



Perth and Kinross Local Review Body

Council Building
2 High Street
Perth
PH1 5PH

18 May 2018

A Meeting of the **Local Review Body** will be held in the **Council Chamber, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Tuesday 29 May 2018** at **10.30am**.

If you have any queries please contact Committee Services on (01738) 475000.

GILLIAN A TAYLOR
Clerk to the Local Review Body

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.

Members

Councillor W Wilson
Councillor T Gray
Councillor L Simpson
Councillor B Brawn (Reserve)

Advisers

Clerk
Legal Adviser
Planning Adviser

Applicant

PERTH AND KINROSS LOCAL REVIEW BODY

29 May 2018

AGENDA

1. Welcome
2. Declarations of Interest
3. Minute of Meeting of Local Review Body of 1 May 2018 (copy herewith)
(Pages 1-4)
4. Applications for Review
 - (i) TCP/11/16(525)
Planning Application – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg – Review Papers Attached **(Pages 5-42)**
 - (a) Notice of Review and supporting documents **(Pages 7-32)**
 - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 33-34)**
 - (c) Representations **(Pages 35-42)**
 - (ii) TCP/11/16(526)
Planning Application – 17/01297/FLL – Erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael – Review Papers Attached **(Pages 43-130)**
 - (a) Notice of Review and supporting documents **(Pages 45-54)**
 - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 55-108)**
 - (c) Representations **(Pages 109-130)**
 - (iii) TCP/11/16(527)
Planning Application – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie – Review Papers Attached **(Pages 131-180)**
 - (a) Notice of Review and supporting documents **(Pages 133-144)**
 - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 145-164)**
 - (c) Representations **(Pages 165-180)**

- (iv) TCP/11/16(529)
Planning Application – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol – Review Papers Attached (Pages 181-242)
- (a) Notice of Review and supporting documents (Pages 183-194)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 195-2016)
- (c) Representations (Pages 217-242)

5. Deferred Applications for Review

- (i) TCP/11/16(519)
Planning Application – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS – Review Papers Attached (Pages 243-282)
- (a) Notice of Review and supporting documents (Pages 245-264)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 265-276)
- (c) Representations (Pages 277-282)
- (ii) TCP/11/16(521)
Planning Application – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavoured – Review Papers Attached (Pages 283-352)
- (a) Notice of Review and supporting documents (Pages 285-338)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 339-340)
- (c) Representations (Pages 341-352)
- (iii) TCP/11/16(523)
Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – Review Papers Attached (Pages 353-462)
- (a) Notice of Review and supporting documents (Pages 355-440)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 441-442)
- (c) Representations (Pages 443-456)
- (d) Further Information (Pages 457-462)

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 1 May 2018 at 10.30am.

Present: Councillors W Wilson, R McCall and L Simpson.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (the Environment Service); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

. **MINUTE**

The minute of meeting of the Local Review Body of 3 April 2018 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

(i) TCP/11/16(513) – Review of Refusal to Discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 Turbines – Tullymurdoch Limited

Members considered a Notice of Review seeking a review of the refusal to discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 turbines.

The Planning Adviser summarised the extensive planning history of the two planning applications relating to this windfarm development.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning and Legal Advisers, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the refusal to discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 turbines, be granted and Condition 5 of Consent 12/01423/FLL be discharged to that effect.

Justification

The Local Review Body recognised that the Council had already approved the siting of 7 No. Servion MM92 turbines as proposed in the context of 15/01561/FLL and that the planning application had been implemented in terms of a commencement of development on site and therefore justified the discharge of Condition 5 of Consent 12/01423/FLL.

(ii) TCP/11/16(524) - Planning Application – 17/02047/FLL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie – Mr S Adams

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse (in principle), on land north of 59 Station Road, Invergowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), on north of 59 Station Road, Invergowrie, be refused for the following reasons:
 - 1. The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas.

