

LRB-2021-15

Planning Application – 20/01974/FLL – Erection of 2 dwellinghouses, land 80 metres south of Bowerswell, Waterloo, Bankfoot

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LRB-2021-15

**Planning Application – 20/01974/FLL – Erection of 2
dwellinghouses, land 80 metres south of Bowerswell,
Waterloo, Bankfoot**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MR AND MRS BAILLIE

Address 

Postcode 

Contact Telephone 1

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E-mail*

Agent (if any)

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Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

Site address

LAND 80m SOUTH OF BOWDENHALL
LATOCLO, BARKFOT

Description of proposed
development

ERECTOR OF 2 DWELLING HOUSES

Date of application 05/01/21

Date of decision (if any) 02/03/21

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

A SITE VISIT. REVIEW OF POLICY AGAINST NOTICE

Site inspection

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

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

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

NA

Statement

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

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

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

SEE ATTACHED REPORT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

NOTICE FOR REQUEST OF REVIEW
DESIGN STATEMENT

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

Checklist

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

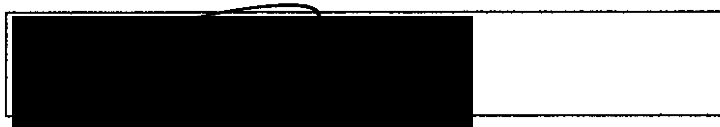
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed



Date

19/06/21

Notice of request for review -

Application Reference: **20/01974/FLL**

application registered on 5th January 2021 for Planning Permission for **Erection of 2 dwellinghouses Land 80 Metres South Of Bowerswell Waterloo Bankfoot .**

Client details –

Mr & Mrs Baillie

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Agent details –

Mr Paul O'Shea

Treetops Studio

Trochry

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oshearchitecture@hotmail.co.uk

OSA has been formally appointed by the applicant (Mr & Mrs Baillie) to request a review of the above mentioned application. The request is in response to the formal decision to refuse planning for the proposal of 2 new dwellings. This application was submitted in direct response and aimed to address the issues raised under the previous submissions for a successful outcome.

Reason given for refusal –**Reasons for Refusal**

- 1** *By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group but is considered to be an extension to an existing group and / or an infill site. As the site has a very open landscape framework which is not capable of absorbing the development proposed and would not respect the existing building pattern/size/shapes of neighbouring plots, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Council's Local Development Plan 2 (2019). These policies both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill), takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.*

This is subjective view, the site is without dispute considered to be an infill site and meets the criteria set out within the policy. Category 2 of the councils *Housing in the Countryside Guide 2020 and Policy 19* states –

Category 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: Examples of infill sites Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported.

In addition, the guidance states -

- *The plot or plots created are comparable in size to the neighbouring plots and have a similar size of road frontage.*

With such a variety of varying plot sizes around the proposal site, the proportion of these sites is in keeping with neighbouring properties. The plot boundaries do not extend beyond the existing rear and front boundary positions. The road frontage of each plot is almost exactly the same in length as the property adjoining the site to the south east (45m) and the detached dwelling to the north west at 43m. The site is set within well defined and long established boundaries to all elevations.

- *The proportion of each plot occupied by the infill house or houses is no greater than that of the neighbouring plots.*

The built form proposed within the individual sites is actually less than both neighbouring properties but within similar proportions of the properties in the area.

- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the infill house or houses, and the amenity of any existing neighbouring house is maintained.*

The proposed dwellings are set back and orientated to cause no loss of amenity to the neighbouring properties. Services to the properties (drainage, and electricity) are already within the site and therefore would not cause any disruption. Access is already formed albeit in need of slight modification for roads compliance.

- *The size and design of the infill house or houses is sympathetic to the neighbouring buildings.*

Waterloo has a variety of house styles, sizes and material finish. Some of the properties within the locality are considerably larger than what has been proposed with this application and therefore it could not be argued that the proposal is not within keeping.

- *The full extent of the gap is included within the infill plot or plots – for the avoidance of doubt, the retention of a field access within the infill plot or plots will not be permitted.*

The entire extent of the infill site has been included within the application site, this was one of the key issues addressed in the revised design as the previous application proposed some of the land being retained and was a concern to the planning officer handling the case. With a condition removing permitted development, concerns of additional development could be addressed also and would be welcomed by the applicant.

- 2** *The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have an adverse impact on the visual amenity of the area. Accordingly, the proposal is contrary to Policy 1A of the Perth and Kinross Council's Local Development Plan 2 (2019) which seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.*

Again, this is a subjective view, there are several existing properties within close proximity to this proposed development site that are set further forward onto the public road and elevated higher than what is being proposed here. Some of these properties are recent developments. Whilst this should not be a justification itself, The two new houses have been designed to be cut into the existing site, set to the back of each plot to ensure they hide their visual massing whilst respecting the existing topography. The materials proposed (slate roof, timber and stone cladding will help the houses sit respectively within their setting. The properties are not positioned on the peak of the hill to ensure that they can be viewed with the backdrop of landscape behind. No material will be required to be taken off site.

In theory, these properties will not be seen from the public road coming from either direction until viewed directly from the plot frontages as they will be shielded from view by existing properties by the road side. Even at this point, the houses are set back behind an existing knoll. It should be noted, and as pointed out in the design statement submitted (also attached), conditions attached to the any approval could include detailed landscaping and planting proposals to assist with any potential visual impact of the development. This can be achieved without any disruption to the existing landscape character and present topography.

- 3** *The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have an adverse impact on the visual amenity of the area and artificial levels are having to be created. Accordingly, the proposal is contrary to Policy 1B of the Perth and Kinross Council's Local Development Plan 2 (2019) which seeks to ensure that all proposals respect the existing site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.*

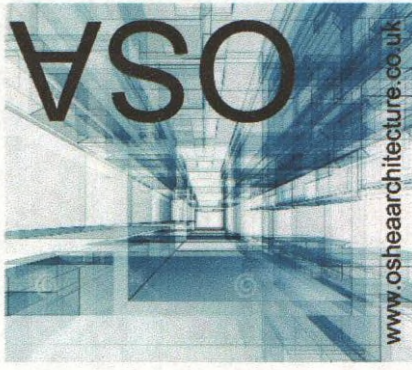
See notes above, the same principle applies to this objection.

Summary –

In conclusion, we feel that this application has not been given due consideration. We have tried to address the concern and recommendations of the previously rejected applications. The level of public objection on this application was considerably less than in previous attempts and of the few concerns raised, we feel that this development will actually help to address some of the existing concerns with the site (drainage, visual impact etc). What is being proposed here is not out of character within the local area, these sites are set within the northern side of the B867, there are two building lines with a variety of house styles at different elevations along the length of this section of road. These properties exist along a distance of 191m to the west and as much as 700m to

the south east. This proposal cannot be considered as ribbon development as it sits comparatively within a site similar to the neighbouring properties.

The type and style of properties proposed have been constructed within similar settings throughout Perthshire and have received positive response. In similar settings, the design has achieved national recognition by being shortlisted to The Scottish home awards on several occasions and the designs have been particularly complimented on their ability to enhance the local area.



DEVELOPMENT SITE – WATERLOO, BANKFOOT, PERTSHIRE

Design & Access Statement

Abstract
Supporting statement for proposed development of two new dwellings

Paul O'Shea

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Development site – Waterloo, Bankfoot, Perthshire

Site Owner: M Baillie And Sons

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1.0 Introduction

The Planning Application proposes residential development on the site. This Planning Statement illustrates the planning attributes of the site, provides the planning history of the site, analyses the relevant planning policy and refers to comparable cases. This document has been prepared to support a further revised application and has been developed with consideration to the previous refusals.

2.0 Site Description

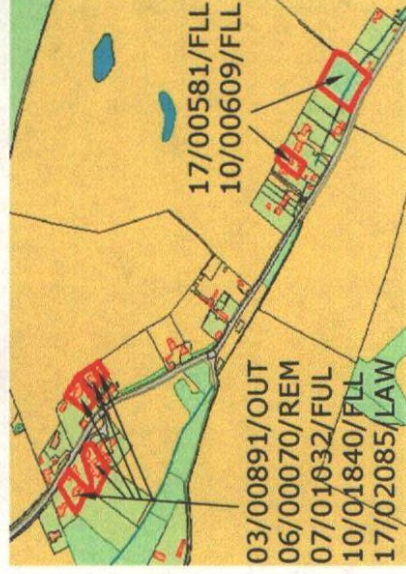
properties to the north west and residential properties to the south landscape framework. It is bounded to the northeast by a dry stone dyke, and houses, to the southwest by the B867 road and a mature native number of houses. The site rises from south west to north east, the site is laid to grass. There is an existing access to the site providing access onto/off the B867 road. The site is served with an existing sewage treatment plant with capacity and right of connection for the proposed development.

3.0 Waterloo Settlement

Waterloo is a hamlet which has grown sporadically and organically. The hamlet of Waterloo is elongated, stretches for approximately ½ a mile and straddles either side of the B867 road. It is reasonably dispersed and sporadic.

Over time, gap/infill sites within the hamlet and sites on the fringe have been developed into houses.

The map opposite demonstrates the piecemeal way in which gap/infill sites within Waterloo have been developed and clearly shows a mixture of single a double building lines throughout.





4.0 Site Attributes

The site is surrounded by a robust landscape framework, contained by houses at either end, a public road and a dry stone dyke.

The topography of the site is also ideally suited for accommodating a small residential development (2 dwellings).

There is already an access into the site, at which point the visibility splays in either direction along the public road are satisfactory.

5.0 Planning History

This site has been subject to a significant amount of development pressure over the years.

Waterloo was identified as a settlement in the draft Perth Area Local Plan 2004. The subject site lay within the settlement boundary.

Three Planning Applications have been made and determined on this site. In 2009, a detailed planning application (09/01526/FLL) was submitted proposing the erection of seven houses.

This application was refused in 2016, primarily as there were too many houses proposed (7), this proposal did not respect the character and amenity of the existing group and it would not offer a suitable level of residential amenity for future occupiers of the proposed dwellings.

The principle of residential development was considered by the original planning officer dealing with the application (Brian Duncan) to be acceptable. He however, felt that there were too many houses and type of some of the house types was not appropriate for the area.

A Planning Permission in Principle Application (17/01953/IPL) was submitted in 2017.

Whilst the application was in principle, it proposed the erection of four detached houses. This planning application was refused. This application was refused by

the delegated planning officer – who considered it was contrary to the relevant provisions of the Development Plan, (LDP and HITCG 2012) and there were no material considerations apparent which outweigh the Development Plan.

A further application in principle for 4 dwellings was submitted in September 2019 (19/01577/PL) and refused, the following reasons were given.

(1) By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and/or an infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure and c) comparable plot sizes/shapes which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Supplementary Guidance 2020 and Policy 19 of the Perth and Kinross Local Development Plan 2 (2019), which both seek to ensure that all proposals which extend existing building groups or take place between existing buildings (infill), take place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.

Our Ref: LRB-2020-063

(2) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1A of Perth and Kinross Local Development Plan 2 (2019). This policy seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.

(3) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1B(b) of the Perth and Kinross Council Local Development Plan 2 (2019). This policy requires all proposals to respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.

The following information is an extract from the design report submitted for the review of the 2019 application (19/01577/PL). This report was prepared by the KEIR Group. This information is being provided as its contents support this new application where only two dwellings are being proposed.

6.0 Planning Policy Appraisal 6.1 PKC Housing in the Countryside Policy and Guide

As Waterloo is not identified in the Local Development Plan (LDP) as a settlement with a settlement boundary around it, the proposal will be considered against the Housing in the Countryside Policy within the LDP and the Council's Housing in the Countryside Policy.

In assessing the 2017 Application against the Council's Housing in the Countryside Policy, the Planning Officer in the Report of Handling, noted:

'The site is within part of the gap or 'space' between a small grouping of residential properties to the North West, and other residential properties to the South East. Accordingly, the relevant sections of the HITCG that would be applicable to this proposal would be building groups, and infill sites. By definition of what is proposed (i.e. the proposal is not a conversion, replacement non-residential building, replacement house, operational need/local worker house or development on rural brownfield land), the other sections of the HITCG are not relevant'.

In making the decision to refuse the planning application, the planning officer is of the opinion that the proposal did not comply with either the 'Infill' or 'Building Groups' categories of the Housing in the Countryside Policy or Guide.

Infill / Gap Site

We consider that the site lies within a building group and therefore the site is a natural infill site and complies with the 'Infill' Category of the Housing in the Countryside Policy & Guide.

In dealing with 2017 application, the planning officer was of opinion that the proposal did not comply with the Infill Category:

'I do appreciate this planning application is in principle only, however in my view, the distances involved is of such a scale that I would not consider this to be development within an existing building group – even though there may be buildings at either end of the site, the site is not considered to be closely related to both sets of buildings at either end'.

