

LRB-2022-45
22/00853/FLL – Erection of a dwellinghouse and
associated works, land 85 metres south east of Whispering
Pines, Mawcarse, KY13 9SJ

INDEX

- (a) Papers submitted by the Applicant (***Pages 115-174***)
- (b) Decision Notice (***Pages 123-124***)
 - Report of Handling (***Pages 125-136***)
 - Reference Documents (***Pages 145-174***)
- (c) Representations (***Pages 177-204***)

LRB-2022-45

22/00853/FLL – Erection of a dwellinghouse and associated works, land 85 metres south east of Whispering Pines, Mawcarse, KY13 9SJ

**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 100562284-002

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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.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="Other"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text" value="Mr./ Mrs."/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="A"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Stewart"/>	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"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

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"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Site adjacent to Whispering Pines"/>
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Northings	<input type="text" value="705517"/>	Easting	<input type="text" value="314669"/>
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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 and associated works

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.

We believe the proposals are justified and we direct the Review Body to our design statement which concludes this. Please particularly take cognisance of section 5.18/ section 6 within the design statement. The site is surplus to the existing house. The proposals will be beneficial to the phosphate issue to Loch Leven. It is clear that the proposed dwelling would be appropriate to the site and area without detrimentally affecting any amenity, local character, landscape or environmental assets.

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)

Planning permission application form, decision notice, report of handling, location plan, site plan, proposed site plan, proposal plans, design statement, phosphate mitigation calculations, treatment plant information.

Application Details

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

22/00853/FLL

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

06/05/2022

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

30/06/2022

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site visit to fully understand the site in relation to the proposals. A site visit to other building groups as noted within the design statement would also be beneficial.

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 Andrew Megginson

Declaration Date: 10/08/2022



Mr And Mrs Alistair Stewart
c/o Andrew Megginson Architecture
Andrew Megginson
128 Dundas Street
New Town
Edinburgh
EH3 5DQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **30th June 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00853/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 25th May 2022 for Planning Permission for **Erection of a dwellinghouse and associated works Land 85 Metres South East Of Whispering Pines 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 2019 and the associated Housing in the Countryside Supplementary Guidance 2020 (SG). The area cannot be defined as a building group as it is described in the SG. Therefore, the application site is not located within an identifiable building group and does not involve the extension of a building group into a definable site. Even if the area could be defined as a building group, which it cannot, the application site is not a defined site as required by the SG as it does not have defined boundaries on all sides formed by existing topographical features, landscape features or roads. Post and wire fencing does not constitute a definable boundary as defined in 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.

Notes

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

05

06

07

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00853/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	24th July 2022	
Draft Report Date	30th June 2022	
Report Issued by	JW	Date 30 June 2022

PROPOSAL: Erection of a dwellinghouse and associated works

LOCATION: Land 85 Metres South East Of Whispering Pines 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:

Monday 26th June 2022

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a detached dwellinghouse on a site immediately to the south east of a large detached property called Whispering Pines which is located at Mawcarse which is approximately 2km to the north east of Milnathort. The application site measures 0.26 hectares and is currently largely lawn. The site is bound to the north west by hedging, a bund, hedging and trees along the boundary with the public road to the south west and the north and east boundaries are post and wire fence. Due to the presence of the bund along the southern boundary the site sits below the level of the public road. There is a gated access into the site from the public road in the south east corner.

The proposal is to erect a detached single storey dwellinghouse which is to accommodate a triple garage at its western end, three bedrooms within the central portion and a large sitting, dining and kitchen area at the eastern end of the building. An office and shower room are proposed within a smaller first floor level which is to be served by rooflights. The house is proposed to be finished is a mixture of stone cladding and timber cladding on the external walls with a slate roof. The windows and doors are proposed to be dark grey. The house is proposed to be positioned centrally within the site with a driveway access proposed from the south east and a parking and turning area proposed at the western end of the site. The trees and hedging within the site are proposed to be retained.

The submission indicates that the applicants are seeking to downsize from the existing dwelling to the north west of the application site which is within the applicant's ownership.

SITE HISTORY

None

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 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

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 54: Health and Safety Consultation Zones

Policy 58A: Contaminated and Unstable Land: Contaminated Land

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

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance 2020

Placemaking Supplementary Guidance 2020

Housing in the Countryside Supplementary Guidance 2020

CONSULTATION RESPONSES

INTERNAL

Environmental Health (Contaminated Land) – condition recommended

Perth And Kinross Heritage Trust – condition recommended

Transport Planning – no objection subject to condition

Development Contributions Officer – developer contribution towards education infrastructure required

EXTERNAL

Scottish Water – no objection

Scottish Environment Protection Agency – initial concerns regarding phosphate mitigation calculations

Shell UK Exploration And Production – no objection

Health And Safety Executive – does not advice against granting of 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	Submitted
Report on Impact or Potential Impact	Phosphate Mitigation Calcs

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)

1 Building Groups

2 Infill site

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

4 Renovation or replacement of houses

5 Conversion or replacement of redundant non-domestic buildings

6 Development on rural brownfield land

The only category which may be applicable to this development is category 1 Building Groups. None of the remaining criterion are considered to be relevant to this proposal as the site is not an infill site, does not meet any of the definitions within category 3, does not involve the renovation or replacement of a house or a non-domestic building and the site does not meet the definition of rural brownfield.

In terms of category one, 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 Supplementary Guidance 2020" 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 a 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 to the north west of the application site is a single detached dwelling and a detached domestic garage which serves this dwelling. Therefore, the land to the north west does not meet the definition of a building group as outlined within the SG.

Therefore, this area cannot be defined as a building group as it is described in the SG. Therefore, the application site is not located within an identifiable building group and therefore does not involve the extension of a building group into a definable site. Even if the area could be defined as a building group, the application site is not a defined site as required by the SG as it does not have defined boundaries on all sides formed by existing topographical features, landscape features or roads. Post and wire fencing does not constitute a definable boundary as defined in 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 as it fails to meet any of the categories of development.

Site Layout and Design

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 house is proposed to have a rectangular footprint with garden ground positioned around the house with the garage at the western end of the site served by the new access. The position of the proposed house follows the building line created by the existing dwelling to the north west and the house will be set down in the site given the elevated public road to the south.

The built form and scale of the house, together with the proposed material are also considered to be acceptable.

The layout of the house also has a narrow footprint which reflects the narrow footprint of the adjacent building and traditional rural buildings in Perth and Kinross. The layout of the site is considered to be appropriate and makes best use of the land available in accordance with policy.

Overall, the design and scale of the house is considered to be acceptable and to accord with policies 1A and B of the LDP2 and the siting criteria outlined in the Housing in the Countryside SG. Nevertheless, the principal of developing this site is contrary to policy.

Trees

There are mature trees within the application site which are proposed to be retained. There are not considered to be any concerns regarding impact on

trees and these would require to be protected during construction should any approval be granted.

Ecology

Given that all trees on the site are to be retained and the site is primarily lawn there is not considered to be any impact on ecology or protected species.

Residential Amenity

Overall, the development is considered to be acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the Local Development Plan where it relates to residential amenity.

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 to the south east which is considered to be appropriate subject to a condition. The proposed use is not considered to generate substantial levels of new traffic. Transport Planning have offered no objection and consider the parking and turning facilities and access provided to be appropriate. On that basis the proposal is considered to comply with policy 60B of the LDP2.

Drainage - Loch Leven Catchment

The site is located within the Loch Leven Catchment Area where policy 46B of the LDP2 applies as does the relevant Supplementary Guidance. Total phosphorus from built development must not exceed the current level permitted by discharge consents for Kinross and Milnathort waste treatment works together with the contribution from built development within the rural area catchment. Details of the proposed methods of drainage require to be submitted with applications. The mitigation measures require to demonstrate that they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment. Sufficient information has been presented to demonstrate that this can be achieved. SEPA initially stated that the phosphorus calculations were inaccurate and these have since been updated and sent to SEPA for comments.

It would appear from reviewing the updated phosphorus calculations, that they indicate that total phosphorus reduction meets the requirements of the 125% indicated in the LDP2 and that the existing septic tank at Whispering Pines will be upgraded. However, this will require agreement from SEPA. Conditions should be applied to any approval to ensure the implementation of any agreed phosphorus mitigation.

A condition should also be applied to indicate that the applicant requires a CAR License from SEPA for the proposed works should any approval be

granted. Whilst a response is awaited from SEPA, the principal of developing the site is contrary to policy and therefore it is considered to be appropriate to progress to a recommendation of refusal at this time.

Precedent

The supporting statement references a decision made by the Council's Local Review Body at The Old Piggery, Blairforge as a precedent for this application being supported. It should be noted that every application must be considered on its own merits and assessed against current planning policy as dictated by the Planning Act. The presence of a decision on a site elsewhere which was approved under a previous iteration of the Housing in the Countryside Policy is not considered to have any bearing on the assessment of this application.

Furthermore, if precedent was considered to be a key consideration, approval of development on this site would set a dangerous precedent and could result in a significant change to the landscape character of rural areas of Perth and Kinross as approval of this type of application would effectively allow any single house within the countryside to build another house on adjacent land which would completely alter the character and visual amenity of the countryside to its detriment.

Developer Contributions

Policy 5 of LDP2 applies which refers to the Developer Contributions and Affordable Housing Supplementary Guidance. This 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 there is an identified capacity constraint. Therefore, a developer contribution of £5164 is required. This would require to be paid upfront should any planning permission be granted.

Contaminated Land

Historical mapping indicates that the site was previously occupied by railway land. Mapping also indicates that a sawmill previously occupied the site. There is the potential for the site to be impacted by contamination as a result of these former land uses. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use. A condition to ensure this should be applied if any permission is granted.

Archaeology

The site is located adjacent to archaeological remains and therefore PKHT have recommended a condition to ensure an archaeological investigation is undertaken.

Health and Safety

The site is located within the consultation zone of a Shell Pipeline. The Health and Safety Executive have been consulted and do not advise against the granting of permission in this instance. Furthermore, Shell have also offered no objection.

