TCP/11/16(407)
Planning Application – 16/00309/FLL – Erection of 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF

INDEX

(a) Papers submitted by the Applicant ***(Pages 251-318)***

(b) Decision Notice ***(Pages 311-312)***

Report of Handling ***(Pages 297-309)***

Reference Documents ***(Page 275-296, 313-317 and 319-324)***

(c) Representations ***(Pages 325-338)***

TCP/11/16(407)
Planning Application – 16/00309/FLL – Erection of 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF

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 100010945-001

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

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	TMS Planning and Development Services Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Malcolm	Building Name:	Balclune
Last Name: *	Smith	Building Number:	32
Telephone Number: *	07723320517	Address 1 (Street): *	Clune Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gowkhall
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 9NZ
Email Address: *	tmsplanning@tiscali.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Cameron House
First Name: *	John	Building Number:	
Last Name: *	Reid	Address 1 (Street): *	Blairadam
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kelty
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KY4 0JB
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

Land 70 Metres east of Monega House, Hatchbank, KY13 0LF

Northing		Easting	

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 2 dwellinghouses

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 a 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.

See attached "Statement of Review"

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)

Statement of Review (setting out the applicants full case) Document 1 – Design and Access Statement - Peter Inglis Architect Document 2 – Supporting Planning Statement – TMS Planning and Development Services Document 3 - Planting Plan report – BNTW Scotland Document 4 - Perth and Kinross Council officers Report of Handling Document 5 – Planning Decision Notice Location Plan Site Plan Site Plan with visibility splays Elevations Floor Plans

Application Details

Please provide details of the application and decision.

What is the application reference number? * 16/00309/FLL

What date was the application submitted to the planning authority? * 25/02/2016

What date was the decision issued by the planning authority? * 15/04/2016

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)

This is essential to demonstrate the existing character of the site and surrounding area, to demonstrate the appropriateness of the development within the site, and to confirm the extent of the exaggerated and unfounded claims made by the planning case officer related to the impacts of the 2 houses proposed on the surrounding area. This will also allow full appreciation of the site as it is presently and a clearer understanding of the new planting being proposed as part of the development .

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 Malcolm Smith

Declaration Date: 27/04/2016

PROPOSED RESIDENTIAL DEVELOPMENT (2 HOUSES) AT HATCHBANK ROAD, BY GAIRNEY BANK, KINROSS FOR MR JOHN REID

STATEMENT OF REVIEW

APRIL 2016

TMS PLANNING AND DEVELOPMENT SERVICES LTD

CONTENTS

SUMMARY OF THE APPLICANT'S CASE

SECTION 1:- BACKGROUND TO REVIEW

SECTION 2: - THE SITE/SURROUNDING AREA/DEVELOPMENT PROPOSALS

SECTION 3: -PLANNING ASSESSMENT

SECTION 4: -ASSESSMENT OF OFFICER'S REASONS FOR REFUSAL

SECTION 5: CONCLUSIONS

SUMMARY OF APPLICANT'S CASE

This is a modest development of 2 houses located within a woodland context similar to neighbouring residential development. An earlier planning application for this site was withdrawn in order for the case for the development of the site to be set out in detail, as it has been for the present application. Consideration of relevant planning policy and other material considerations has occurred and it is clear that the site complies with Perth and Kinross Council policy for development in the rural area as set out in Local Development Plan Policy RD3 and in Perth and Kinross Council's Housing in the Countryside Guide in that the site may be considered both infill development and one extending a residential development grouping into a definable site formed by well-established landscape features which provide a suitable setting (the retained boundary woodland). A full assessment of the proposal against the requirements of relevant Local Development Plan policies and related policy is set out within this Statement and demonstrates that the development complies.

The applicant has significant concerns related to the decision reached by officers (without any opportunity being given to him to discuss any relevant issues) as outlined in both the Decision Notice and the Report of Handling produced. The latter is punctuated by a patent lack of relevant assessment to reach the stated conclusions and an array of exaggerated claims together with a failure to appreciate the extent/relevant impacts of the planning application. This leads to a range of conclusions without any justifiable basis whatsoever to reach these. Claims related to landscape impact, the impact on the experience of the night sky, and alleged impacts on a "landmark feature" (what landmark feature?) are just some of the examples noted. The report concludes with <u>a recommendation to approve planning permission</u> subject to conditions and then sets out 6 reasons for refusal. Overall, this surely is not a standard of reporting/decision making which Perth and Kinross Council are happy to condone.

It is accepted that some trees have already been lost within the site. This did not require planning permission and is not a material factor in the consideration of this application. What is relevant is the retention of existing trees within the site as part of the landscape containment of the development and the additional compensatory woodland planting on land to the north of the site (Document 3 refers). The development therefore both facilitates the retention of the existing trees and provides the new woodland planting of an area circa 4 times the size of the application site. Such mitigation accords with woodland policy at national and local level and should be supported. There are no public objections to this application and no objections from any consultees. Indeed, there is a letter of support from the immediate site neighbour.

The detailed assessment of the proposals, its benefits and impacts, are set out in detail within this Statement. Suffice to say that a reasonable assessment of all of the relevant facts demonstrates appropriate compliance with relevant planning policy at all levels with the benefits of the development significantly outweighing any perceived impacts.

1.0 BACKGROUND TO REVIEW

1.1 This document sets out the case in support of a modest 2 house development at Hatchbank, Kinross-shire. It should be read in conjunction with the Design Statement prepared by Peter Inglis Architect (Document 1) and the Supporting Planning Statement (TMS Planning Services) (Document 2) both dated February, 2016 as submitted with the planning application. The former sets out the nature of the site, surroundings and development proposals, while the latter looks in detail at the site, the proposals and the relevant land use planning policy context and sets out an assessment of the proposals against relevant planning policy and other material considerations.

1.2 An earlier planning application for 3 new houses on the site was withdrawn in order to allow a more detailed assessment of the emerging proposals against the extant policy framework. This has resulted in a modification for 2 new homes, both of which are designed to meet an existing need/demand for accommodation within the local area in compliance with existing policy and design requirements.

1.3 In making the planning application to Perth and Kinross Council the applicant was keen to discuss any matters of concern and/or to further explain/justify the proposal where required. Despite repeated requests to this end a decision by officers to refuse the planning application was made without any indication of concerns/issues being raised and no opportunity for the applicant to respond. This would not appear an appropriate level of service to be offered to those looking to invest in the local area and is very damaging to the reputation of Perth and Kinross Council as a Planning Authority. I am sure any person/applicant in a similar circumstance would expect to be advised of issues and given the opportunity to respond.

2.0 THE SITE/SURROUNDING AREA/DEVELOPMENT PROPSALS

2.1 The site, approximately 0.39 hectares, comprises a flat area of land defined by established trees to the north (and a stone wall), east and south boundaries, with residential properties set in woodland directly to the west of the site and a new stables structure in the woodland to the east. The area is characterised by housing set within existing/former woodland areas with mature trees providing the context/setting for the residential developments. The proposed development would infill an area between an existing grouping of modern houses (Monega House being that directly adjacent) and a stables building (130m2 in floor area) which, in compliance with extant Perth and Kinross Council policy, forms "*another substantial building at least equivalent in size to a traditional cottage*".

2.2 It is clear that the site lies at the edge of Hatchbank and is set within an area of established woodland, in effect, the site is well contained within the landscape. Two points of access are already formed along the roadside frontage and these will be used

for the development – no further tree loss will be required and therefore the woodland context/setting for the development will be retained as will the screening value of the woodland. In short, there are no proposals as part of this planning application to remove any of the existing site trees. It is accepted that trees in the core of the site have been removed previously albeit this is not part of this planning application (as planning permission is not required for such works).

2.3 The proposals relate to the development of the site for 2 new homes set within generous plots in a woodland (screened) context. This largely mirrors the development context for the modern properties to the west of the site and throughout much of Hatchbank. The proposed properties are of 2 storey form and constructed to reflect their setting in respect of design and external finish. Full details are available in the Design Statement and displayed on the planning application plans.

2.4 The woodland area, consistent with the areas of woodland to the east and west of the site (both areas presently containing new development approved by Perth and Kinross Council), is considered to comprise ancient semi-natural woodland of long established plantation origin, woodland which, although often planted to be felled, is considered to have value and should ideally be retained in accordance with established woodland policy. Having established this AND the fact that no further woodland loss is proposed as part of this planning application, it is noted that Forestry Commission Scotland has commented that where planning permission is granted on the application site they "*would request that the planting of an alternative site of equal size be included in the Planning Consent as a Section 75 Planning Obligation to ensure that there will be no loss of woodland associated with this change of land use*". The current proposals make full provision for compensatory woodland planting to be provided on other land close to the application site (refer Document 3) in order to compensate for any perceived impact of earlier tree loss within the site. This area of new planting amounts to 1.5 hectares, almost 4 times the size of the planning application site and well beyond the Forestry Commission requirements of "*equal size*". This compensatory planting will more than mitigate any actual or perceived impact on woodland in the local area and satisfactorily address prevailing woodland policy.

3.0 PLANNING ASSESSMENT

3.1 The case in support of the development is set out in the Supporting Planning Statement – February, 2016, as submitted with the planning application (Document 2). This sets out in detail (Section 2) the relevant planning policy context and for brevity is not repeated in this statement. Rather this section of the Statement of Review sets out the detailed assessment of the proposals prior to (in Section 4) commenting on the officer's case for refusing the application.

3.2 It is clear that the site lies at the edge of Hatchbank, adjacent to other modern residential development set within woodland, being largely contained within an area of established woodland and well contained within the landscape. The site is defined along the roadside boundary (south) by existing established trees and within a defined built context set by houses to the west and "*another substantial building at least equivalent in size to a traditional cottage*", the stables building to the east (this building is understood to be circa 130m2 in floor area). Two points of access are already formed along the roadside frontage and these will be used for the development – no further tree loss will be required and therefore the woodland context/setting for the development will be retained as will the screening value of the woodland. Compensatory woodland planting is being provided on other land close to the application site in order to compensate for any perceived impact of earlier tree loss within the site (Document 3).

3.3 It is also noted that there is other development ongoing at the west end of Hatchbank and there is evidence of other recent development in the immediate area. All of this points to a position where this location (close to the M90 Motorway and readily accessible to Kinross) is considered an appropriate (accessible) rural location in order to support further residential development in accordance with extant policy requirements. Indeed, it is demonstrated by the proposal that the required drainage mitigation would be provided (therefore meeting the Local Development Plan Policy EP7 requirements) and the proposed access arrangements are acceptable to Perth and Kinross Council's Roads Service.

3.4 With respect to Policy RD3 "*Housing in the Countryside*" there is a requirement for the development to meet one of the defined categories, this proposal would, in fact, satisfy 2 separate categories. With respect to the "*Building Groups*" category it is clear that the development would extend the existing building group into a site well defined by existing established landscape features which provide a suitable setting. In effect, the extension of the building group into an "*Infill Site*" defined by established houses and "*another substantial building at least equivalent in size to a traditional cottage*" (which at circa 130m2 the stables building meets this requirement). The development, as demonstrated below, would not detract from the residential or visual amenity of the group and would fully respect the character, layout and building pattern of the group and demonstrate a high standard of residential amenity. The development would, in effect, fill a gap site between existing built development and the property to the east and therefore would not extend the ribbon of development beyond the existing limit of built development (the underlying concern with respect to so-called "ribbon" development). The stables structure forming the eastern book-end is visible both from Hatchbank Road and from the M90. The existing site trees form the context for the development in accordance with the policy requirements and provide a screening function for the proposed houses. In effect, the proposals would, in full compliance with the policy, extend the existing development group into a defined site formed by existing well established landscape features which will provide a suitable setting and landscape containment.

3.5 With respect to the acceptability criteria set for "*Infill Sites*" within Perth and Kinross Council's Housing in the Countryside Guide the following assessment related to the planning application proposal is considered relevant: -

- The plots created are comparable in size to the neighbouring residential properties and have a similar size of road frontage;
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing houses;
- It is considered that there are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed houses, and the amenity of the existing houses would be maintained. It is noted that some initial concern was expressed with respect to the relationship of the proposed houses to the existing stables building to the east. This building contains 5 stables in total for the personal use of the applicant (covered by condition 3 of the planning permission). This is of limited scale overall and is not a commercial operation. It is not uncommon to have horses in locations adjacent to houses in the countryside and there is no objective basis to conclude that any detrimental impacts on residential amenity from the operation of the stables would occur. The stables owner has written in support of the planning application stating that "*I am fully content that the use/operation of the stables will not give rise to amenity issues for future residents in the event that the proposed houses are built, nor will the presence of the houses impact on me or my horses*". She went on further to confirm that "*I can see no legitimate reason why this development would not be acceptable*". It is also noted that Perth and Kinross Council's Regulatory Services Manager has confirmed that he has "*no objections in relation to the application*". He did indicate that there was still potential for "*noise and odour nuisance*" but clearly, in light of his underlying recommendation, the nature of the neighbouring use and the clear position of the stables owner, this is extremely unlikely to be an issue and if it was there are remedies to address this. It is also noted that there are a range of houses in the area close and very close to stables and a greyhound rescue centre. These do not appear to give rise to concern.
- The size and design of the infill houses would be sympathetic with the existing houses;
- The full extent of the gap is included within the new plots; and
- The development would comply with the identified "*siting criteria*" set out in the Housing in the Countryside Guide (paragraph 3.7 below refers).