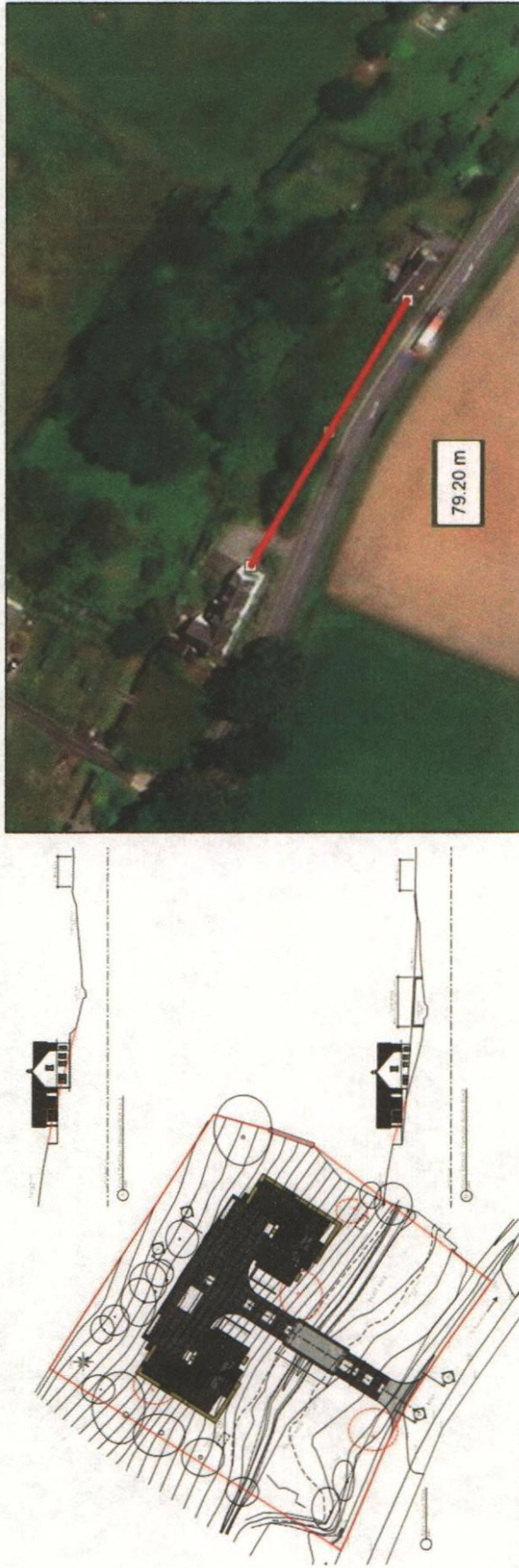
As previously stated, the planning officer originally dealing with the 2009 application (Brian Duncan) was of the opinion that the site was within a building group and that developing houses within the infill/gap site was acceptable. The Report of Handling for this application (Appendix 1) also refers to a single building group as opposed to multiple groups. Accordingly, between the 2009 and the 2017 application, the Council appear to have changed their view of whether the site is within a building group (as per the 2009 application) or whether it lies between two buildings groups (as per the 2017 application).

In the Report of Handling for the 2017 application, the Planning Officer makes reference to the size of the gap:

'The full extent of the gap between the curtilage of the dwellings to the north east and south west is over 90m, which is a large area. It is also the case that the site's boundaries do not include the full 'gap' between buildings and excludes a fairly significant area which is adjacent to the public road. No reason for this exclusion has been offered'.

Firstly, it should be clarified that there is no gap between the buildings at either end of the infill/gap site. A steep section field running parallel to the public road was left out as it is fairly steep and the original planning officer dealing with the 2009 application, had been critical of proposing houses on this section of the site.

Secondly, we do not consider 90 meters to be a significant gap. Planning precedent also suggests that the Council shares the same view with gaps sites of similar/larger sizes such as this being consented. Interestingly, planning consent was granted for a proposal to erect 2 houses, along the road from this site and within Waterloo (17/00581/FLL) – please refer back to the Map in Section 3: Waterloo Settlement. This site is between two single residential houses and the distance between the two houses is approximately 80 metres. See Proposed Site Layout plan and aerial map illustrating the extent of the gap, below.



The Infill Sites Category (in the LDP and HITCP) is stated below:

2. Infill Sites

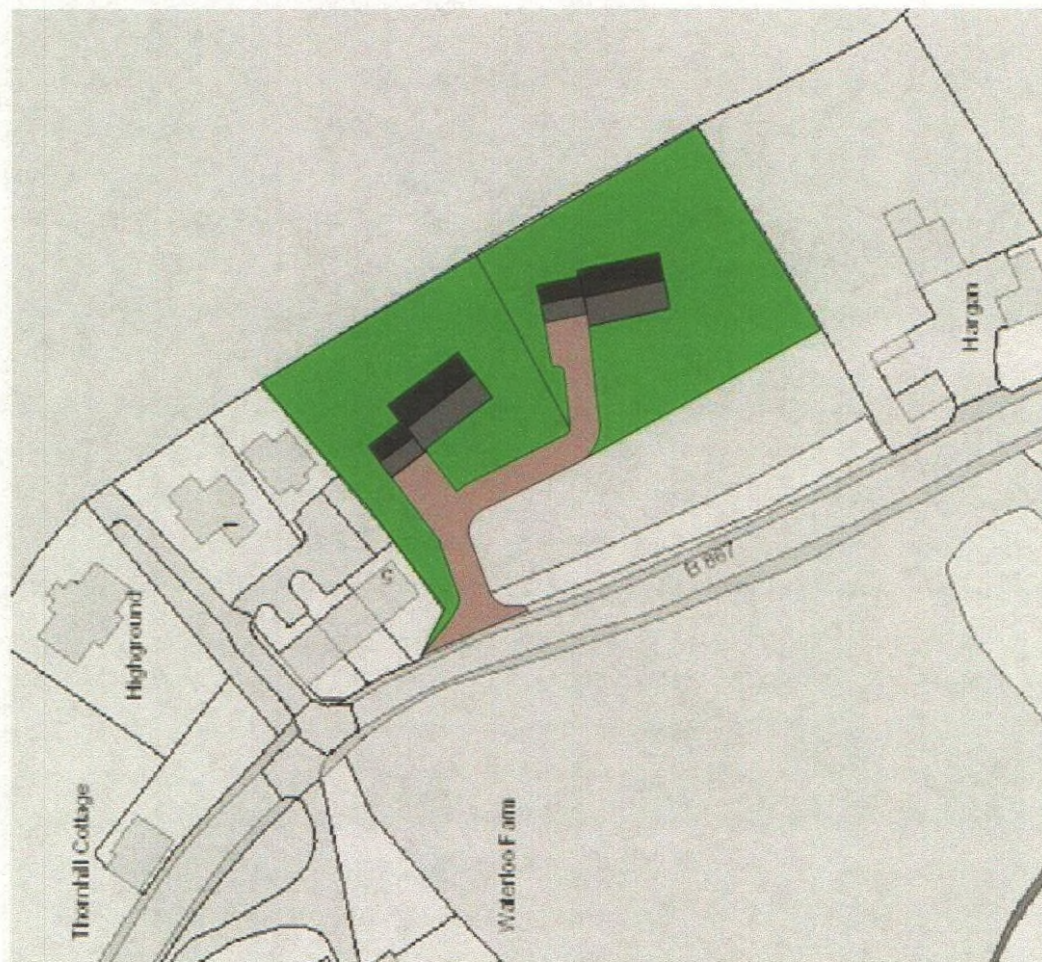
The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- *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)*

Development site -- Waterloo, Bankfoot, Perthshire

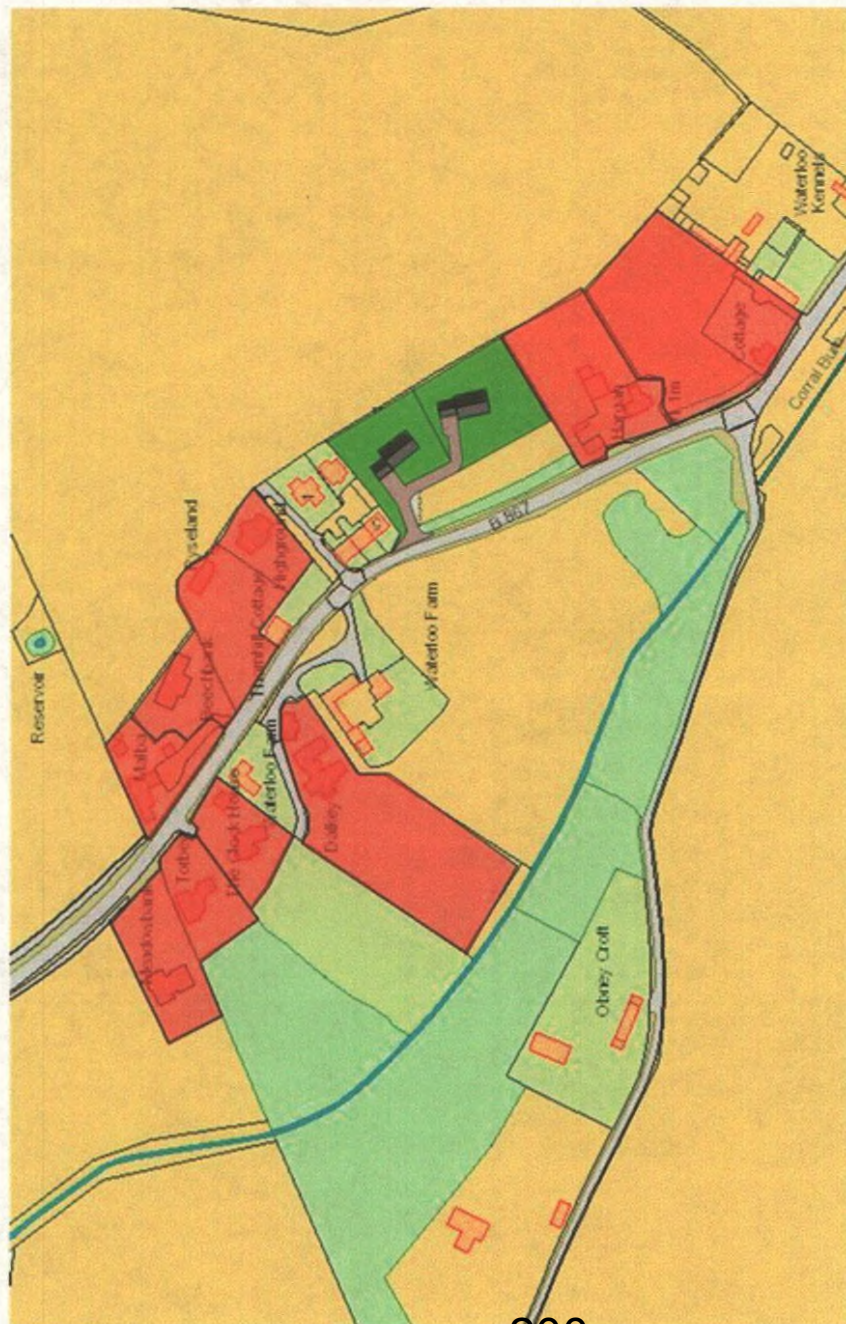
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- *The size and design of the infill houses should be in sympathy with the existing house(s) • The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria set out under category 3.*

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



In the Report of Handling for the 2017 application, the Planning Officer states: ***Notwithstanding the indicative layout submitted by the applicant, which shows four dwellings, this is a planning in principle, so the development could be advanced with only two dwellings, which would meet with the two house requirement of 'infill sites'. However, whilst such a proposal could potentially extend the full width of the 'gap', the sizes of the resultant two plots would bear no reasonable resemblance to the sizes the curtilages of the dwellings to the north and south, and certainly would not respect it. I therefore consider there to be clear conflict with the infill section of the HITCG.***

We have illustrated how 2 houses would fit within the site on an indicative proposed layout drawing (opposite).



As illustrated, on the above indicative drawing on the previous page and the map opposite, two plots in this gap site would indeed, be comparable in size to neighbouring residential properties, have similar road frontages and the full extent of the gap is included within the new plots.

Building Groups

We are also firmly of the view that the proposal also complies with the Building Groups Category.

The Building Groups Category (in the LDP and HITCP) is stated below:

1. Building Groups

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

In the 2017 Application, the Planning Officer did not consider the proposal to be within a building group or an acceptable extension to a building group.

Reference in the report of Handing to an existing Group:

"I do appreciate this planning application is in principle only, however in my view, the distances involved is of such a scale that I would not consider this to be development within an existing building group – even though there may be buildings at either end of the site. I would therefore not consider the proposal to be acceptable as development within an

We disagree with this subjective view. In dealing with the 2009 planning application, the planning officer shared our view that the site was within a building group. Furthermore, planning consent was recently granted for a very similar proposal within a very similar sized gap within the same hamlet (**17/00581/FLL**).

Reference in the report of Handling to extending a Group

'In terms of an extension of building groups, I accept that there is an established building group to the north, which is typically defined as being 3 or more dwellings or buildings of reasonable scale. However, the site excludes a large area along the road side where there is little in the way of natural site containment - the site simply merges into the area of

land excluded from the application site. I accept that the site may have some containment to the east (by a stone wall) and to the north and south (curtilages of neighbours), but there is no means of containment to the west and there remains a feeling of openness across the site which is not acceptable. Ultimately, I do not consider the collective boundaries and landscape of the site to provide a suitable level / degree of landscape containment or site definition. I therefore consider this proposal to be contrary to the specific requirement of the requirements of building groups, in relation to the extension of existing building groups’.