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 2019 and the associated Housing in the Countryside Supplementary Guidance 2020 (SG). The area cannot be defined as a building group as it is described in the SG. Therefore, the application site is not located within an identifiable building group and does not involve the extension of a building group into a definable site. Even if the area could be defined as a building group, which it cannot, the

application site is not a defined site as required by the SG as it does not have defined boundaries on all sides formed by existing topographical features, landscape features or roads. Post and wire fencing does not constitute a definable boundary as defined in 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

05

06

07



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 100562284-001

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.

Type of Application

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

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

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

Erection of dwelling and associated infrastructure to garden ground of Whispering Pines, Mawcarse

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr/ Mrs	Building Name:	Whispering Pines
First Name: *	Alisdair	Building Number:	
Last Name: *	Stewart	Address 1 (Street): *	Mawcarse
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	By Milnathort
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 9SJ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site adjacent to Whispering Pines

Northing

705517

Easting

314669

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.26

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

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

Residential

Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input type="checkbox"/> New/Altered septic tank. <input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;"> Upgrading existing septic tank to Whispering Pines to treatment plant that will serve the existing and proposed dwellings. </div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? *	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, using a private water supply <input type="checkbox"/> No connection required	
If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).	

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

Bins can be stored in garage then wheeled out to roadside on collection days.

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Andrew Megginson

On behalf of: Mr/ Mrs Alisdair Stewart

Date: 06/05/2022

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Andrew Megginson

Declaration Date: 06/05/2022

Payment Details

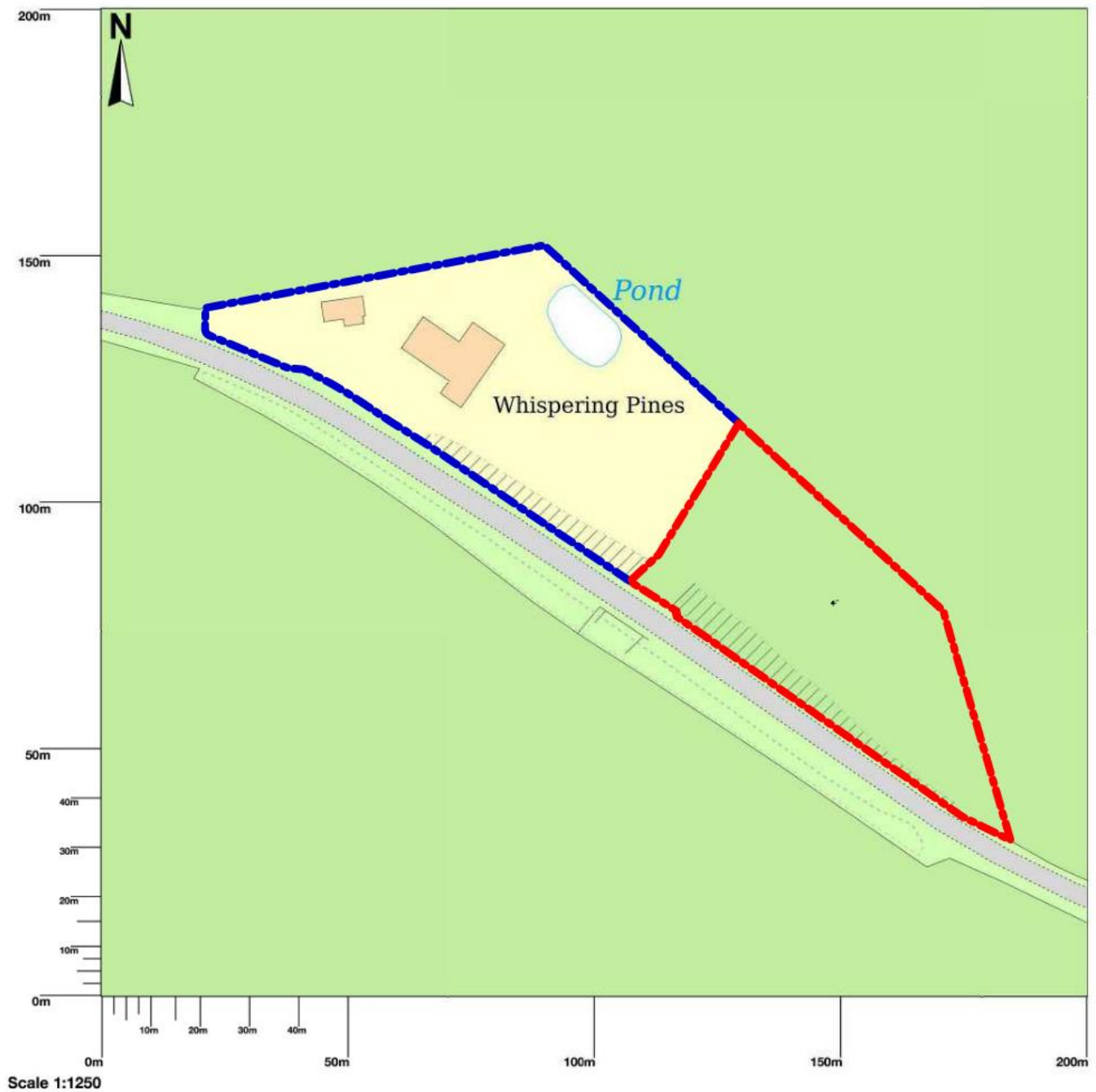
Pay Direct

Created: 06/05/2022 16:14





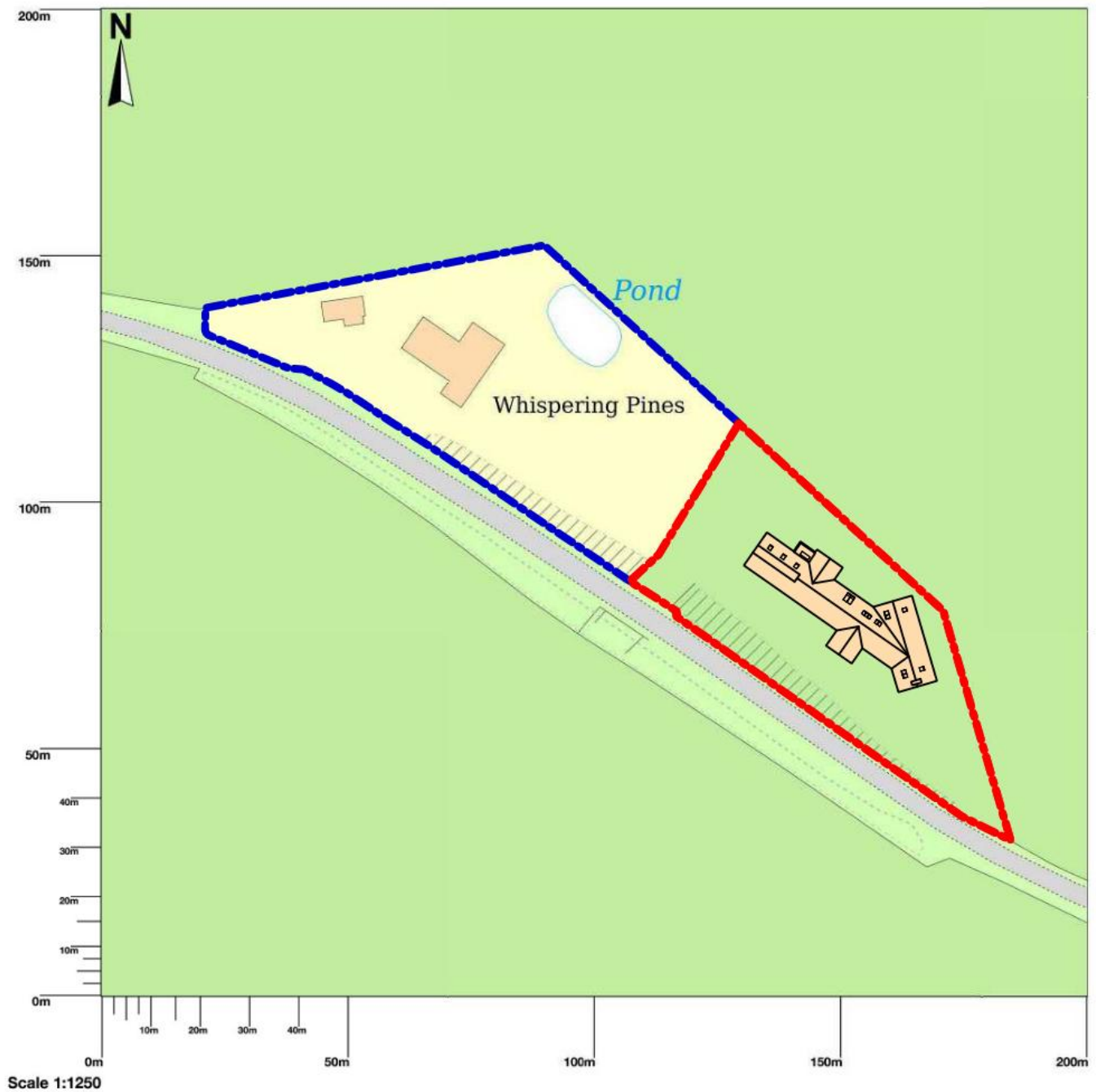
Whispering Pines, Mawcarse, Milnathort, Kinross, KY13 9SJ



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Whispering Pines, Mawcarse, Milnathort, Kinross, KY13 9SJ



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Proposed Materials:
 Pitched Roof - Natural slate
 Flat Roof - Grey membrane
 Walls - Natural stone
 Windows - Grey aluminium
 Doors - Grey aluminium
 Natural stone
 Doors and Windows - Grey aluminium



