet
10002449	3
Date	Scale
28th March 2021	1:500, 1:1250

LRB-2022-11
21/01973/FLL - Erection of a dwellinghouse land 50 metres south west of Leighland Stables, Mawcarse Crossroads, Mawcarse

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 29-32)*



Banaba Properties LTD
c/o Architectural Service
Darren Beresford
237 Baldridgeburn
Dunfermline
KY12 9EG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **14th January 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/01973/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 1st November 2021 for Planning Permission for **Erection of a dwellinghouse Land 50 Metres South West Of Laighland Stables Mawcarse Crossroads Mawcarse**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site is not part of an existing building group as defined by the SG and does not involve the replacement of a dwellinghouse as defined within the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.

Justification

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

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

Plan Reference

01

02

03

04

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/01973/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	31st December 2021	
Draft Report Date	7th January 2022	
Report Issued by	JW	Date 7 Jan 2022

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 50 Metres South West Of Laighland Stables Mawcarse
Crossroads Mawcarse

SUMMARY:

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

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse at Laighland Stables, Mawcarse Crossroads. The application site is currently occupied by a gypsy traveller caravan which has granted planning permission in 2014 (14/00055/FLL). A total of two caravans were approved by the 2014 permission.

The application site is located on the south side of the A91, approximately 2 km to the north east of Milnathort. The application site is situated in a rural location with open land to the south, west and east boundaries and the public road directly to the north. A gas pipeline runs through part of application site in a north to south direction.

An application to extend the gypsy traveller site to the south was refused in 2020 (20/00114/FLL) due to the site's location within the consultation zone of a pipeline and concerns expressed by the Health and Safety Executive regarding the proximity to the high pressure gas pipeline. The proposal seeks to replace the existing caravan with a permanent dwellinghouse. The dwelling is proposed to be 1.5 stories in height with the upper level accommodation served by dormer windows. The finishing materials include concrete tiles on the roof, smooth white render and a stone base course on the walls. The house is proposed to accommodate a dining/kitchen, utility room, two bedrooms and integral double garage at ground floor level and a lounge and two bedrooms at first floor level. The house is proposed to be located close to the south west boundary of the site. The application site is bound partly by conifer planting. Access is proposed to be taken from the existing access onto the A91.

SITE HISTORY

14/00055/FLL Formation of permanent gypsy/traveller site and associated works (part retrospective) on 6 January 2015 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 21A: Gypsy/Traveller Sites: Existing Sites

Policy 46A: Loch Leven Catchment Area

Policy 46B: Loch Leven Catchment Area

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 53E: Water Environment and Drainage: Water Supply

Policy 54: Health and Safety Consultation Zones

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Housing in the Countryside Supplementary Guidance 2020

Developer Contribution and Affordable Housing Supplementary Guidance 2020

CONSULTATION RESPONSES

INTERNAL

Environmental Health (Private Water) – no objection

Transport Planning – no objection

Development Contributions Officer – contribution required

Environmental Health (Contaminated Land) – no objection

EXTERNAL

National Grid Plant Protection Team – no objection

HSE – does not advice against permission

REPRESENTATIONS

None received

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

Principle

The Perth and Kinross Local Development Plan 2019 (LDP2) through Policy 6 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy 19 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the six identified categories will be supported. 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 as outlined within the Supplementary Guidance (SG)

- o Building Groups
- o Infill site
- o New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- o Renovation or replacement of houses
- o Conversion or replacement of redundant non-domestic buildings
- o Development on rural brownfield land

The only categories which may be applicable to this development are category 1 Building Groups and Category 4 Renovation or Replacement of Houses. None of the remaining criterion are considered to be relevant to this proposal.

In terms of category 4 relating to the replacement of houses; whilst the proposal involves the removal and replacement of a gypsy traveller caravan, the replacement of these units with a dwellinghouse is not catered for in the SG. The caravan was not approved as a dwellinghouse under the House in Countryside Policy in 2014 but rather it was approved solely as a gypsy traveller caravan under the gypsy traveller policy of the Local Development Plan in 2014. Whilst the caravan is a residence it is a temporary, moveable structure and is therefore not considered to meet the definition of a dwellinghouse for the purposes of the Housing in the Countryside Guide. Therefore category 4 of the SG is not applicable in this instance.