In the above extract, the planning officer acknowledges that the site is contained to the north (houses), south (houses), east (stone wall). However, the exclusion of a strip of land between the site boundary and the road appears to be an issue for the planning officer. As previously stated, this strip of land was omitted from the application boundary, as the original planning officer dealing with the 2009 application, felt this land was too steep to build houses on.

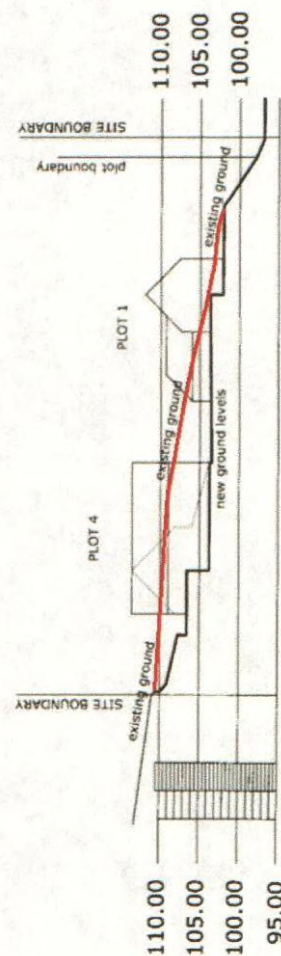
Visual Amenity

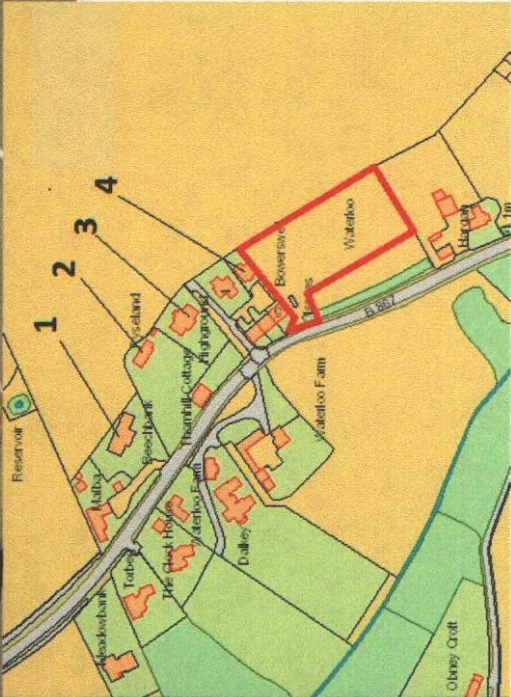
In the 2017 Application, the Planning Officer stated:

‘The proposal has the potential to have an adverse impact on the visual amenity of the area. The site is elevated above the road on a very prominent position. An indicative sectional detail has been submitted by the applicant across the site, but this does not show the sloping / elevated nature of the site or include the area outwith the application site which is adjacent to the road.

At this stage, it has therefore not been demonstrated that the visual amenity of the area is not adversely affected.’

In our view the positioning of the proposed development is consistent with many of the neighbouring properties located to the north of the B867. The visual amenity of the area will not be adversely affected by the proposal. In the 2009 application a cross section was supplied to show the building levels, this, a map and photographs of the neighbouring properties are shown below.





6.2 National Planning Policy

6.2.1 Scottish Planning Policy (SPP)

SPP states that: *'the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.'*

It also states that

'...the National Planning Framework aims to facilitate new housing development ... through innovative approaches to rural housing provision'.

The proposed development complies with the above extracts from SPP.

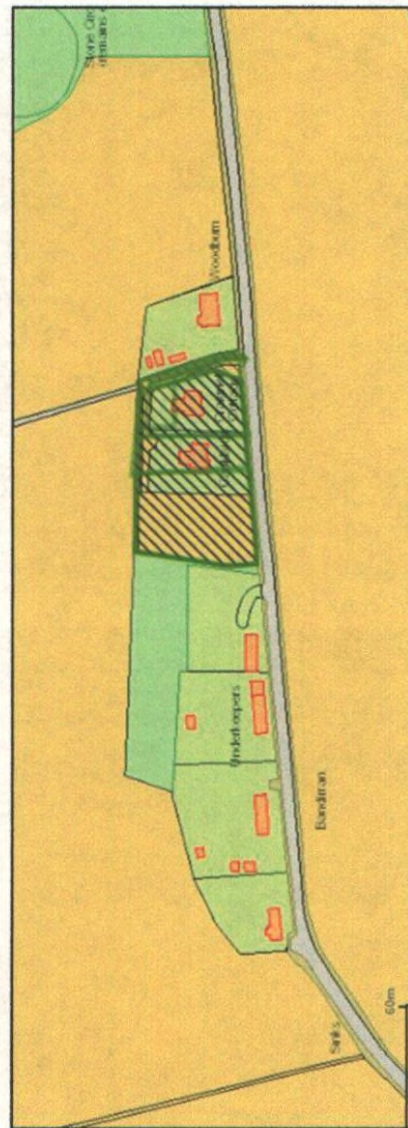
6.2.2 PAN 72

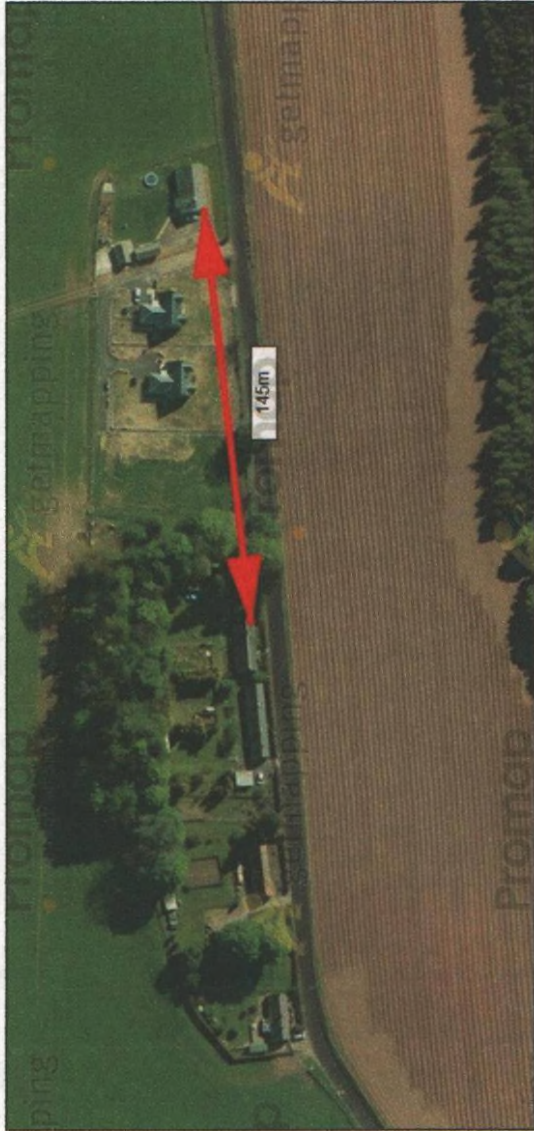
Planning Advice Note 72: Housing in the Countryside, is also encouraging of developing houses within/adjacent to building groups in rural areas;

'New groups of houses Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs'.

7.0 Comparable Consented Cases

The Council have granted planning consent for a large number of planning applications proposing 2 houses within a gap site. As illustrated in some examples below, the gaps have been considerably





more than 90m in the subject case.
Location: Ground to The West Of Woodburn Cottage, Kinrossie, Perth
Proposal: Erection of two houses
(06/02006/OUT, 09/01405/FLL & 09/01046/AML)
Notes: The distance between the two houses either of the gap site is 145m, as illustrated opposite.
Location: The Smithy, Cargill, Perthshire

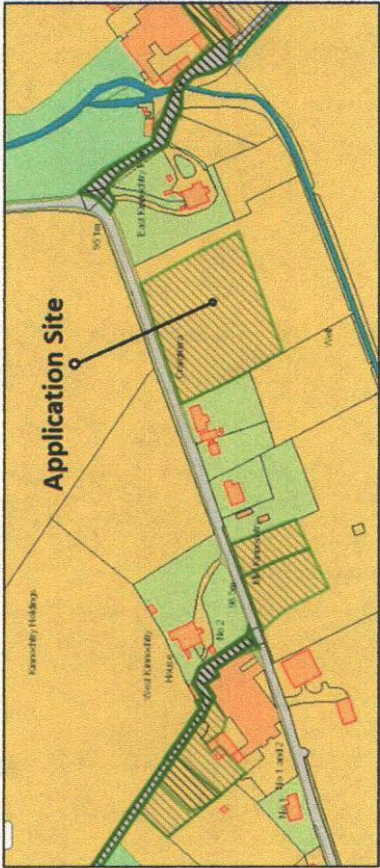
Proposal: A) Erection of two houses.
(15/02202/FLL & 12/01436/FLL). B)
Erection of a house (08/00084/FUL).
Notes: The site at present is an open paddock (to quote the planning officer in the Report of Handling). The distance between the two houses either of the gap site is 157m.



Location: Land at East Kinnochtry, Burrelton Perthshire

Proposal: Erection of two houses (06/00092/FUL)

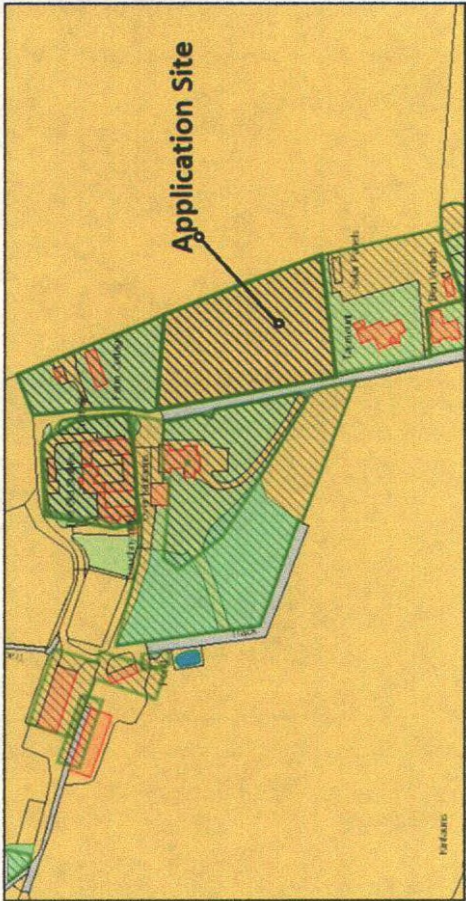
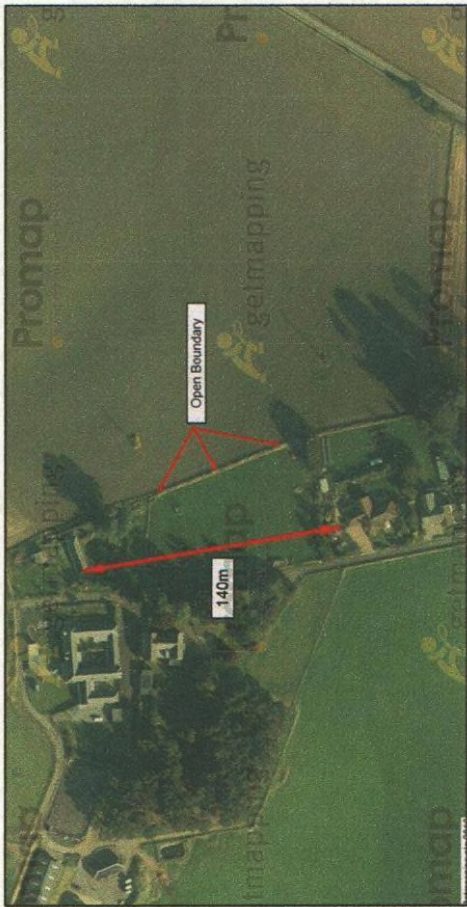
Notes: The southern boundary of the plots is open field – as illustrated on the aerial map opposite.



Development site – Waterloo, Bankfoot, Perthshire

Location: Land 80 Metres South East of Over Kinfauns Farm, Church Road, Kinfauns
Proposal: Erection of two houses (11/00897/IPL)

Notes: The eastern boundary of the site is open. The distance between the two houses either of the gap site is 140m.



8.0 Design proposal

This revised design proposes two new dwellings within the confines of the site. Unlike the previous application, the revised design encompasses all of the area considered to be “infill” with the intention of ensuring no further development or subdivision in the future. The principle for approval of 2 dwellings has been well established within such a setting and the ratio of useable garden relative to footprint fits within the local settlement pattern.

Accommodation within the 2 new dwellings comprises of 5 bedrooms, home office working area, large open plan kitchen / diners with separate living rooms and utility. Both houses have garaging underneath set within the existing ground levels. Each property has the following specification –

- Grade A Spanish slate (Matacouta)
- Siberian larch cladding
- Grey finish Alucad triple glazed windows and doors
- Natural locally sourced stone on various elevations.
- MVHR (ventilation and heat recovery)
- Airsource heat pumps (see attached details) Mitsubishi Ecodan PUZ-WM85VAA(-BS) Ecodan R32

The houses have been positioned close to central within their respective plots but set back far enough from the public road to ensure compliant access and minimal over massing. Plot 1 has an internal footprint area of 162m² on a plot of 0.65 acres. Plot 2 also has an internal foot print of 162m² on a slightly larger plot of 0.844 acres. Both sites are accessed over a shared tarmac road. The access point to the site is already established; however, it will need to be brought up to LA standards to ensure compliance.