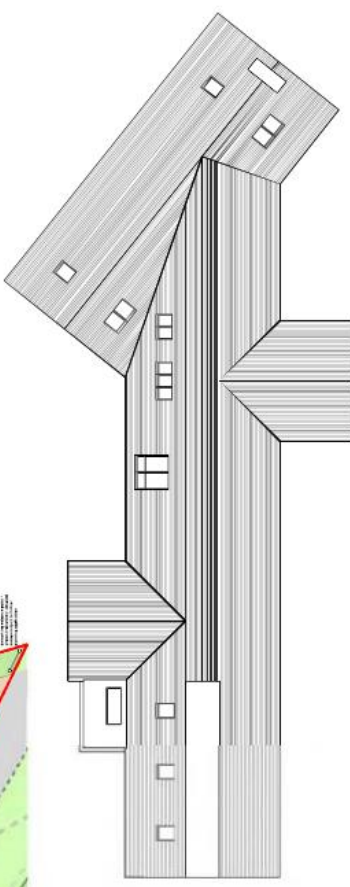
Proposed First Level Plan



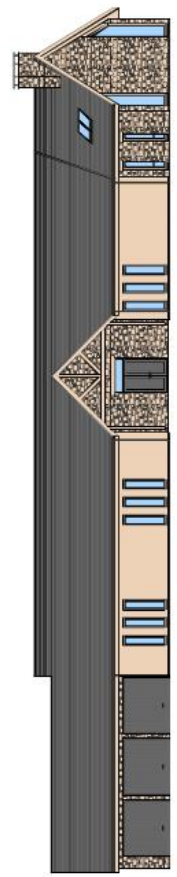
Proposed First Level Plan



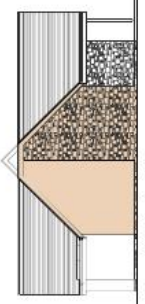
Proposed Ground Level Plan



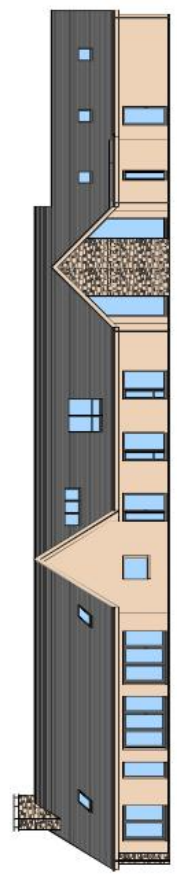
Proposed Roof Level Plan



Proposed Front Elevation (SW)



Proposed Side Elevation (NW)



Proposed Rear Elevation (NE)



Proposed Side Elevation (SE)

Project Name	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Project Number	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Project Date	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Project Location	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Project Status	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

DESIGN STATEMENT

1 Introduction

1.1 This Design Statement has been submitted on behalf of Mr. & Mrs. Stewart in support of a detailed planning application for the erection of a dwelling to land adjacent to Whispering Pines.

1.2 The application site is located within the south-eastern garden ground of Whispering Pines (hereafter referred to as the 'site' or the like).

1.3 The Design Statement summarises the relationship between the project and policy, covering development planning considerations as well as other key material aspects of relevance to the planning application.

1.4 This Design Statement has been prepared by Andrew Megginson Architecture (AMA) and is in addition to the plans, drawings and information which in total comprise the overall package for the site. This document is structured as follows:

- It describes the site and its context (Section 2);
- It provides detail on the development proposals (Section 3);
- It conducts background research on a similar development (Section 4) to explain how this proposal will comply with the standards that have been acceptable to the council elsewhere.
- It appraises planning policies (Section 5) and the material considerations against which the planning application should be judged;
- It reaches conclusions in relation to the acceptability of the planning application in the context of the Development Plan and other material considerations (Section 6).

2 The Site and Context

2.1 The application site is part of residential garden ground associated with Whispering Pines. The application site measures 0.26 Ha, approximately 1/3 of the whole curtilage of Whispering Pines. The application site consists largely of lawn. Boundaries of the application site are made up of a mature hedge to the NW, a bund, hedging and mature trees which follow the road to the SW (note the bund is the result of the road being bridged over the former railway line which passed through the site historically, see figures 3 & 4). The north and eastern boundaries consist of a post and wire fence to the agricultural land where the change in nature of garden ground to agricultural land is visually clear.



Figure 1 – Extract from Bing Maps indicating site location with Milnathort to the west of the site





Figure 2 – Extract from Google Maps showing a closer aerial view of the defined application site

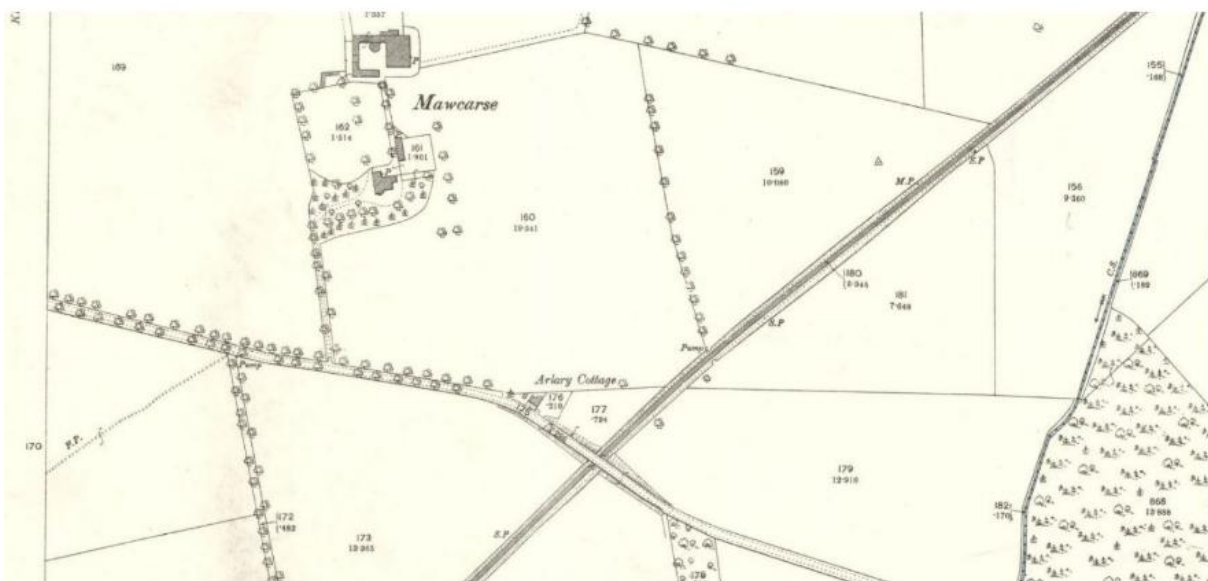


Figure 3 & 4 – Extracts from National Library of Scotland. Top: published 1856 showing Arlary Cottage to site along with a saw mill Lower: published 1895 showing Arlary Cottage to site only



2.2 An existing access point exists to the SE corner of the site. Existing service infrastructure is available to the site by means of extension/ alteration of the existing service provision to Whispering Pines. Drainage to the existing house is via an existing septic tank within the SE garden ground of Whispering Pines. A water pipe runs near and almost parallel with the road and requires a 3m no building stand-off zone either side of it. In 2000, the site gained permission for the demolition of an existing building, new dwellinghouse and change of use of land to garden ground (00/01307/FUL)



Figure 5 – Image of Whispering Pines



Figure 6 – Photo of the site from the western corner





Figure 7 – Photo of the site from the southern corner



Figure 8 – Photo showing existing access into site





Figure 9 – Photo of the site from the bridge over the former railway



Figure 10 – Photo of the existing access to Whispering Pines





Figure 11 – Photo of the bridge from within the site



3 The Development Proposals

Introduction

3.1 The proposed application consists of a design by which an area of garden ground associated with an existing dwelling is developed to form a largely single storey dwelling and associated infrastructure. A new spectacular dwelling is being formed as a downsize for the applicants who have lived in the local area for 21 years. With later life in mind and children that have moved out of the existing 6 bedroom home, the applicants are looking at a proposal that is largely on one level. With emphasis on views of the rolling hills, large, open and airy internal spaces and a contemporary style, the new building will be a more functional home to live in.

3.2 An established entrance point is formed with a beautiful timber truss arrangement that provides a covered area whilst entering the house. Accessed from a spacious entrance hall the public and private areas of the house split here. A hallway to the left off the entrance hall leads to three bedrooms. Two bedrooms within the central spine are formed for when their children and grandchildren come to visit. A large master suite and access to the garage are all located further up this same hallway. To the right is the open plan southeastern wing. A combined double height sitting, dining and kitchen space is formed to the northern side of this wing. This space will be very light, provide great views of the external and also blur the internal and external line with the use of sliding doors providing access to the garden area and private terrace. To the south of this wing a sun lounge with a large glazed gable is located. With a large amount of wall and roof glazing the space will feel beautifully open. Separated from the adjoining open plan space by a central wall, glazed sliding pocket doors provide access. The glazed sliding pocket doors separates the spaces when required but can also be opened up for full linkage too. The use of glass in the doors provide a visual link between the spaces also. The double height master suite will be a beautiful space with large expanses of glazing to the hills and access to the private terrace. It boasts a dressing area and spacious en suite. The master suite, which will be the secondary space the occupants will spend most of their time, juts out to gain the views but also delineate the end of the dwelling and provide a degree of enclosure to the private terrace. Directly in front, is a statement staircase with a welcoming double height space which takes one up to the office where it is intended the applicant will move and continue to run the charity and Community Benefit Society – Aero Space Scientific Educational Trust – and its trading subsidiary Aero Space Kinross largely from home (see application 22/00084/PREAPP for more details on Aero Space Kinross). The applicant intends on taking the existing business address to this new home. The stairs allow a concise split in the home/ work parts of the house.

3.3 The application site is just out with the Loch Leven and Lomond Hills Local Landscape Area (LLA) so will not have any effect to this. Scheduled monuments exist to the north and south of the site but consist of barrows and an enclosure, with the proposed development being low and contained within existing established garden ground, the proposed development will not detrimentally affect the setting of the monuments.

3.4 The works looks to preserve and enhance the existing features of the site and will tie in well with the character and appearance the area.

Principle of Development

Access

3.5 The proposed dwelling will be accessed through an existing access point to the SE corner of the site. A resin bound stone driveway will lead towards the house. The access point and hardscaping to the front of the proposed dwelling mirrors that which exists to Whispering Pines.