In terms of category 1, building groups, an existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, where they are for residential and/or business/agricultural nature.

The supplementary guidance, "The Housing in the Countryside Guide" which was adopted by the Council in 2020 assists in the assessment of the Policy 19. This highlights that:

Permission may be granted, subject to the criteria above, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.

The SG also makes it clear what can be defined as a building group and states that a "building group is defined as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group. The majority of the buildings in the group should either be residential or be suitable for conversion to residential under Category 5 of this guidance. Premises which are smaller than a traditional cottage, such as domestic garages and outbuildings, will not count towards the requirement for at least 3 buildings." The SG also requires new housing to respect the character, scale and form of the existing group and that development should be integrated into the existing layout and building pattern.

In this instance the site is occupied by a caravan. To the south of the site, outwith the red line boundary, is what appears to be a storage building and further caravans and other small storage buildings which do not have scope to be converted into housing. The site cannot be defined as a building group as outlined within the SG. Therefore the proposal also fails to meet the criteria outlined within the building groups category of the SG.

The proposal is therefore contrary to Policy 19 of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020.

Design and Layout

The Housing in the Countryside Guide 2020 includes detailed siting criteria which require to be considered in any proposal and these criteria are echoed by the requirements of Policy 1A and B of the LDP2 which relate placemaking. Overall, the policies require new development to reflect its surroundings in terms of scale, landscape character and design. The proposed dwelling is to have a relatively suburban appearance and is of no significant architectural quality. There are similar designed dwellinghouses located to the south west of the site at Mawcarse Crossroads and as such the general design, scale and form of the dwelling ties in with the established character of the area. The finishing materials include concrete tiles and smooth render, both of which are prevalent in the area and whilst not of particularly high quality are considered to be acceptable. Furthermore, the site is currently occupied by a gypsy traveller caravan and the proposed dwelling, whilst larger than the caravan is not considered to be of any significant visual impact in comparison to the caravan. The layout of the site will remain similar to the existing site layout, using the same access and is therefore considered to be acceptable.

The proposal in terms of design and layout is therefore considered to comply with the LDP2.

Residential Amenity

The position, scale and orientation of the house is considered to be acceptable. The windows are orientated and positioned to ensure there is no overlooking to neighbouring properties. There is also sufficient garden ground to serve the proposed dwelling.

Traffic and Transport

Policy 60B of the LDP2 seeks to ensure that development sites are readily accessible by all modes of transport in particular walking, cycling and public transport. The site is proposed to be served by the existing access which serves the caravan. On that basis the proposal is considered to comply with policy 60B of the LDP2.

Drainage

Whilst the existing permission on this site included conditions relating to phosphorus mitigation it has now been concluded, after extensive discussions with SEPA, that the application site is located outwith the Loch Leven Catchment Area. This matter was queried with SEPA on two separate occasions and they have now stated, categorically, that whilst the site is located close to the boundary of the catchment area, it is located outwith the catchment area. SEPA state "Our review of the hydrometric area indicates the site is not in the Loch Leven catchment". As such there is no requirement to meet the criteria outlined in policies 46A and B of the LDP2. The proposed house is to connect into the existing drainage network on the site which is considered to be acceptable and in accordance with policy 53B and the drainage criteria outlined in policy 21B of the LDP2.

Ecology and Trees

There are no trees on the site and the site is currently all hardstanding. As such there is not considered to be any impact on ecology.

Pipeline

The site is located within the consultation zone of a high pressure pipeline. The Health and Safety Executive have been consulted on the proposal and do not advise against the granting of planning permission.

Developer Contributions

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Milnathort Primary School where a capacity constraint has been identified. A contribution of £5164 is therefore required.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Reason for Refusal

The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site is not part of an existing building group as defined by the SG and does not involve the replacement of a dwellinghouse as defined within the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

LRB-2022-11
21/01973/FLL - Erection of a dwellinghouse land 50
metres south west of Leighland Stables, Mawcarse
Crossroads, Mawcarse

REPRESENTATIONS

Perth and Kinross Council
enquiries@pkc.gov.uk
DevelopmentManagement@pkc.gov.uk
01738 475000.