Within the confines of plot 1, there is an existing large biodisc unit which serves the neighbouring properties of Bowerswell. This biodisc was sized to accommodate the 5 properties of Bowerswell but also, it was intended to have free capacity for 7 more dwellings at a future date. The applicant has retained a right to utilise this biodisc unit and intends to connect the two new dwellings to it. The design and available capacity was approved for this by SEPA. All other services are nearby.

The application submitted in 2019 (19/01577/IPL) was refused for the following reasons and additional notes have been added to demonstrate how the revised design proposes to address these issues –

(1) By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and/or an infill site.

The revised design proposes only 2 new dwellings within an identified infill site as highlighted above.

The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure

This a subjective view, the site has well established boundaries along the northern and eastern sections, the boundary to the west is yet to be established to provide adequate shielding with the existing development (Bowerswell) as with the south roadside access. In its current form, the boundaries to the south and west are unattractive and unlikely to be improved without development of the site. A planning condition attached to any potential approval could ensure these issues are addressed.

that and c) comparable plot sizes/shapes which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Supplementary Guidance 2020 and Policy 19 of the Perth and Kinross Local Development Plan 2 (2019), which both seek to ensure that all proposals which extend existing building groups or take place between existing buildings (infill), takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.
Our Ref: LR8-2020-063

The revised design proposes two dwellings within generous size gardens matching the existing pattern and density ratios within existing definable boundaries. The existing topography to the largest extent will be retained with the exception of an area of cut and fill to accommodate the new dwellings. It is envisaged that the majority of the earth removed will be relocated on the site to rationalise the levels and ensure a natural landscape character is retained and the visual impact of the development is minimal. Please refer to the sectional drawings provided.

(2) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1A of Perth and Kinross Local Development Plan 2 (2019). This policy seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
(3) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1B(b) of the Perth

and Kinross Council Local Development Plan 2 (2019). This policy requires all proposals to respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.

Whilst some areas of the site are elevated and in a prominent position, the new design proposes two houses set within the existing topography. The reduction in number of properties will have considerably less visual impact over the previous proposals. Some areas of cut and fill have been proposed to ensure the vast majority of the building mass is set within the backdrop of the surrounding hill side. Garaging will be built into the existing hill side and shall be shielded by the existing topography. The exclusion of harled or rendered finishes will ensure minimal visual impact and the use of natural larch and stone under a dark slate roof will allow the buildings to sit seamlessly within the site. As already stated, creation of a good landscape setting could easily be achieved with the implementation of conditions on an approval of the development.

9.0 Summary

Historically, this site has been subjected to numerous planning applications, the outcome of which have suggested that the previous proposals would be an overdevelopment of the site. From interpretation of the various decision notices and delegated reports, it would be a fair assumption that the principle of development of this site is feasible on the grounds of it being an infill site, particularly with the maximum proposal of two properties.

The Infill Sites Category (in the LDP and HITCP) is stated below:

2. Infill Sites

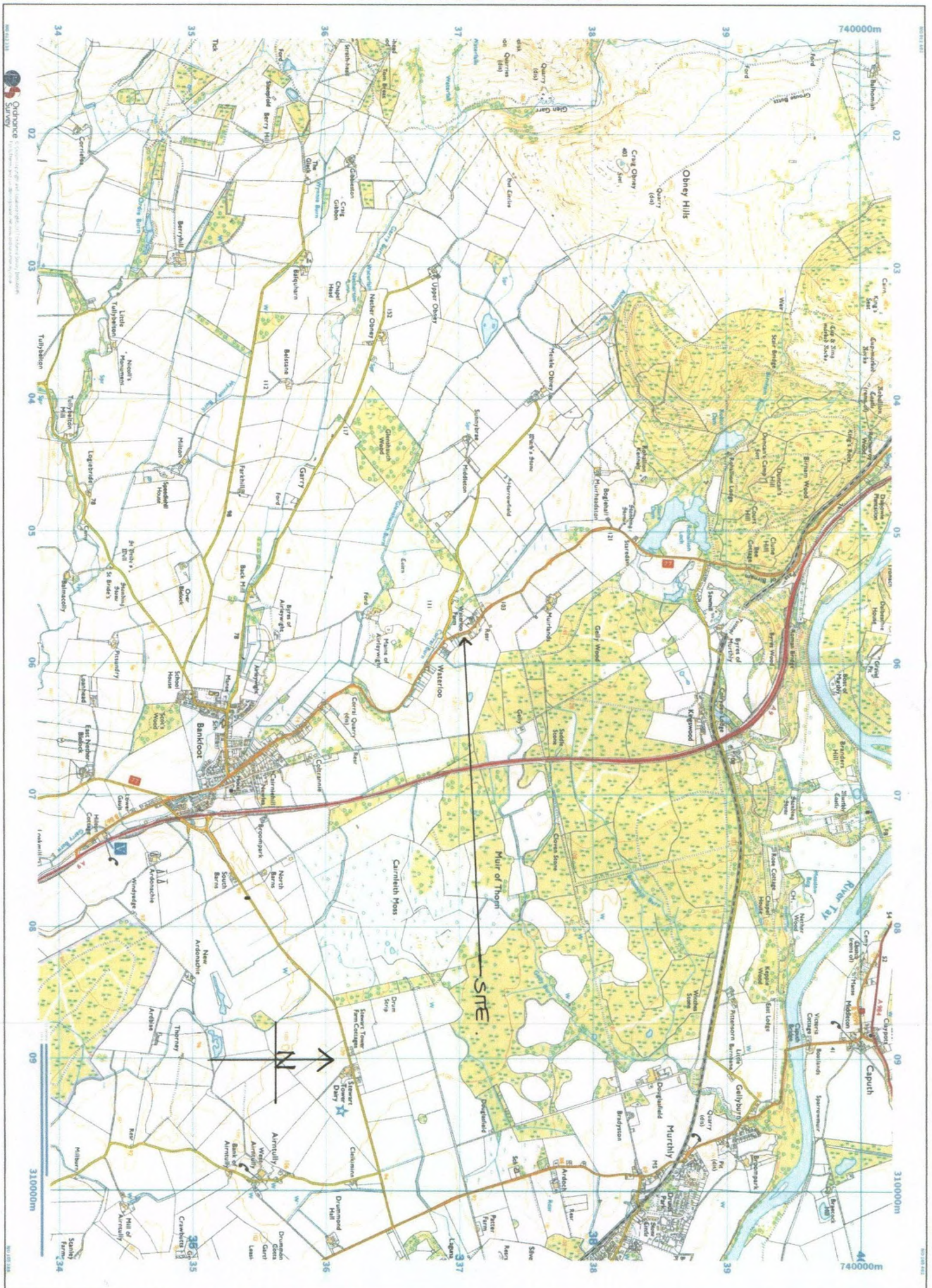
The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

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

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

Given the various designs, sizes and positions of the properties in Waterloo, it would be fair to say that there is not what could be classed a local vernacular. The proposed new dwellings are of a size and design that would complement their setting whilst providing adequate amenity. a well-conceived landscape plan could ensure the houses sit seamlessly into the site. Removal of permitted development would be accepted to ensure no further development in the future.

Development site – Waterloo, Bankfoot, Perthshire

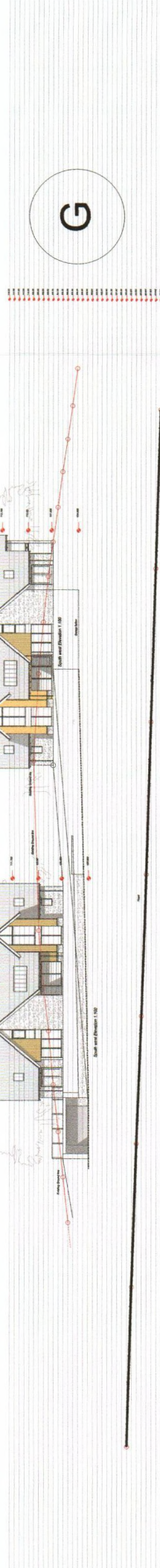
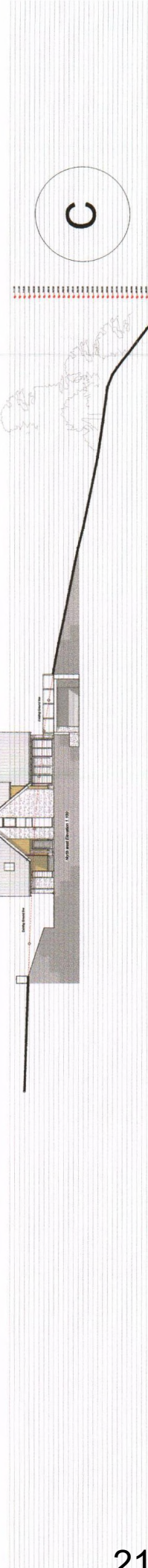
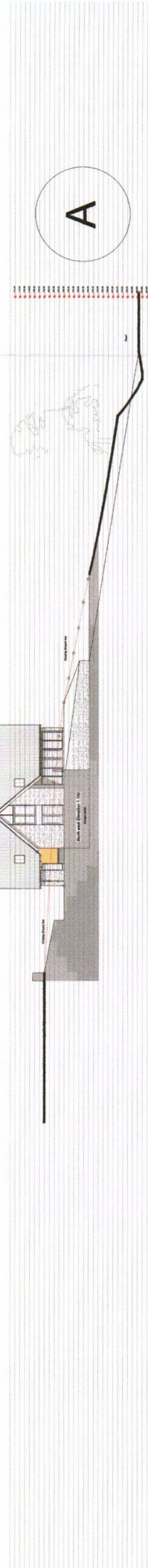


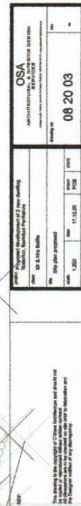


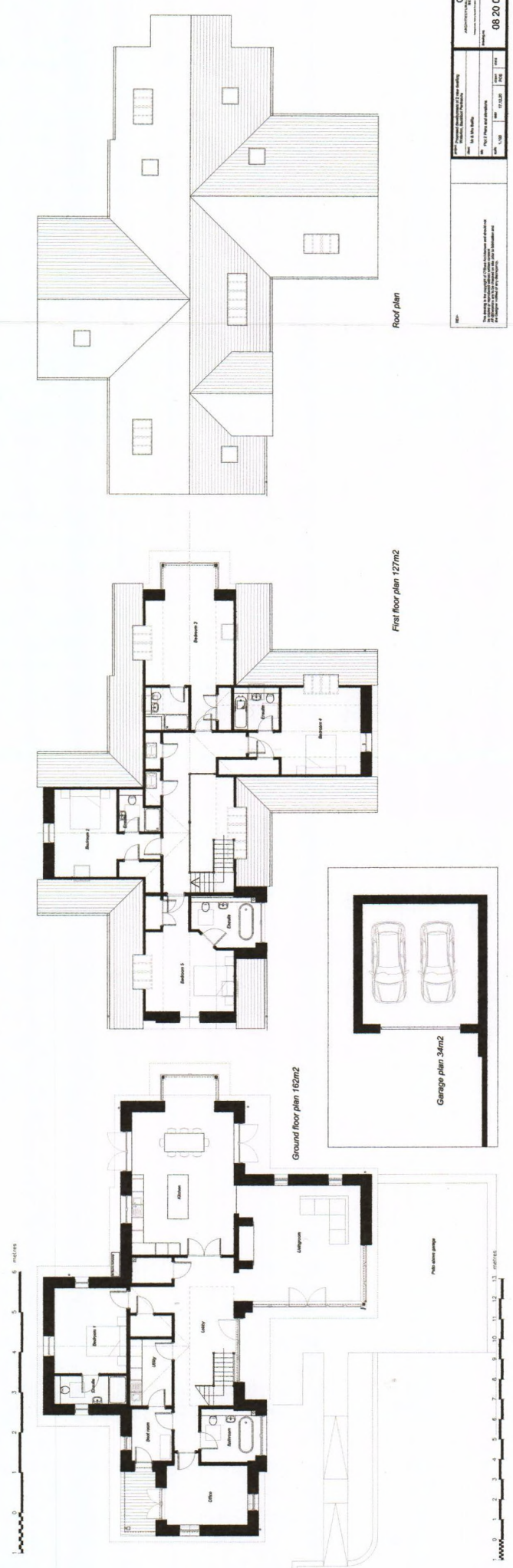
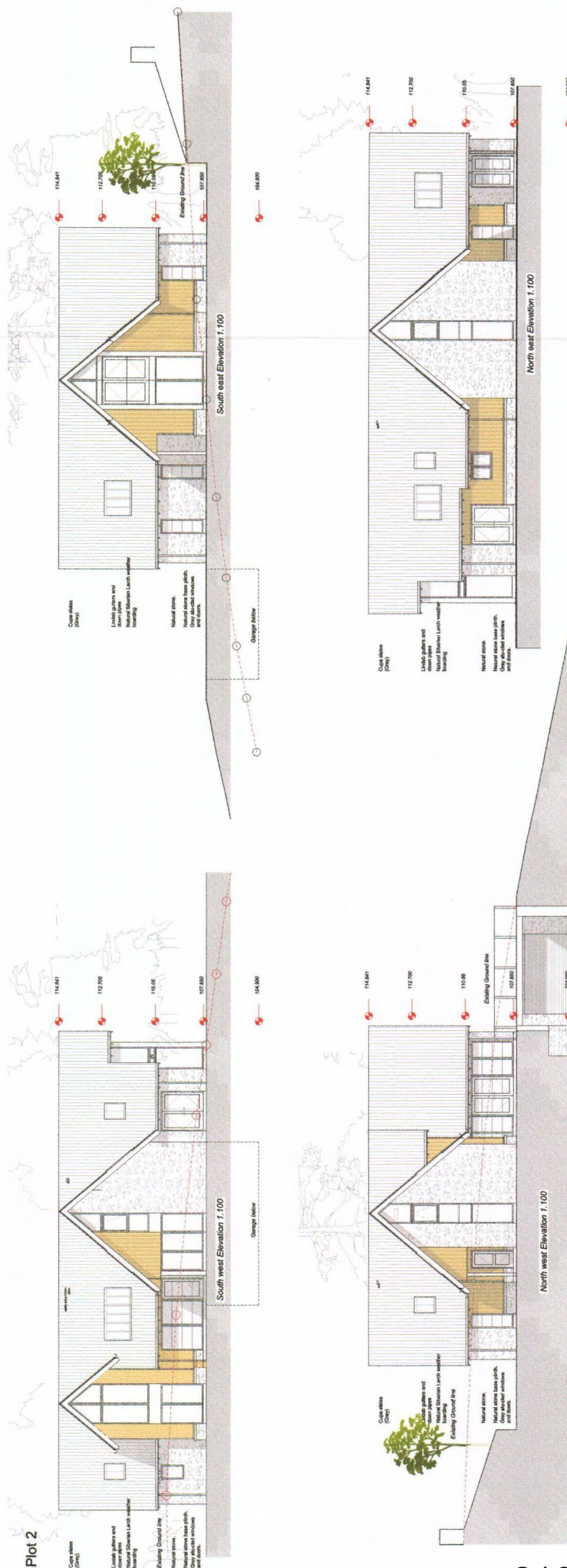
OSIA <small>Office of the State Information Architect</small> <small>Information Management and Systems Division</small>		08 20 06 <small>08/20/06</small>	
<small>Project Name</small> <small>Project Number</small> <small>Project Manager</small> <small>Project Status</small>	<small>Client Name</small> <small>Client Address</small> <small>Client Contact</small> <small>Client Phone</small>	<small>Project Start Date</small> <small>Project End Date</small> <small>Project Budget</small> <small>Project Cost</small>	<small>Project Lead</small> <small>Project Sponsor</small> <small>Project Steering Committee</small> <small>Project Review Committee</small>