Form, Scale & Positioning

3.6 The main living spaces are orientated towards the views of the hills to which the southeastern wing responds. This orientation also has a larger function to the overall site in that it demarks/ bookends the end of the Whispering Pines garden ground nicely with the housing sites almost being a mirror image of one another. The orientation of the southeastern wing has been formed as shown to firstly reinforce this bookend but also lead one to the entrance of the house with the gentle flow it provides to the central point in the front elevation. It also adds interest and depth to the building overall. The build line of the proposed dwelling is informed by Whispering Pines where the proposed house relatively picks this up and the jut outs of Whispering Pines are acknowledged by the entrance, master suite and the sun lounge of the proposed new home. The footprint of the proposed dwelling is also loosely in line with that of the existing dwelling of



Whispering Pines and is then responsive to the site attributes with the angle of the southeastern wing. The garage and garden machinery store/ workshop has been integrated in this instance for ease to the occupants.

3.7 The house is proposed largely over one level for accessibility to the occupants but also to keep the house low within the landscape.



Figure 12 – Visualisation of proposed house

Materiality

3.8 Externally the house will have a relatively simple material palette relatable to Whispering Pines with stone, render, slate and timber being used. Dark grey doors and windows will be used to provide some contemporary styling to this appropriate overall palette.

Sustainability

3.9 The site lends itself well to a number of possible renewable energy technologies which the applicant will look to utilise to allow the dwelling to be as self sufficient as possible. A ground source heat pump, air source heat pump and solar panels are all technologies available to the applicant where further investigation at a later stage will determine the most efficient to utilise at the site. The dwelling shall be insulated to a high level and has secondary heating through a stove to the sun room.





Figure 12 – Visualisation of proposed house



4 Precedent

4.1 The purpose of this section is to conduct background research on a similar development to explain how this proposal will comply with the standards that have been acceptable to the Council elsewhere.

New Dwelling Adjacent to the Old Piggery, Blairforge

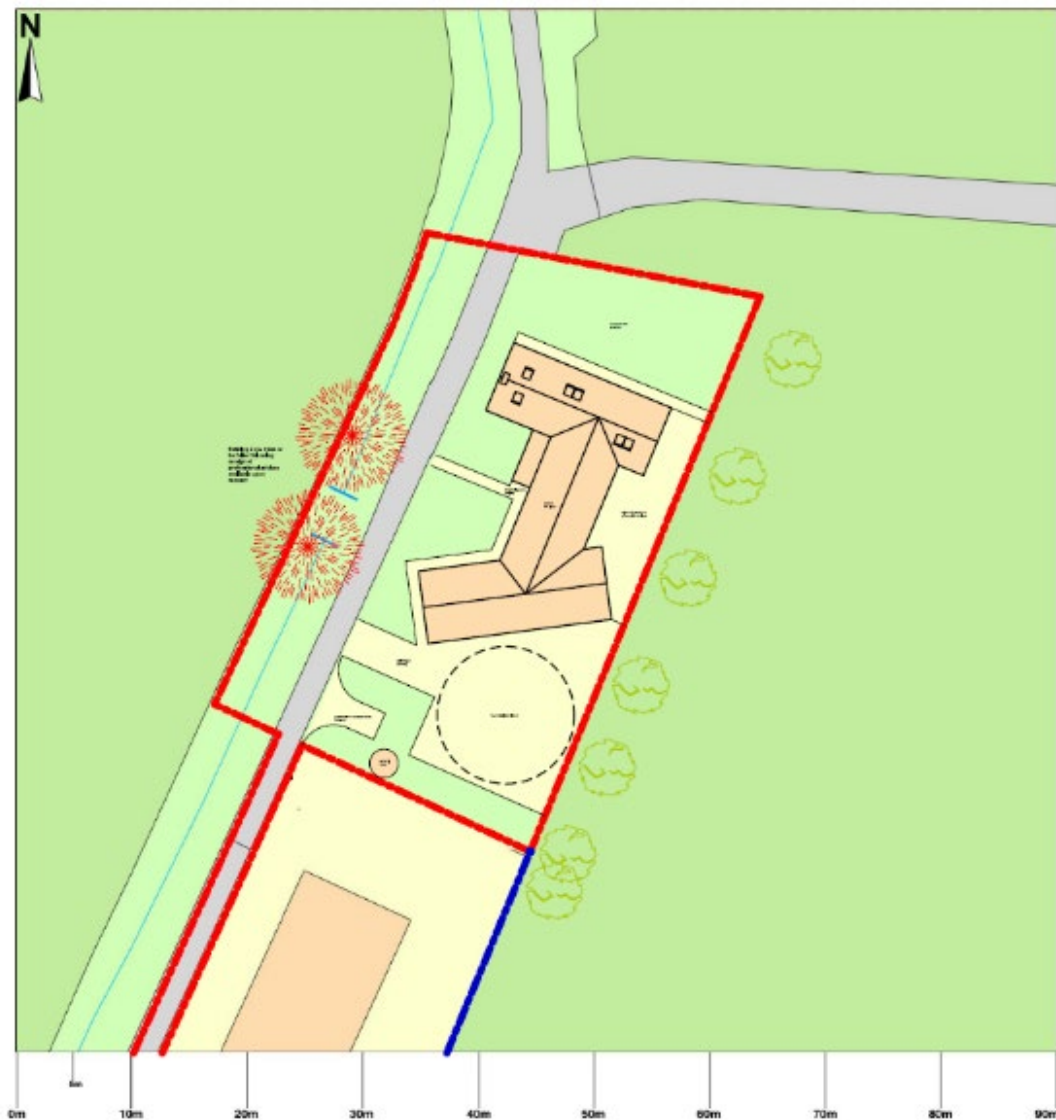


Figure 13 – Approved site plan for new dwelling adjacent to the Old Piggery in Blairforge. The proposal was for a new dwelling to land adjacent to the applicant's existing dwelling for them to move into. The applicant's existing dwelling can be seen SW of the proposed dwelling in the above site plan

4.2 This section examines the proposals that were accepted to land adjacent to the Old Piggery in Blairforge where a contemporary dwelling was approved to land adjacent to the applicant's former dwelling.

4.3 The planning application for this dwelling was initially refused for the following reasons;

The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.



The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it constitutes ribbon development.

The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the siting of the development on an exposed site with little landscape containment.

4.3 The planning application was considered by the Local Review Body where the planning officer's decision to refuse the planning application was overturned with permission granted as councillors interpreted that the proposals were in line the Perth and Kinross Local Development Plan 2 (2019).

4.4 This development is very similar to our proposals in that it is a dwelling to land adjacent to the applicant's existing home where it is clear that the site could accommodate a dwelling suitably. The application site here fronts a road, has a defined boundary with the existing house through a timber fence with the remaining boundaries consisting of a post and wire fence to agricultural land beyond. The approved landscape plan for this development formed a hedge to the post and wire fence which is similar in nature to our proposals to a similar existing boundary element. Nonetheless before the approved landscape plan was approved, councillors at the Local review Body concluded that the site was well defined for a house.

4.5 We believe that the site adjacent to the Old Piggery in Blairforge is a direct precedent of the principle of our development of forming a new, more suitable, dwelling to land adjacent to an applicant's existing dwelling for them to move into. The sites are of a very similar nature where the application was approved for the new dwelling at the site adjacent to the Old Piggery with the proposed housing site being concluded as appropriate for a new dwelling. We trust that our proposals shall be seen in the same manner as this similar proposal.



5 Planning Policy Appraisal

5.1 The purpose of this section is to establish the planning policy framework within which the planning authority can consider the proposed development, highlighting policies which are applicable to the application.

5.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), specifies that determination of planning applications “shall be made in accordance with the Development Plan unless material considerations indicate otherwise”. It is supplemented by Section 37(2) which states that “In dealing with an application the planning authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations”.

5.3 The extant Development Plan which covers the application site comprises the Perth and Kinross Council Adopted Local Development Plan 2 (2019). The Housing in the Countryside (adopted 2020) is also a key piece of material for this application. The introduction from the development plan notes “A Development Plan provides **guidance** to residents, developers and investors, and allows stakeholders, including the public, to be involved in shaping the future of their area. The Development Plan provides the **framework** against which planning applications are assessed.”. As per this introduction, the development plan is in place to provide **guidance/ framework** to encourage appropriate development and in the case of this application appropriate housing development.

5.4 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.”*

The Development Plan

5.5 The relevant policies within the PKC LDP2 19 notable to the application and design statement contents are;

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 19: Housing in the Countryside

Policy 46A: Loch Leven Catchment Area

Policy 46B: Loch Leven Catchment Area

5.6 Policy 1A & 1B

Policy PM1A seeks to ensure that all new developments contribute positively to the environment, whilst *Policy PM1B* requires all new proposals to accord with specific siting criteria, which collectively seek to ensure that new developments do not have an adverse impact on the environment.

For reasons stated below in line with that stated in section 3, the proposal is consistent with these policies.

Land use

5.7 As existing the site is defined as residential garden ground. This land use makes it appropriate for the development of a new residential dwelling. The relatively flat nature of the site lends itself to a dwelling that will avoid any excessive underbuilding.

Visual Amenity, Design and Layout

5.8 The build line of the proposed dwelling is informed by Whispering Pines where the proposed house relatively picks this up. The overall footprint of the dwelling takes up around 15% of the site which can be seen to be of an appropriate scale. The layout of the proposed dwelling within the site compliments the overall



site layout and positioning of the original dwelling. The single storey dwelling can be accommodated on the site well without an associated adverse impact on the wider visual amenity of the area. The materiality is informed by the existing house and other dwellings in the surrounding rural setting. Overall, the proposed dwelling will be suitable to the defined site and surrounding area in terms of its visual amenity, design and layout.

Landscape

5.9 The existing garden ground is well landscaped with delineated and good boundaries on all sides. With some further landscape works the boundaries can be further enhanced to become fully defined. It is possible to form a new dwelling to this site that works with the existing landscape and would not have an adverse impact on the wider area.

Residential Amenity

5.10 The siting of the proposed dwelling away from the existing dwelling along with the defined hedged boundary to the existing house garden will raise no residential amenity concerns.

Roads and Access

5.11 Utilising an existing access point to the site that mirrors the location of the access point to the existing house will keep the approach to the site/ dwellings consistent. A good level of visibility is achieved at the junction from the site to the road so no safety concerns are raised. The resin bound stone driveway will be permeable with the EcoGrid product below.

Drainage and Flooding

5.12 The proposal will deal with surface water via a private soakaway which the site can adequately accommodate, so raises no issues in terms of any added flooding matters. There are also no known existing flooding issues on the site as existing.