3.6 The infill nature of the proposed development would directly reflect the form of development characteristic of the surrounding area, single plot depth with a road frontage. This cannot reasonably be categorised as ribbon development otherwise most infill development along road corridors would be excluded by the policy, that is clearly neither the intent nor the practice. In addition, it is clear, as set out above, that the site

is contained/defined by other development (east and west) and set within a clearly defined and visually strong landscape context. This is not a form of development which this policy seeks to constrain.

3.7 The "*Siting Criteria*" set out on in Perth and Kinross Council's Housing in the Countryside Guide states that development will be acceptable where, in effect, when viewed from surrounding vantage points, it would meet specified criteria. Using the set criteria an assessment of the current proposals reveals that the development **WOULD**: -

a) blend sympathetically with the land form;

b) use existing trees and buildings to provide a context/backdrop for the proposed houses;

c) use an identifiable site with long established boundaries which separate the site naturally from the surrounding ground; and

d) <u>not have</u> a detrimental impact on the surrounding landscape.

3.8 The "*Siting Criteria*" also states that a new house site will not be acceptable if, when viewed from surrounding vantage points it would result in specified undesirable impacts (paragraph 2.6 above refers). In this case it is clear that the development **WOULD NOT**: -

a) occupy a prominent, skyline, top of slope/ridge location;

b) lack existing mature boundaries as the existing trees provide a clearly defined long established physical/visual boundaries; and

c) be unable to provide a suitable degree of enclosure for a new house in the countryside.

3.9 The requirements set out in the Housing in the Countryside Guide "For All Proposals" would, as far as relevant to the current proposals, also be satisfactorily addressed (paragraph 2.7 above refers) . To this end it can be concluded that: -

- Satisfactory access and services are available;
- The properties can accommodate office based home working;
- The proposed development should not conflict with any other policy or proposal in the Local Development Plan;
- the proposals would not result in adverse effects, either individually or in combination, on the integrity of Loch Leven (drainage mitigation is provided); and
- the proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the site/area and demonstrates a specific design approach to achieve integration with its setting. The proposed houses are designed to be sustainable in construction and use and, additionally,

would be sympathetic in terms of scale and proportion to other buildings in the locality.

3.10 The final Local Development Plan policies referred to in Section 2 above are Policies PM1A and PM1B "*Placemaking*" (paragraph 2.3 above refers). These are generic design policies set out to cover all potential situations and therefore not all parts are fully relevant to the current proposals. Assessing the proposals against these criteria results in the following conclusions: -

(a) A sense of identity for the buildings would be created along with appropriate access from its surroundings. The woodland setting/character of the site is fully characteristic of development within the immediately surrounding area and this development would relate well to this in form and function.

(b) the site topography as well as the wider landscape character of the area has been fully considered/addressed and no adverse impacts would arise.

(c) The design and density of the development will complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

(d) the existing building line will be respected. The access and orientation of principal elevations will reinforce the street.

(e) the development would be safe and accessible.

(f) the buildings are designed with future adaptability in mind.

(g) Existing natural features that contribute to the local townscape will be retained and sensitively integrated into proposals.

(h) Green infrastructure will be retained (woodland) and new woodland created within the local area in order to enhance Green infrastructure locally while also contributing to the Scottish Government's objective of increasing afforestation throughout Scotland.

3.11 **Based on the assessment set out above, it is clear that the development would comply with extant policy requirements, including the specific and detailed requirements set out in the Perth and Kinross Local Development Plan and Perth and Kinross Council's Housing in the Countryside Guide**. There are no other policy or other material considerations that would warrant a different assessment/outcome in this case.

4.0 ASSESSMENT OF OFFICERS REASONS FOR REFUSAL

4.1 A total of 6 reasons for refusal are set out in the planning Decision Notice (Document 5). Taking these reasons in order along with the supporting assessment set

out in the officer's Report of Handling (Document 4) , then the following evaluation/conclusions can be reached. It will be demonstrated that the assessment set out in the officers report leading to the decision taken to refuse the planning application is fundamentally flawed in a number of respects and provides an inaccurate and misleading impression of the development being proposed. There is a patent failure by the officer to recognise the relationship of the site to its surroundings, a surprising misunderstanding of the built form and character in the immediately surrounding area and, most surprising of all, a recommendation to "*approve subject to conditions*" when the application was to be refused. Below the stated reasons for refusal are set out followed by the applicant's response.

Reason for Refusal 1: *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.*

Applicant's Response: -As demonstrated in the Supporting Planning Statement (Document 2) and in Section 3 of this report, the development would in fact meet both the requirements of Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide. The development fits into 2 categories being both an "Infill Site" and an extension of a Building Group (refer Section 3 above). The officer claims in his report that "*In this case the proposal constitutes an unacceptable extension to the group which would result in sprawl into the countryside, which would detract and destroy the grouping at Hatchbank. The proposal would also lead to ribbon development along Hatchbank Road*". There is no assessment to support any of these conclusions. The extension of the group is into a site contained by woodland (which will be retained) and other development. It is development of a form entirely characteristic of the immediate location (Hatchback generally – north side of the road) with other modern properties built within the same woodland environment immediately adjacent. This is neither unacceptable nor is it sprawl. This infill development, for the reasons already set out, cannot be considered ribbon development otherwise all infill sites fronting a roadway would be unacceptable on this basis – that is not what this policy seeks to guard against.

Reason for Refusal 2: *The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.*

Applicant's Response: It is claimed in the officers Report of Handling (Document 4) that "*the proposal also fails to create a sense of identity and erodes the character of the countryside (a). The development is located in a highly visible*

location sitting on an elevated ridge in the landscape, the removal of the woodland has diluted the landscape character of the area and the siting of dwellings in this position would further erode landscape character contrary to criterion (b)". This is a statement without any objective assessment/analysis to back up the conclusions set out. What "*sense of identity*" is the development expected to create? How would it erode "*the character of the countryside*". The development is not, contrary to the claim being made, "*in a highly visible location sitting on an elevated ridge in the landscape"* nor will this development "*further erode landscape character".* It is correct that some trees have been removed (no planning permission being required) but entirely wrong to suggest that the retained woodland will not be sufficient to provide a suitable setting for the proposed development, a form of development which is entirely sympathetic with/characteristic of other development in the immediate area. The retention of the woodland as proposed provides an attractive and entirely appropriate setting/backdrop/containment for the proposed development in a manner with no materially detrimental impacts on the character or appearance of the surrounding area. Detailed appraisal against the requirements of Policy PM1A and PM1B is set out in paragraph 3.10 above. In short, it is fair to conclude that the "sense of identify" that would be created and the impact on the character of the countryside would each be acceptable and in accordance with the terms of the policy.

Reason for Refusal 3: *The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the removal of the woodland and the siting of dwellings would erode and dilute the areas landscape character.*

Applicant's Response: Again this reason is stated without any objective assessment/analysis to back up the conclusions set out. There is no further removal of woodland as part of the planning application and therefore this is not a matter before the planner in his assessment of the planning application. The existing site trees which form a significant physical and visual site boundary will be retained and the houses set within this landscape context as it is on adjacent development. No dilution of landscape quality/character will occur as a result of this development albeit significant additional woodland planting will be provided (circa 4 times the planning application site area) on land to the north of the site (refer Document 3). There is no substantive basis to support this stated reason for refusal.

Reason for Refusal 4: *The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity*

and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.

Applicant's Response: Within the officer's Report of Handling it is stated that "*The proposal is considered to be contrary to Policy ER6 as it:-*

(a) Erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character (Lowland Loch Basin Unit in The Tayside Landscape Character Assessment), the historic and cultural dimension of the area's landscapes (Ancient Woodland), visual and scenic qualities of the landscape (tree belt on skyline) and the quality of landscape experience.
(b) It fails to safeguard a landmark feature from development that would detract from the features visual integrity, identity and scenic quality.
(c) It fails to safeguard the tranquil qualities of the landscape.
(d) Category (d) is not applicable to this assessment.
(e) It fails to provide high quality standards in landscape design, including satisfactory landscape enhancement and mitigation.
(f) It fails to incorporate measures for protecting and enhancing cultural and visual amenity elements of the landscape, loss of ancient woodland (no tree survey indicating that the boundary trees that haven't been felled can be retained on site in accordance with BS 5837 2012 Trees in relation to construction which is also contrary to policy NE2B - Forestry, Woodland and Trees).
(g) The erosion of the woodland surrounding Hatchbank means the proposal will fail in conserving the experience of the night sky in this less developed area of Perth and Kinross".

Again, there is no explanation of how any of these assessments/conclusions are reached by the officer. There is no foundation to any of the conclusions set out and no apparent appreciation of the site/surroundings. The perceived sensitivity of the site to the development being proposed is exaggerated beyond any reasonable level and it is difficult to reconcile such claims as there are a range of other properties of recent origin in the immediately adjacent area approved by Perth and Kinross Council. What would make this current proposal different?

With respect to Policy ER6 and assessing the bullet points from (a) to (g) individually the following is considered a more accurate reflection of the proposal against the stated policy criteria: -

(a) the planning application site lies directly adjacent to and within existing built development. The "local distinctiveness" relates to the retained woodland and adjacent residential property set in woodland. The development, extending development into a clearly defined landscape contained site forming a gap on Hatchbank Road would in no way impact on the "*diversity and quality of Perth*

and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience". The prominence and level of sensitively is misrepresented in the officer's assessment and no material impact of any significance would arise from the development;

(b) There is no "*landmark feature*" that the development would fail to safeguard and no detraction from "*visual integrity, identity and scenic quality"* would arise. Again, the prominence and level of sensitively of the site is totally misrepresented.

(c) it is claimed by officers that the development *"fails to safeguard the tranquil qualities of the landscape".* This is an area with built development directly adjacent on 2 sides, Hatchbank Road on a third and the M90 in close proximity. It is difficult to reconcile this assessment with the reality of the site and its surroundings.

(d) there would be no impact on the relative wildness of the area's landscapes;

(e) it is claimed by officers that the proposed development of the 2 new houses within the landscape containment provided by the retained site trees, adjacent trees on neighbouring sites and the form of existing development *"fails to provide high quality standards in landscape design, including satisfactory landscape enhancement and mitigation."* The landscape mitigation is only required by the policy where there is an associated impact on a landscape's qualities, which there is not in this case. However, notwithstanding this, in addition to the retention of the trees on site, the applicant is proposing to plant an additional 1.5 hectares of new woodland in the local area (Document 3 refers), this being tied up as part of any planning permission. This would more than offset any earlier tree loss on the planning application site and mitigates any perceived or actual impacts of the development on the landscape (which is clearly minimal/insignificant).

(f) no further tree loss is proposed and an additional 1.5 hectares of woodland will be provided. The development therefore fully incorporates measures for protecting and enhancing the ecological, cultural and visual amenity elements of the landscape; and

(g) no impact on the experience of the night sky would occur as a result of this development. The site is directly adjacent to existing built development in an existing populated area (M90 adjacent). The officer's claims to the contrary appear totally unjustified and place many of the other claims related to perceived impacts of the development in context, in effect, the assessment of the proposal appears wholly unreasonable, exaggerated and unjustified by any reasonable standard.

In short, the development proposals would not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and therefore no conflict with Local Development Plan Policy ER6 would arise. The new woodland planting (Document 3) would effectively enhance the local landscape, biodiversity, etc.

Reason for Refusal 5: *The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland.*

Applicant's Response: the Scottish Government supports the further afforestation of Scotland as an underlying policy objective. Extant policy also seeks to restrict the loss of established woodland and fully supports the establishment of new woodland and the extension of existing woodland areas. Scottish Government aims include: -

- To provide a strategic framework for appropriate woodland removal.
- To support the maintenance and expansion of forest cover in Scotland.
- To contribute towards achieving an appropriate balance between forested and non-forested land in Scotland and,
- To develop a clear understanding of the nature and extent of future woodland removal in Scotland

In common with the woodland to the east and west of the planning application site (containing new houses and the stables), the local woodland is defined as ancient woodland of long established plantation origin. Development is not normally promoted in these areas albeit there is a local context supporting such development at Hatchbank **AND**, in line with established woodland policy set by the Forestry Commission for Scotland and in accordance with Scottish Government policy, significant mitigation proposals are included as part of the proposed development (the 1.5 hectare woodland extension - Document 3 refers). In effect, woodland well in excess of that previously lost is to be provided as part of the development. It is also relevant that the present application does not include any further tree removal (and therefore tree loss is not a legitimate matter of concern as part of this planning application) albeit granting planning permission would allow all of the existing site/boundary trees to be retained and managed and additional planting to take place as part of the development, that is in addition to the new 1.5 hectare woodland area being provided (Document 3). The outcome of approving this application is entirely positive to local woodland in that no tree loss will result and a significant area of extended woodland will be provided. This is in no way contrary to established

Scottish Government policy or to the terms of Local Development Plan Policies NE2A and NE2B. The case officer has completely misled himself on this matter.

Reason for Refusal 6: *The proposal does not provide a satisfactory residential environment due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.*"

It is considered that there are no uses in the vicinity of the planning application site which would prevent the achievement of an adequate standard of amenity for the proposed house occupants, and the amenity of the existing houses would be fully maintained. It is noted that some initial concern was expressed with respect to the relationship of the proposed houses to the existing stables building to the east. This building contains 5 stables in total for the personal use of the applicant (covered by condition 3 of the planning permission). This is of limited scale overall and is not a commercial operation. It is not uncommon to have horses in locations adjacent to houses in the countryside and there is no objective basis to conclude that any detrimental impacts on residential amenity from the operation of the stables would occur. The stables owner has written in support of the planning application stating that "*I am fully content that the use/operation of the stables will not give rise to amenity issues for future residents in the event that the proposed houses are built, nor will the presence of the houses impact on me or my horses*". She went on further to confirm that "*I can see no legitimate reason why this development would not be acceptable*". It is also noted that Perth and Kinross Council's Regulatory Services Manager has confirmed that he has "*no objections in relation to the application*". He did indicate that there was still potential for "*noise and odour nuisance*" but clearly, in light of his underlying recommendation, the nature of the neighbouring use and the clear position of the stables owner, this is extremely unlikely to be an issue and if it was there are remedies to address this. It is also noted that there are a range of houses in the area close and very close to stables and a greyhound rescue centre. These do not appear to give rise to concern.