Project: Residential Development of 100 units		Date: 08 20 04	
Client: City of Kelowna		Scale: 1:100	
Drawing: Site Plan		Sheet: 11 of 100	
Author: J. Smith		Check: M. Jones	
Date: 11 01 04		Date: 11 01 04	

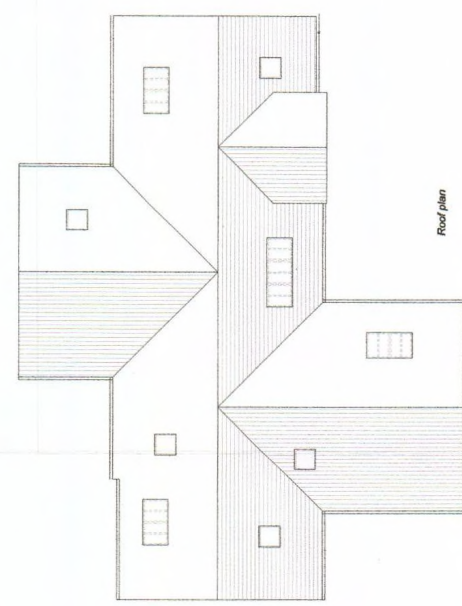
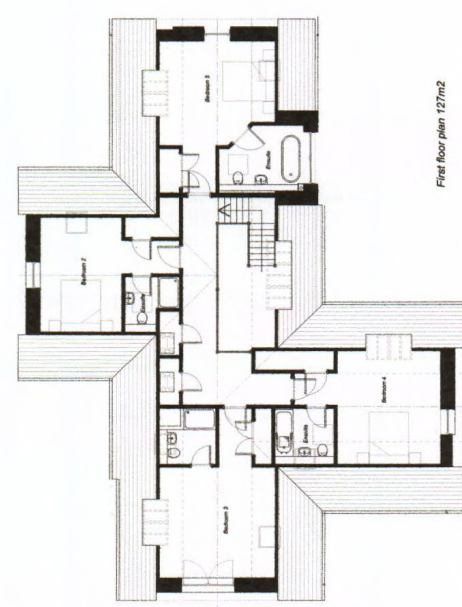
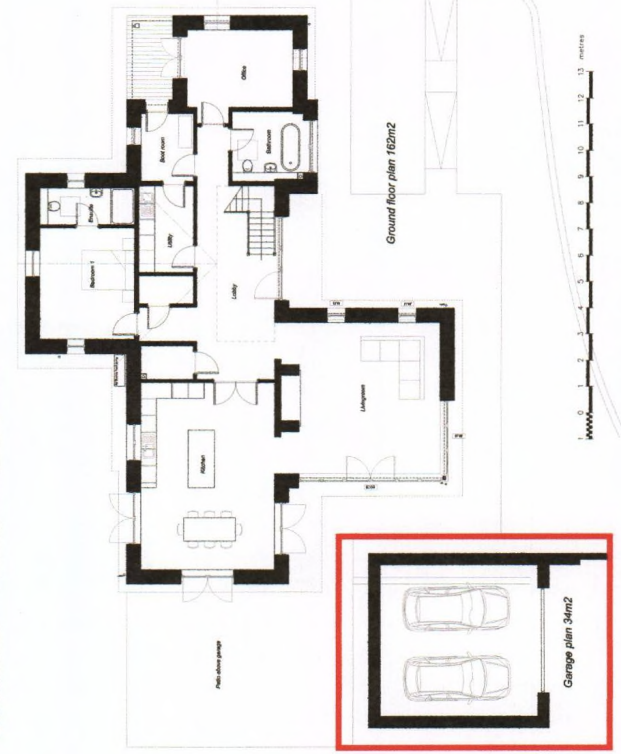
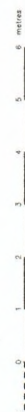








South west Elevation 1:100



LRB-2021-15
Planning Application – 20/01974/FLL – Erection of 2
dwellinghouses, land 80 metres south of Bowerswell,
Waterloo, Bankfoot

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in* *applicant's submission, pages 190-217)*



Mr Bob Baillie
c/o OSA
Paul O'Shea
Treetops
Trochry
Dunkeld
PH8 0DX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **2nd March 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **20/01974/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 5th January 2021 for Planning Permission for **Erection of 2 dwellinghouses Land 80 Metres South Of Bowerswell Waterloo Bankfoot**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group but is considered to be an extension to an existing group and / or an infill site. As the site has a very open landscape framework which is not capable of absorbing the development proposed and would not respect the existing building pattern/size/shapes of neighbouring plots, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Council's Local Development Plan 2 (2019). These policies both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill), takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.

- 2 The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have an adverse impact on the visual amenity of the area. Accordingly, the proposal is contrary to Policy 1A of the Perth and Kinross Council's Local Development Plan 2 (2019) which seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
- 3 The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have an adverse impact on the visual amenity of the area and artificial levels are having to be created. Accordingly, the proposal is contrary to Policy 1B of the Perth and Kinross Council's Local Development Plan 2 (2019) which seeks to ensure that all proposals respect the existing site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.

Justification

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

Notes

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

Plan Reference

- 01
- 02
- 03
- 04
- 05
- 06
- 07
- 08

REPORT OF HANDLING

DELEGATED REPORT

Ref No	20/01974/FLL	
Ward No	P5- Strathtay	
Due Determination Date	4th March 2021	
Draft Report Date	1st March 2021	
Report Issued by	AMB	Date 1 March 2021

PROPOSAL: Erection of 2 dwellinghouses

LOCATION: Land 80 Metres South Of Bowerswell Waterloo,
Bankfoot

SUMMARY:

This report recommends **refusal** of a detailed planning application for two dwellings on a site at Waterloo 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: In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by Streetview, aerial/satellite photographs and previously visited by the case officer and this is considered sufficient enough to bring this planning application to a conclusion.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to secure a detailed planning application for the erection of two dwellings in Waterloo, near Bankfoot - on a rising site adjacent to the public road.

Both dwellings will offer two levels of accommodation, with the upper level contained within the roofspace.



A new vehicular access from the public road is proposed.

SITE HISTORY

The site has a long planning history, including a detailed application for 7 dwellings being refused in 2016 (09/01526/FLL).

Two other previous planning applications for residential development on similar sites have also been refused in the past, one in 2018 (17/01953/IPL and one in 2019 (19/01577/IPL).

The 2019 application was also dismissed by the Council's Local Review Body.

	
<p><i>2019 application, with indicative layout of two units shown</i></p>	<p>Current proposal, including the area to the south.</p>

PRE-APPLICATION CONSULTATION

None undertaken.

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.

Of relevance to this planning application are,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014 and it sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of specific relevance to planning application are,

- Paragraphs 74 - 83, which relates to Promoting Rural Development Paragraphs 109 -134, which relates to Enabling Delivery of New Homes

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The site lies within the landward area of the LDP2, where the following policies would be applicable to a new residential development,

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2020

This is the most recent expression of Council policy towards new Housing in the open Countryside.

Placemaking Guide 2020

This is the most recent expression of Council policy towards Placemaking Standards.

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policy towards Developer Contributions and Affordable Housing provision.

INTERNAL COUNCIL COMMENTS

None undertaken.

EXTERNAL CONSULTATION RESPONSES

None undertaken.

REPRESENTATIONS

Six letters of representations have been received, five of which are objecting to the proposal and one is raising a neutral comment. One of the objections was from the local Community Council.

In terms of the objections, the main issues raised are,

- Contrary to the LDP2 and HITCG 2020
- Out of character with the area
- Impact on visual amenity
- Overlooking
- Loss of amenity
- Excessive Height
- Drainage concerns
- Surface water issues
- Road safety issues

These issues are addressed in the main appraisal section below.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted/Not Required
Report on Impact or Potential Impact	Not Required

APPRAISAL

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

In this case, the sites planning history and compliance with the HITCG 2020 are material considerations.

Policy Appraisal

In terms of land use policies, as was the case for the 2019 planning application, the principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan – which is the LDP2.

Within that Plan, the site lies within the landward area where *Policies 1 (placemaking)* and *19 (HITCP)* would be directly applicable to a new residential proposal.

Policy 1 seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy 19* relates to new Housing in the Countryside and states that the supplementary planning guidance (SPG) will be applicable to new proposals in the landward area. The most recent SPG on Housing in the Countryside is the 2020 version.

For reasons outlined below, the proposal is considered contrary to both the LDP2 and the Housing in the Countryside Guide 2020.

Land Use Acceptability

The site remains within the landward area of the LDP2, which has been adopted since the previous refusal in 2019.

To this end, *Policy 19* of the LDP2 is directly applicable to this proposal.

This policy relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2020 (HITCG) which offers a more detailed policy background and is the most recent expression of Council opinion towards new housing in the open countryside.

In addition to the Council's Housing in the Countryside Policies, *Policy 1* of the LDP also states (amongst other things) that all proposals should respect the character and amenity of the existing area.

The acceptability of the proposal in land use terms still comes down to an assessment of the proposal against the HITCG 2020, and also the more general aims of *Policy 1* of the LDP2.

The site forms part of the gap or 'space' between a small group of residential properties located to the north west, and other residential properties and their curtilages to the south east.

Accordingly, the relevant sections of the HITCG which would be applicable to this proposal would be building groups and infill sites.

By definition of what is proposed (*i.e. the proposal is not a conversion, replacement non-residential building, replacement house, operational need/local worker house or development on rural brownfield land*), the other sections of the HITCG are not relevant, and this position is generally shared by the applicant's agent in their supporting papers.

To this end, the proposal needs to be against both the building groups, and infill sections.

In terms of acceptable new development within or adjacent to an existing group, the HITCG states that consent will only be granted for new houses that are located within existing building groups provided they do not detract from both the residential and visual amenity of the group, and the character, scale and form of the existing grouping. The policy goes on to say that consent will also be granted for houses which extend the group providing that the development takes place into a readily definable, adjacent site which is formed by existing topography and or well-established landscape features that would provide a suitable setting. All acceptable 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).

As per the 2019 application, the full width of the gap between the curtilages of the dwellings to the north east and south west is in excess of over 90m, which is not insignificant. For this current planning application, the site boundaries do take into account the full extent of the 'gap' and excludes a fairly significant area which is adjacent to the public road – which is a change from the 2019 application when it was excluded.

