

**TCP/11/16(551) – 18/00674/IPL – Residential development
(in principle) on land 150 metres west of Lochran Moss,
Blairadam**

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**TCP/11/16(551) – 18/00674/IPL – Residential development
(in principle) on land 150 metres west of Lochran Moss,
Blairadam**

**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 100132226-001

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:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Land 150m west of Lochran Moss"/>	
Northing	<input type="text"/>
Easting	<input type="text"/>

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)

Residential development (in principle)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to accompanying letter including statement.

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)

Letter including statement of reasons for seeking a review.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00674/IPL

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

24/04/2018

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

23/05/2018

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Alison Arthur

Declaration Date: 20/08/2018



Arthur Stone Planning
& Architectural Design



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Newburgh. KY14 6DA

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info@arthurstoneplanning.co.uk

17th August 2018

Perth and Kinross Council
Local Review Body
2 High Street
Perth PH1 5PH

Dear Sir/Madam,

Refusal of planning application 18/00674/IPL

I am writing to advise that we have lodged a notice of review for determination by the Local Review Body. This letter provides a statement including reasons for wanting a review on behalf of our client.

Our client, Mr Adrian Wheelwright submitted an application for residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam, to the west of the M90. The application (18/00674/IPL) was refused by Perth and Kinross Council, under delegated powers, on 23rd May 2018.

Planning Proposal

Mr Wheelwright's proposal is an application, in principle, for the erection of three dwelling houses on land within his larger ownership at Sunnyside Farm, west of Blairadam and to the west of the M90. The site is formed from part of a larger field and is bounded to the north and west by the Sunnyside farm road, in the ownership of the applicant. The length of road to the north of the site was formerly the B9097 leading from the A90 old Edinburgh road.

Mr Wheelwright is seeking to diversify and support his agricultural business at Sunnyside, securing a future for his Longley Whitebred Shorthorn herd of cattle, a breed which has recently been classified as endangered and which he has spent much of his career promoting, including its export into Europe.

Reasons for refusal

The application was refused for the following reasons:

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it is located in an open field and the three plots would not be contained. As a consequence the development would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience in this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 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.

Justification

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

Response to Reasons for Refusal

Our client believes that, with respect, these reasons are not justifiable in refusing his proposal. We make the following points, below, in support of Mr Wheelwright's request for review and approval of this planning application.

Reasons for refusal 1 and 2

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

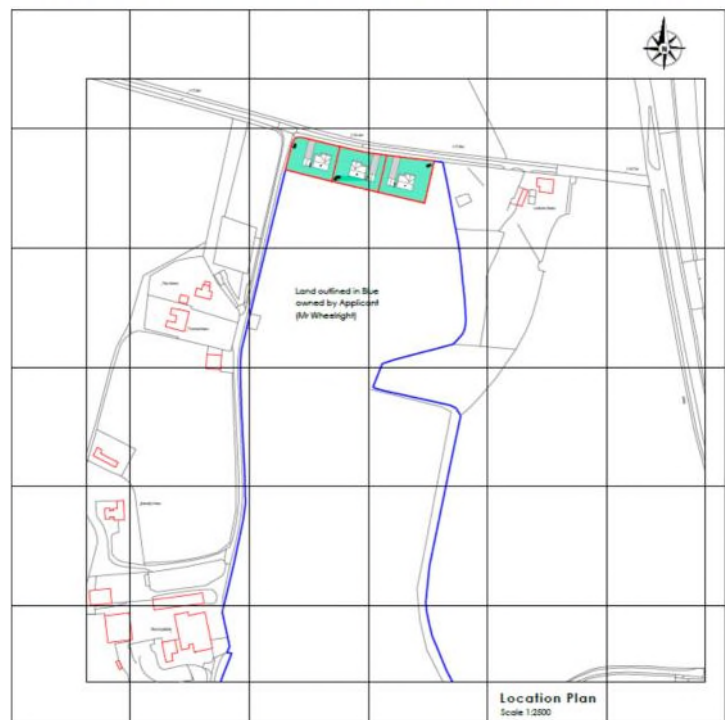
Although the site may not be an immediately obvious extension of an existing group (one of the categories of policy guidance which are acceptable), its further consideration can provide the requirements to comply with the policy.

The development site will be associated with a range of residential and non-residential existing development in the immediate vicinity (as shown on the aerial photograph below and extract from location plan), helping to give a cohesiveness to this current grouping comprising:

- The two houses, agricultural building and riding arena immediately to the south west
- The agricultural buildings and house at Sunnyside Farm to the south west
- The house to the east at Lochran Moss
- The recently developed house directly adjacent to the east of the site (planning application 14/01590/FLL).