Jasmine Surana
Asset Protection Assistant
Compliance & Integrity
Gas Transmission
National Grid
Warwick
Direct Tel: 07855 148 652
Email: Jasmine.Surana@nationalgrid.com

Planning Work?
Please enquire with us at
www.lsbud.co.uk

Electricity Emergency Number:
0800 40 40 90*
National Gas Emergency Number:
0800 111 999*

*Available 24 hours, 7 days/week.
Calls may be recorded and monitored.
www.nationalgrid.com

Date : 12/1/2021
Our Reference: GS1C_24019520
Your Reference: National Grid purposes only - planning app
21/01973/FLL

Dear Perth and Kinross Council – Planning department

Ref: Site Address Not Provided

The gas pipeline has a legal easement of 24.4m equivalent to 12.2m either side of the gas pipeline, there can be no works within this area without permission from National Grid. This pipeline also has a Building Proximity Distance (BPD) of 88m, which is basically a calculated distance for any buildings to be outside of in order to be at less risk from the gas pipeline, this is the area that the HSE will be interested in and will make their decision based on the information provided. If the HSE methodology provides a Do Not Advise Against outcome, in other words approve the application then the National Grid objection can be lifted. I would need to see that the HSE Land Use Planning Methodology has been satisfied prior to lifting the objection, this is something that should be carried out by the local authority.

National Grid exercises its right to place a Holding Objection to the above proposal which will cross our High-Pressure Gas Pipeline – Feeder

- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.

- To visit the Land Use Planning site, please use the link below:
<https://www.hse.gov.uk/landuseplanning/methodology.htm>
- No buildings should encroach within the Easement strip of the pipeline
- No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Grid.
- National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National grid will take action to legally enforce the terms of the easement.
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. You should already have received a link to download a copy of T/SP/SSW22, from our Plant protection Team, which is also available to download from our website.
- To view the SSW22 Document, please use the link below:
<https://www.nationalgrid.com/uk/gas-transmission/document/113921/download>
- A National Grid representative will be monitoring the works to comply with SSW22.
- To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Grid engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.

- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission from National Grid is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres.

All work should be carried out in accordance with British Standards policy

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications.

I have enclosed a location map to show the location of National Grid high-pressure gas pipeline(s) within the vicinity of your proposal.

Yours sincerely
Jasmine Surana

Asset Protection Assistant

Our Ref: 24019520 National Grid purposes only - planning app 21/0197
3/FLL

Monday, 29 November 2021

Jasmine Surana
National Grid House Warwick Technology Part Gallows Hill
Warwick
Warwickshire
CV34 6DA

National Gas Emergency Number:
0800 111 999*

*Available 24 hours, 7 days/week.
Calls may be recorded and monitored.
www.nationalgrid.com

Asset Protection
Gas Transmission
National Grid
Warwick
CV34 6DA
Email: assetprotection@nationalgrid.com

National Grid Gas – High Risk Response Letter

Dear Sir/ Madam,

An assessment has been carried out with respect to National Grid Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Grid Gas Transmission plc's apparatus and you **MUST NOT PROCEED** without further assessment from Asset Protection.

It is **YOUR** responsibility to take into account whether you are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place) More information on the LUP is available at <https://www.hse.gov.uk/landuseplanning/>

Please note this response and any attached map(s) are valid for 28 days.

Yours sincerely

Asset Protection Team

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid Gas Transmission plc's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Gas Transmission plc (NGGT)

This assessment does **NOT** include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Asset Protection.
- Recently installed apparatus
- National Grid Electricity Transmission plc.
- Apparatus owned by other organisations, e.g. Cadent, other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid Gas Transmission plc easements or wayleaves nor any planning or building regulations applications.

National Grid Gas Transmission plc or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Asset Protection team via e-mail (assetprotection@nationalgrid.com) or via the contact details at the top of this response.

Are My Works Affected?

Is your proposal Scheduled Works, Proposed Works, Formal Enquiry or a Formal Planning Application?

Proposed Works

As your works are at a "proposed" stage, any maps and guidance provided are for information purposes only. **This is not approval to commence work.** You must submit a "Scheduled Works" enquiry at the earliest opportunity and failure to do this may lead to disruption to your plans and works. Asset Protection will endeavour to provide an initial assessment within 28 days of receipt of a Scheduled Works enquiry and dependent on the outcome of this, further consultation may be required.