In short, no conflict with Policy EP8 of the Perth and Kinross Local Development Plan would arise as the development would provide, in full, for a satisfactory residential environment. The basis of the officer's case to the contrary is founded on supposition not objective assessment and it is clear that the owner of the domestic stables has no concerns and is, in fact, supportive of the development.

It is also worthy of note at this stage that there are no objections to this planning application by any neighbouring proprietors, indeed no public objection

whatsoever. These is however direct support from the neighbour most affected by the development

5.0 CONCLUSIONS

5.1 The terms of the planning officer's Report of Handling (Document 4) and the related Decision Notice (Document 5) are noted albeit it is considered that the concerns expressed and the related analysis of the application and related impacts are misinformed, incomplete and inaccurate. The officer's assessment suggests that the impacts of the development would extend well beyond the site while also completely ignoring the development context in the local area set by existing properties and their development in woodland areas.

5.2 The earlier removal of trees from the planning application site is not part of this planning application and is irrelevant to any decision on the merits of the proposals. What is relevant is the landscape context provided by the site trees, the retention of the existing trees and the 1.5 hectares of new woodland planting that all forms part of the development. A reasoned assessment of the proposals against the existing planning policy context clearly demonstrates compliance and related benefits arising from the development.

5.3 For the reasons outlined above it is considered that the grant of planning permission (including provision for off-site mitigation planting) is fully justified in this case. There are no objections to the development from any party other than the planning officer and, as set out, this is misinformed and exaggerated to the point of being of no objective benefit to the assessment process.

5.4 Planning permission can be granted in association with a legal agreement to secure off-site education contributions and the additional woodland planting being proposed.

DOCUMENTS

Document 1 – Design and Access Statement - Peter Inglis Architect

Document 2 – Supporting Planning Statement – TMS Planning and Development Services

Document 3 - Planting Plan report – BNTW Scotland

Document 4 - Perth and Kinross Council officers Report of Handling

Document 5 – Planning Decision Notice

PROPOSED RESIDENTIAL DEVELOPMENT

HATCHBANK ROAD, GAIRNEY BANK, KINROSS, KY13 0LF

Site from south-west.

This application seeks permission for an infill housing development of two family houses on a site of former woodland on the north side of Hatchbank Road, Gairney Bank.

The Site.

The naturally enclosed flat site is bounded by a mixture of mature, deciduous and coniferous trees, beech hedging and fencing and lies between new housing on the west and a stables complex to the east. A 2.00 metre high wooden fence exists on the west boundary and this was put in place by the adjacent house.

There is farmland to the north. To the east there is a private stables building measuring approximately 140 square metres.

There are two accesses into the site at present, one at the east end and the other at the west.

The site lies just outside the Loch Leven Special Landscape Area.

The application seeks to retain the trees and hedges on site and supplement them with new planting. The new landscaping will be used to reinforce the boundary to the north.

The hedge screening along the south boundary will emphasise the landscape setting and confirm that there will be no visual impact along the public highway, caused by the proposal. The development will have a complete mature landscape backdrop when viewed from any side, as required by the 'Housing in the Countryside Guide' 2012. These development proposals seek to preserve and enhance the landscape setting in accordance with the principles of Policy ER6.

The setting for these houses does comply with the criteria in Section 3 of the Guidance.

The screening created by the existing planting on the southern boundary.

This photograph from the south-west at proposed entrance to plot 1 illustrates the visibility of over 250 metres of roadway.

The proposal.

The Applicant purchased the site early in 2014 with a view to moving from a small house to a larger one and to build one for his father as well. The proposed development comprises two detached dwellings, each with four bedrooms and integral double garages which would sit between 'Monega House' and the stable building.

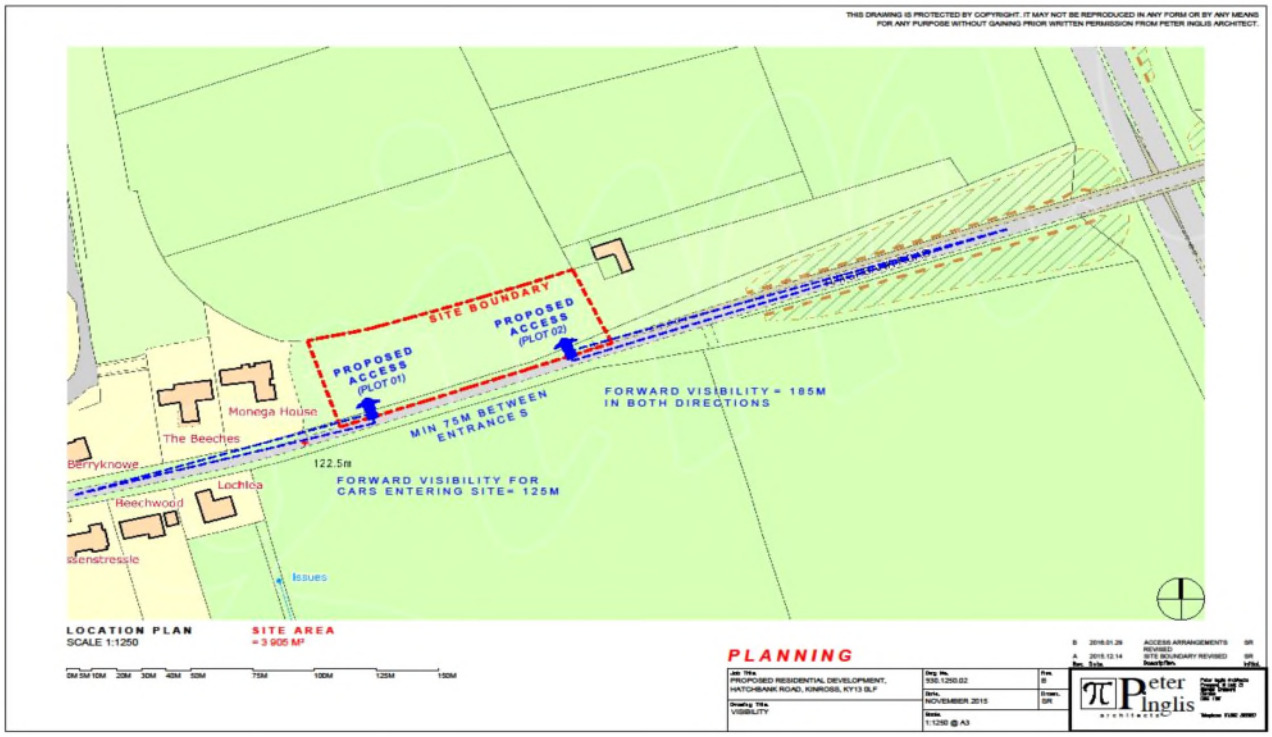
The houses would each be accessed by a private driveway as suggested by the Transport Department. This linear form is produced by the shape of the site and continues the established pattern on the north side of Hatchbank Road. Development is currently happening on the south side of the road at the west end of the village.

The private driveway / pedestrian access would be finished in a free-draining, open-jointed block surface and no surface water would discharge on to the highway. The bell-mouth entrance and exit would be formed in tarmac to the approved standard.

The houses present a broad frontage to the driveway. The post and wire fence would be retained along the north boundary.

The retention of the remaining trees around the perimeter gives the gardens a mature feeling from the outset and preserves the landscape setting when viewed from afar. There will be new tree planting on the site with a mixture of birch and sycamore.

As most of the former trees have been removed, this proposal includes the planting of a new area of compensatory woodland of an area of 1.0 ha, which is almost three times the area of the removed trees.



Visibility at the proposed vehicular entrances.

The house designs would reflect the scale of the adjacent houses on the north side of the road. The proposed materials would be horizontal timber lining (Western Red Cedar) and wetdash on the walls, all under a slate roof. The use of timber cladding would make these houses distinctive in this locality, whilst being a complementary natural material – PAN 72 encourages the use of timber

cladding. The window frames would be finished in slate grey. The windows would have a vertical emphasis. Exposed rafter ends would feature.

We understand that Scottish Planning Policy generally supports opportunities for small scale housing developments in rural areas.

The houses would be energy efficient and utilise either ground-source or air source heating, backed up with a wood-burning stove in the Lounge.

The houses would be large enough to accommodate home working which will enhance the sustainability of the dwellings.

South elevation of plot 3 – cedar lining to the ground storey.

Western Red Cedar cladding.

This proposed development would have no adverse impact on the existing residential amenity. The presence of the stables to the east will not impact on the amenity of the proposed development as the horses are not viewed as agricultural animals and the scale of the stables is for one family only.

Drainage design.

The drainage has been designed on the following basis. The Engineers have achieved the standard of 125% mitigation of phosphorous discharge, as required in the Loch Leven catchment policy, as shown in the mitigation calculations submitted. There will be a Klargester Biodisc Treatment plant to serve both houses, as required by SEPA, which will then discharge to a mound which will be grassed over.

Summary.

The site is an infill site set in a well-defined landscape setting which will not impact on the overall landscape pattern of the Loch Leven area west of the M90 motorway. There is a need for these family houses which will not impact on the adjoining properties. The site does not use up any valuable agricultural land. The drainage has been designed for the overall betterment of the Loch Leven catchment. Finally, the access and egress from the site is safe and does not present an increased hazard to road users.

The vitality of the rural community is enhanced without the visual intrusion into the landscape.

P. Inglis

February 2016

PROPOSED RESIDENTIAL DEVELOPMENT (2 HOUSES) AT HATCHBANK ROAD, BY GAIRNEY BANK, KINROSS FOR MR JOHN REID

SUPPORTING PLANNING STATEMENT
FEBRUARY 2016

TMS PLANNING AND DEVELOPMENT SERVICES LTD

1. BACKGROUND

1.1 This statement should be read in conjunction with the Design Statement prepared by Peter Inglis Architect dated February, 2016 as submitted in support of this planning application. This sets out the nature of the site, surroundings and development proposals. For brevity, this Supporting Planning Statement will purely address the relevant planning policy context and set out an assessment of the proposals against relevant planning policy and other material considerations.

1.2 A planning application for 3 new houses on the site was withdrawn earlier this month in order to allow a more detailed assessment of the emerging proposals against the extant policy framework. This has resulted in a modification for 2 new homes, both of which are designed to meet an existing need/demand for accommodation within the local area in compliance with existing policy and design requirements.

2.0 PLANNING POLICY CONTEXT

2.1 The planning policy context for this development proposal includes Scottish Planning Policy, the TAYplan Strategic Development Plan and the Perth and Kinross Local Development Plan. Perth and Kinross Council's Housing in the Countryside Guide (2012) is also relevant to the proposal and is linked to Policy RD3 "*Housing in the Countryside*" as set out in the adopted Perth and Kinross Local Development Plan. It is understood that the Housing in the Countryside Guide has now been formally adopted by Perth and Kinross Council as part of the Local Development Plan (2014).

Scottish Planning Policy and TAYplan

2.2 There are no strategic issues raised by this application and therefore the terms of TAYplan will not inform the relevant assessment process. Underlying the adopted Local Development Plan is the commitment in Scottish Planning Policy to the delivery of development in support of communities and the local economy, and the support for development which contributes to sustainable development.

Perth and Kinross Local Development Plan 2014

2.3 The Local Development Plan sets out a clear policy framework and differentiates certain policy requirements within and outwith defined settlements, the latter being subject to countryside policies in addition to relevant design and infrastructure policy requirements. As Hatchbank is not defined as a settlement within the Local Development Plan the most relevant Local Development Plan policies include: -

> **Policy EP7 "***Drainage within the Loch Leven Catchment*" – part C which indicates that new development proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment
>
> **Policy RD3** "*Housing in the Countryside*" indicates that Perth and Kinross Council will support housing development in the countryside provided it falls within at

least one of a number of defined categories. This includes development within/adjacent to "Building Groups" and where related to an "Infill Site", among others. This policy (and its assessment) is directly related to Perth and Kinross Council's Housing in the Countryside Guide as produced in 2012 but "adopted" as part of the Local Development Plan in 2014.

Policies PM1A and PM1B "*Placemaking*" require that development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption. Specifically, all proposals should meet all the following criteria:

(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
(f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

Perth and Kinross Council's Housing in the Countryside Guide (2014)

2.4 **Perth and Kinross Council's Housing in the Countryside Guide** (2014) sets out policy aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. The Guide confirms that the Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of a number of defined categories including: -

(1) **Building Groups** - consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography or well established landscape features which will provide a suitable setting. All proposals must respect the

character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s). Proposals which contribute towards ribbon development will not be supported.

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

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

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

2.5 The "*Siting Criteria*" set out in the Housing in the Countryside Guide states that development will be acceptable where, in effect, when viewed from surrounding vantage points, it meets all of the following criteria: -

a) it blends sympathetically with land form;
b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;
c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a woodland or group of mature trees);
d) it does not have a detrimental impact on the surrounding landscape.