Grouping of buildings around proposed site



The site can be defined by the existing topography and well-established landscape features, supplemented by considerable opportunity to enhance this setting with new planting, providing a suitable setting for rural housing. The proposed houses would not be viewed as isolated and would give a cohesiveness to the existing grouping of buildings in the area. It is not uncommon for a development site to have an undefined boundary, where it is formed from a larger area, and provides an opportunity enhance the setting of proposed development.

We advocate that this proposal, although formed from a linear plot, does not constitute in any way a contribution to ribbon development. The proposal is not extending an existing linear arrangement of houses and provides no opportunity for further extension of a 'ribbon'. The proposal is utilising a definable area of existing land and can be considered more as an 'infill' of land within an existing group, between the existing houses at Lochran Moss and the new houses and equestrian uses to the south west.

In summary, we contend that the proposal, in terms of the nature of the built development in the surrounding area, is sufficiently well related to the existing built development to meet with policy RD3 and the Housing in the Countryside Supplementary Guidance 2014.

Reason for refusal 3

- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it is located in an open field and the three plots would not be contained. As a consequence the development would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience in this area of Perth and Kinross.

The site is bounded to the west by mature and well maintained hedging which runs the full length of the access road to Sunnyside Farm. The site is bounded by a dry stone dyke and groups/single bushes and trees along its northern boundary with the Sunnyside farm road towards Lochran Moss. The opposite side of this road has a continuous mature hedge. To the east of the site is the area of woodland around Lochran Moss and the wider area is characterised by areas of woodland of varying size.

We believe that this provides good containment in landscape terms. Although the proposal occupies part of a larger field with the proposed northern boundary currently unbounded, there would be considerable opportunity to create a landscape framework on this boundary of the proposal, given the extensive site, with tree planting, hedging and use of stone dyking. Overall, there is an opportunity for landscape enhancement in the area, restoring the former more extensive woodland cover in the area, creating links, filling gaps and enhancing the visual impact and biodiversity of this agricultural landscape. (Please refer to photo below).

The location of the site means that it is largely being viewed from a considerable distance where the overall impression of this wider area is of an agricultural landscape punctuated with areas of woodland and small building groups. The proposal would be viewed as an integral part of this pattern in the landscape. The views of the wider Loch Leven Basin area are dominated by the contrast between the upland areas rising from the Loch Leven and surrounding lower land. The site (and the wider area to the west of the M90) is not within the area designated for its special landscape qualities, lying outwith the Loch Leven Special Landscape Area which includes the Loch and land to the east side of the M90 and has therefore not been recognised as ‘*highly valued at a local level*’. (Perth and Kinross Landscape Supplementary Guidance 2015)

We believe that the proposal will have no significant impact on the distinctiveness of the local area and brings an opportunity to enhance the diversity and quality of the landscape experience and meet with the terms of Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes.



Landscape framework for proposed development site

Reasons for refusal 4 and 5

- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 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.

The proposal provides an opportunity to create a sense of identity for this grouping of buildings which has come about through the reuse of brownfield sites. The Report of Handling's assessment of the proposal states that the proposal is contrary to policy PM1A as *'the proposed siting of the development does not respect the character and amenity of Kinross-shire as it is unable to provide a suitable degree of enclosure for new houses in the countryside'*. In response, we believe that, as stated above, there is ample opportunity to create suitable enclosure for the new houses and provide wider benefits to the local area, thereby respecting the character and amenity of Kinross-shire. Should planning permission in principle be granted an appropriate condition would ensure that a comprehensive landscape scheme be prepared and submitted for the Council's further consideration.

Furthermore, contrary to the assessment that the proposal *'fails to create a sense of identity and erodes the character of the countryside'* we contend that the proposal provides an opportunity to contribute to a more cohesive and identifiable group of buildings in this location. Should this proposal be granted there is opportunity at the application stage to approve detailed matters to ensure that 'Placemaking' is recognised in the design, materials, layout and landscaping of the proposal. We would highlight that, although an indicative layout has been submitted with the application for planning permission in principle, the applicant understands that this layout would not be approved as part of any grant of the application. This layout demonstrates the capacity of the site to accommodate three houses but other options would be explored at a detailed stage in pursuit of the aims of the Council's Placemaking Guidance.

Other issues

The Report of Handling for the application indicates that there are no issues with regard to residential amenity, roads and access, drainage and flooding. The report acknowledges that these matters would all be addressed in a further detailed matters application to comply with the relevant policies and guidance.