In any event, for safety and legal reasons, works must not be carried out until a Scheduled

Works enquiry has been completed and final response received.

Scheduled Works

Your proposal is in proximity to the National Grid Gas Transmission plc's apparatus specified within the "Assessment" section, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

You must not commence any work until you have complied with all of the guidance provided and been contacted by all of the teams (if any) listed in the Contact Requirements section.

As set out in the table in the "Assessment" section of this response; in respect of all the apparatus listed you must read and follow all the guidance provided when planning or undertaking any activities at this location. Additionally, for apparatus assessed as having a high potential to be affected, a member of the respective team will contact you within 28 working days.

As your proposed activity is in close proximity to National Grid's Gas Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 28 days from the date of this response. Please contact us at assetprotection@nationalgrid.com if you have not had a response within this time frame.

Formal Enquiry

Searches based on your enquiry have identified that there is National Grid Gas Transmission plc's apparatus in the vicinity of your enquiry which may be affected by the activities specified. National Grid therefore formally objects to these activities pending further consultation.

How to deal with National Grid's objection.

National Grid Gas Transmission plc is concerned that its property and apparatus will be affected by the proposals contained within the Order and we enclose a plan showing the location of National Grid Gas apparatus. We are therefore concerned that consent should not be given for the Order without National Grid Gas apparatus being properly protected.

The Company would wish to have the opportunity to appear at any public local inquiry held into the application for this Order.

We have asked our engineering department to provide you with further details of how National Grid Gas is affected by the proposals.

Formal Planning Application

Searches based on your enquiry have identified that there is National Grid Gas Transmission plc's apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Asset Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action. Please let us know whether Asset Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

We request that you take no further action with regards to your proposal until you hear from Asset Protection. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Assessment

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- National Gas Transmission Pipelines and associated equipment

Requirements

National High Pressure Gas Pipelines

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

- Ensure that the National Grid requirements are followed for work in the vicinity of High pressure pipelines including the supervision of the digging of trial holes.
- Comply with all guidance relating to general activities and any specific guidance for each asset type as specified in the Guidance Section below.
- Ensure that access to National Grid apparatus is maintained at all times.
- Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over National Grid apparatus unless specifically agreed with National Grid in advance.
- Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting National Grid apparatus.
- Maintain appropriate clearances between gas apparatus and the position of other buried plant.

GUIDANCE

National Grid Gas Transmission Network data

The Network map for National Grid Gas Transmission assets can be downloaded at the following link in GIS format.

<https://www.nationalgrid.com/uk/gas-transmission/land-and-assets/network-route-maps>

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installation – Requirements for Third Parties' (SSW22). This can be obtained from: <Link to SSW22 once it has been updated and signed off>

Essential Guidance document:

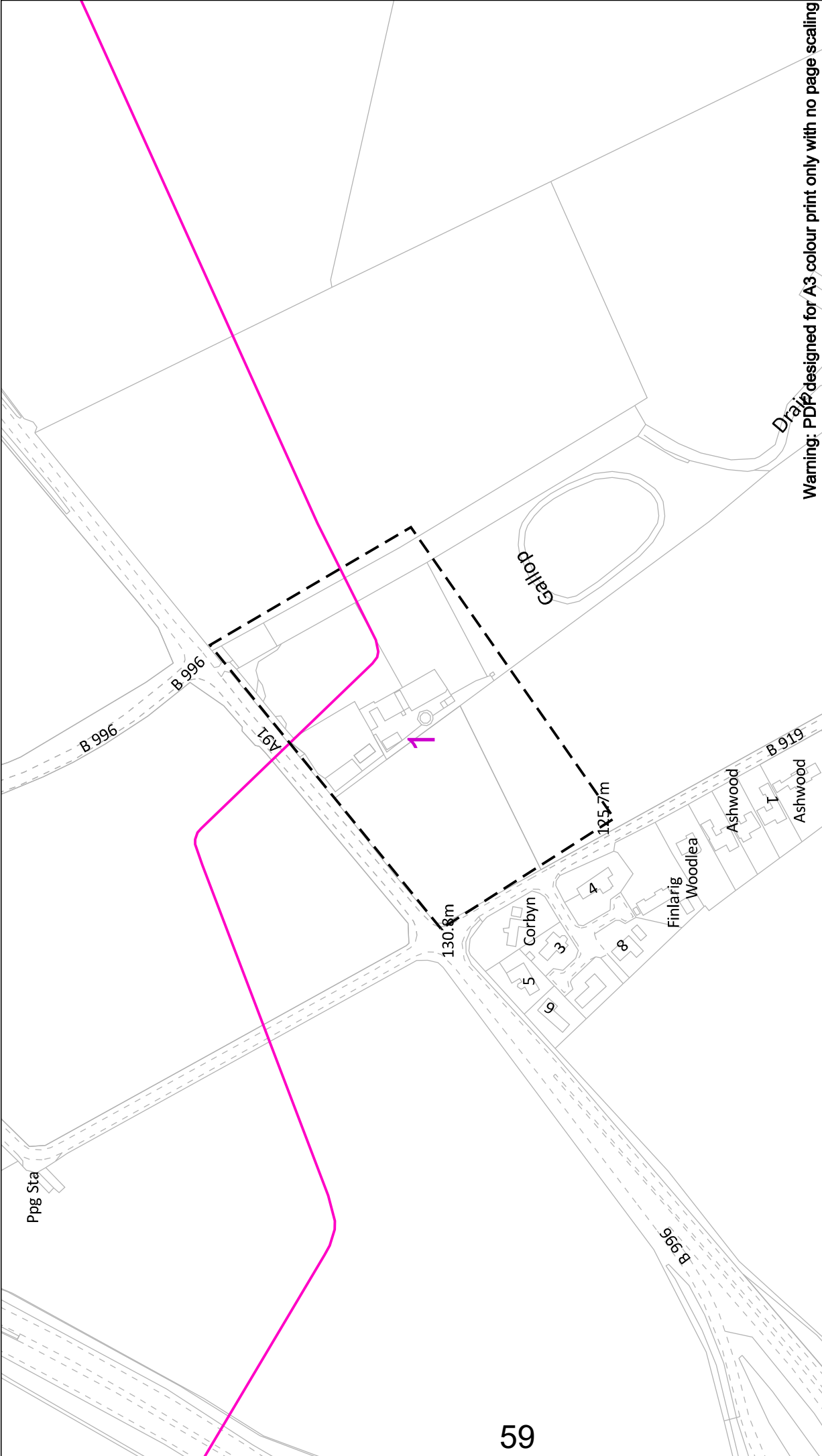
<https://www.nationalgrid.com/uk/gas-transmission/sites/gas/files/documents/8589934982-Essential%20Guidance.pdf>

You should be aware of the following information regarding National Grid's high pressure (1) underground pipelines and associated apparatus:

- Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that unrestricted and safe access to any of our pipeline(s) must be maintained at all times.
- The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The physical presence of such pipelines may also be evident from pipeline marker posts. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).
- The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Our pipelines are normally buried to a depth of 1.2 metres or more below ground and further information may be found on the plans provided. Ground cover above our pipelines should not be reduced or increased.
- Any proposed cable crossings are subject to approval from National Grid, completion of a Deed of Consent and must remain a minimum of 600mm above or below the pipeline. All works associated with cable installation must be supervised by National Grid. Cables cannot be pulled through until a Deed of Consent is in place.
- If it is planned to use mechanical excavators and any other powered mechanical plant, it shall not be sited or moved above the pipeline.
- If it is planned to carry out excavation to a depth greater than 0.3 metres, embankment or dredging works, the actual position and depth of the pipeline must be established on site with our representative and a safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- The digging of trial holes to locate the pipeline must be carried out under the supervision of our on-site representative following approval of RAMS. Excavation works may take place unsupervised no closer than 3 metres from the pipeline once its actual location has been confirmed. Similarly, excavation with handheld power tools may take place no closer than 1.5 metres away.