2.6 The "*Siting Criteria*" also states that a new house site will not be acceptable if when viewed from surrounding vantage points: -

a) it occupies a prominent, skyline, top of slope/ridge location;
b) the site lacks existing mature boundaries (for example, woodland or a group of trees) and
c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

2.7 A list or requirements are set out "*For All Proposals*" which include: -

- Satisfactory access and services should be available or capable of being provided by the developer.
- Encouragement will be given to the incorporation of measures to facilitate home working within new development.
- The proposed development should not conflict with any other policy or proposal in the Local Plan.
- Development proposals should not result in adverse effects, either individually or in combination, on the integrity of Loch Leven.
- The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality.

3 PLANNING ASSESSMENT

3.1 It is clear that the site lies at the edge of Hatchbank and is largely contained within an area of established woodland, the site is well contained within the landscape. The site is defined along the roadside boundary (south) by existing established trees and within a defined built context set by a house (west) and "*another substantial building at least equivalent in size to a traditional cottage*", the stables building to the east (this building is understood to be circa 130m2 in floor area). Two points of access are already formed along the roadside frontage and these will be used for the development – no further tree loss will be required and therefore the woodland context/setting for the development will be retained as will the screening value of the woodland. It is however understood that compensatory woodland planting will be provided on other land close to the application site in order to compensate for any perceived impact of earlier tree loss within the site.

3.2 It is also noted that there is other development ongoing at the west end of Hatchbank and there is evidence of other recent development in the immediate area. All of this points to a position where this location (close to the M90 Motorway and readily accessible to Kinross) is considered an appropriate (accessible) rural location in order to support further residential development in accordance with extant policy requirements. Indeed, it is demonstrated by the proposal that the required drainage mitigation would be provided (therefore meeting the Local Development Plan Policy EP7 requirements) and it is understood that the proposed access arrangements are acceptable to Perth and Kinross Council's Roads Service (based on an earlier consultation response).

3.3 With respect to Policy RD3 "*Housing in the Countryside*" there is a requirement for the development to meet one of the defined categories, this proposal would, in fact, satisfy 2 separate categories. With respect to the "*Building Groups*" category it is clear that the development would extend the existing building group into a site well defined by existing well established landscape features which will provide a suitable setting. In effect, the extension of the building group into an "*Infill Site*" defined by established houses and "*another substantial building at least equivalent in size to a traditional cottage*" (which at circa 130m2 the stables building meets this requirement). The

development, as demonstrated below, would not detract from the residential or visual amenity of the group and would fully respect the character, layout and building pattern of the group and demonstrate a high standard of residential amenity. The development would, in effect, fill a gap site between existing built development and the property to the east and therefore would not extend the ribbon of development beyond the existing limit of built development (the underlying concern with respect to so- called "ribbon" development). The stables structure forming the eastern book-end is visible both from Hatchbank Road and from the M90. The existing site trees form the context for the development in accordance with the policy requirements. In effect, the proposals would, in full compliance with the policy, extend the existing development group into a defined site formed by existing well established landscape features which will provide a suitable setting.

3.4 With respect to the acceptability criteria set for "*Infill Sites*" within the Housing in the Countryside Guide (refer paragraph 2.4 above) the following assessment related to the planning application proposal is considered relevant: -

- The plots created are comparable in size to the neighbouring residential properties and have a similar size of road frontage;
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing houses;
- It is considered that there are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed houses, and the amenity of the existing houses would be maintained. It is noted that some initial concern was expressed with respect to the relationship of the proposed houses to the eastern stables building. This building contains 5 stables in total for the personal use of the applicant (covered by condition 3 of the planning permission). This is of limited scale overall and is not a commercial operation. There is also no objection from the stable owner to the proposed residential development. It is not uncommon to have horses in locations adjacent to houses in the countryside and there is no objective basis to conclude that any detrimental impacts on residential amenity from the operation of the stables would occur. The concerns raised relate to agricultural operations in the countryside, not with respect to stables for personal use;
- The size and design of the infill houses would be sympathetic with the existing houses;
- The full extent of the gap is included within the new plots; and
- The development would comply with identified the "*siting criteria*" set out in the Housing in the Countryside Guide (paragraph 3.6 below refers).

3.5 The infill nature of the proposed development would directly reflect the form of development characteristic of the surrounding area, single plot depth with a road frontage. This cannot reasonably be categorised as ribbon development otherwise most infill development along road corridors would be excluded by the policy, that is clearly neither the intent nor the practice. In addition, it is clear, as set out above, that the site is contained/defined by other development (east and west) and set within a clearly defined and visually strong landscape context. This is not a form of development which this policy seeks to constrain.

3.6 The "*Siting Criteria*" set out on the Housing in the Countryside Guide states that development will be acceptable where, in effect, when viewed from surrounding vantage points, it would meet specified criteria (paragraph 2.5 above refers). Using the set criteria an assessment of the current proposals reveals that the development: -

a) would blend sympathetically with the land form;
b) use existing trees and buildings to provide a context/backdrop for the proposed houses;
c) use an identifiable site with long established boundaries which separate the site naturally from the surrounding ground; and
d) would not have a detrimental impact on the surrounding landscape.

3.7 The "*Siting Criteria*" also states that a new house site will not be acceptable if, when viewed from surrounding vantage points it would result in specified undesirable impacts (paragraph 2.6 above refers). In this case it is clear that the development **WOULD NOT**: -

a) occupy a prominent, skyline, top of slope/ridge location;
b) lack existing mature boundaries as the existing trees provide a clearly defined long established physical/visual boundaries; and
c) be unable to provide a suitable degree of enclosure for a new house in the countryside.

3.8 The requirements set out in the Housing in the Countryside Guide "For All Proposals" would, as far as relevant to the current proposals, also be satisfactorily addressed (paragraph 2.7 above refers) . To this end it can be concluded that: -

- Satisfactory access and services are available;
- The properties can accommodate office based home working;
- The proposed development should not conflict with any other policy or proposal in the Local Development Plan;
- the proposals would not result in adverse effects, either individually or in combination, on the integrity of Loch Leven (drainage mitigation is provided); and
- the proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the site/area and demonstrates a specific design approach to achieve integration with its setting. The proposed houses are designed to be sustainable in construction and use and, additionally, would be sympathetic in terms of scale and proportion to other buildings in the locality.

3.9 The final Local Development Plan policies referred to in Section 2 above are Policies PM1A and PM1B "*Placemaking*" (paragraph 2.3 above refers). These are generic design policies set out to cover all potential situations and therefore not all parts are fully relevant to the current proposals. Assessing the proposals against these criteria results in the following conclusions: -

(a) A sense of identity for the buildings would be created along with appropriate access from its surroundings.
(b) the site topography as well as the wider landscape character of the area has been fully considered/addressed.
(c) The design and density of the development will complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
(d) the existing building line will be respected. The access and orientation of principal elevations will reinforce the street.
(e) the development would be safe and accessible.
(f) the buildings are designed with future adaptability in mind.
(g) Existing natural features that contribute to the local townscape will be retained and sensitively integrated into proposals.
(h) Green infrastructure will be retained (woodland) and new woodland created within the local area in order to enhance Green infrastructure locally while also contributing to the Scottish Government's objective of increasing afforestation throughout Scotland.

3.10 Based on the assessment set out above, it is clear that the development would comply with extant policy requirements, including the specific and detailed requirements set out in Perth and Kinross Council's Housing in the Countryside Guide.

4.0 CONCLUSIONS

4.1 Detailed assessment of the revised residential proposals indicates compliance with the underlying requirements of Scottish Planning Policy and with the particular policy context set out in the adopted Perth and Kinross Local Development Plan and the Perth and Kinross Council Housing in the Countryside Guide. The development has been sympathetically designed to fit the site and surroundings and would be fully sustainable with respect to design, construction and adaptability. The extension of the building group into a readily defined gap site causes no issues of amenity, visual or residential, and the relationship of the development to the existing "domestic" stables building/use is not considered to be a legitimate constraint on this beneficial development. The development is characteristic of the area.

4.2 In effect, as required by extant policy, the development would safeguard the character of the countryside; support the viability of communities; meet development need in appropriate locations; and ensure that a high standard of siting and design would be achieved.

4.3 The applicant remains fully prepared to engage with Perth and Kinross Council in order to address any legitimate concerns related to the proposed development. Where there are issues Mr Reid would wish the opportunity to address these prior to any conclusions/decisions being taken.

BNTW – SCOTLAND

6 WESTBANK

AUCHTERMUCHTY

FIFE

KY14 7LA

Planting Plan

Client Mr John Reid

Relating to Land adjacent 70 metres East of Monega House

Hatchbank Road

Kinross

KY13 0LF

Planning Ref: [redacted]

BNTW - SCOTLAND

Summary

BNTW Scotland was commissioned by Mr J Reid on 23/012/15 to assist in the preparation of statement and mitigation in relation to planning application.

Mr Reid has owned the woodland and surrounding fields from 5/04/15, with a view to establishing 2 domestic properties within the development envelope.

The area has been partially cleared, with a small amount of plantation trees on the Eastern edge and a fringe of derelict hedging and older hardwoods on the remaining boundaries.

Mr Reid has the aspiration to develop this 0.39 ha woodland area; to establish an nearby woodland area of 1.5 ha of compensatory planting, using native species. The compensatory planting area will enlarge an existing woodland area and expand into a rough grazing area, acting as a partial wildlife corridor.

Planting Description

Planting will consist of a minimum of 1.5 hectares, with a stocking density of 1100 native trees and shrubs with suitable cultivation, protection and maintenance to establish a woodland block.

An area has been identified for establishment , marked in green ref Appendix one. This includes a number of redundant dog runs (fenced) which will negate the need for fencing protection.

Cultivation

The rough pasture land, has a degree of compaction and induration, and it is important to ensure that this is addressed.

An agricultural plough with a deep tine (45cm) should be used to give planting position and to break through the indurated layer. Plough direction should be West to East, within the confines of the fenced enclosures and should assist with drainage. Slopes are minimal so additional drainage and/or cross drains should not be necessary.

Ploughing should take place over the winter/ early spring period to reduce weed establishment and to allow a period for the furrows to settle prior to planting.

BNTW - SCOTLAND

Protection

A detailed survey should be carried out prior to planting to assess what additional protection measures are required.

It can be assumed that the following will be an issue: Roe deer, Rabbits, and to a lesser extent Brown hares and Voles.

To reduce the weeding , protection and maintenance burden, 0.75m tree shelters with stakes should be used - Tubex or similar with treated 2cm square stakes.

Full use of the fenced dog runs should be made to reduce deer browsing in the future.

Tubes, stakes and ties should be checked and tightened periodically.

Install a number of raptor rests to control rabbit and vole numbers.

Species Choice

Species choice should reflect the original woodland site and relate to the topography of the relocated site.

The vision is to establish a mixed broadleaf woodland with minor shrubs, of native origin and to include the following:

Trees - Common alder *Alnus glutinosa*, Silver birch *Betula pendula*, Oak *Quercus pendunculate*, Scots pine *Pinus slyvestris* - (include in shrub element).

Shrubs – Hawthorn *Crataegus monygna*, Blackthorn *Prunus spinosa*, Holly *Ilex acquifolium.*

Plant sizes should be in the range of 30 -50 cm and sourced locally.

Planting matrix and Species locations

This will vary between sites A and B as annotated on Appendix 2, but will be 3 metre spacing on average with spacing for shrubs down to 1.5 metres and in groups. Tree numbers and locations will be 1700 approximately.

Area A - The plan is to plant a feathered edge of shrub groups on the South edge, graduating in Alder and Silver Birch across the slope.

Area B – This will mostly consist of tubed Oak and Birch, interspersed with the odd group of shrubs.

Details of which are found in Appendix 2, Indicative planting plan.

BNTW SCOTLAND

Establishment timing

Ideally planting should take place late Autumn/ early Winter which gives plants time to acclimatise over winter and to replace any dead trees in Spring.

Maintenance

Year One – maintenance envisaged would be replacement of dead trees. Tubes should be sprayed with Glyphosphate to keep a weed free area around the tree. It is important not to over spray trees and to avoid drift. Tubes, stakes and ties should be adjusted and tightened. Weed ingress should be monitored and it may be necessary to increase the frequency of spraying. Monitor pest damage and address as required.

Year 2 – Repeat as above.

Year 3 – Repeat as above.

Year 4 – 7 Monitor tree crop and adjust stakes/ties where loose.