The applicant would be happy to accept conditions attached to any planning consent and to consider any required planning obligations.

Conclusion

In conclusion we would make the following comments on the planning application:

- The proposal is located in association with a building group in a rural location.
- The proposed site is an appropriate size in relation to the provision of sizeable rural plots for individual properties and an appropriate landscape framework.
- Three dwelling houses could be developed on the site, each provided with a plot providing sufficient garden space, privacy and without overshadowing of neighbouring properties or noise nuisance from the M90.
- Well designed dwelling houses could be provided on the site that would be sympathetic to the existing rural character of the area and its landscape.

- The development would not impact on the protected qualities of the Loch Leven Special Landscape Area.
- The development could be achieved without any adverse impact on the natural heritage of the Loch Leven SPA and Ramsar Site.
- The proposed dwelling houses would not compromise the operation of any rural business
- The existing means of vehicular access is suitable to allow for the three dwelling houses.

We believe that with due consideration this proposal meets the terms of the Perth and Kinross Local Development Plan 2014 and Supplementary Guidance.

Given the above, our client Mr Wheelwright respectfully requests the Local Review Body to approve this application for residential development.

Yours faithfully

Arthur Stone Planning & Architectural Design Ltd.

PERTH AND KINROSS COUNCIL

Mr A Wheelright
c/o Andrew Allan Architecture Ltd
Andrew Allan
Balcairn House
Viewfield Terrace
Dunfermline
KY12 7HY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 23rd May 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00674/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 24th April 2018 for permission for **Residential development (in principle) Land 150 Metres West Of Lochran Moss Blairadam** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

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

- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it is located in an open field and the three plots would not be contained. As a consequence the development would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience in this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 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.

Justification

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

Notes

The plans 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

18/00674/1

18/00674/2

18/00674/3

18/00674/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/00674/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	23.06.2018	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle)

LOCATION: Land 150 Metres West Of Lochran Moss Blairadam

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: 30 April 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This application seeks residential development (in principle) on land 150 metres west of Lochran Moss by Blairadam. Lochran Moss and the M90 are located to the east of the site. While The Grove and Cummertrees is to the south west of the application site. The site is accessed from the B9097 to the west of the site.

There is hedging and a metalled road to the west and north boundaries of the site. There is no boundary definition to the east or south boundaries of the site.

While the application is in principle the submission includes a block plan illustrating three plots. The plan shows driveways being accessed from the north of the site a dwelling and garage footprint is also detailed on the plans.

SITE HISTORY

18/00504/IPL Residential development (in principle) Application returned, 20 April 2018

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 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 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 ER6 - Managing Future Landscape - Change to Conserve and Enhance the Diversity and Quality of the Area's 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 EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

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 HE1B - Non Designated Archaeology

Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

OTHER POLICIES

Development Contributions

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

Transport Planning – No response.

Contributions Officer – No objection subject to conditional control.

Scottish Water – No objection

Perth and Kinross Area Archaeologist – No objection subject to conditional control.

REPRESENTATIONS

Kinross-shire Civic Trust – Object as the application fails to meet the housing in the countryside policy.

Cliesh and Blairadam Community Council - Object as the application fails to meet the housing in the countryside policy.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
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 2016 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.

Policy Appraisal

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 proposed plots do not relate to:-

- (a) Building Group.
- (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.

The supporting statement submitted by the agent is of the view that the proposal relates to a building group.

(a) Building Group.

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. I do not consider that the proposed site relates to any building group as areas of built development and form are distant from the site.

'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3 and Building Groups 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, I do not consider that the proposed site relates to a building group. The site is clearly separate from areas of built development in the area and clearly reads as an open field. In addition allowing three plots in this area would create ribbon development. Taking this into account the principle of housing development on the site is contrary to Policy RD3.

The siting criterion and relationship to neighbouring land uses is discussed further under the headings below.

Design and Layout

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

The proposal is contrary to Policy PM1A as the proposed siting of the development does not respect the character and amenity of Kinross-shire as it is unable to provide a suitable degree of enclosure for new houses in the countryside.

From my review of Policy PM1B, the erection of dwellings and the formation of a residential curtilage would fail to create a sense of identity and erode the landscape character of the countryside in this location 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. In this case the siting of a proposed dwellings on this site does not comply with the housing in the countryside policy accordingly formation of dwellings and their associated curtilage in this open field is considered to erode local distinctiveness, diversity and quality of the landscape. The proposal would therefore also fail to comply with Policy ER6.