Justification

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

DEFERRED APPLICATIONS FOR REVIEW

(i) TCP/11/16(508) – Planning application - 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Mr D S McFadzean

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 6 February 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without (i) an updated report from SAC on the justification of need, reflective of the additional land referred to in the Notice of Review and; (ii) comment from the Development Quality Manager on the updated report from SAC. With the requested further information having been received, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested further information, and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain, be refused for the following reasons:
 - 1. The proposal is contrary to Policy PM1A: Placemaking, of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of the development does not respect the character and amenity of the place.
 - 2. The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

Justification

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

(ii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without clarification on the siting and position of the proposed site. With the further information having been received, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested clarification on the siting and position of the proposed site, and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (i) following the site visit, the application be brought back to the Local Review Body.

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**TCP/11/16(525) – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 7-32***)
- (b) Decision Notice (***Pages 21-22***)
  - Report of Handling (***Pages 23-31***)
  - Reference Documents (***Pages 17-19***)
- (c) Representations (***Pages 35-42***)





**TCP/11/16(525) – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100081580-003

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                       |                             |                                                      |                |
|-----------------------|-----------------------------|------------------------------------------------------|----------------|
| Company/Organisation: | Grant Allan Architecture    |                                                      |                |
| Ref. Number:          |                             | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Grant                       | Building Name:                                       |                |
| Last Name: *          | Allan                       | Building Number:                                     | 9A             |
| Telephone Number: *   | 07830630600                 | Address 1 (Street): *                                | 9A Mossgreen   |
| Extension Number:     |                             | Address 2:                                           |                |
| Mobile Number:        |                             | Town/City: *                                         | Crossgates     |
| Fax Number:           |                             | Country: *                                           | United Kingdom |
|                       |                             | Postcode: *                                          | KY4 8BU        |
| Email Address: *      | ga.architecture@outlook.com |                                                      |                |

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                        |                                                              |
|----------------------|----------------------------------------|--------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>        | You must enter a Building Name or Number, or both: *         |
| Other Title:         | <input type="text"/>                   | Building Name: <input type="text" value="Scarhead Cottage"/> |
| First Name: *        | <input type="text" value="Alexander"/> | Building Number: <input type="text"/>                        |
| Last Name: *         | <input type="text" value="Cameron"/>   | Address 1 (Street): * <input type="text" value="Glenfarg"/>  |
| Company/Organisation | <input type="text"/>                   | Address 2: <input type="text"/>                              |
| Telephone Number: *  | <input type="text"/>                   | Town/City: * <input type="text" value="Perth"/>              |
| Extension Number:    | <input type="text"/>                   | Country: * <input type="text" value="Scotland"/>             |
| Mobile Number:       | <input type="text"/>                   | Postcode: * <input type="text" value="PH2 9QG"/>             |
| Fax Number:          | <input type="text"/>                   |                                                              |
| Email Address: *     | <input type="text"/>                   |                                                              |

## Site Address Details

|                                                                       |                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|
| Planning Authority:                                                   | <input type="text" value="Perth and Kinross Council"/> |
| Full postal address of the site (including postcode where available): |                                                        |
| Address 1:                                                            | <input type="text" value="Scarhead Cottage"/>          |
| Address 2:                                                            | <input type="text" value="Glenfarg"/>                  |
| Address 3:                                                            | <input type="text"/>                                   |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="Perth"/>                     |
| Post Code:                                                            | <input type="text" value="PH2 9QG"/>                   |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="711383"/> | Easting | <input type="text" value="313861"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

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

Erection of a dwellinghouse (in principle)

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The refusal states "The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan". No materials were issued in the proposed application. This could be negotiated with planning at a later stage if it were accepted in principle. The new dwelling could also match materials and characteristics of the existing dwellinghouse.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Loc-01\_40A Loc-02\_40 Site-01\_40

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00081/IPL

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

09/01/2018

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

01/03/2018

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr Grant Allan

Declaration Date: 20/03/2018





# Grant Allan Architecture



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Email: [ga.architecture@outlook.com](mailto:ga.architecture@outlook.com)

Local Review Body  
Council Building  
2 High Street  
PERTH,  
PH1 5PH

**TCP/11/16(525) Erection of dwellinghouse (in principle) Land 20 Meters South of Scarhead Cottage Glenfarg – 18/00081/IPL**

My client wishes to challenge the refusal notice for the above application.