BNTW - SCOTLAND

Yours sincerely

David Burns Robertson

VR. Dip For. PTI *(Lantra)*

21/02/16

BNTW - SCOTLAND

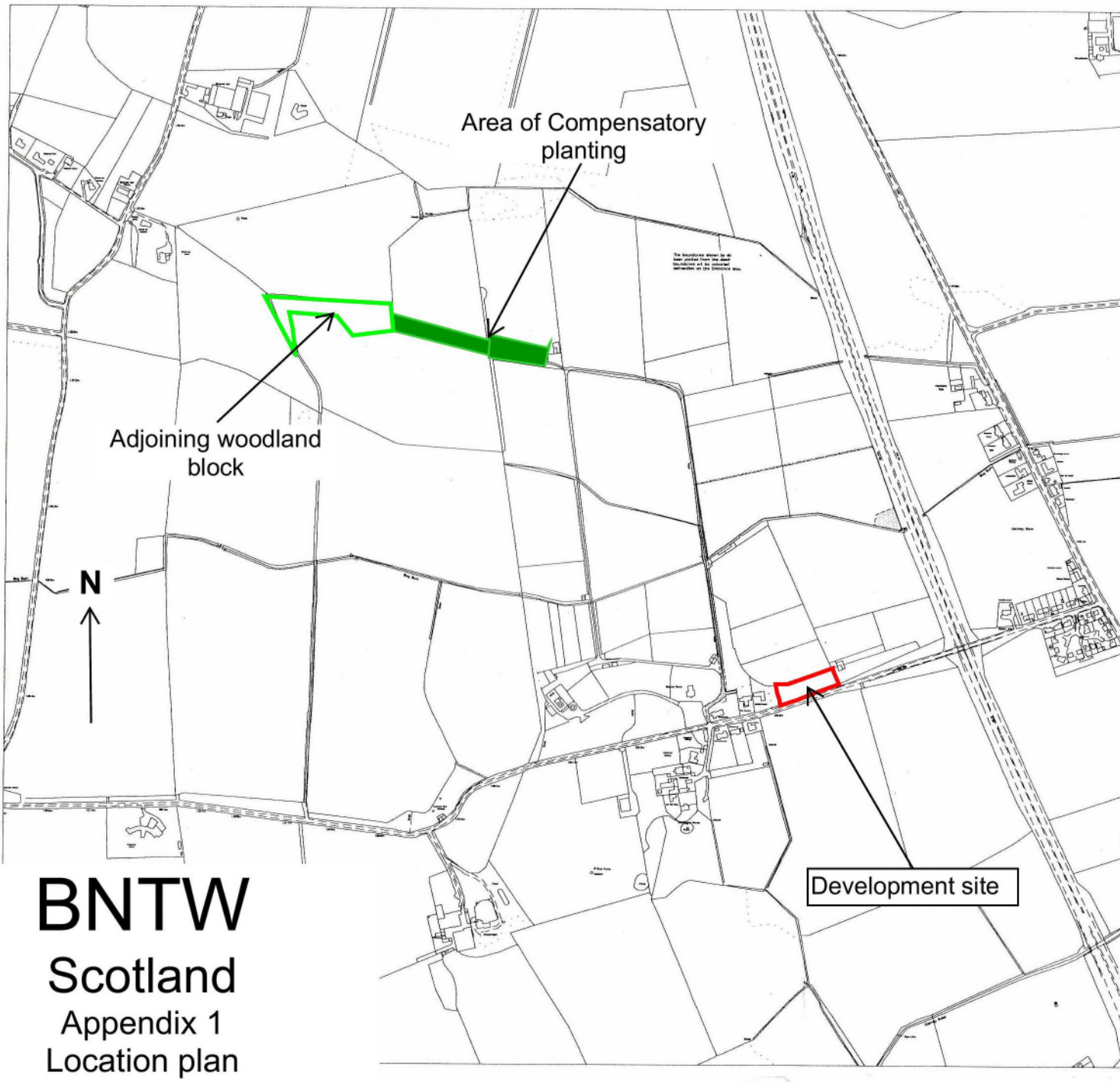
Client address;

Mr John Reid

Payment when due. This should be received in full within the stated credit terms. Any outstanding amount still due after this date will be subject to 13.5 % interest and a one off £40 compensation charge, in accordance with the Late Payment of Commercial Debts (Interest) Act 1998 and Late Payment of Commercial Debt regulation 2002.

Non-payment of debt for Arboricultural Consultancy Services will result in the temporary withdrawal of support for any tree management recommendations made and the contacting of the Local planning Authority, and other relevant bodies, to this effect Disclaimer – BNTW Scotland has compiled this report from historic and verbal information, from third parties and therefore cannot be held liable for inaccuracies or omissions.

BNTW - SCOTLAND



BNTW

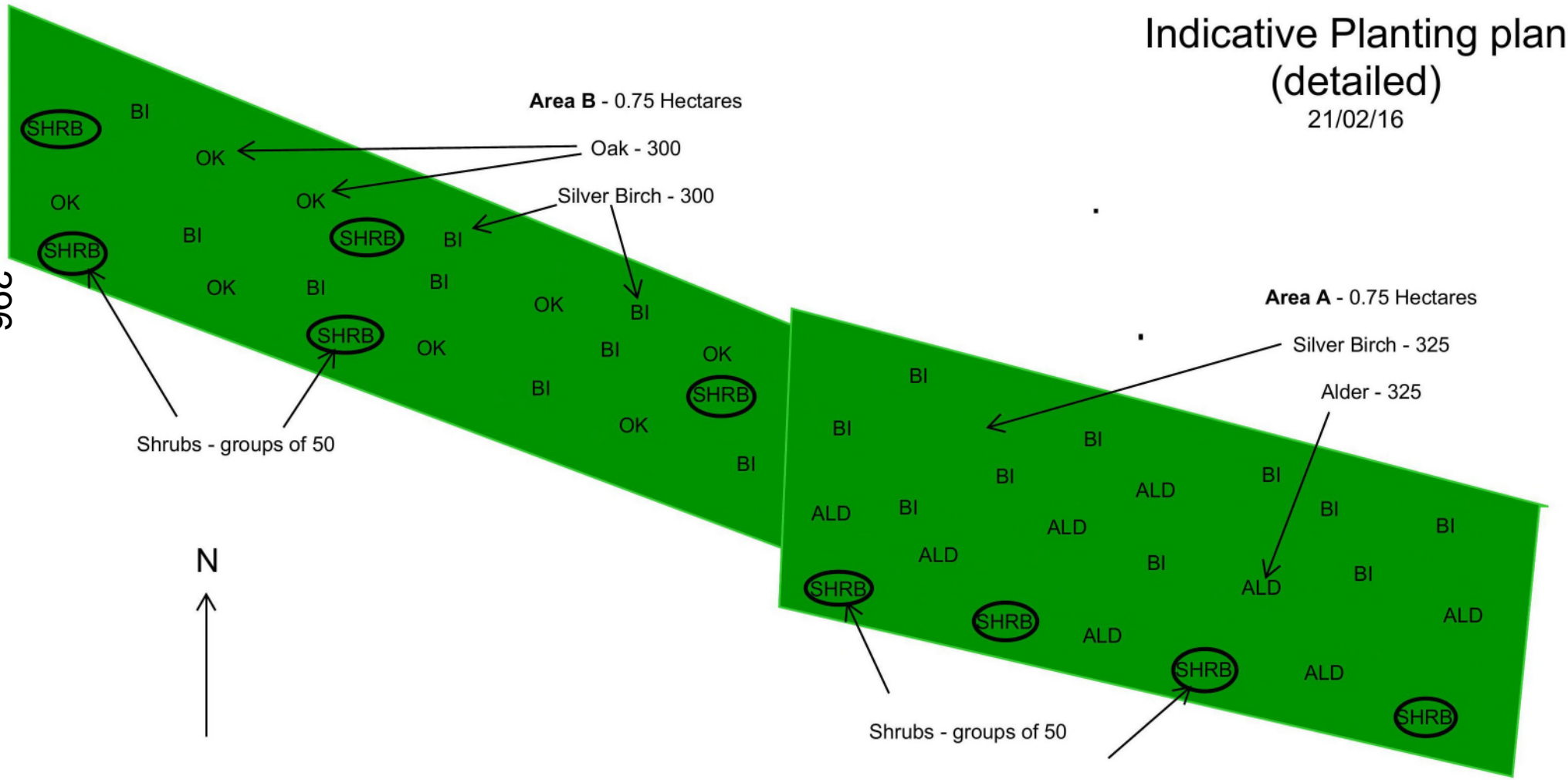
Scotland

Appendix 1
Location plan
21/02/16

BNTW
Scotland

Appendix 2

Indicative Planting plan (detailed)
21/02/16



Not to Scale

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**16/00309/FLL**	
Ward No	**N8- Kinross-shire**	
Due Determination Date	**30.04.2016**	
Case Officer	**John Russell**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Erection of 2no dwellinghouses

LOCATION: Land 70 Metres East Of Monega House Hatchbank

SUMMARY:

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

DATE OF SITE VISIT: 6 April 2016

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the erection of two dwellinghouses on land at Hatchbank Road. The site is bounded by Monega House to the west mature woodland to the east which also incorporates a stable block in separate ownership (11/00842/FLL). Hatchbank Road is to the south and open fields are to the north. The site can be viewed from the M90 motorway.

The proposal intends to erect two one and three quarter storey dwellinghouses within the former woodland. Two access points would be created to access the dwellings. The site plan confirms that the external tree planting to the boundary will be retained.

I note from aerial photography that the site was heavily wooded. This has been substantially clear felled to create a developable area. I note that the agent's design statement photography shows some of the felled trees within the site.

SITE HISTORY

15/02071/FLL Erection of 3 dwellinghouses 29 January 2016 Application Withdrawn

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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking
All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements
Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions
Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy PM4 - Settlement Boundaries
For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD3 - Housing in the Countryside
The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy TA1B - Transport Standards and Accessibility Requirements
Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE1A - International Nature Conservation Sites
Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations
Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated

are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees
Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

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

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes
Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP7A - Drainage within the Loch Leven Catchment
Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment
Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment
Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy EP8 - Noise Pollution
There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

OTHER POLICIES

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

Housing in the Countryside Guide

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

CONSULTATION RESPONSES

Scottish Water – No response within consultation period.

Scottish Environment Protection Agency – No objection subject to conditional control.

Transport Planning - No objection subject to conditional control.

Contributions Officer - Developer Contributions Policy is applicable to this application. No objection subject to contribution being secured by upfront payment or via a legal agreement/planning obligation.

Environmental Health - There is still potential for loss of amenity to occur at the proposed dwellinghouses due to the potential of noise or odour nuisance because of the close proximity to stables.

Scottish Natural Heritage - No response within consultation period.

Forestry Commission Scotland – No response within consultation period.

REPRESENTATIONS

The applicant has submitted with this applcation a letter in support, from the stable owner, of the dwelling houses being built adjacant to the stables and do not perceive the loss of amenity at the proposed dwellings due to noise or odour from their stables.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required

Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

APPRAISAL

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

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

The local plan through Policy PM4 - 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 RD3 - 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.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

(b) Infill sites.
(c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
(d) Renovation or replacement of houses.
(e) Conversion or replacement of redundant non-domestic buildings.
(f) Development on rural brownfield land.

An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case Hatchbank can be considered as a (a) Building Group.

I therefore turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

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

In this case the proposal constitutes an unacceptable extension to the group which would result in sprawl into the countryside, which would detract and destroy the grouping at Hatchbank. The proposal would also lead to ribbon development along Hatchbank Road.

Taking this into account the principle of housing development on the site is contrary to Policy RD3.

Design and Layout

The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan.

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. In this case the design, density and siting of the development does not respect the character and amenity of Hatchbank and is contrary to policy PM1A.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a). The development is located in a highly visible location sitting on an elevated ridge in the landscape, the removal of the woodland has diluted the landscape character of the area and the siting of dwellings in this position would further erode landscape character contrary to criterion (b).

Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy ER6 - Managing Future

Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

The proposal is considered to be contrary to Policy ER6 as it:-

(a) Erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character (Lowland Loch Basin Unit in The Tayside Landscape Character Assessment), the historic and cultural dimension of the area's landscapes (Ancient Woodland), visual and scenic qualities of the landscape (tree belt on skyline) and the quality of landscape experience.
(b) It fails to safeguard a landmark feature from development that would detract from the features visual integrity, identity and scenic quality.
(c) It fails to safeguard the tranquil qualities of the landscape.
(d) Category (d) is not applicable to this assessment.
(e) It fails to provide high quality standards in landscape design, including satisfactory landscape enhancement and mitigation.
(f) It fails to incorporate measures for protecting and enhancing cultural and visual amenity elements of the landscape, loss of ancient woodland (no tree survey indicating that the boundary trees that haven't been felled can be retained on site in accordance with BS 5837 2012 Trees in relation to construction which is also contrary to policy NE2B - Forestry, Woodland and Trees).
(g) The erosion of the woodland surrounding Hatchbank means the proposal will fail in conserving the experience of the night sky in this less developed area of Perth and Kinross.

Woodland

Scottish Natural Heritage confirmed that the woodland on this proposed development site is ancient woodland – long established of plantation origin under an earlier application for this site (15/02071/FLL). This means woodland has been present here for certain since c1860 when it was shown on maps of the area but not shown as woodland at all in 1750 or shown as plantation on these maps. These are woods that were apparently planted before 1860. Many of these sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient semi-natural woodland. National planning policy determines that ancient woodland sites are not suitable locations for development.

The applicant's woodland consultant has questioned whether the woodland can be classed as 'Ancient Woodland'. SNH confirmed that the site is classed as 'Ancient Woodland'.

The Scottish Government's Policy on Woodland Removal signals a strong presumption in favour of protecting Scotland's Woodland resources. The Scottish Forestry Strategy 2006 identifies seven key themes for Scotland's woodlands which are reiterated in the National Planning Framework, while this highlights a need to plan proactively for the expansion of woodland cover it also confirms that existing woodland should be protected and that its removal

should only be permitted where it will achieve significant and clearly defined additional public benefits.

In this case there are no clear public benefits associated with the removal of the ‘Ancient Woodland’. The proposal is contrary to the Scottish Government’s Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as local plan policy NE2A and NE2B notwithstanding the applicant’s intention to provide compensatory planting.

Residential Amenity

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding landuses has to be taken into account.

With regards neighbouring residential dwellings I do not consider that there would be any adverse amenity issues (overlooking/overshadowing).

The Council’s Environmental Health Section confirm they commented on the previous application for this site that was withdrawn (15/02071/FLL) and advised they could not support that application due to loss of amneity arising from a neighbouring stables.