Residential Amenity

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

I do not consider that residential amenity will be affected taking account of the status quo and based on the indicative drawings that have been submitted. However this would have been assessed in greater detail only if detailed plans were submitted as part of any matters specified by condition application.

Roads and Access

The proposal if made subject to conditional control would not adversely impact on road or pedestrian safety. Accordingly it would not conflict with Policy TA1B.

Drainage and Flooding

The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled conditionally.

Foul drainage arrangements will require to take account of its location within the Loch Leven Catchment. However, conditional control could be applied to ensure that appropriate drainage arrangements and phosphorus mitigation comes forward as part of any matter specified by condition application.

Cultural Heritage

The proposed site is located close to likely prehistoric archaeological remains. This includes two areas of pits identified as cropmarks (MPK 5562 and 5631), some of which appear elongated and may be comparable to burials elsewhere. Two possible enclosures are located to the NW (MPK 16932 and 10256) and the 15th Century Dowhill Castle (MPK 5623) is located to the SWW of the proposed site. Due to the rich historic environment of the surrounding area and the fact that the site appears to be undeveloped through historic times (no construction noted on 1st and 2nd edition maps) a programme of archaeological works is recommended by PKHT. Conditional control could secure this programme of archaeological works to comply with Policy HE1B.

Developer Contributions

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 Cleish Primary School. Conditional control is required to assess the capacity constraint once a detailed application comes forward, if approved.

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 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations identified in the agent's Supporting Statement and find none that would justify overriding the adopted Development Plan or Supplementary Planning Guidance. On that basis the application is recommended for refusal.

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 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it is located in an open field and the three plots would not be contained. As a consequence the development would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience in this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 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.

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

18/00674/1

18/00674/2

18/00674/3

18/00674/4

Date of Report 23.05.2018



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 100085638-002

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

Type of Application

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

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

Description of Proposal

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

Proposed construction of 3 new dwellinghouses

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Andrew Allan Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Balcain House
Last Name: *	Allan	Building Number:	
Telephone Number: *	01383730500	Address 1 (Street): *	Viewfield Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY12 7HY
Email Address: *	info@andrewallanarchitecture.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	A	Building Number:	
Last Name: *	Wheelright	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
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

Northing

697551

Easting

312683

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

3767.00

Please state the measurement type used:

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

Existing Use

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

Agricultural, for grazing

Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>SUDS system to be proposed in detail pending consent to planning in principle</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

Assessment of Flood Risk

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

☐ Yes ☐ No ☒ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Andrew Allan

On behalf of: Mr A Wheelright

Date: 23/04/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☒ Other.