It nevertheless remains the case that the distances involved are of such a scale that the site is not considered to be within an existing building group – even though there may be buildings at either end of the site - as the site is simply not considered to be closely related to both buildings at either end.

Accordingly, the proposal is not considered acceptable as development within an existing building group, as the development site is not considered to be *within* a building group.

In terms of an *extension* of existing building groups, it is accepted that there is an established building group to the north west -which is typically defined as being 3 or more dwellings or buildings of reasonable scale. Under the 2019 there was a concern that the site excluded a large area along the road side where there is little in the way of natural site containment, and the previous site simply merged into the further large area of land - which had previously been excluded.

That large area of land has now been included within the site and is proposed for residential garden areas towards the roadside. As such, the road would offer some landscape containment to the wider site.

However, the change on the red line planning site does not change the fact that there is a large area of openness between the road (and some scattering of trees), and the proposed curtilages/development, and there would remain a concern about the extent of the landscape containment and site definition for a new development.

Even if new landscaping was introduced to contain the immediately area for the residential curtilage, that would leave a large area of open space adjacent to the road. If no new landscaping was introduced, a gap of around 40m from the road and 30m from the top of a raised back would be left before the presence of the dwellings – which would result in the the appearance of them siting in open landscape, which is not what the HITCP looks to promote.

The proposal is therefore also considered to be contrary to the specific requirement of the requirements of building groups, in relation to the *extension* of existing building groups.

In terms of infill sites, the HITCG policy offers support for new 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 or plots created are comparable in size to the neighbouring plots and have a similar size of road frontage.
- The proportion of each plot occupied by the infill house or houses is no greater than that of the neighbouring plots.
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the infill house or houses, and the amenity of any existing neighbouring house is maintained.
- The size and design of the infill house or houses is sympathetic to the neighbouring buildings.
- The full extent of the gap is included within the infill plot or plots – for the avoidance of doubt, the retention of a field access within the infill plot or plots will not be permitted.

The submitted proposal for a two-dwelling proposal, would accord with first requirement of 'infill' sites in terms of the numbers, and it would also fill the 'gap' between the two building groups at either end.

However, the sizes of the resultant two plots would bear little reasonable resemblance to the sizes the curtilages of the adjacent buildings and dwellings to the north and south, and certainly would not respect it. There are some larger plots further away which may be more comparable in their widths, but very few which would be comparable in terms of both their width and overall plots sizes.

In terms of other issues, both developments involving building groups and also infill opportunities should be acceptable from a visual point of view, and also should not be located on prominent, skyline locations. In this case, the site is significantly elevated, and any development would have a clear impact on the visual amenity of the area.

It is now proposed to drop the finished levels of the dwelling by 'cutting' into the natural slopes significantly, which will reduce the impact but such a level of cutting to make a more acceptable is not in the spirit of the HITCG and adds to the argument that the site, as it naturally is not suitable for development.

In all, the proposal is considered to be contrary to the Council's Housing in the Countryside Policies.

Visual Amenity, Design and Layout

In isolation from the site's physical characteristics, the house types and layout are acceptable, and the house types are of a high standard in terms of their design and finishes.

However, significant amount of cutting that is proposed is not normal good practice for sites, but in this case is being advanced to alleviate visual concerns – which it has not been demonstrated will be fully addressed by such measures.

Residential Amenity

In terms of the direct impact on existing residential amenity, the location of the dwellings and the location of neighbours is such that there should not be any direct adverse impact in terms of overlooking / loss of privacy etc. It is noted that within the representations concerns are raised about the change in levels between existing and the proposed, and the elevated nature of the two dwellings. They will be higher than the existing properties, and if an approval is to be forthcoming further consideration of landscaping and boundary treatments should be considered to reduce the potential for overlooking / loss of privacy to occur.

In terms of being able to provide for a suitable level of residential amenity, the majority of the amenity space would be sloping to some degree, however an appropriate level of usable space could be provided for both dwellings.

Roads and Access

In terms of road related matters, in principle the proposal raises no issues.

Drainage and Flooding

In terms of drainage and flooding matters there are no concerns at this stage.

As a result of the elevated levels of the site, consideration of surface water disposal will need to be considered if the development is progressed and this should be conditioned with any approval being forthcoming.

Conservation Considerations

There are no listed buildings, conservations areas or archaeology affected by the proposal. There is also no known local or scheduled archaeology on the site.

Natural Heritage and Biodiversity

The proposal raises no issues in terms of bio-diversity issues.

Comparable Sites

The proposals listed by the applicant as examples of similar sites to this current proposal, are not similar to what is proposed here, and this proposal should be considered on its own planning merits.

Developer Contributions

Affordable Housing

As this proposal is for two dwellings only, there is no requirement for any affordable housing provision.

Primary Education

At the moment, Bankfoot PS is not operating at capacity and no developer contributions for primary education are necessary.

Transport Infrastructure

The site is outwith the catchment area for transport contributions.

A9 Junction Improvements

The site is located outwith the catchment area for the A9 Junction Improvements

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

The application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly, the proposal is refused on the grounds identified below:

- 1 By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group but is considered to be an extension to an existing group and / or an infill site. As the site has a very open landscape framework which is not capable of absorbing

development proposed and would not respect the existing building pattern/size/shapes of neighbouring plots, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Council's Local Development Plan 2 2019. These policies both seek to ensure that all proposals which extend existing building groups or takes places between existing buildings (infill), takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.

- 2 The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area. Accordingly, the proposal is therefore contrary to Policy 1A of the Perth and Kinross Council's Local Development Plan 2 2019 which seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
- 3 The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area and artificial levels are having to be created. Accordingly, the proposal is contrary to Policy 1B of the Perth and Kinross Council's Local Development Plan 2 2019 which seeks to ensure that all proposals respect existing site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.

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, refusal.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 – 08 (*inclusive*)

LRB-2021-15
Planning Application – 20/01974/FLL – Erection of 2
dwellinghouses, land 80 metres south of Bowerswell,
Waterloo, Bankfoot

REPRESENTATIONS

Comments for Planning Application 20/01974/FLL

Application Summary

Application Number: 20/01974/FLL

Address: Land 80 Metres South Of Bowerswell Waterloo Bankfoot

Proposal: Erection of 2 dwellinghouses

Case Officer: Andrew Baxter

Customer Details

Name: Rhonda McRorie

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application


Comment Reasons:

- Adverse Effect on Visual Amenity
- Excessive Height
- Light Pollution
- Loss Of Sunlight or Daylight
- Over Looking

Comment: I own 2 Bowerswell currently marked as unmade land on the planning application drawings.

I would like to know what the distance between my home and the proposed house on Plot 1 would be and whether or not it would sit above and thus overlooking my entire property.


I do feel the size and style of the proposed houses would not sit comfortably with directly neighbouring properties. While there are other large houses within the community they are set back and not in elevated positions.



7 February 2021

Dear Sir

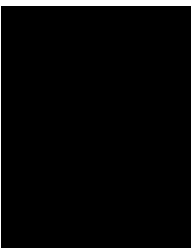
Comments on - 20/01974/FLL Land 80 Metres South Of Bowerswell Waterloo Bankfoot

As the property owner of , I would like to make the following comments regarding the above planning application.

1. The scale and external appearance of the proposed properties does not maintain the character of Waterloo as a small rural hamlet.
2. Siting and aspect of the proposed properties is such that there is further detrimental effect on the privacy of Waterloo Farm.
3. Any new proposed shared sewage treatment plant for the development should be registered with SEPA and the arrangements for maintenance and upkeep of plant clearly stated before it is commissioned.
4. All aspects of surface water management for the development should be clearly understood and measures to manage surface water installed prior to any major construction being undertaken. This is to ensure that surface water does not cross either over or under the main B867 road and onto the land owned by Forgandenny Property Ltd.

Yours faithfully

Wendy Grant
Director
Forgandenny Property Ltd



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

7th February 2021

Planning Application Reference: 20/ 01974/ FLL

Dear Sir/ Madam,

I object to the proposed plans, as I did to the previous application reference **19/01577/IPL** (refused and at appeal) and reference **17/01953/ IPL** (refused), for the following reasons which appear, on the proposed plans, to not have been addressed. In addition, I am concerned as a resident of Waterloo that despite the clear reasoning given for the refusal, there appears to be no attempt to address any of the original issues, principally the concern highlighted below by The Perth and Kinross Council Planning Department, dated 25th November 2019;

“By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and / or an infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure and c) comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes places between existing buildings (infill), takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting with

suitable site boundaries and would result in a development that respects the existing building pattern of the area.”

My additional, original concerns are re-iterated below:

- The proposed houses are out of character within the hamlet of Waterloo and furthermore, remain contrary to Perth and Kinross *Housing in the Countryside* policy;
- The elevation of the proposed houses overlooks our property;
- There are currently drainage problems from the last development at Bowerswell, Waterloo, resulting in water crossing the road causing the following: flooding to the field opposite the properties; flooding the road (B867), causing dangerous driving conditions when freezing; and travelling into our property and the Waterloo burn adding to the historical issues of flooding in the nearby village of Bankfoot.
- The sewage system currently being used has a bad smell and future houses would have to use the same system that is not fit for purpose, thus adding to the problem.
- When conditions are freezing or there is snow on the ground, vehicles from the adjoining Bowerswell houses currently have a problem accessing their properties with their vehicles and have no alternative, other than to park on the main road. I can see this being a similar issue with the proposed planning, given the elevation of the access point, with the potential of up to 8-10 additional vehicles being parked on the main road in bad weather conditions.

We are not against future housing in Waterloo, but we believe the proposed application needs to carefully consider the above concerns that would impact adversely on our rural community.

Yours sincerely,

Graham Hardie.

Comments for Planning Application 20/01974/FLL

Application Summary

Application Number: 20/01974/FLL

Address: Land 80 Metres South Of Bowerswell Waterloo Bankfoot

Proposal: Erection of 2 dwellinghouses

Case Officer: Andrew Baxter

Customer Details

Name: Mr Graham Hardie

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Excessive Height
- Flooding Risk
- Out of Character with the Area
- Road Safety Concerns

Comment: This is the 5th application for this site. It was my understanding that this site was deemed non developmental at the last application & appeal. The houses proposed appear to be out of keeping with Waterloo being very tall for such an elevated site. The major issues with this development (and any further proposals on this side of the road) lies with road safety especially in heavy rainfall when torrents of water from existing new properties cascade across the road and have been diverted into the field on the opposite side of the B567 - as a result this is now a quagmire since no provision has been made to pipe this water to the Meikle Obney burn. At this time of year, this water just adds an extra ice hazard on the road at what is already a dangerous corner. Any further development can only exacerbate an already dangerous situation. There is also a real danger of developing such a steep site as soil from the fields beyond Waterloo are already being washed down in very significant amounts on to the road. If the land shown, currently held in place by vegetation, is developed then any free soil can only share the same fate and end up blocking the ditches and covering the road.

Comments for Planning Application 20/01974/FLL

Application Summary

Application Number: 20/01974/FLL

Address: Land 80 Metres South Of Bowerswell Waterloo Bankfoot

Proposal: Erection of 2 dwellinghouses

Case Officer: Andrew Baxter

Customer Details

Name: Dr Douglas Kydd

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Excessive Height
- Flooding Risk
- Inappropriate Land Use
- Road Safety Concerns

Comment: I have just become aware of this development proposal and am writing to express my concern at any further development in this area until the risks of flooding are addressed. I live downstream at Rowallan and was involved only last week in contacting Perth Council Emergency Services on behalf of my 93 year old neighbour (Mrs Connie Anderson, Roselea Cottage) when her house was on the point of being flooded by the Meikle Obney burn. The high water level resulted in flooding of outhouses and the failure of her heating system, a major danger for anyone at this time of year, never mind one of advanced years. Every additional building only contributes further to the flooding potential - I have lived here for 34 years and have never experienced the sort of levels in the burn that we have seen this year.

I am also concerned at any development on such an elevated site as the neighbouring farmland is constantly being washed down on to the road in massive quantities. Currently, the soil on this site is fixed by vegetation but any development will destroy this and much of the soil will wash off into the ditch, across the road and ultimately into the burn making the flooding potential all the greater.

Auchtergaven Community Council (Bankfoot)



11 February 2021

Andrew Baxter
The Planning Service
Perth and Kinross Council
Pullar House
Kinnoull Street
Perth
PH1 5DG

Dear Andrew,

Application for Planning Permission In Principle 20/01974/FLL
Erection of 2 Dwellinghouses - Land 80 Metres South Of Bowerswell Waterloo
Bankfoot
Objection

The Auchtergaven Community Council (ACC) has considered the above referenced application as well as receiving a number of representations from members of the community in Waterloo.

The ACC has previously objected to the applications for this site, reference 08/01624/FUL (withdrawn), 09/01526/FLL (refused), 17/01953/IPL (refused) and 19/01577/IPL (refused and at appeal).

This application does not appear to be for anything different to the previous application, which was refused and had its review dismissed by the LRP. Comments on the Applicant's Design and Access Statement and a photo indication the extent of overlooking by the proposed development over the property "Hargan" are also attached.