They have now taken account of the information submitted by the applicant in support of the two house application, including a letter of support from the stable owner and the Planning Statement from TMS Planning and Development Services Ltd, arguing that the code of good practice “Prevention of Environmental Pollution from Agricultural Activity” is not applicable in this instance.

However, Environmental Health confirm that there still is the potential for loss of amenity to proposed dwellinghouses in close proximity to stables due to the potential of noise or odour nuisance wither the stables is for commercial or personal use. There is therefore still the potential for the proposed properties to be affected by odour from the daily workings of the stable. The stable owners would be the responsible party if Environmental Health investigated and confirmed a complaint of statutory nuisance of odour from any future residents of the proposed properties.

In light of this the approval of the dwellinghouses would raise a landuse conflict with the approved stable block (11/00842/FLL), thus the development is contrary to Policy EP8 - Noise Pollution as it sites noise sensitive uses near a source of noise generation.

Roads and Access

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied.

Drainage and Flooding

There are no flooding issues at the site and conditional control can ensure that Sustainable Urban Drainage Systems are installed to attenuate water and avoid off site flooding.

Policies EP7 A, EP7B and EP7C of the adopted local plan read together with the aim to seek control and, where possible, reduce phosphorus levels discharged within the Loch Leven Catchment Area a SPA, SSSI and Ramsar site. I therefore consider these matters together.

Policy EP7A specifies that built development should not exceed the current level permitted by the discharge consents for the Kinross or Milnathort waste water treatment works together with the current contribution from built development within the rural catchment area.

Policy EP7B requires that all developments connect to the Kinross or Milnathort waste water treatment works, exceptions are where (a) drainage can be diverted out of the catchment or (b) mitigation measures are implemented in accordance with the Council's published Supplementary Guidance.

While Policy EP7C requires the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development where proposed developments breach EP7A and EP7B.

The applicant has submitted drainage calculations in support of the application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance. SEPA have been consulted and advise that they have no objection. Conditional control can be applied to secure appropriate foul drainage and mitigation arrangements to ensure compliance with the Loch Leven Catchment policies.

Developer Contributions

The Developer Contributions Guidance is applicable.

<u>Primary Education:-</u>

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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Kinross Primary School.

Summary of Requirements

Education: £12,790 (2 x £6,295)

Total: £12,790

Phasing

It is advised that the preferred method of payment would be upfront of release of planning permission.

Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.

If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days after occupation.

Payment for each open market unit will be **£6,395** (£12,790/ 2 = £6,395).

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations identified in the Planning Statement from TMS Planning and Development Services Ltd and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1 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.

2 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

3 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the removal of the woodland and the siting of dwellings would erode and dilute the areas landscape character.

4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.

5 The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland.

6 The proposal does not provide a satisfactory residential environment due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

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

16/00309/1

16/00309/2

16/00309/3

16/00309/4

16/00309/5

16/00309/6

16/00309/7

16/00309/8

16/00309/9

16/00309/10

Date of Report 15.04.2016

PERTH AND KINROSS COUNCIL

Mr John Reid
c/o Peter Inglis Architects
Peter Inglis
Prospect III
Gemini Crescent
Dundee
UK
DD2 1SW

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 15.04.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00309/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 1st March 2016 for permission for **Erection of 2no dwellinghouses Land 70 Metres East Of Monega House Hatchbank** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. 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.

2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the removal of the woodland and the siting of a dwellings would erode and dilute the areas landscape character.

4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.

5. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as policy NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland.

6. The proposal does not provide a satisfactory residential environment due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

Justification

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

The plans 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

16/00309/1	**16/00309/6**
16/00309/2	**16/00309/7**
16/00309/3	**16/00309/8**
16/00309/4	**16/00309/9**
16/00309/5	**16/00309/10**

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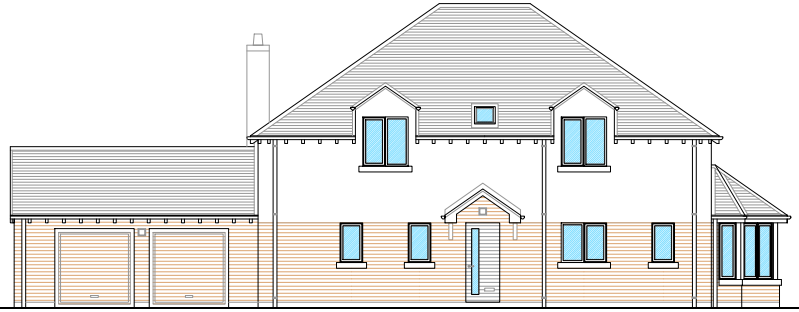
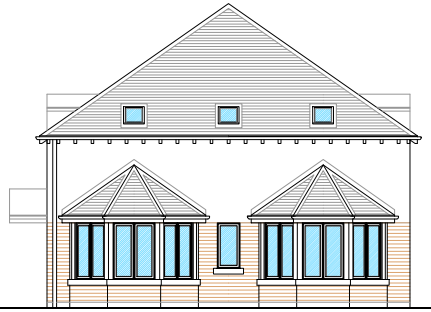


SOUTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100

NORTH ELEVATION
SCALE 1:100

WEST ELEVATION
SCALE 1:100

0M 1M 2M 3M 4M 5M 10M

PLANNING

Rev.	Date.	Description.	Initial.
B	2015.11.04	GENERAL REVISIONS	SR
A	2015.10.29	GENERAL REVISIONS	SR

Job Title. PROPOSED RESIDENTIAL DEVELOPMENT, HATCHBANK ROAD, KINROSS, KY13 0LF		Dwg No. 930.100.02	Rev. B
Drawing Title. PLOT 01 PROPOSED ELEVATIONS (PLOT 02 HANDED)		Date. OCTOBER 2015	Drawn. SR
		Scale. 1:100 @ A2	

Peter Inglis
architects
Peter Inglis Architects
Prospect @ Unit 21
Eurocle Crescent
Perth
PH2 7SN
Telephone 01382 562067

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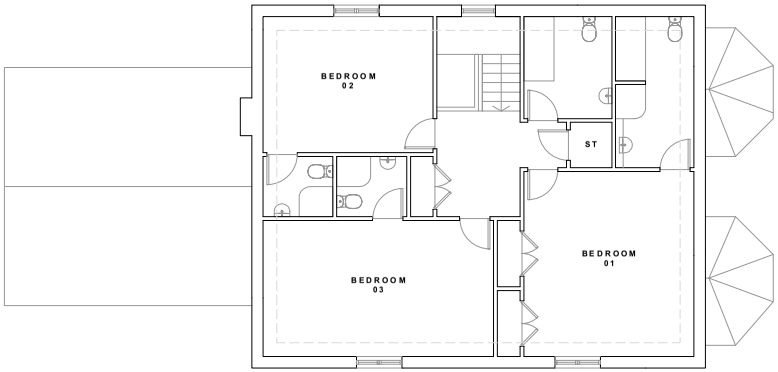
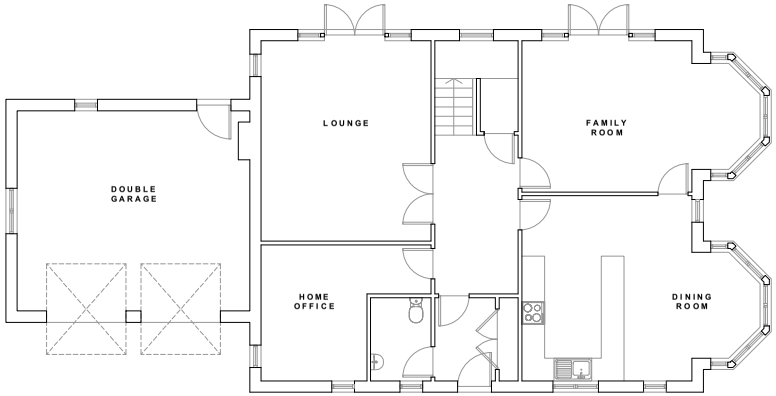


FIRST FLOOR PLAN
SCALE 1:100



GROUND FLOOR PLAN
SCALE 1:100

0M 1M 2M 3M 4M 5M 10M

PLANNING

Rev.	Date.	Description.	Initial.
C	2015.11.04	GENERAL REVISIONS	SR
B	2015.11.02	GENERAL REVISIONS	SR
A	2015.10.29	GENERAL REVISIONS	SR

Job Title. PROPOSED RESIDENTIAL DEVELOPMENT, HATCHBANK ROAD, KINROSS, KY13 0LF	Dwg No. 930.100.01	Rev. C
Drawing Title. PLOT 01 PROPOSED PLANS (PLOT 02 HANDED)	Date. OCTOBER 2015	Drawn. SR
	Scale. 1:100 @ A2	

Peter Inglis architects
Peter Inglis Architects
Prospect III Unit 21
Gowrie Crescent
Perth
PH2 7GW
Telephone 01382 562067

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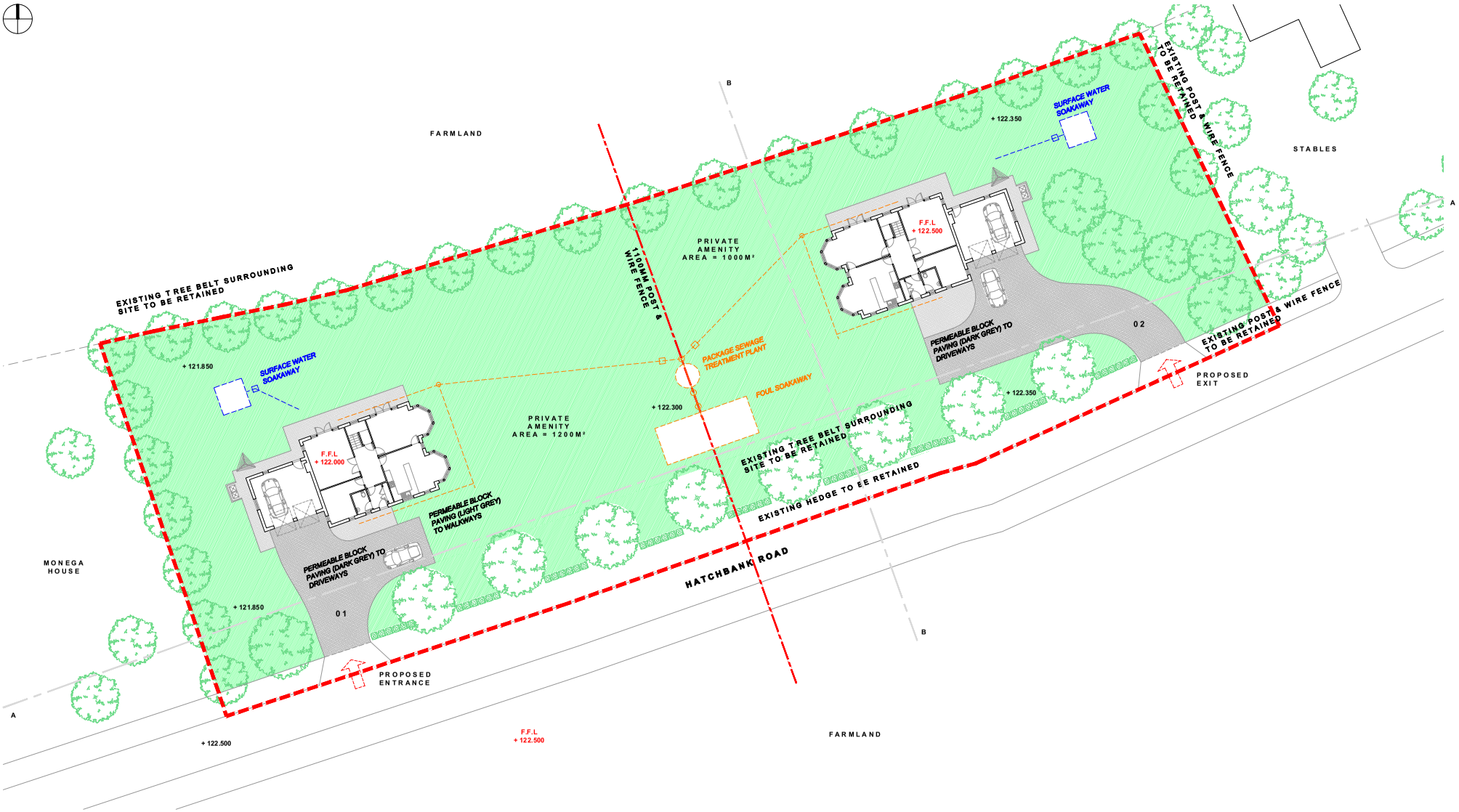
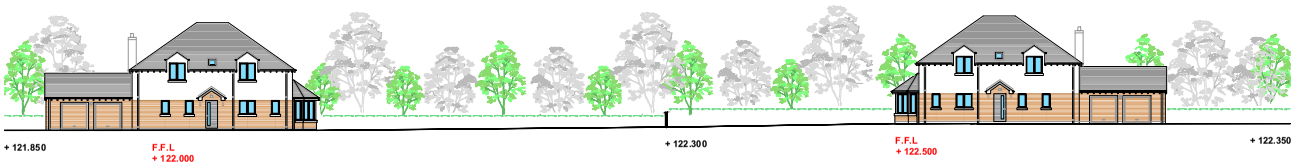
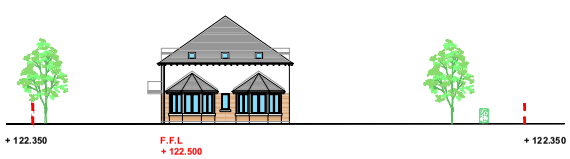