In terms of foul drainage and in line with policy, see attached phosphate mitigation calculations and proposed treatment plant which shall mitigate 125% of phosphate. The foul drainage shall also discharge to a soakaway.

Conservation Considerations

5.13 The house will site low within the site and with the site not being in close proximity to the scheduled monuments in the area, shall have no affect to these.

5.14 Policy 19

Policy 19 seeks 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.

5.15 We acknowledge that the proposals do not strictly fall within any of the six categories within the Housing in the Countryside Supplementary Guidance (2020) however as noted at the start of this section the development plan is in place to provide **guidance/ framework** to encourage appropriate development. Additionally the Housing in the Countryside Supplementary **Guidance** (2020) is in place to “meet development needs in appropriate locations” and we feel that our proposal is appropriate to an appropriate site that will overall safeguard the character of the area and wider rural landscape.

5.16 As shown beforehand the proposals comply with policy 1 where the proposed dwelling's scale, layout and design would be appropriate to, and have a good fit with, the existing site and landscape character of the area in which it is located. The proposals demonstrate a specific design approach that not only integrates the development within its setting but also enhances the surrounding environment with the scale and proportion being sympathetic to the existing dwelling. The site is well defined with proposed landscaping further defining the site and being in keeping with local landscape character where locally native trees, hedges and shrubs shall be used to integrate the development with the surrounding landscape and to provide additional biodiversity benefits.



5.17 Annex 1 at the end of this document displays the Whispering Pines site along with other sites (all to the same scale) along roads that form a triangle the application site is within that links the road to the front of the application site with the B919 and B996. The plans display other sites in the immediate area consisting of building groups of 2 dwellings concluding that this size of building group is compatible with the landscape and setting. The site at Whispering Pines can also be seen to be of a similar scale to the other building groups.

5.18 The below is a checklist from the Housing in the Countryside Supplementary Guidance (2020) where the proposals fall within these key design considerations.

-Have designations or constraints that may affect development in the area been considered?

The site lies out with any designated landscape areas. There are services that run through the site that the design is mindful of.

-Does the design respond well to site topography? Is excessive underbuilding avoided?

The site is relatively flat with the finished floor level being retained as close to the existing ground level as possible. Excessive underbuilding is avoided.

-Does the proposal compliment and / or enhance the local vernacular? Are buildings sympathetic in terms of scale and proportion to other dwellings in the locality?

The proposal will result in a building group of a size seen elsewhere in the area. The site layout proposals and proposed dwelling itself compliments the adjacent site and dwelling.

-Are roof heights and extensions appropriate in scale and do they avoid dominating the dwelling?

The roof height and extensions are kept low within the landscape and do not dominate the dwelling.

-Does the design and finish of outbuildings reflect the style of the main dwellings?

No outbuildings proposed.

-Does the design and siting of the house facilitate energy efficiency in terms of solar gain and shelter?

Roof windows are formed to the living spaces to make sure solar gain is provided here through the course of the day. The layout of the house also provides shelter to the terrace area at the rear from prevailing wind. Renewable energy technologies will be utilised by the house.

-Are materials sourced responsibly? Are existing materials, particularly stone and slate, reused where possible?

Materials shall be sourced locally and responsibly.

-Is the proposal well integrated with the existing landform and does it avoid dominating the landscape?

The proposed dwelling sits well within the existing landform with the raised road and existing screening providing views over the dwelling into the landscape and a backdrop to the dwelling when viewed from the opposite angle.

-Are the finish and materials appropriate for the context?

The finish and materials are informed by the existing house and other dwelling in the area.

-Does the site have long-established, identifiable boundaries and a level of enclosure provided by natural features?

The site has long-established and identifiable boundaries that shall be enhanced where appropriate.

-Are boundaries and entrances created through appropriate materials and planting, for example, locally native trees and shrubs? Does the design avoid overly elaborate and engineered solutions and non-native fast-growing conifers?



The entrance to the site utilises an existing access point with some walling replicating that to the existing dwelling to establish the entrance point. Planting proposals to enhance some of the boundaries shall be through locally native trees, hedges and shrubs. No non-native fast-growing conifers are proposed to the site.

-Are surrounding natural features retained and integrated within the proposal?

All existing natural features are retained and integrated within the proposal.

-Have transport linkages been considered which provide a viable alternative to the private car?

Similarly to the existing house there will generally be a need for the private car. However where the road to which the proposed dwelling fronts meets the B996 there is public transportation provision through a bus stop.

-Are parking areas screened from the road and do they avoid dominating views over the site?

The access road travels along the front of the house where it widens to the garage side of the site. This will not however dominate the site, shall be screened from the road through the existing hedging and trees and reflect the same layout of the hardscaping as that to the existing dwelling. The widened area is in a position near where the bund is steepest, the vegetation (trees and hedging) is most dense and wall to the bridge will largely screen this part.

5.19 We believe that the proposed house is in line with the Housing in the Countryside Supplementary Guidance (2020) where the character of the countryside is safeguarded and that the development is in an appropriate location where high standards of siting and design are achieved.



6 Conclusion and Recommendations

6.1 Planning permission is sought for a proposed dwelling to garden ground adjacent to Whispering Pines in Mawcarse.

6.2 The dwelling will act as a downsize to the applicant who has lived locally for a number of years. The large area of garden ground to which the application site relates has become too large of an area for the applicant to maintain. The dwelling laid out largely on one level will be beneficial to the applicant with later life in mind.

6.3 The proposal includes a contemporary, rural design, set back within an appropriate residential site, broadly respecting the footprint and building line of the original dwelling. The building includes traditional proportions with a long principal elevation, a pitched roof and a front projecting elevation, including a porch, leading to the main entrance.

6.4 The overall footprint of the proposed dwelling is approximately 375sqm, which is not considered unreasonable in relation to the size of the application site (approximately 15%). The siting of the proposed dwelling benefits from the larger site area, sitting well within the overall site, respecting the setting and build-line of the original building adjacent and the character of the area with its ties to similar sized building groups nearby along with low height, keeping the dwelling modest within the landscape.

6.5 Overall the material and form of the proposed dwelling works sensitively with the existing home and other buildings in the area.

6.6 It is clear that the application site is defined, lend itself to one other house and with the site constraints/ boundaries will not result in any form of sprawl of additional dwellings or developments. The formation of a house to the garden ground of Whispering Pines will result in a small building group of two houses which is consistent with other building groups in the area (see annex 1). The proposal also reflects two buildings local to the site that has existed historically (see figure 3). As with the precedent, the applicant would welcome a condition such that it limits the site to one dwelling only being of a single storey nature with any upper level accommodation being within the roof space. Also similarly to this precedent where it was interpreted that the proposed house did not comply with any of the categories of the policy guidance by the planning officer but then overturned by the local review body as councillors found the site to be well defined for the site, our proposals are in line with the guidance's key design considerations and thus is in line with said policy.

6.7 In conclusion, although the proposal does not strictly fall within the guidance/ framework of the development plan it is clear that a dwelling to the application site would be appropriate to the site and area without detrimentally affecting any landscape or environmental assets. The principle of development is acceptable in this location without prejudicing the countryside or any local character or amenity. It is acceptable in all other respects and there are no material considerations that are considered to outweigh these conclusions.

6.8 We therefore respectfully request that the Council support this application for a new dwelling to this site for the reasons stated above.







PHOSPHATE MITIGATION

Proposed Development

Proposed house has 4 bedrooms = 6 persons

Proposed discharge = $6\text{PE} \times 150 \text{ litre} \times 10\text{mgP} = 9000\text{mgP litre /day}$

Treatment plant discharge with phosphate stripping to achieve 2mg/l

Daily discharge of phosphate = $2 \times 150 \times 6 = \mathbf{1800\text{mgP/day}}$

Phosphate Mitigation Requires

A reduction of 125% of the amount of phosphate to be discharged from new development = $125\% \times 1800 = \mathbf{2250 \text{ mgP/day}}$

PHOSPHATE MITIGATION is proposed by upgrading the existing septic tank to Whispering Pines to a sewage treatment plant with phosphate stripping facilities to achieve 2mgP/l.

Existing house has 6 bedrooms = 8 persons

Existing discharge = $8\text{PE} \times 150 \text{ litre} \times 10\text{mgP} = 12000\text{mgP litre /day}$

Discharge after upgrade = $8\text{PE} \times 150 \text{ litre} \times 2\text{mgP} = 2400\text{mgP / day}$

Mitigation Offered = 4200mgP / day

IN EXCESS OF REQUIREMENT

Klargester BioDisc BC to be installed

BioDisc®

WASTEWATER SOLUTIONS

PREMIUM SEWAGE TREATMENT PLANT FOR DOMESTIC USE
FROM THE MARKET LEADERS IN WASTEWATER TREATMENT.





60 YEARS OF EXPERTISE

Kingspan Klargester

For over 60 years, Kingspan Klargester has designed and manufactured innovative ways to treat, pump, separate and recycle wastewater. We pioneered the world's first GRP septic tank and the patented RBC (Rotational Biological Contactor) BioDisc® wastewater treatment system - leading change in our sector and setting industry standards around the world.

As established global market leaders, we offer a diverse range of innovative and 100% compliant wastewater treatment solutions for domestic, commercial and industrial applications. We give you relevant advice and support throughout the wastewater treatment purchasing process based on our in-depth local knowledge and expertise.



The Wastewater Management Experts

Kingspan Klargester are the wastewater management experts with over 60 years of innovation and knowledge. Our mission is to design and manufacture premium tried and tested wastewater management solutions on a global scale whilst offering one of the largest and most technologically advanced wastewater ranges available.

Operating in 85 countries worldwide, we offer a global distribution network backed by experienced sales and technical teams. Our support teams provide focused customer service from delivery scheduling to consultancy and installation guidance. We give you the confidence of support over the lifetime of the product and beyond.

85 COUNTRIES WORLDWIDE

BioDisc®



Kingspan Klargester BioDisc® wastewater treatment plant

Our Kingspan Klargester BioDisc® sewage treatment range benefits from a wealth of industry experience and knowledge that allowed us to bring to market the first Rotational Biological Contactor treatment system over 40 years ago.