The ACC maintains its objection to this current application, which appears not to have adequately addressed the reasons for refusal of the previous applications.

Yours faithfully,

Chris Pasteur
On behalf of the Auchtergaven Community Council

Encs: Comments on Applicant's Design and Access Statement, Photo showing Bowerswell proposed House 2 overlooking Hargan

Chair: Catriona Davies
Secretary: Alan Squair
Treasurer: Sandy Love
Committee: Rhona Pollok, Chris Pasteur



DEVELOPMENT SITE – WATERLOO, BANKFOOT, PERTHSHIRE

Design & Access Statement

Abstract

Supporting statement for proposed development of two new dwellings

Paul O'Shea

0 | Page



Site Owner: M Baillie And Sons
Muirlands Farm
Bankfoot
PH1 4AR

Agent: OSA
Treetops, Trochry
Dunkeld . PH8 ODX – **01350 727170**
osheaarchitecture@hotmail.co.uk

Contents:

- 1.0 Introduction
- 2.0 Site Description
- 3.0 Waterloo
- 4.0 Site Attributes
- 5.0 Planning History
- 6.0 Planning Policy Appraisal
- 7.0 Comparable Consented Cases
- 8.0 Design proposal
- 9.0 Summary

1.0 Introduction

The Planning Application proposes residential development on the site. This Planning Statement illustrates the planning attributes of the site, provides the planning history of the site, analyses the relevant planning policy and refers to comparable cases. This document has been prepared to support a further revised application and has been developed with consideration to the previous refusals.

2.0 Site Description

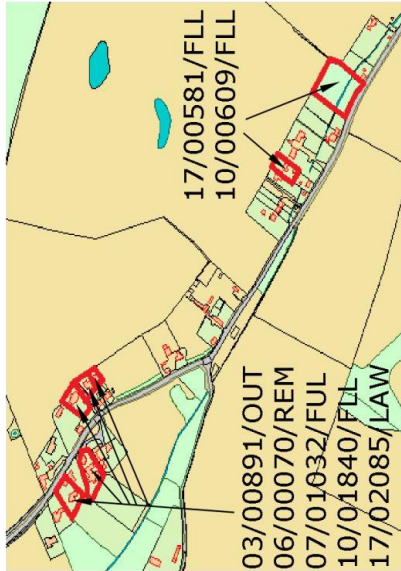
properties to the north west and residential properties to the south landscape framework is bounded to the northeast by a dry stone dyke, and houses, to the southwest by the B867 road and a mature native number of houses. The site rises from south west to north east, the site is laid to grass. There is an existing access to the site providing access onto/off the B867 road. The site is served with an existing sewage treatment plant with capacity and right of connection for the proposed development.

3.0 Waterloo Settlement

Waterloo is a hamlet which has grown sporadically and organically. The hamlet of Waterloo is elongated, stretches for approximately ½ a mile and straddles either side of the B867 road. It is reasonably dispersed and sporadic.

Over time, gap/infill sites within the hamlet and sites on the fringe have been developed into houses.

The map opposite demonstrates the piecemeal way in which gap/infill sites within Waterloo have been developed and clearly shows a mixture of single a double building lines throughout.





4.0 Site Attributes

The site is surrounded by a robust landscape framework, contained by houses at either end, a public road and a dry stone dyke.

The topography of the site is also ideally suited for accommodating a small residential development (2 dwellings).

There is already an access into the site, at which point the visibility splays in either direction along the public road are satisfactory.

5.0 Planning History

This site has been subject to a significant amount of development pressure over the years.

Waterloo was identified as a settlement in the draft Perth Area Local Plan 2004. The subject site lay within the settlement boundary.

Three Planning Applications have been made and determined on this site. In 2009, a detailed planning application (09/01526/FLL) was submitted proposing the erection of seven houses.

This application was refused in 2016, primarily as there were too many houses proposed (7), this proposal did not respect the character and amenity of the existing group and it would not offer a suitable level of residential amenity for future occupiers of the proposed dwellings.

The principle of residential development was considered by the original planning officer dealing with the application (Brian Duncan) to be acceptable. He however, felt that there were too many houses and type of some of the house types was not appropriate for the area.

A Planning Permission in Principle Application (17/01953/IPL) was submitted in 2017.

Whilst the application was in principle, it proposed the erection of four detached houses. This planning application was refused. This application was refused by



the delegated planning officer – who considered it was contrary to the relevant provisions of the Development Plan, (LDP and HITCG 2012) and there were no material considerations apparent which outweigh the Development Plan.

A further application in principle for 4 dwellings was submitted in September 2019 (19/01577/IPL) and refused, the following reasons were given.



- (1) By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and/or an infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure and c) comparable plot sizes/shapes which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Supplementary Guidance 2020 and Policy 19 of the Perth and Kinross Local Development Plan 2 (2019), which both seek to ensure that all proposals which extend existing building groups or take place between existing buildings (infill), take place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area. Our Ref: LRB-2020-063*
- (2) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1A of Perth and Kinross Local Development Plan 2 (2019). This policy seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.*
- (3) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1B(b) of the Perth and Kinross Council Local Development Plan 2 (2019). This policy requires all proposals to respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.*

The following information is an extract from the design report submitted for the review of the 2019 application (19/01577/JPL) This report was prepared by the KEIR Group. This information is being provided as its contents support this new application where only two dwellings are being proposed.



6.0 Planning Policy Appraisal 6.1 PKC Housing in the Countryside Policy and Guide

As Waterloo is not identified in the Local Development Plan (LDP) as a settlement with a settlement boundary around it, the proposal will be considered against the Housing in the Countryside Policy within the LDP and the Council's Housing in the Countryside Policy.

In assessing the 2017 Application against the Council's Housing in the Countryside Policy, the Planning Officer in the Report of Handling, noted:

'The site is within part of the gap or 'space' between a small grouping of residential properties to the North West, and other residential properties to the South East. Accordingly, the relevant sections of the HITCG that would be applicable to this proposal would be building groups, and infill sites. By definition of what is proposed (i.e. the proposal is not a conversion, replacement non-residential building, replacement house or development on rural brownfield land), the other sections of the HITCG are not relevant'.

In making the decision to refuse the planning application, the planning officer is of the opinion that the proposal did not comply with either the 'Infill' or 'Building Groups' categories of the Housing in the Countryside Policy or Guide.

Infill / Gap Site

We consider that the site lies within a building group and therefore the site is a natural **infill site** and complies with the 'Infill' Category of the Housing in the Countryside Policy & Guide.

In dealing with 2017 application, the planning officer was of opinion that the proposal did not comply with the Infill Category;

'I do appreciate this planning application is in principle only, however in my view, the distances involved is of such a scale that I would not consider this to be development within an existing building group – even though there may be buildings at either end of the site, the site is not considered to be closely related to both sets of buildings at either end'.

As previously stated, the planning officer originally dealing with the 2009 application (Brian Duncan) was of the opinion that the site was within a building group and that developing houses within the infill/gap site was acceptable. The Report of Handling for this application (Appendix 1) also refers to a single building group as opposed to multiple groups.

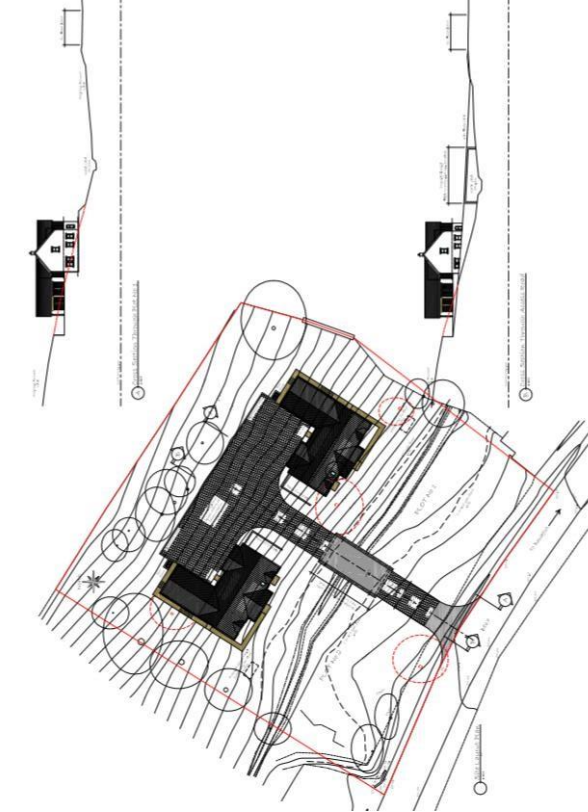
Accordingly, between the 2009 and the 2017 application, the Council appear to have changed their view of whether the site is within a building group (as per the 2009 application) or whether it lies between two buildings groups (as per the 2017 application).

In the Report of Handling for the 2017 application, the Planning Officer makes reference to the size of the gap;

'The full extent of the gap between the curtilage of the dwellings to the north east and south west is over 90m, which is a large area. It is also the case that the site's boundaries do not include the full 'gap' between buildings and excludes a fairly significant area which is adjacent to the public road. No reason for this exclusion has been offered'.

Firstly, it should be clarified that there is no gap between the buildings at either end of the infill/gap site. A steep section field running parallel to the public road was left out as it is fairly steep and the original planning officer dealing with the 2009 application, had been critical of proposing houses on this section of the site.

Secondly, we do not consider 90 meters to be a significant gap. Planning precedent also suggests that the Council shares the same view with gaps sites of similar/larger sizes such as this being consented. Interestingly, planning consent was granted for a proposal to erect 2 houses, along the road from this site and within Waterloo (17/00581/FLL) – please refer back to the Map in Section 3: Waterloo Settlement. This site is between two single residential houses and the distance between the two houses is approximately 80 metres. See Proposed Site Layout plan and aerial map illustrating the extent of the gap, below.




The Infill Sites Category (in the LDP and HITCP) is stated below:

2. Infill Sites

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

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage 
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)



- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- *The size and design of the infill houses should be in sympathy with the existing house(s) • The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria set out under category* 

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. 



In the Report of Handling for the 2017 application, the Planning Officer states: ***Notwithstanding the indicative layout submitted by the applicant, which shows four dwellings, this is a planning in principle, so the development could be advanced with only two dwellings, which would meet with the two house requirement of 'infill sites'. However, whilst such a proposal could potentially extend the full width of the 'gap', the sizes of the resultant two plots would bear no reasonable resemblance to the sizes the curtilages of the dwellings to the north and south, and certainly would not respect it. I therefore consider there to be clear conflict with the infill section of the HITCG.***

We have illustrated how 2 houses would fit within the site on an indicative proposed layout drawing (opposite).





As illustrated, on the above indicative drawing on the previous page and the map opposite, two plots in this gap site would indeed, be comparable in size to neighbouring residential properties, have similar road frontages and the full extent of the gap is included within the new plots.

Building Groups

We are also firmly of the view that the proposal also complies with the Building Groups Category.

The Building Groups Category (in the LDP and HITCP) is stated below:

1. Building Groups

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

In the 2017 Application, the Planning Officer did not consider the proposal to be within a building group or an acceptable extension to a building group.

Reference in the report of Handing to an existing Group:

'I do appreciate this planning application is in principle only, however in my view, the distances involved is of such a scale that I would not consider this to be development within an existing building group – even though there may be buildings at either end of not consider the proposal to be acceptable as development within an

the site, the site is not considered to be closely related to both sets of buildings at existing building group, as the development site is not within a building group.

We disagree with this subjective view. In dealing with the 2009 planning application, the planning officer shared our view that the site was within a building group. Furthermore, planning consent was recently granted for a very similar proposal within a very similar sized gap within the same hamlet (**17/00581/FLL**).

Reference in the report of Handing to extending a G

'In terms of an extension of building groups, I accept that there is an established building group to the north, which is typically defined as being 3 or more dwellings or buildings of reasonable scale. However, the site excludes a large area along the road side where there is little in the way of natural site containment - the site simply merges into the area of ...'



land excluded from the application site. I accept that the site may have some containment to the east (by a stone wall) and to the north and south (curtilages of neighbours), but there is no means of containment to the west and there remains a feeling of openness across the site which is not acceptable. Ultimately, I do not consider the collective boundaries and landscape of the site to provide a suitable level / degree of landscape containment or site definition. I therefore consider this proposal to be contrary to the specific requirement of the requirements of building groups, in relation to the extension of existing building groups’.

In the above extract, the planning officer acknowledges that the site is contained to the north (houses), south (houses), east (stone wall). However, the exclusion of a strip of land between the site boundary and the road appears to be an issue for the planning officer. As previously stated, this strip of land was omitted from the application boundary, as the original planning officer dealing with the 2009 application, felt this land was too steep to build houses on.

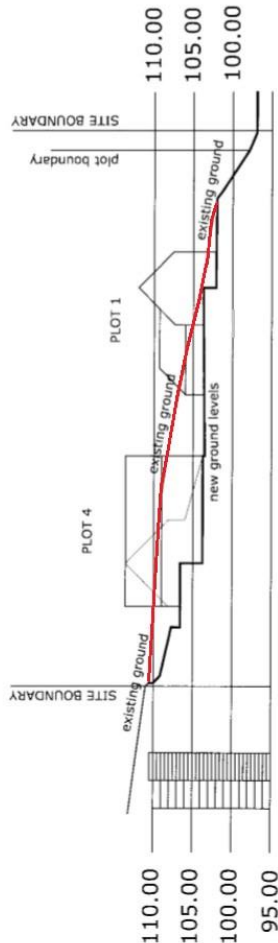
Visual Amenity

In the 2017 Application, the Planning Officer stated:

‘The proposal has the potential to have an adverse impact on the visual amenity of the area. The site is elevated above the road on a very prominent position. An indicative sectional detail has been submitted by the applicant across the site, but this does not show the sloping / elevated nature of the site or include the area outwith the application site which is adjacent to the road.’