We strongly believe that the erection of a dwellinghouse in this site will not be detrimental to the surrounding area and countryside. The proposed site is of good size, flat and ideal for development. The refusal report suggests that the proposed dwellinghouse will be “squeezed” on to the site when this is not the case. The garden ground to the rear more than meets the required amount. My client also explains that more ground could be excavated from the rear to accommodate more garden ground if required. The refusal report states that the proposal does not respect the density and siting of the dwelling. This is not the case as the existing cottage would still have more than enough garden ground to the front, side and rear. The existing land at the moment is wasted ground which is hardstanding.

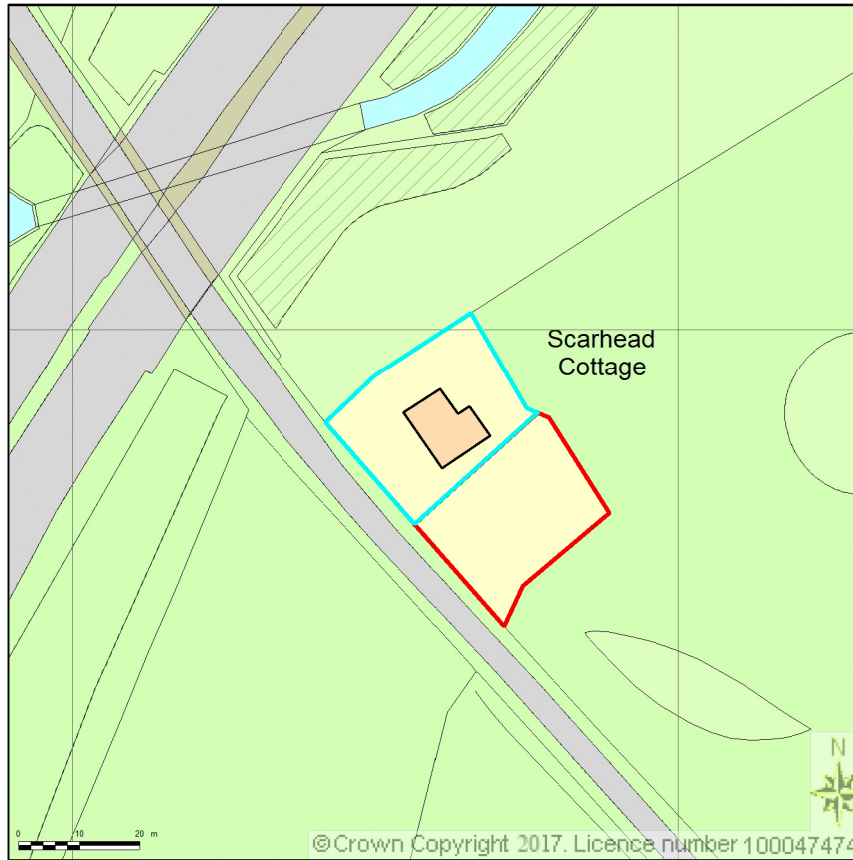
The refusal report also states that a new dwelling would erode the character of the countryside. As this is a planning in principle application, there is no mention of materials, mass of elevations etc, however, if this application was to be overturned, my client and I would be looking to work closely with the planning department to pick the right materials and design of house. A design based on the existing cottage could be a compromise here as it’s proven this style of dwelling does not retract from the countryside and surrounding area.

The refusal report also mentions how a sustainable drainage system cannot be accommodated when a septic tank and joint soakaway with the existing cottage would more than suffice.

The final point made in the refusal report is that a dwellinghouse would erode local distinctiveness, diversity and the quality of Perth and Kinross Landscape character. We strongly disagree with this point as we believe the correct house type with sympathetic materials would add to the character and diversity. It would certainly be more attractive than seeing a large mud bank and open hard standing.

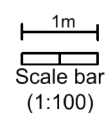
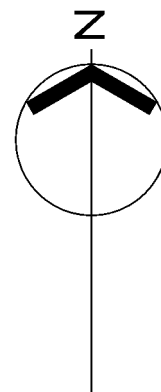
In conclusion we believe that the site is perfect for a new dwellinghouse using traditional materials and will add to the character of the surrounding area and in turn will be an improvement on the landscape which stands just now.