The patented BioDisc® is engineered to treat wastewater to the highest level of standards. In terms of ongoing service and maintenance, it offers one of the best returns on investment compared to other treatment processes. Each BioDisc® is designed to ensure 100% compliance with industry requirements, including national and international regulations such as BS EN12256.

The aim of BioDisc® is simple - quality product and quality customer service for total peace of mind.



EXPERTISE

With over 60 years' experience delivering high performance and reliable wastewater treatment systems worldwide, you can trust Kingspan Klargester.

PREMIUM

BioDisc® is one of the only premium sewage treatment systems in the world to use the patented Rotating Biological Contactor technology. This ensures continued high performance and hassle-free sewage treatment.

SERVICE

We pride ourselves on a quality customer experience from comprehensive on-site assessments to professional installation options and expert after sales care.



BioDisc®

PROTECTING YOUR HOME AND THE ENVIRONMENT

ULTIMATE RELIABILITY

GUARANTEEING
LONG TERM
PERFORMANCE

4 EASY STEPS TO THE PERFECT WASTEWATER TREATMENT SOLUTION



Step 1
Contact us and we'll arrange for a local Kingspan Klargester expert to visit your home for a full site assessment, should you need it.



Step 2
Our professional team will work with you to help choose the correct BioDisc® model.



Step 3
A Kingspan professional can be arranged to commission and activate your tank.



Step 4
We offer tailored service and maintenance packages for your BioDisc® treatment plant.



KEY BENEFITS

In an increasingly regulated world with new Environment Agency and SEPA standards, it's more important than ever to choose a sewage treatment plant that delivers peace of mind by guaranteeing safe and reliable treatment of wastewater.

BioDisc® from Kingspan Klargester is built on the back of 60 years' experience and offers the following benefits:

LOW RUNNING COSTS

The robust patented design of the BioDisc® treatment plant offers complete peace of mind. With low running costs and minimal servicing and maintenance required, the BioDisc® is a high-quality lifetime investment that helps safeguard the health of you and your family.



FULLY COMPLIANT SOLUTION

BioDisc® is tested and certified to European standard EN 12566, the European standard for small treatment plants and was awarded its Performance Certificate by delivering high levels of pollution removal (up to 97.5%). As a homeowner you can rest assured that the BioDisc® will operate optimally at all times, saving you time, money and hassle.



EXPERTISE AND KNOWLEDGE

BioDisc® is backed by 60 years' of expertise and technical knowledge. Our expert team is on hand to guide you on the best choice of sewage treatment system for your home.

60



KINGSPAN KLARGESTER
BUILT ON LEADERSHIP



*Subject to stock levels and other conditions. Free delivery from our distribution hubs.

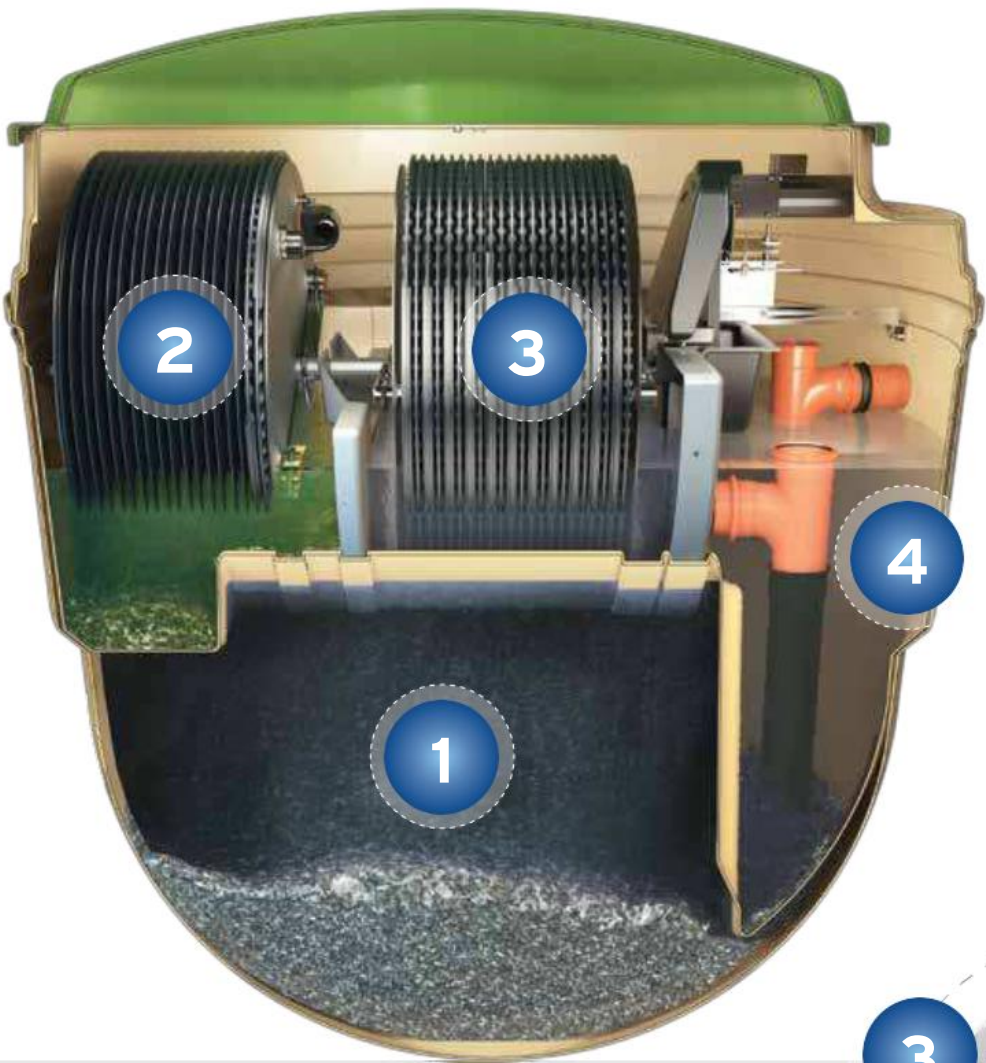


BioDisc® HOW IT WORKS

The Rotational Biological Contactor (RBC) is central to the operation of each Kingspan Klargester BioDisc®. It supports a biologically active film or biomass onto which aerobic micro-organisms, naturally found in sewage, become established. Natural breakdown of sewage can then occur as described below.

UNIT SIZE	SINGLE HOUSE		MULTIPLE HOUSES	
	BA	BA-X	BB	BC
Population Equivalent	1 House up to 4 bedrooms	1 House up to 7 bedrooms	2 House up to 8 bedrooms	3 House up to 12 bedrooms
Overall diameter / Width (mm)	1995	1995	1995	2450
Standard drain inlet (mm)	750*	750*	750*	600†
Standard outlet (mm)	835	835	835	685
Depth from invert to base (mm)	1400	1400	1400	1820
Pipework Diameter (mm)	110	110	110	110
Sludge storage period (Approx)	12 Months	9 Months	6 Months	7 Months
Standard power supply	Single Phase	Single Phase	Single Phase	Single Phase
Motor rating	50W	50W	50W	75W
Weight (tonnes) standard units	0.388	0.418	0.418	0.650

* BA-BB 450/1250 † BC 11000



ROTATING BIOLOGICAL CONTACTOR (RBC)

The RBC comprises banks of vacuum formed polypropylene media supported by a steel shaft. This is slowly rotated by a low energy consumption electric motor and drive assembly.

BioDisc® from Kingspan Klargester

For further technical information and videos on the BioDisc® treatment plant visit our website at kingspanklargester.com



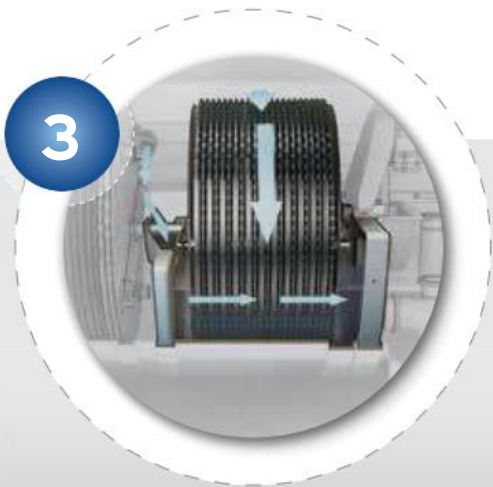
PRIMARY SETTLEMENT TANK

Wastewater and sewage flows into the primary settlement tank where the large solids are retained for future removal.



FIRST STAGE BIOLOGICAL TREATMENT

The liquor and fine solids then flow into the Biological Treatment Zone 1 where the first stage of treatment occurs.



SECOND STAGE BIOLOGICAL TREATMENT

The liquor is then fed forward at a controlled rate into Biological Treatment Zone 2 for further cleaning.



FINAL SETTLEMENT TANK

The clean liquid passes into the final settlement tank where it can be discharged to ground or water course.



BioDisc®

CHOOSING THE CORRECT SEWAGE TREATMENT PLANT FOR YOUR HOME

At Kingspan Klargester we offer a full range of options and professional insight to help you choose the perfect sewage treatment plant for your home.

All our robust BioDisc® models cater for properties housing between 4-16 people. The premium BioDisc® sewage treatment system is available in four sizes for all types of domestic applications.

For single house applications we offer the BA and BAX models and, for multiple homes, the Kingspan Klargester BB and BC BioDisc® models are ideal.

Because various inlet and outlet options are available, we carry out a free comprehensive site assessment to ensure the correct system model and size for your home.



WHAT DETERMINES MY CHOICE OF SEWAGE TREATMENT PLANT?

The BioDisc® is technically engineered with high performance and quality in mind. Each component of the BioDisc® has been manufactured and chosen with care, to ensure continuous operation of a tried and tested wastewater treatment process.

What else do I need to consider when choosing my sewage treatment plant?

- ✓ **The size of treatment plant needed**
We'll take you through the best practice guidelines from British Water's 'Flows and Loads' sizing criteria to help you make the correct choice.
- ✓ **Ground conditions around the plant**
We'll establish whether it's a wet or dry site to determine the choice of backfill used on the tank.
- ✓ **Wastewater discharge options**
With the new Environmental Agency regulations for domestic plants, it's now more important than ever to take responsibility for wastewater discharges.
- ✓ **Ground conditions around the plant**
Kingspan Klargester offer a range of drain invert level options to match your site conditions.