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

Supporting statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Andrew Allan

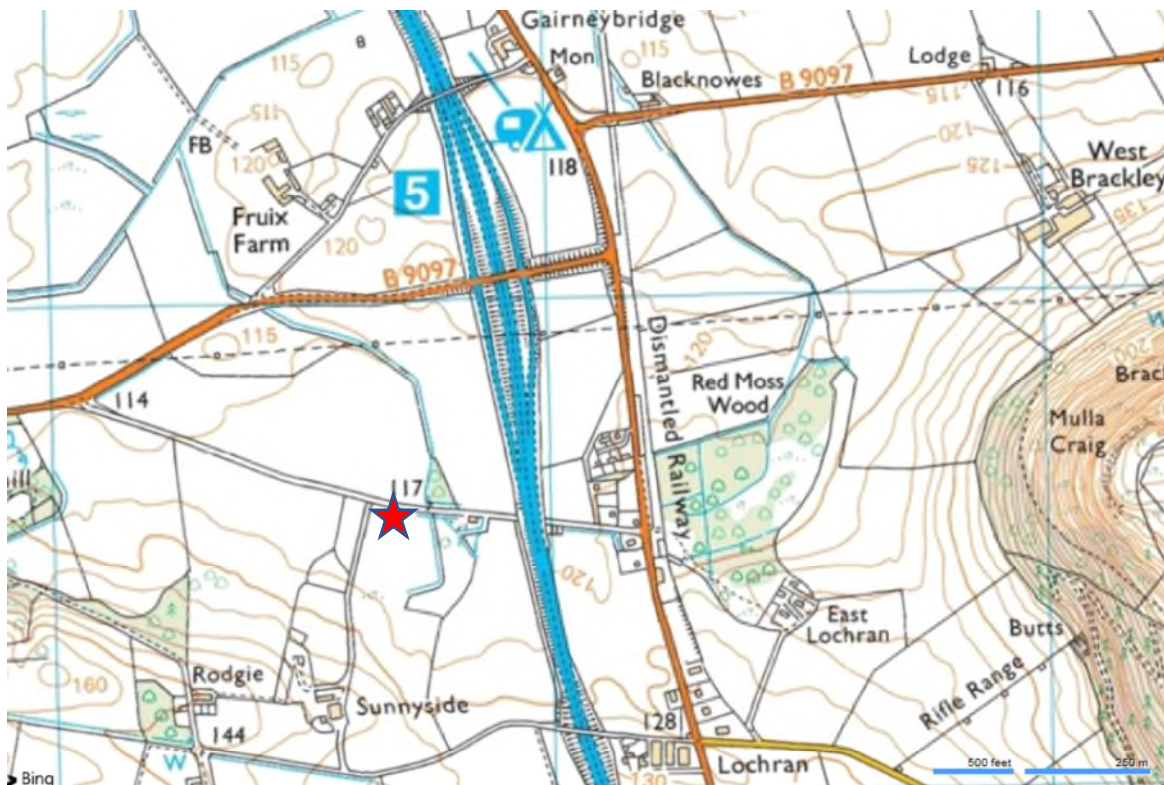
Declaration Date: 26/02/2018



PLANNING STATEMENT

Erection of three dwellinghouses

Planning Permission in Principle



Mr A Wheelwright

Sunnyside Farm, Cleish,

Kinross, KY4 0HY

Introduction

The purpose of this statement is to provide support for an application for planning permission in principle for the erection of three dwelling houses on land at Sunnyside Farm, Cleish, Kinross.

The statement will consider the following issues:

- Background
- Planning History
- Principle of Development
- Design & Visual Impact
- Drainage, Flooding and Impact on Natural Heritage
- Residential Amenity
- Transportation
- Conclusion



Proposed Site for 3 dwellinghouses at Sunnyside Farm, Cleish

Background

This application relates to an area of land, within the applicant's larger landownership, at Sunnyside Farm, Cleish. The farm lies to the south of Kinross and is approximately 200m west of the M90, south of Junction 5 (Blairadam) and accessed by a private road from the B9097.

The site is located approximately 350m to the north of the farm buildings and is currently in agricultural use as grazing. The site is located at the junction of the private road and a further private access to an existing cottage and an adjacent single house development site. It extends along the frontage of the private access for approximately 200m, to the field boundary with adjoining woodland. The site would extend approximately 30m into the existing field, currently undefined on its southern boundary but with hedging to the west/north and trees to the east. The site lies within the Loch Leven Catchment Area boundary.



Site viewed looking north from Sunnyside Farm



Site viewed looking east

Planning History

There is no known planning history directly related to this site but a number of recent planning applications in the adjacent area are relevant to the proposal.

A planning application 09/01303/FLL was approved in 2010 for the two dwellinghouses to the south west. More recent consents amended the house types on these plots and these have now been constructed. A modern agricultural building is located to the south and adjacent to these houses. Another application 09/01147/IPL was sustained at appeal by the Local Review Body for a single dwellinghouse immediately east of the site. A detailed application 14/01590/FLL was subsequently approved given that the principle of the development was established and this house is now under construction.

Principle of Development



The Development Plan for the area comprises:

- TAYplan Strategic Development Plan 2012-2032
- 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 can 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 site is defined by the Perth and Kinross Local Development Plan (2014) as Countryside.

The most relevant part of the current Perth and Kinross Housing in the Countryside

Policy RD3 (Perth and Kinross Local Development Plan, 2014) and the associated Supplementary Guidance (2012), most specifically **Part A, Building Groups**.

Policy RD3: Housing in the Countryside indicates that the Council will support proposals for the erection of groups of houses in the countryside which fall into at least one of several categories. In this case the proposal is promoted as falling within category (a) Building Groups.

The extract below is from Perth and Kinross Housing in the Countryside Guide, 2012 in relation to Building Groups (defined as 3 or more buildings of a size of at least equivalent to a traditional cottage whether residential and/or business/agricultural):

‘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 direct response to the criteria of the Housing in the Countryside Guide (2012) it is considered that this proposal can be supported in terms of ‘Building Groups’ as:

- The proposed three dwelling houses will be associated with the existing development in the immediate vicinity, helping to give a cohesiveness to this current grouping comprising:
 - the two houses to the south west
 - the agricultural building to the south west
 - the house to the east
 - the development site for one house directly adjacent (under construction).



Grouping of housing around Sunnyside Farm

- The proposed development site will have the potential to bring an overall enhanced landscape framework for the existing new development in the area, adding to the existing well-established landscape features (annotated on the photograph, below).