SITE PLAN
SCALE 1:200

SITE AREA
= 3 905 M²



SECTION AA
SCALE 1:200



SECTION BB
SCALE 1:200

0M 1M 2M 3M 4M 5M 10M 20M 1:200

PLANNING

Job Title.	Dwg No.	Rev.
PROPOSED RESIDENTIAL DEVELOPMENT, HATCHBANK ROAD, KINROSS, KY13 0UF	610.200.01	E
Drawing Title.	Date.	Drawn.
PROPOSED SITE PLAN	OCTOBER 2015	SR
	Scale. 1:200 @ A1	

Rev.	Date.	Description.	Initials
E	2016.03.01	LEVELS ADDED	SR
D	2016.01.29	SITE LAYOUT REVISED	SR
C	2015.11.27	SITE LAYOUT REVISED	SR
B	2015.11.02	SITE LAYOUT REVISED	SR
A	2015.10.29	SITE LAYOUT REVISED	SR

Peter Inglis architects
Post Applications Stewart House 22 Stewart Street Perth PH2 0AW
Telephone: 01738 562057

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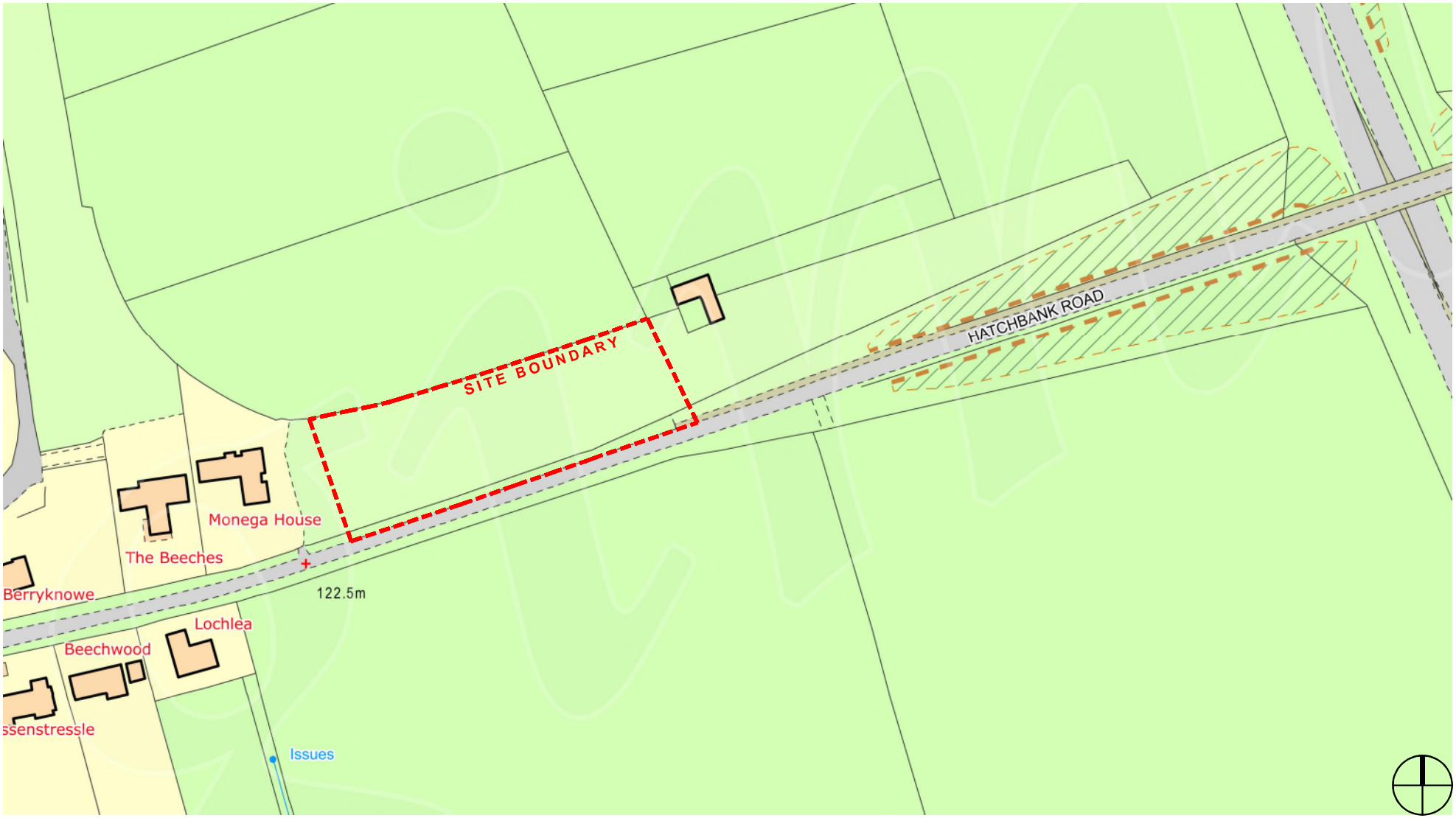

LOCATION PLAN
SCALE 1:1250

SITE AREA
= 3 905 M²

0M 5M 10M 20M 30M 40M 50M 75M 100M 125M 150M

PLANNING

Rev.	Date.	Description.	Initial.
A	2015.12.14	SITE BOUNDARY REVISED	SR

Job Title. PROPOSED RESIDENTIAL DEVELOPMENT, HATCHBANK ROAD, KINROSS, KY13 0LF	Dwg No. 930.1250.01	Rev. A
Drawing Title. LOCATION PLAN	Date. OCTOBER 2015	Drawn. SR
	Scale. 1:1250 @ A3	

Peter Inglis architects
Peter Inglis Architects
Prospect III Unit 21
Gemini Crescent
Dundee
DD2 1SW
Telephone 01382 582087

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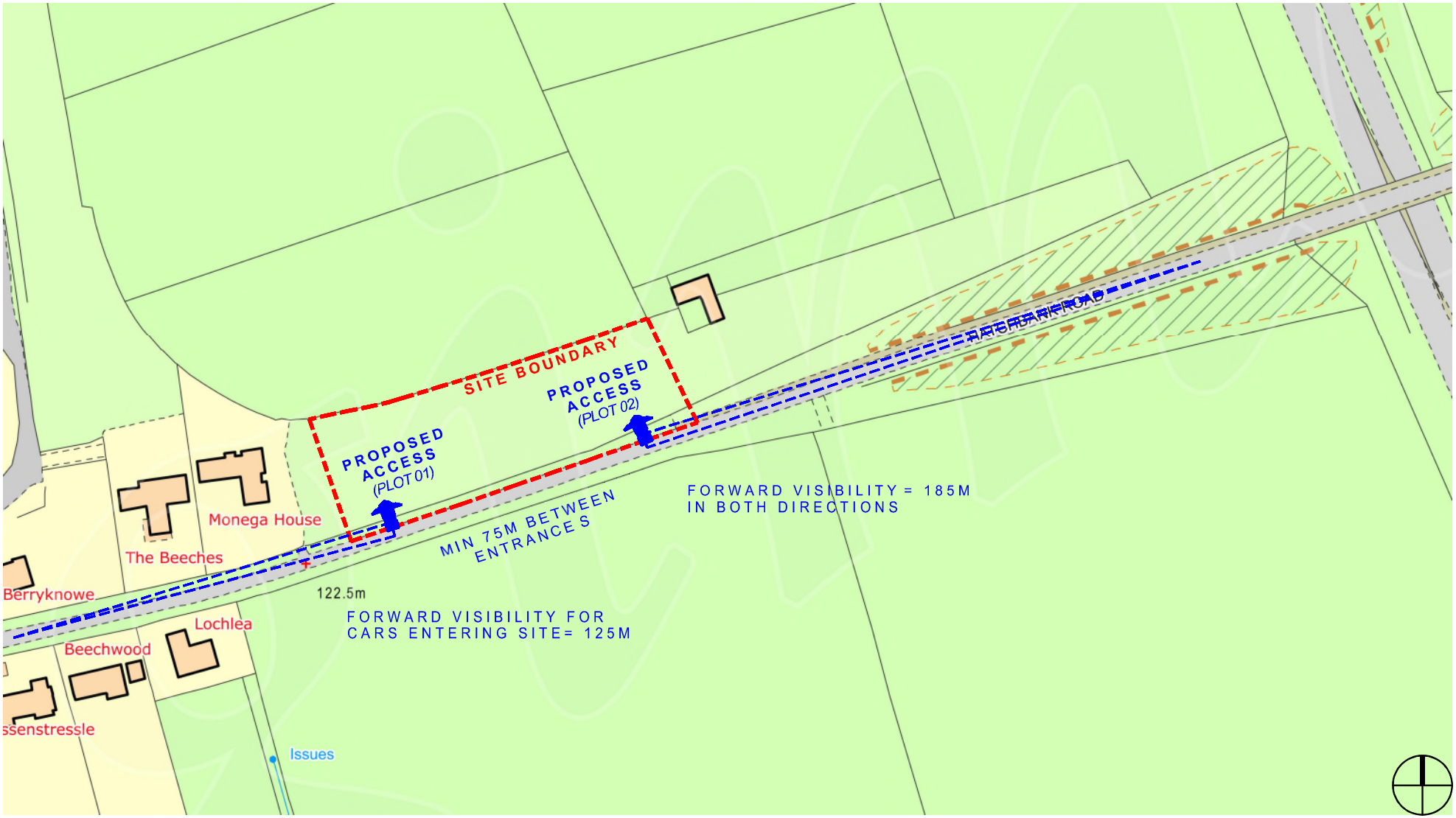


LOCATION PLAN
SCALE 1:1250

SITE AREA
= 3 905 M²

0M 5M 10M 20M 30M 40M 50M 75M 100M 125M 150M

317

PLANNING

Rev.	Date.	Description.	Initial.
B	2016.01.29	ACCESS ARRANGEMENTS REVISED	SR
A	2015.12.14	SITE BOUNDARY REVISED	SR

Job Title. PROPOSED RESIDENTIAL DEVELOPMENT, HATCHBANK ROAD, KINROSS, KY13 0LF	**Dwg No.** 930.1250.02	**Rev.** B
Drawing Title. VISIBILITY	**Date.** NOVEMBER 2015	**Drawn.** SR
	Scale. 1:1250 @ A3	

Peter Inglis architects
Peter Inglis Architects
Prospect III Unit 21
Carnie Crescent
Dundee
DD2 1SW
Telephone 01382 582087

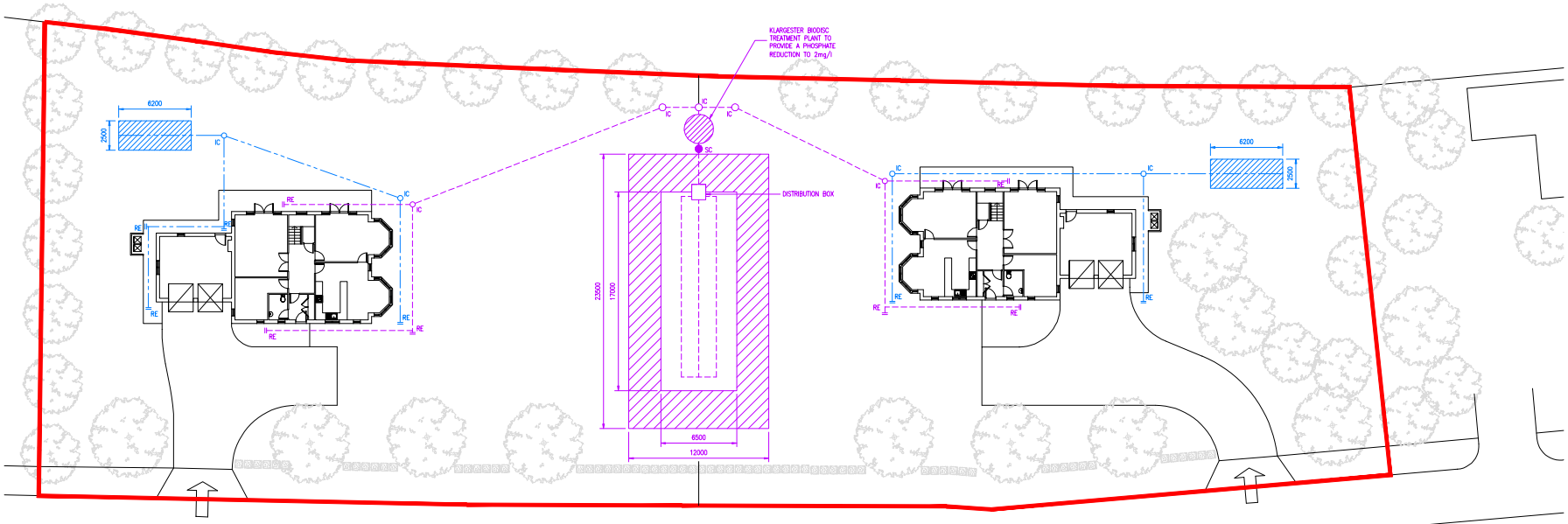
TCP/11/16(407)
Planning Application – 16/00309/FLL – Erection of 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 311-312)*

REPORT OF HANDLING *(included in applicant's submission, see pages 297-309)*

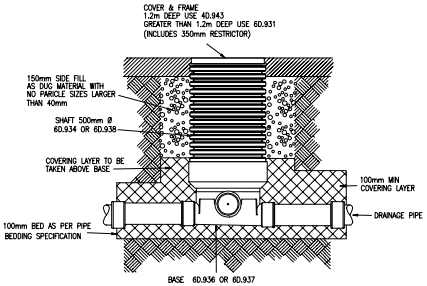
REFERENCE DOCUMENT *(par included in applicant's submission, see pages 275-296 and 313-317)*