BioDisc® from Kingspan Klargester

For further technical information and videos on the BioDisc® treatment plant visit our website at [kingspanklargester.com](https://www.kingspanklargester.com)



REED BEDS

Klargester BioDisc® treatment plants use a reed bed filtration process to further enhance the quality of the effluent migrating into drainage fields or a surrounding watercourse.

DESIGN
Advanced Patented design delivers superior performance
Pre-fabricated to ensure correct sizing
Modules designed with a hydraulic gradient across the length of the units
Performance tested in Germany to EN12566-3 in combination with a Part 3 plant
Modular system comprising of: <ul style="list-style-type: none">• Two individual reed beds = single house application• Four individual reed beds = two house application
Adjustable outlet weir allows water level control
One piece GRP moulding installed flush to the ground
Reeds and GRP beds supplied. Washed pea gravel, 'growing' media by others (not included)
Effluent discharge is typically improved by at least 50%, providing reduced BOD and suspended solids
Provides rooting zone depth of 600mm (required by Phragmites Australis)

- Benefits**
- › Tertiary treatment for new applications with tight discharge consents
 - › Satisfies new building regulations
 - › Improved effluent quality for existing works
 - › Very low maintenance
 - › Aesthetically pleasing and environmentally friendly
 - › Easy to install and maintain



CUSTOMER SUPPORT

We stand by the quality and performance of Kingspan Klargester products and our support doesn't stop once your tank is installed. We're on standby 24/7 with guidance on servicing and maintenance and offer tailored warranty options. Our trained professional support team is only a phone call away.

Peace of mind with extended warranty options
We offer an extended and tailored warranty or bond on your sewage treatment plant to suit your needs and budget. This cost effective package offers the benefits of scheduled maintenance inspections to ensure your system performs at optimum levels at all times.

Customer support when you need it
Our friendly local customer service team are on hand with professional advice. We operate a dedicated helpline on 01296 633 000 and a support email address for customers on klargestere@kingspan.com

WE OFFER A FULL
2 YEAR GUARANTEE*
ON OUR DOMESTIC BioDisc®
TREATMENT PLANT.

* One year guarantee offered as standard on the domestic BioDisc model

Register for your extended two year guarantee at:
kingspanenviro.com/guarantee

Service and maintenance
We recommend that you service your BioDisc sewage treatment plant once a year. Under new Environment Agency regulations, it's now your responsibility to ensure smooth running of your plant. Our in house Service department offer a range of service packages including Gold, Silver and Bronze to cater for all homeowners' needs. To find out more about how you could benefit from a tailored service package from Kingspan, call us on **0844 846 0500** or email helpingyou@kingspan.com.



Contact your expert local Kingspan Klargester team today

Our experienced local Kingspan Klargester product experts are on hand with professional advice on all aspects of your sewage treatment system, including sizing and installation.

Book your no obligations site assessment from the global experts in wastewater treatment, Kingspan Klargester. Contact us today on **+44 (0) 1296 633 000**. You can also book your visit online at Kingspanklargestere.com

BioDisc®



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Disclaimer: We take every care and precaution to ensure that information in this document is accurate at the point of publish but with continuous product development the details given in this document are subject to alteration without notice .

Kingspan Klargester - Biodisc Domestic Brochure - English- Feb 2016

LRB-2022-45

22/00853/FLL – Erection of a dwellinghouse and associated works, land 85 metres south east of Whispering Pines, Mawcarse, KY13 9SJ

PLANNING DECISION NOTICE *(included in applicant's submission, pages 123-124)*

REPORT OF HANDLING *(included in applicant's submission, pages 125-136)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 145-174)*

LRB-2022-45

22/00853/FLL – Erection of a dwellinghouse and associated works, land 85 metres south east of Whispering Pines, Mawcarse, KY13 9SJ

REPRESENTATIONS

Tuesday, 07 June 2022



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land 85 Metres South East Of Whispering Pines, Mawcarse, KY13 9SJ
Planning Ref: 22/00853/FLL
Our Ref: DSCAS-0066269-P72
Proposal: Erection of a dwellinghouse and associated works

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenfarg Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 100mm PVC water main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk

▶ www.sisplan.co.uk

- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Development Management

From: LUP enquiries <LUPenquiries@hse.gov.uk>
Sent: 10 June 2022 15:28
To: Development Management
Subject: Re: Planning Application Consultation for Application No 22/00853/FLL

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Dear Sir or Madam

Thank you for your email seeking HSE's observations on application 22/00853/FLL

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: www.hse.gov.uk/landuseplanning/methodology.htm

NB On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to PlanningGatewayOne@hse.gov.uk

There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021> .

Regards

Sue Howe
HSE's Land Use Planning Support Team
HSE Science and Research Centre
Harpur Hill, Buxton, Derbyshire, SK17 9JN

Find out how HSE is Helping Great Britain work well
For HSE's Land Use Planning Advice Terms and Conditions, please click on the following link
<https://www.hsl.gov.uk/planningadvice> and then click on 'terms and conditions'.

From: DevelopmentManagement@pkc.gov.uk <DevelopmentManagement@pkc.gov.uk>
Sent: 10 June 2022 11:58
To: LUP enquiries <LUPenquiries@hse.gov.uk>
Subject: Planning Application Consultation for Application No 22/00853/FLL

Please see attached.

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Please visit the HSE website at the following address to keep yourself up to date

www.hse.gov.uk



Shell U.K. Limited
Orchardbank Industrial Estate
FORFAR
Angus
DD8 1TD

Planning & Development
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

13th June 2022

Our ref: UPO/W/PTT/FM
Your ref: 22/00853/FLL

Dear Sir/Madam,

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

Consultation on Planning Application 22/00853/FLL

Proposal: Erection of a dwellinghouse and associated works
Site: Land 85 Metres South East Of Whispering Pines Mawcarse
Applicant Name: Mr And Mrs Alistair Stewart
Applicant Address: Whispering Pines, Mawcarse, By Milnathort, KY13 9SJ
Grid Ref: 314676, 705513

Thank you for your recent consultation regarding the above planning application.

From the information provided, there is no reason why the development and associated construction works would directly affect our pipeline servitude strip or safety and integrity of our pipeline.

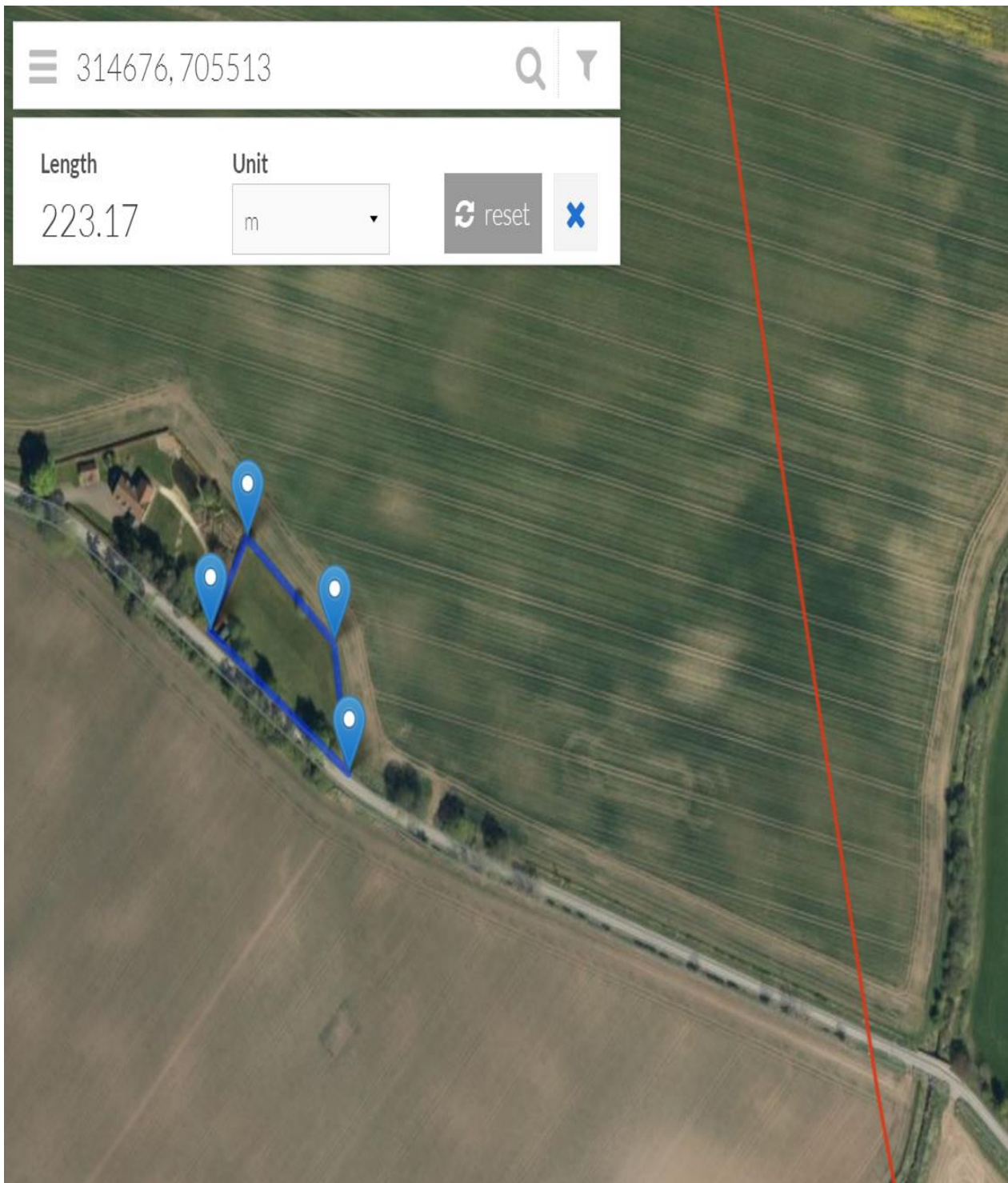
However the developer should be made aware that we should be consulted prior to anything associated with work that would need to cross our pipeline.