In terms of the Local Development Plan Policy PM1B *Placemaking* it is considered that development of this site for three dwelling houses could be achieved in a manner which would meet with the placemaking criteria, ensuring the quality of the built and natural environment and respecting character and amenity of place. This proposal is an opportunity to provide countryside housing with substantial plot sizes allowing enhanced options for rural living whilst safeguarding the character of the countryside.



Landscape framework for proposed development site

Design & Visual Impact

The applicant is seeking consent for planning permission in principle in this case. As such, the detailed design of the proposal is not generally a consideration. However, it is proposed that in this case the dwelling houses will be of high quality design and materials, of a scale and proportions akin to the rural buildings in the surrounding local area, complementing the traditional character of the area. Their provision with large plots will enable further uses associated with rural living.

The proposed site lies against the backdrop of the gently rising slope extending towards Sunnyside Farm to the south and further backed by the uplands leading into the Cleish Hills to the south and Benarty Hill and surrounding upland area to the east. The nature of the site and the relatively flat surrounding area with interspersed tree groups and field trees reduces the site's prominence from many viewpoints in the surrounding area. The proposed site is of sufficient size to allow for extensive landscaping to provide an enhanced setting for the development and for the adjacent recent development.

Drainage, Flooding and Impact on Natural Heritage

Loch Leven, to the north of the site, is a designated Special Protection Area and Ramsar site with significant conservation value. The application site is located on the southern edge of the Loch Leven Catchment Area where Local Development Plan Policy EP7 *Drainage within the Loch Leven Catchment Area* aims to ensure that phosphate reduction measures are in

place for any new development in the interests of maintaining the conservation value and interest of the Loch

There is no mains drainage available to serve this site and a private system is proposed. A detailed drainage strategy has not been prepared at this stage, as the Loch Leven SPA and Ramsar site '*Advice to planning applicants in relation to phosphorus and foul drainage in the catchment*' does not require this for planning application in principle.

However, the applicant is aware of the need to put in place phosphorus mitigation measures and we believe that an appropriate drainage strategy for surface water and foul drainage is achievable, without placing any additional phosphorus load on Loch Leven.

In terms of Local Development Plan Policy NE1 *Environment and Conservation Policies* it is considered that the proposal, due to its location and small scale nature is unlikely to have any adverse impact on the integrity of Loch Leven as a Special Protection Area and Ramsar site.

The site is bounded on its eastern side by a small watercourse and whilst not anticipating that this presents any flooding risk the applicant is happy to provide further information to assess this risk, should this be required by the Council.

Residential Amenity

As the applicant is seeking consent for planning permission in principle the residential amenity impact of the proposal on the surrounding area and the amenity for future occupants cannot be fully resolved at this stage. However, it is considered that the three dwelling houses would be provided with sizeable plots which would enable amenity standards to be achieved, including adequate private garden ground, maintenance of privacy and prevention of any overshadowing.

In terms of Local Development Plan Policy EP8 *Noise Pollution* it is acknowledged that the M90 is within 200m of the site and there is the potential for noise nuisance from road traffic for future residents. However, we believe that the distance is sufficient, along with the trees located between the site and motorway and the prevailing wind from the south west, to mitigate noise from road vehicles. However, should it be required at a future stage, a noise impact assessment would be commissioned and we believe that any additional mitigation required could be readily achieved to ensure an acceptable level of amenity for the residents. Measures could include acoustically insulating glass in double glazing, acoustic trickle ventilators and external measures with boundary treatments, including fencing and hedge planting.

Transportation & Road Safety

Local Development Plan Policy TA1B: *New Development Proposals* includes several considerations including that proposals should be appropriately designed for safety and convenience and include appropriate levels of parking provision.

The application site is proposed to be accessed by the existing vehicular access track running alongside the north of the site, which serves the cottage to the east and adjacent development site. The access road straight and provides good visibility for vehicles entering or leaving the site in both directions.

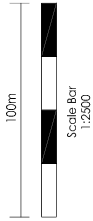
The site is considered to be an adequate size capable of supporting sufficient parking and turning for the proposed three new dwelling houses.