REV.	DATE	BY	DESCRIPTION	APD.
A	22.02.16	EDS	LAYOUT AMENDED.	KDS

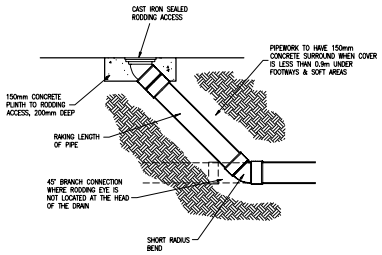


PROPOSED DRAINAGE LAYOUT
1:200

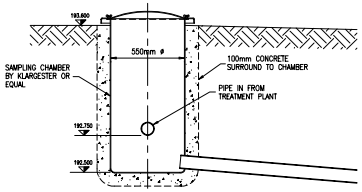
321



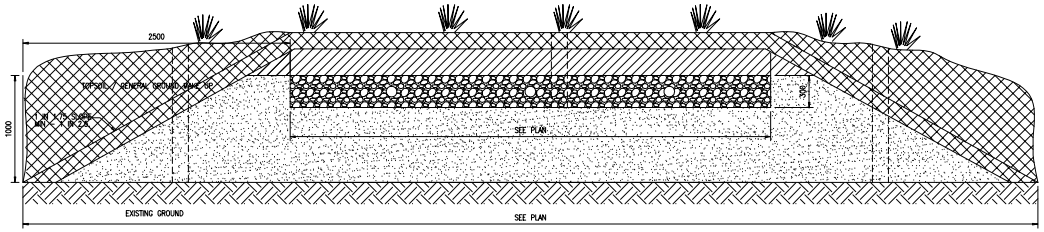
OSMA NON-ENTRY INSPECTION CHAMBER FOR USE UP TO 3m DEEP
1:20



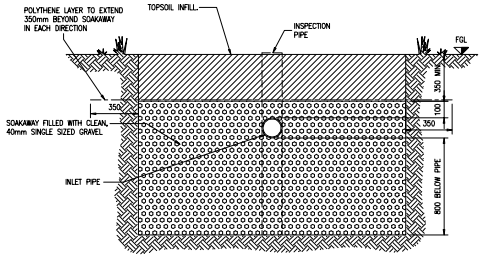
TYPICAL (MEDIUM DUTY) RODDING EYE DETAIL
1:20



SAMPLING CHAMBER
1:20



SECTION THROUGH FRONT OF MOUND SOAKAWAY
1:25



STORM WATER SOAKAWAY SECTION
1:20

DRAINAGE NOTES

1. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECT'S & ENGINEERS DRAWINGS AND THE SPECIFICATION. ANY DISCREPANCIES OR INCONSISTANCIES MUST BE REPORTED TO THE ENGINEER.

2. ALL DRAINAGE WORK SHALL BE CARRIED OUT TO "SEWERS FOR SCOTLAND" AND THE "STANDARD SPECIFICATION FOR WATER AND SEWERAGE SCHEMES" – 3RD EDITION AND SHALL BE TO LOCAL AUTHORITY APPROVAL.
ALL WORK TO BE ADOPTED SHALL BE TO THE APPROVAL OF SCOTTISH WATER. SCOTTISH WATER SHOULD BE NOTIFIED PRIOR TO ACCESSING OR ALTERATION TO ANY PUBLIC SEWERS.

3. ALL DRAINAGE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS AND WITH PART M OF THE BUILDING STANDARDS (SCOTLAND) REGULATIONS.

4. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR.

5. IN CASE OF DISCREPANCY BETWEEN DRAWINGS OR LACK OF DIMENSIONS THE CONTRACTOR SHOULD CONSULT McGREGOR McMAHON BEFORE WORKS PROCEED.

6. NO DIMENSIONS TO BE SCALED FROM THIS DRAWING.

7. THE CONTRACTOR SHALL CONFIRM THE LINE, LEVEL AND LOCATION OF ALL EXISTING DRAINAGE PRIOR TO PROCEEDING WITH WORKS.

8. THE CONTRACTOR IS TO TEST ALL PIPEWORK PRIOR TO BACKFILLING. ALL TESTS TO BE WITNESSED AND RECORDED.

9. ALL EXISTING SERVICES TO BE LOCATED BY THE CONTRACTOR PRIOR TO CONSTRUCTION COMMENCING.

10. THE CONTRACTOR TO ALLOW FOR ALL TRAFFIC MANAGEMENT IN CONNECTION WITH ROAD & SEWER WORKS.

11. CONCRETE PROTECTION SHALL BE PROVIDED TO ALL PIPEWORK WHERE COVER IS LESS THAN 1200mm UNDER ROADS AND YARDS AND 900mm UNDER FOOTPATHS AND SOFT LANDSCAPING.

12. ALL PIPEWORK IS TO BE LAID WITH SOFFITS LEVEL UNLESS NOTED OTHERWISE.

13. ALL GULLY BRANCHES SHALL BE 150 DIAMETER UNLESS NOTED OTHERWISE.

14. ALL COVER LEVELS SHOWN ARE APPROXIMATE ONLY. THE CONTRACTOR SHOULD REFER TO THE EXTERNAL WORKS LAYOUT TO DETERMINE FINAL GROUND LEVELS.

15. FOR LEVELS AND CONSTRUCTION OF CAR-PARK REFER TO EXTERNAL WORKS LAYOUT.

HEALTH AND SAFETY

THE DESIGN HAS HIGHLIGHTED ONLY COMMON HAZARDS, WHICH HAZARDS ARE CONSIDERED TO BE WITHIN THE NORMAL EXPERIENCE OF A COMPETENT CONTRACTOR.

DRAWING STATUS: BUILDING WARRANT

McGREGOR McMAHON CONSULTING ENGINEERS
2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB
01383 734905 • mcgregor-mcmahon.com • admin@mmseng.com

PROJECT: PROPOSED NEW HOUSES AT HATCHBANK ROAD KINROSS

TITLE: PROPOSED DRAINAGE LAYOUT

SCALE	DATE	DRAWN	APPROVED	
1:200	13.11.15	EDS	KDS	A1

DRAWING No. 20102-200 REV. A

McGREGOR McMAHON
CONSULTING ENGINEERS
2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

3 New Houses, Hatchbank Road, Kinross

Mitigation Calculations

1. Population Equivalent

Dunvegan Cottage, Fruix, Kinross, KY13 0LA

Existing Population Equivalent = **5 persons** (1 No. 3 bed property)

2. Existing Phosphate Discharge

Phosphate Discharge = 10 mg/l (from existing septic tank)
Daily Discharge = 180 l/person/day

Existing Phosphate Discharge = 5 x 10 x 180

= 9000 mg/day

3. Improved Discharge

Existing property upgraded by using a Klargester Biodisc with phosphate reduction to 2mg/l.

Existing Population Equivalent = 5 persons (1 No. 3 bed property)
Phosphate Discharge = 2 mg/l (from biodisc)
Daily Discharge = 180 l/person/day

Existing Improved Phosphate Discharge:

= 5 x 2 x 180

= 1800 mg/day

4. Proposed Development Discharge:

Population Equivalent = 15 persons (3 No. 3 bed houses)
Phosphate Discharge = 2 mg/l (from biodisc)
Daily Discharge = 180 l/person/day

Proposed Development discharge = 15 x 2 x 180

= 5400 mg/day

5. Conclusion

By upgrading the existing property's discharge of the effluent by use of a Klargester Biodisc the reduction in phosphate discharge is:

Phosphate reduction = 9000mg/day – 1800mg/day

= 7200 mg/day

Proposed new development phosphate discharge = **5400 mg/day**

Phosphate Mitigation available = $\frac{7200}{5400} \times 100\%$

= 133%

This is in the excess of the requirement of 125% and so is compliant with the Loch Leven catchment policy.

Euan Simpson

McGregor McMahon (Scotland)

TCP/11/16(407)
Planning Application – 16/00309/FLL – Erection of 2 dwellinghouses on land 70 metres east of Monega House, Hatchbank, KY13 0LF

REPRESENTATIONS

Hatchbank Stables
Hatchbank Road,
Kinross
Kinross-shire
KY13 9JY

Date: 24/02/2016

Dear Sirs,

I am the proprietor of the stables adjacent to this planning application site. As you are aware the stables are for personal use (my horses). I am fully content that the use/operation of the stables will not give rise to amenity issues for future residents in the event that the proposed houses are built, nor will the presence of the houses impact on me or my horses. In my opinion, I can see no legitimate reason why this development would not be acceptable.

Yours Faithfully

[redacted]

Lee Scammacca

Our ref: PCS/145545
Your ref: 16/00309/FLL

If telephoning ask for:
Alasdair Milne

8 March 2016

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

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

Dear Sir

Town and Country Planning (Scotland) Acts
Planning application: 16/00309/FLL
Erection of 2no dwellinghouses
Land 70 Metres east of Monega House, Hatchbank

Thank you for your consultation letter of 4 March 2016.

We **object** to this planning application on the grounds of a lack of information relating to the foul drainage arrangements, specifically with regard to phosphorus mitigation. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

Advice for the planning authority

1. Foul Drainage

1.1 The application details that waste water from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, phosphorus mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross Local Development Plan 2014 and the Loch Leven Supplementary Guidance (125% phosphorus removal).

1.2 The drainage proposals and design drawings are for two properties, however the mitigation calculations are for three, as per the recent planning application 15/02071/FLL. Whilst we support the use of a single system for both properties, the calculations should be updated to reflect the updated design. We will then be in a position to review the phosphorus mitigation calculations. We would highlight to the applicant that the drainage calculations should be submitted using “Flows and Loads 4” (150 litres per person per day instead of 180 litres).

1.3 The drainage discharge from both the application site and mitigating property will require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) and contact should be made with regards the Fife Operations Team regarding this issue, contact details provided in section 2 below.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 Details of regulatory requirements and good practice advice for the applicant 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 operations team in your local SEPA office at:

SEPA, Pentland Court, The Saltire Centre, Glenrothes, Fife, KY6 2DA, tel 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at planning.se@sepa.org.uk

Yours faithfully

Alasdair Milne
Senior Planning Officer
Planning Service

ECopy to: peteringlisarchitect@gmail.com

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 the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning 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 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. 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 in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00309/FLL	**Comments provided by**	Euan McLaughlin
Service/Section	Strategy & Policy	**Contact Details**	**Development Negotiations Officer:** Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of 2no dwellinghouses		
Address of site	Land 70 Metres East Of Monega House Hatchbank for Mr John Reid		
Comments on the proposal	**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.** THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE. **Primary Education** 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Kinross Primary School.		
Recommended planning condition(s)	**Summary of Requirements** Education: £12,790 (2 x £6,295) **Total: £12,790** **Phasing** It is advised that the preferred method of payment would be upfront of release of planning permission. Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement. If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days after		

	occupation. Payment for each open market unit will be **£6,395** (£12,790/ 2 = £6,395).
Recommended informative(s) for applicant	**Payment** **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.** **Methods of Payment** On no account should cash be remitted. **Scheduled within a legal agreement** 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. **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. **Other methods of payment** 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. **Remittance by Cheque** The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued. Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD **Bank Transfers** All Bank Transfers should use the following account details;

	Sort Code: 834700 **Account Number:** 11571138 Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136 Direct Debit 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: 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. 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. **Indexation** All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index. **Accounting Procedures** 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.
Date comments returned	10 March 2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00309/FLL	**Comments provided by**	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	**Contact Details**	75329 amaric@pkc.gov.uk
Description of Proposal	Erection of 2no dwellinghouses		
Address of site	Land 70 Metres East Of Monega House Hatchbank		
Comments on the proposal	**Insofar as the roads matters are concerned I do not object to this proposal, as long as the undernoted condition is attached in the interests of pedestrian and traffic safety.**		
Recommended planning condition(s)	Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	18 March 2016		

M e m o r a n d u m

To	Development Quality Manager	From	Regulatory Services Manager
Your ref 16/00309/FLL		Our ref	LRE
Date 24 March 2016		Tel No	01738 476462

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

Consultation on an Application for Planning Permission
PK16/00309/FLL RE: Erection of 2no dwellinghouses land 70 metres East of Monega House Hatchbank for Mr John Reid

I refer to your letter dated 7 March 2016 in connection with the above application and have the following comments to make.

Environmental Health (assessment date –24/03/16)

Recommendation
I have no objections in relation to the application but have the following comments to make.

Comments
Previous application 15/02071/FLL was with drawn by the applicant for the erection of 3 dwelling houses at the same site, this Service could not support this application due to loss of amneity arising from a neighbouring stable.

This application is for the erection of two dwelling houses at the same application site as the previouly withdrawn application.

The applicant has submitted with this applcation a letter in support, from the stable owner, of the dwelling houses being built adjacant to the stables and do not perceive the loss of amenity at the proposed dwellings due to noise or odour from their stables.

The applicant has also submitted an email dated 7 March 2016 from TMS Planning and Development Services Ltd, arguing that the code of good practice “Prevention of Environmental Pollution from Agricultural Activity” is not applicable in this instance as it is a stables for domestic use only. I would argue that even although it is a stables wither it is for commercial or personal use, there still is the potential for loss of amenity to proposed dwellinghouses in close proximity to stables due to the potential of noise or odour nuisance.

There is therefore still the potential for the proposed properties to be affected by odour from the daily workings of the stable. The stable owners would be the responsible party if this Service investigated and confirmed a complaint of statutory nuisance of odour from any future residents of the proposed properties.

LRE