regards

Forbes Masterton

Pipelines ROW Inspector

Shell U.K. Limited,
Registered in England number 140141,
Registered office Shell Centre London SE1 7NA,
VAT reg number GB 235 7632 55

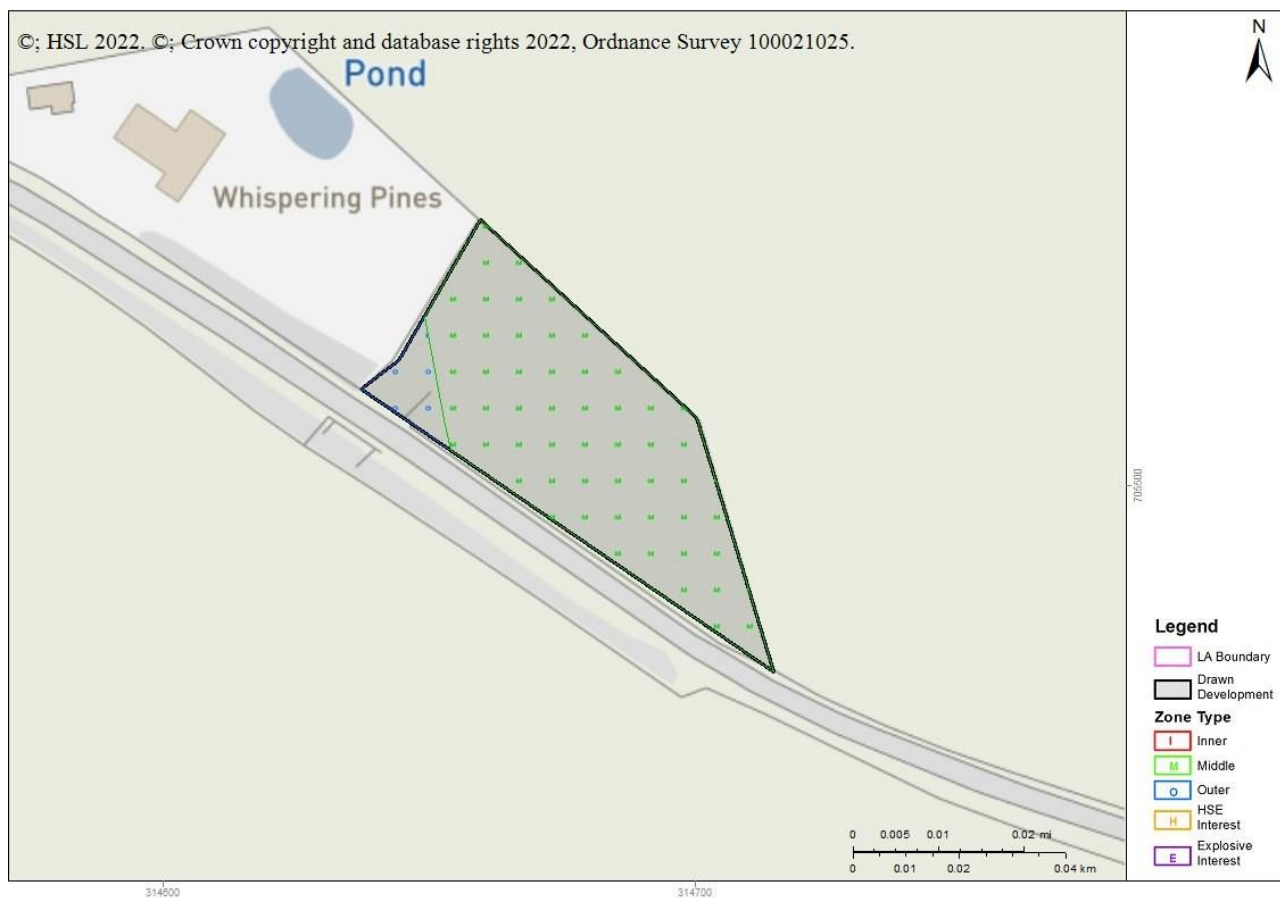


Advice : HSL-220615134122-317 DO NOT ADVISE AGAINST**Your Ref:** 22/00853/FLL**Development Name:** Whispering Pines**Comments:** Erection of dwellinghouse

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Perth and Kinross.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Breakdown:**

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3

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Pipelines

- 6776_ Shell UK Exploration & Production

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by John Williamson at Perth and Kinross on 15 June 2022.

Note that any changes in the information concerning this development would require it to be re-submitted.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00853/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 and associated works		
Address of site	Land 85 Metres South East Of Whispering Pines 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, <u>MAY</u> 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 Total: £5,164</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 complete.</p>		

	<p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p>Recommended informative(s) for applicant</p>	<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. d) The planning application to which the payment relates.

	<p>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	16 June 2022



To:	John Williamson, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk

16th June 2022

22/00853/FLL | Erection of a dwellinghouse and associated works | Land 85 Metres South East Of Whispering Pines Mawcarse

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to have high archaeological potential.

The proposed development site is situated adjacent to the scheduled remains of Mawcarse Cottage Barrows which comprises of two barrows or burial mounds, visible as cropmarks on aerial photographs (SM7611, MPK3005). There is a possibility that pre-historic remains associated with the barrow site survive within the proposed development site, indeed the monument polygon extends a buffer around the scheduled site and is located within the SE corner of the plot. Looking at the proposed location of the house from the supporting documents the property access is directly adjacent to the scheduled site and consideration should be given to the fact the closer to the scheduled area the higher the potential for survival of unknown buried archaeology. From examination of the historic maps there was a historic cottage on the site of the current Whispering Pines site but no historic development on the proposed plot.

Therefore, it is recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits. Also, given the proximity to the scheduled monument consultation with Historic Environment Scotland is recommended.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

HE25 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Notes:

1. Should consent be given, it is important that the developer, or their agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00853/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse and associated works		
Address of site	Land 85 Metres South East Of Whispering Pines Mawcarse		
Comments on the proposal	Insofar as the Roads matters are concerned, I have no objection to this proposal on the following condition.		
Recommended planning condition(s)	<p>Prior to the development hereby approved being brought into use, the vehicular accesses shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail for no less than 2.0 metres from the public road.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
Recommended informative(s) for applicant	<p>The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>		
Date comments returned	16 June 2022		

Our Ref: 5443
Your Ref: 22/00853/FLL

Planning Department
Perth and Kinross Council

SEPA Email Contact:
planningsoutheast@sepa.org.uk

By email only to: DevelopmentManagement@pkc.gov.uk

21 June 2022

To whom it may concern

**Town and Country Planning (Scotland) Acts
22/00853/FLL
Erection of a dwellinghouse and associated works
Land 85 metres South East of Whispering Pines, Mawcarse**

Thank you for your consultation which was received by SEPA on 30 May 2022 in relation to the above application. We understand the reason for consultation relates to foul drainage.

Advice for the planning authority

1. Phosphorous mitigation

- 1.1 The [Loch Leven Special Protection Area and Ramsar Site](#) supplementary guidance (SG) was adopted in October 2016. The SG requires that information is submitted with Full or Approval of matters specified by condition (AMM) planning applications for new developments to provide details of proposed 125% phosphorous (P) mitigation.
- 1.2 The reason for this is to ensure that development accords with Policy 46: Loch Leven Catchment Area within the Perth & Kinross Local Development Plan 2 adopted in November 2019. This requires that total phosphorous from built development must not exceed the current level to ensure there are no adverse impacts on water quality in Loch Leven SPA as the catchment has an issue with elevated nutrient levels.
- 1.3 The mitigation calculations provided are incorrect. There is an existing house which has 6 bedrooms. This equates to 8PE, but has been incorrectly counted as 11PE on the basis that the house contains 5 double rooms and a single. PE is based on the number of bedrooms only, and a distinction between double and single bedrooms is not made¹. The calculations must be amended to reflect the correct figure – i.e. 8PE for the existing house.
- 1.4 The proposed house has 3 bedrooms (all ensuite) and an upper floor with a large office and another shower room across the hall. The PE for the 3 bedroom house has been incorrectly

¹ [flows and loads bw cop 18..pdf \(ymaws.com\)](#)

calculated as being 6PE. However we consider that the office is a potential bedroom. As such, the correct figures for the proposed house would be a 4 bedroom property, with a PE of 6.

- 1.5 Given that this application provides incorrect calculations of the required P mitigation we object to this application due to lack of information. In order for us to review our objection, the applicant must revise the P mitigation calculations to reflect the above, specifically:
- (i) Revise the PE of the existing property to 8
 - (ii) Revise the number of bedrooms/potential bedrooms in the proposed property to 4 (6PE is correct for a 4 bed house)
 - (iii) Recalculate the mitigation required and offered in accordance with the above.

Detailed advice for the applicant

2. Phosphorous mitigation

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. Perth and Kinross Council have a list of properties which are already linked to approved developments and are therefore unavailable to be mitigation for this application. Furthermore it should be noted that excess mitigation generated at one full/ AMM planning application cannot be transferred to another application as Policy 46 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Loch.

3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.

4. Other planning matters

- 4.1 For all other planning matters, please see our [triage framework and standing advice](#)

Advice for the applicant

5. Regulatory advice

- 5.1 Details of regulatory requirements and good practice advice, for example in relation to private

drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: FAD@sepa.org.uk

If you have queries relating to this letter, please contact planningsoutheast@sepa.org.uk including our reference number in the email subject.

Yours faithfully

Jess Taylor
Planning Officer
Planning Service

Disclaimer This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).



Chairman
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201
Chief Executive
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Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00853/FLL

Our ref CHF

Date 22/06/2022

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

22/00853/FLL RE: Erection of a dwellinghouse and associated works at Land 85 Metres South East Of Whispering Pines Mawcarse for Mr And Mrs Alistair Stewart

I refer to your letter dated 7 June 2022 in connection with the above application and have the following comments to make.

Contaminated Land

Recommendation

I refer to the above application and have the following comments to make in respect of the proposed development.

Historical mapping indicates that the site was previously occupied by railway land. Mapping also indicates that a sawmill previously occupied the site. There is the potential for the site to be impacted by contamination as a result of these former land uses. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use.

Therefore if planning permission is granted in respect of this development I would recommend that the following condition is applied within the consent.

Condition

EH41

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- 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.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