Conclusion

In conclusion, we would raise the following points:

- The proposal is located in association with a building group in a rural location.
- The proposed site is an appropriate size in relation to the provision of sizeable rural plots for individual properties and an appropriate landscape framework.
- Three dwelling houses could be developed on the site, each provided with a plot providing sufficient garden space, privacy and without overshadowing of neighbouring properties or noise nuisance from the M90.
- Traditionally designed dwelling houses could be provided on the site that would be sympathetic to the existing rural character of the area and its landscape
- The development could be achieved without any adverse impact on the integrity of the Loch Leven SPA and Ramsar Site
- The proposed dwelling houses would not compromise the operation of any rural business
- The existing means of vehicular access is suitable to allow for the three dwelling houses.
- The applicant would be happy to accept conditions attached to any planning consent and to consider any necessary planning obligations.

We trust that this statement clarifies any issues raised as part of the determination of this application. We would ask that the Case Officer discuss the proposed recommendation with ourselves prior to any decision being made on the proposal.



Location Plan
Scale 1:2500

**andrew allan
architecture**

Project

Planning in principle for erection of 3
dwellinghouses

Rev.		Sheet 1
Address Mr A Wheelright Sunnyside Farm Cleish, Kinross KY4 0HY		
Date February 2018	Project No. 17/0088	

This drawing has been prepared to obtain statutory Local Authority Consent. All sites to be confirmed on site prior to commencing work.
w: www.andrewallanarchitecture.com; e: andrew@andrewallanarchitecture.com; t: 01383 730500



**andrew allan
architecture**

Project

Planning in principle for erection of 3
dwellingshouses

Address

Mr A Wheelright
Sunnyside Farm
Cleish, Kinross
KY4 0HY

Rev.

Sheet

2

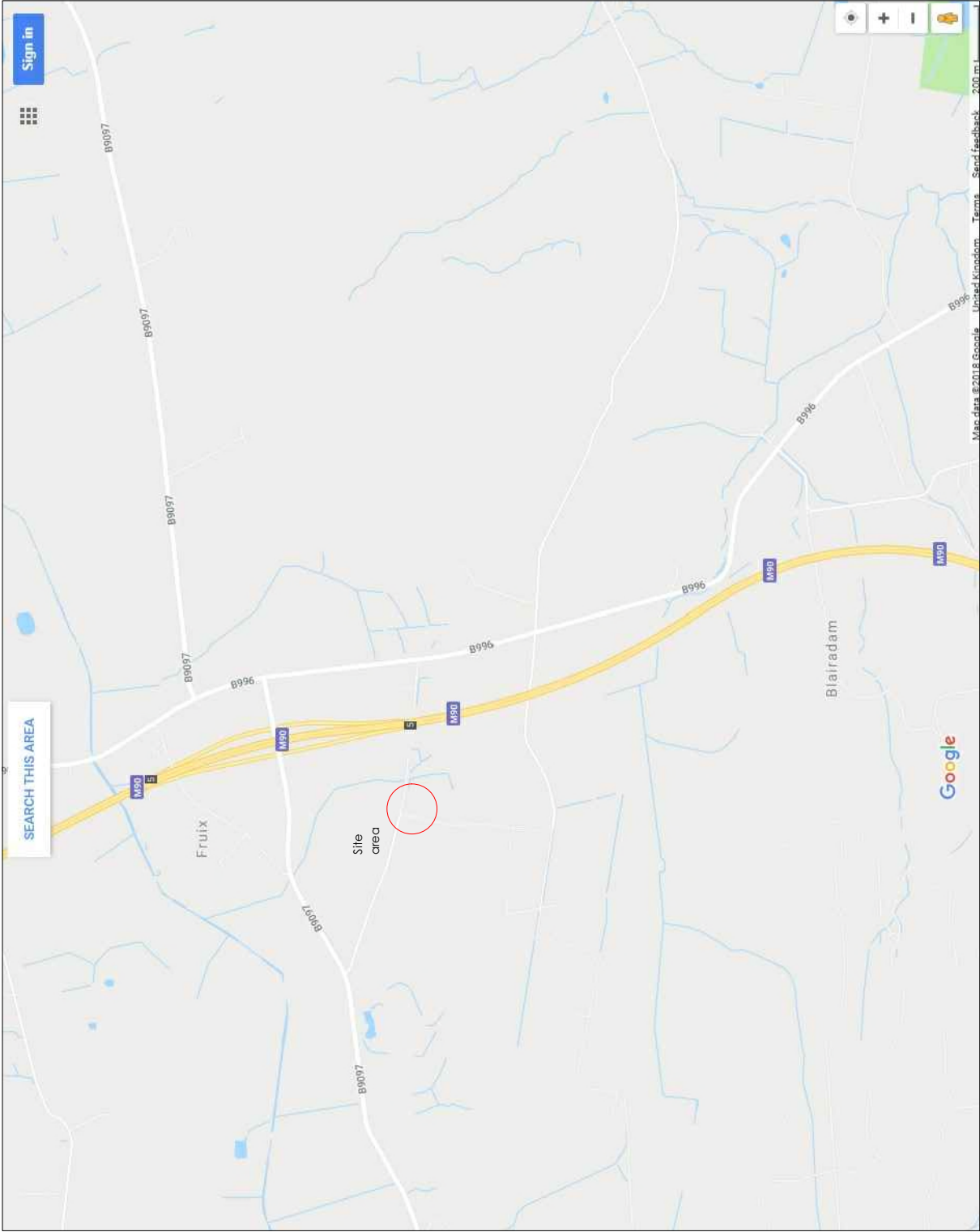
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Area Plan
See bottom of
image for scale bar