Yours Sincerely  
Grant Allan



## Proposed Location Plan

Scale - 1:1250



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                       |                                                                                       |                                                                                       |         |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------|----------|
|                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                       |                                                                                       |                                                                                       |         |          |
| <b>client</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Alexander Cameron                                                                     |                                                                                       |                                                                                       |         |          |
| <b>location</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Scarhead Cottage<br>Glenfarg<br>Perth<br>PH2 9QG                                      |                                                                                       |                                                                                       |         |          |
| <b>Project title</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Proposed Dwellinghouse                                                                |                                                                                       |                                                                                       |         |          |
| Date Drawn: Oct'17                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                       |                                                                                       |                                                                                       |         |          |
| <b>ISSUE</b><br>Rev A -                                                                                                                                                                                                                                                                                                                                                                                                                                                             | AMENDMENT<br>Site boundaries amended                                                  |                                                                                       |                                                                                       |         |          |
| DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                       |                                                                                       |                                                                                       |         |          |
| Scale - 1:1250 @ A4<br>Drawn by: Grant Allan                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                       |                                                                                       |                                                                                       |         |          |
| <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">  </td> <td style="width: 50%; text-align: center;">  </td> </tr> <tr> <td style="text-align: center;">         CHECKED       </td> <td style="text-align: center;">         VERIFIED       </td> </tr> </table> |                                                                                       |  |  | CHECKED | VERIFIED |
|                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                       |                                                                                       |         |          |
| CHECKED                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | VERIFIED                                                                              |                                                                                       |                                                                                       |         |          |
| <b>Drawing No.</b><br><div style="font-size: 2em; font-weight: bold;">LOC</div>                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                       |                                                                                       |                                                                                       |         |          |



Aerial View  
Scale - NTS

CLIENT  
Alexander Cameron

LOCATION  
Scarhead Cottage  
Glenfarg  
Perth  
PH2 9QG

CONTACT  
Proposed Dwelling house

Project Title

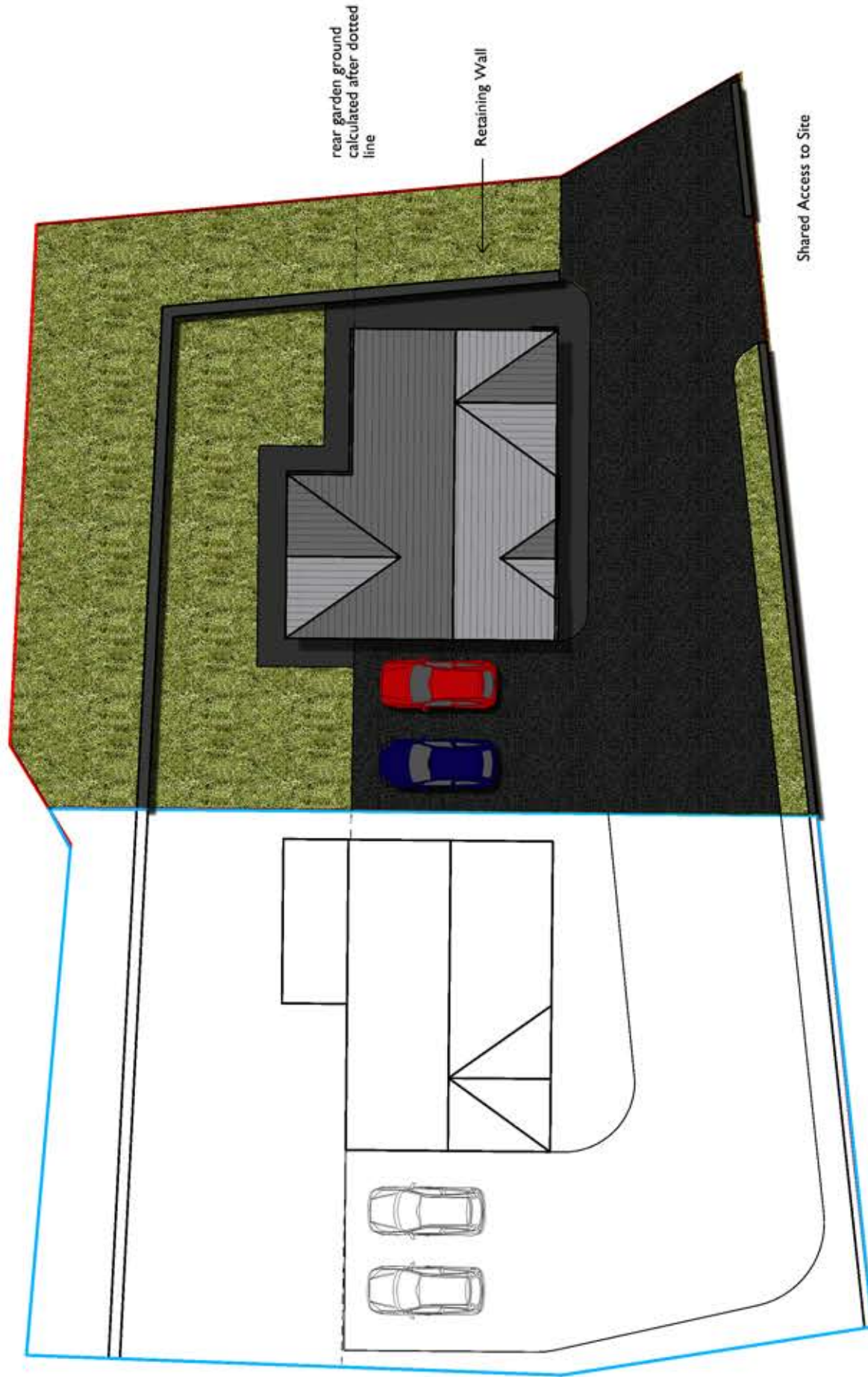
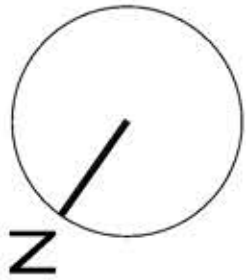
Date Drawn: Jan'18  
ISSUE: 1  
AMENDMENT: 1  
DATE:

Scale - NTS  
Drawn By: G. Allan

Scale bar  
(1:100)

Drawing No.  
02





Proposed Plot denoted by - -

Site Area - 550m<sup>2</sup>  
Rear Garden Area - 205m<sup>2</sup>  
Existing Dwelling Footprint - 95m<sup>2</sup>

Proposed Plot denoted by - -

Site Area - 590m<sup>2</sup>  
Rear Garden Area - 250m<sup>2</sup>  
Proposed Dwelling Footprint - 95m<sup>2</sup>

## Proposed Site Plan

Scale - 1:200



Alexander Cameron

Scarhead Cottage  
Glenfarg  
Perth  
PH2 9QG

Proposed Dwelling house

Date Drawn: Oct17  
Title: ARCHITECTURE  
DATE

Scale - 200 @ A3  
Drawn By: G. Allen

01

Drawing No.



# PERTH AND KINROSS COUNCIL

Mr Alexander Cameron  
c/o Grant Allan Architecture  
Grant Allan  
9A Mossgreen  
Crossgates  
KY4 8BU

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 1st March 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00081/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd January 2018 for permission for **Erection of a dwellinghouse (in principle) Land 20 Metres South Of Scarhead Cottage Glenfarg** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the density and siting of the existing dwelling it therefore does not respect the character and amenity of this area of Perth and Kinross.

4. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside. In addition a further dwelling squeezed into the site results in an inappropriate density contrary to criterion (c).
5. The proposal is contrary to Policy EP3C: Water, Environment and Drainage of the Perth and Kinross Local Development Plan 2014, as it has not been demonstrated that a Sustainable Urban Drainage System can be accommodated on this constrained site.
6. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

### **Justification**

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

### **Notes**

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

18/00081/1

18/00081/2

18/00081/3



# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 18/00081/IPL        |      |
| Ward No                | P9- Almond And Earn |      |
| Due Determination Date | 21.03.2018          |      |
| Case Officer           | John Russell        |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 20 Metres South Of Scarhead Cottage Glenfarg

### SUMMARY:

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

**DATE OF SITE VISIT:** 1 February 2018

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

This is an application in principle for the erection of a dwellinghouse within the side garden ground of Scarhead Cottage. The site is located to the east of the M90 motorway beside the flyover from the B996. The site is located outwith the settlement boundary of Glenfarg in the countryside.