At this stage, it has therefore not been demonstrated that the visual amenity of the area is not adversely affected.’

In our view the positioning of the proposed development is consistent with many of the neighbouring properties located to the north of the B867. The visual amenity of the area will not be adversely affected by the proposal. In the 2009 application a cross section was supplied to show the building levels, this, a map and photographs of the neighbouring properties are shown below.





6.2 National Planning Policy

6.2.1 Scottish Planning Policy (SPP)

SPP states that: *‘the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.*

It also states that

‘...the National Planning Framework aims to facilitate new housing development ... through innovative approaches to rural housing provision’.

The proposed development complies with the above extracts from SPP.

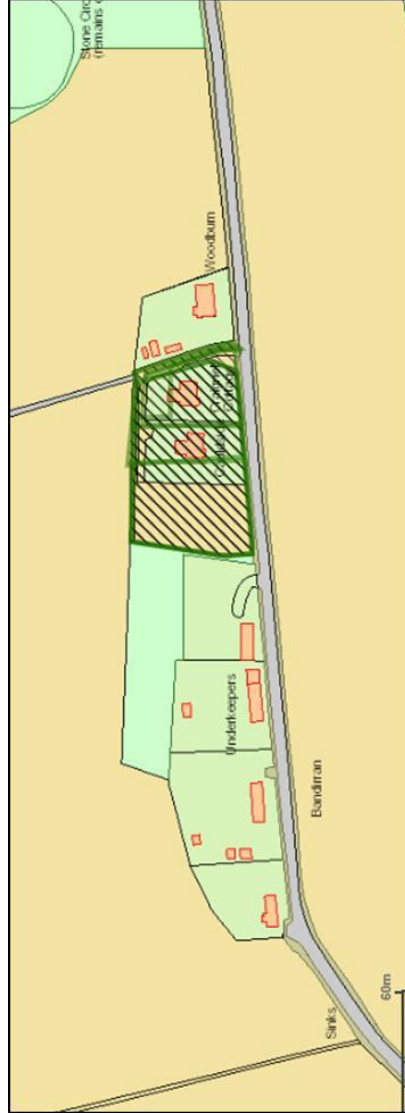
6.2.2 PAN 72

Planning Advice Note 72: Housing in the Countryside, is also encouraging of developing houses within/adjacent to building groups in rural areas;

‘New groups of houses Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs’.

7.0 Comparable Consented Cases

The Council have granted planning consent for a large number of planning applications proposing 2 houses within a gap site. As illustrated in some examples below, the gaps have been considerably





more than 90m in the subject case.

Location: Ground to The West Of Woodburn Cottage, Kinrossie, Perth
Proposal: Erection of two houses

(06/02006/OUT, 09/01405/FLL & 09/01046/AML)

Notes: The distance between the two houses either of the gap site is 145m, as illustrated opposite.

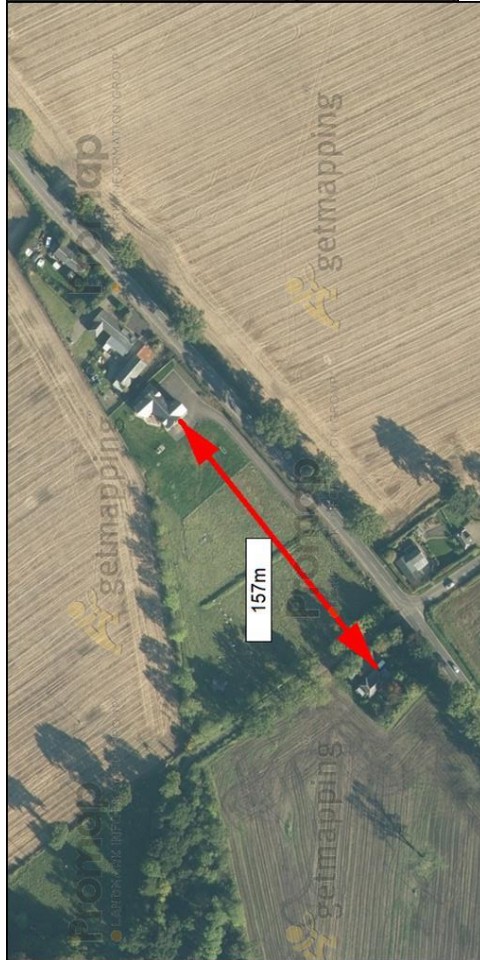
Location: The Smithy, Cargill, Perthshire

Proposal: A) Erection of two houses.

(15/02202/FLL & 12/01436/FLL). B)

Erection of a house (08/00084/FUL).

Notes: The site at present is an open paddock (to quote the planning officer in the Report of Handling). The distance between the two houses either of the gap site is 157m.



Location: Land at East Kinnochtry, Burrelton Perthshire

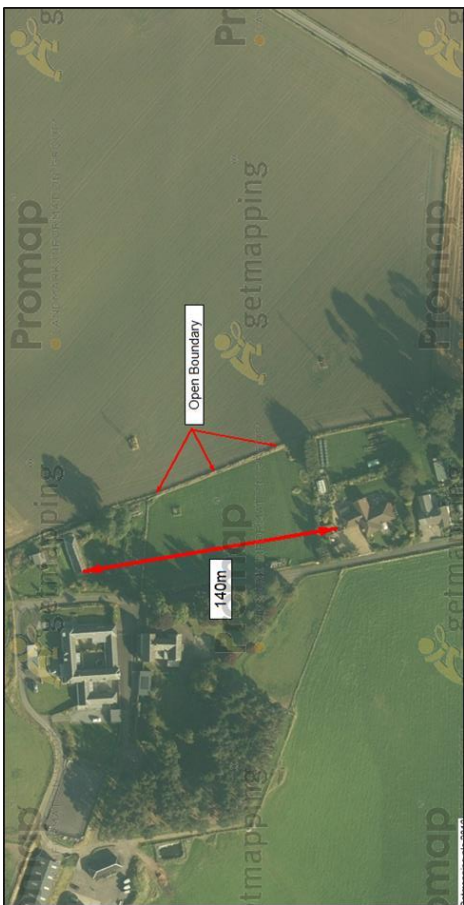
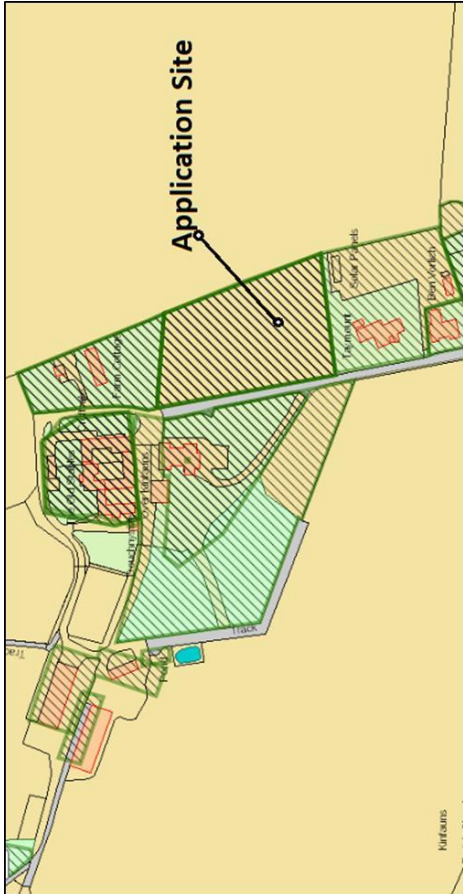
Proposal: Erection of two houses (06/00092/FUL)

Notes: The southern boundary of the plots is open field – as illustrated on the aerial map opposite.



Location: Land 80 Metres South East of Over Kinfauns Farm, Church Road, Kinfauns
Proposal: Erection of two houses (11/00897/IPL)

Notes: The eastern boundary of the site is open. The distance between the two houses either of the gap site is 140m.



8.0 Design proposal

This revised design proposes two new dwellings within the confines of the site. Unlike the previous application, the revised design encompasses all of the area considered to be “infill” with the intention of ensuring no further development or subdivision in the future. The principle for approval of 2 dwellings has been well established within such a setting and the ratio of useable garden relative to footprint fits within the local settlement pattern.

Accommodation within the 2 new dwellings comprises of 5 bedrooms, home office working area, large open plan kitchen / diners with separate living rooms and utility. Both houses have garaging underneath set within the existing ground levels. Each property has the following specification –

- Grade A Spanish slate (Matacouta)
- Siberian larch cladding
- Grey finish Aluclad triple glazed windows and doors
- Natural locally sourced stone on various elevations.
- MVHR (ventilation and heat recovery)
- Airsource heat pumps (see attached details) Mitsubishi Ecodan PUZ-WM85VAA(-BS) Ecodan R32

The houses have been positioned close to central within their respective plots but set back far enough from the public road to ensure compliant access and minimal over massing. Plot 1 has an internal footprint area of 162m2 on a plot of 0.65 acres. Plot 2 also has an internal foot print of 162m2 on a slightly larger plot of 0.844 acres. Both sites are accessed over a shared tarmac road. The access point to the site is already established; however, it will need to be brought up to LA standards to ensure compliance.

Within the confines of plot 1, there is an existing large biodisc unit which serves the neighbouring properties of Bowerswell. This biodisc was sized to accommodate the 5 properties of Bowerswell but also, it was intended to have free capacity for 7 more dwellings at a future date. The applicant has retained a right to utilise this biodisc unit and intends to connect the two new dwellings to it. The design and available capacity was approved for this by SEPA. All other services are nearby.

The application submitted in 2019 (19/01577/IPL) was refused for the following reasons and additional notes have been added to demonstrate how the revised design proposes to address these issues –

(1) By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and/or an infill site.

The revised design proposes only 2 new dwellings within an identified infill site as highlighted above.

The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure

This a subjective view, the site has well established boundaries along the northern and eastern sections, the boundary to the west is yet to be established to provide adequate shielding with the existing development (Bowerswell) as with the south roadside access. In its current form, the boundaries to the south and west are unattractive and unlikely to be improved without development of the site. A planning condition attached to any potential approval could ensure these issues are addressed.

that and c) comparable plot sizes/shapes which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Supplementary Guidance 2020 and Policy 19 of the Perth and Kinross Local Development Plan 2 (2019), which both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill), takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.
Our Ref: LRB-2020-063


The revised design proposes two dwellings within generous size gardens matching the existing pattern and density ratios within existing definable boundaries. The existing topography to the largest extent will be retained with the exception of an area of cut and fill to accommodate the new dwellings. It is envisaged that the majority of the earth removed will be relocated on the site to rationalise the levels and ensure a natural landscape character is retained and the visual impact of the development is minimal. Please refer to the sectional drawings provided.




(2) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1A of Perth and Kinross Local Development Plan 2 (2019). This policy seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
(3) The site is elevated above the public road and is in a prominent position in the landscape. As it has not been demonstrated that the development would not have adverse impact on the visual amenity of the area, the proposal is therefore contrary to Policy 1B(b) of the Perth



and Kinross Council Local Development Plan 2 (2019). This policy requires all proposals to respect site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.

Whilst some areas of the site are elevated and in a prominent position, the new design proposes two houses set within the exiting topography. The reduction in number of properties will have considerably less visual impact over the previous proposals. Some areas of cut and fill have been proposed to ensure the vast majority of the building mass is set within the backdrop of the surrounding hill side. Garaging will be built into the existing hill side and shall be shielded by the existing topography. The exclusion of harled or rendered finishes will ensure minimal visual impact and the use of natural larch and stone under a dark slate roof will allow the buildings to sit seamlessly within the site. As already stated, creation of a good landscape setting could easily be achieved with the implementation of conditions on an approval of the development 

9.0 Summary

Historically, this site has been subjected to numerous planning applications, the outcome of which have suggested that the previous proposals would be an overdevelopment of the site. From interpretation of the various decision notices and delegated reports, it would be a fair assumption that the principle of development of this site is feasible on the grounds of it being an infill site, particularly with the maximum proposal of two properties. 


The Infill Sites Category (in the LDP and HITCP) is stated below.

2. Infill Sites

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

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

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

Given the various designs, sizes and positions of the properties in Waterloo, it would be fair to say that there is not what could be classed a local vernacular. The proposed new dwellings are of a size and design that would complement their setting whilst providing adequate amenity. a well-conceived landscape plan could ensure the houses sit seamlessly into the site. Removal of permitted development would be accepted to ensure no further development in the future 



Proposed house – orange rectangle, “Hargan”, red arrow indicates overlooking.

Road level – 96.5m

Proposed house ground floor level 107.5m

Proposed house roofline 114.8m

Hargan ground floor level approx. ???