andrew allan architecture

Project

Planning in principle for erection of 3
dwellinghouses

Address

Mr A Wheelight
Sunnyside Farm
Cleish, Kinross
KY4 0HY

Date

February 2018

Project No.

17/0088

Rev.

Sheet

3

**TCP/11/16(551) – 18/00674/IPL – Residential development
(in principle) on land 150 metres west of Lochran Moss,
Blairadam**

PLANNING DECISION NOTICE *(included in
applicant's submission, see pages 325-326)*

REPORT OF HANDLING *(included in applicant's
submission, see pages 327-336)*

REFERENCE DOCUMENTS *(included in applicant's
submission, see pages 345-357)*

**TCP/11/16(551) – 18/00674/IPL – Residential development
(in principle) on land 150 metres west of Lochran Moss,
Blairadam**

REPRESENTATIONS

30th April 2018

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



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

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

Dear Local Planner

KY4 Blairadam Lochran Moss Land 150 Metres West Of
PLANNING APPLICATION NUMBER: 18/00674/IPL
OUR REFERENCE: 760350
PROPOSAL: Residential development (in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

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

Foul

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

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

Surface Water

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

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

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- **Non Domestic/Commercial Property:**

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

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Holly Henderson
Development Operations Modern Apprentice

[Redacted signature]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00674/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Land 150 Metres West Of Lochran Moss, Blairadam		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Cleish Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	04 May 2018		



To:	John Russell, Planning Officer
From:	Sophie Nicol, Historic Environment Officer
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	10 th May 2018

18/00674/IPL | Residential development (in principle) | Land 150 Metres West Of Lochran Moss Blairadam

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to be archaeologically sensitive.

The proposed site is located close to likely prehistoric archaeological remains. This includes two areas of pits identified as cropmarks (MPK 5562 and 5631), some of which appear elongated and may be comparable to burials elsewhere. Two possible enclosures are located to the NW (MPK 16932 and 10256) and the 15th Century Dowhill Castle (MPK 5623) is located to the SWW of the proposed site. Due to the rich historic environment of the surrounding area and the fact that the site appears to be undeveloped through historic times (no construction noted on 1st and 2nd edition maps) a programme of archaeological works is recommended.

It is recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

Recommendation:

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

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

Notes:

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

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

e-mail [REDACTED]

12th May 2018.

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

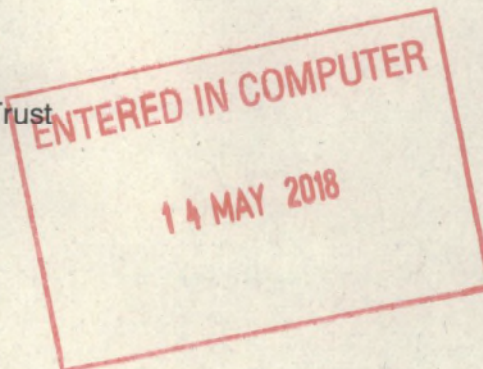
Dear Sirs

18/00674/IPL Residential development (In principle) at Land 150 Metres West Of Lochran Moss, Blairadam, ,

Kinross-shire Civic Trust would wish to object to this application as it does not comply with any of the policies of the Housing in the Countryside of the current Local Development plan, nor is it within a defined Settlement Boundary


Yours faithfully

For and on behalf of Kinross-shire Civic Trust
Cc PKC Local Members



Cleish and Blairadam Community Council

Secretary




Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

15 May 2018

Dear Sirs,
**Planning Application 18/00674/IPL Residential Development, 150m West of Lochran
Moss, Blairadam**

Cleish and Blairadam Community Council objects to this application on the grounds that the proposal does not comply with the Houses in the Countryside policy.

Yours faithfully



Secretary,
Cleish & Blairadam Community Council