- For operational and safety reasons National Grid requires unrestricted access to our Above Ground Installations and Compressor Stations. We would request that any proposed changes to roads/layouts in the vicinity of our site have regard to the need to maintain access.
- Any construction traffic should either cross the pipeline using existing roads or at agreed crossing locations using agreed protective measures.
- Ground anchors for scaffolding stay wires should only be sited in the vicinity of the pipeline after the pipeline position has been confirmed on site with our representative and the ground anchor position agreed.
- If your proposals include the installation of wind turbines then the minimum separation between the pipeline and the nearest turbine should be 1.5 times the mast height.
- If your proposals include the installation of a Solar Farm, all assets must remain outside of the National Grid easement, all cable crossings must be agreed during the design stage, a Deed of Consent undertaken and an Earthing report must be provided for review. National Grid must retain access to its assets at all times once works have been completed.

The relocation of existing underground pipelines is not normally feasible on grounds of cost, operation and maintenance and environmental impact. Further details can be found in our specification for: safe working in the vicinity of National Grid high pressure gas pipelines and associated installations – requirements for third parties: T/SP/SSW/22 (see link above or copy enclosed)



Warning: PDF designed for A3 colour print only with no page scaling

<p>National Grid Gas Emergency Number: 0800 40 40 90 Available 24 hours, 7 days/week. Calls may be recorded and monitored</p>		<p>Warning: PDF designed for colour print only with no page scaling</p>	
<p>IMPORTANT NOTICES This plan shows those pipes owned by National Grid Limited in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regards to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSG47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to after a period of 28 days from the date of issue.</p>		<p>Dig Sites Area: Line: </p> <p> NHP Mains</p>	
<p>Date Requested: 29/11/2021 Job Reference: 24019520 Site Location: 315016 / 06665 Requested by: Miss Jasmine Surana Your Scheme/Reference: National Grid purposes only - planning app 2101973/PLL</p>		<p>nationalgrid</p> <p>National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA</p> <p>AssetProtection@NationalGrid.com</p>	
<p>Scale: 1:2500 (When plotted at A3)</p>		<p>Crown Copyright © - Reproduced by permission of Ordnance Survey on behalf of HMSO. And database right 2021. All rights reserved. Ordnance Survey Licence number 0100059731</p>	

ENQUIRY SUMMARY

Received Date

29/11/2021 11:49

Work Start Date

20/12/2021

Your Reference

National Grid purposes only - planning app 21/01973/FLL

Location

Centre Point: 315016 706665

X Extent:

Y Extent:

Postcode: KY139SQ

Map Options

Paper Size: A3

Orientation: LANDSCAPE

Scale: 1:2500

Real World Extents: 280m x 282m

Enquirer Details

Organisation Name: National Grid

Contact Name: Jasmine Surana

Email Address: jasmine.surana@nationalgrid.com

Telephone: 07855 148 652

Address: National Grid House Warwick Technology Part Gallows Hill, Warwick, Warwickshire, CV34 6DA

Enquiry Type

Planned Works

Activity Type

Planning Applications

Work Types

Single property

Notes/Works Description (if supplied)

'New dwelling and changing the use of the land from gypsy caravan site to residential dwelling.' enquiries@pkc.gov.uk or DevelopmentManagement@pkc.gov.uk 01738 475000.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01973/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email: [REDACTED]
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 50 Metres South West Of Laighland Stables Mawcarse Crossroads Mawcarse		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Milnathort Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: 1 x £5,164 <u>Total: £5,164</u></p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to</p>		

	<p>complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due.

	<p>d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly.</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	09 December 2021

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 21/01973/FLL

Our ref KIM

Date 10 Dec 2021

Tel No 

Communities

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

Consultation on an Application for Planning Permission

**PK21/01973/FLL RE: Erection of a dwellinghouse Land 50 Metres South West Of
Lairdland Stables Mawcarse Crossroads Mawcarse for Banaba Properties LTD**

I refer to your letter dated 26 November 2021 connection with the above application and have the following comments to make.

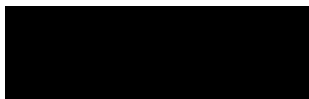
Contaminated Land

Comments

A search of the historical mapping has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination. However, it shall be the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development for which planning consent has been granted.

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01973/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 50 Metres South West Of Laighland Stables Mawcarse Crossroads Mawcarse		
Comments on the proposal	Insofar as the Roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	15 December 2021		