Scarhead Cottage has recently been refurbished and the garden ground area to the south east has been excavated to form a hardstanding. The site plan

shows the excavated area would have a retaining wall however this was not present at my site visit.

The proposed dwelling would be located on the hardstanding area. The site plan illustrates that existing access will be utilised for both Scarhead Cottage and the proposed plot which results in a shared driveway arrangement to the front of the proposed plot. Parking would be located to the north-west side of both plots. As the application is in-principle there are no details indicating the building mass or elevational treatment at this stage.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### Policy PM1A - Placemaking

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

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

#### Policy PM4 - Settlement Boundaries

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

#### Policy RD3 - Housing in the Countryside

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

#### Policy TA1B - Transport Standards and Accessibility Requirements

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

### OTHER POLICIES

#### **Development Contributions**

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

#### **Housing in the Countryside Guide**

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

- Safeguard the character of the countryside;

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

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

## **CONSULTATION RESPONSES**

Transport Planning – No response within consultation period.

Contributions Officer – No objection subject to conditional control.

Scottish Water – No objection.

## **REPRESENTATIONS**

No representations were received within the public consultation timeframe. However two letters of objection were received after the expiry dates. The concerns raised have been taken into account in the assessment of this application under the appraisal section below.

## **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

## **Policy Appraisal**

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans I consider the proposed plot within the existing curtilage of Scarhead Cottage which sits in isolation does not relate to:-

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

Taking this into account the principle of housing development on the site is contrary to Policy RD3. The siting criterion and relationship to neighbouring land uses is discussed further under the headings below.

## **Design and Layout**

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

The placemaking policies confirm that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

Although this application is in principle the development will not contribute positively, to the quality of the surrounding built and natural environment. The proposed plot is squeezed into the side garden ground of the existing dwellinghouse Scarhead Cottage. In this case I do not consider that the development respects the density and siting of the existing dwelling. As a consequence it has a detrimental impact on the character and amenity of place contrary to Policy PM1A.

From my review of Policy PM1B, the proposed plot in this location fails to create a sense of identity and erodes the character of the countryside (a). As

noted above I do not consider that a further dwelling can be squeezed into the site as it results in an inappropriate density contrary to criterion (c).

Overall I consider there is a clear conflict with placemaking policies PM1A and PM1B.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

I do not consider that the tree resource to the south of the site will be affected by the development.

The development of this site does not comply with the housing in the countryside policy accordingly formation of a dwelling is considered to erode local distinctiveness, diversity and quality of the landscape. The proposal would therefore also fail to comply with Policy ER6.

## **Residential Amenity**

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwelling, those that live in the existing house. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application the exact impact on existing amenity and also the proposed residential amenity of future occupiers of housing within the development cannot be fully determined. However taking account of the block plan I do not consider that a suitable useable level of private rear amenity space is provided to the proposed dwellinghouse due to the sloping nature of the rear garden ground and the requirement for a retaining structure. In addition the proposed plot significantly reduces the amount of garden ground of Scarhead Cottage.

## **Roads and Access**

I note the concerns highlighted in the late comments relating to access arrangements and road safety however consultation with colleagues in Transport Planning confirm they have no objection to the application.

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

## **Drainage and Flooding**

The site is not in an area subject to river flooding.

Foul drainage arrangements will be private as the site is located out with the public sewer area. This will result in a new or altered foul drainage arrangement at the site. If approved this matter will be assessed in detail through the building regulations as well as the potential requirement for CAR authorisation.

Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C. Usually this could be secured by condition however given the nature of this constrained site it would need to be illustrated at this stage to show this can be achieved or some other suitable form of surface water disposal can be provided.

## **Developer Contributions**

### Education:-

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Arngask Primary School. As this application is only “in principle” it is not possible to provide a definitive answer at this stage on the capacity of the primary school. The determination of appropriate contribution, if required, would be based on the status of the school when the full/reserved matters application is received.

### Transport Infrastructure:-

With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application if granted.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.
- 3 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the density and siting of the existing dwelling it therefore does not respect the character and amenity of this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside. In addition a further dwelling squeezed into the site results in an inappropriate density contrary to criterion (c).



- 5 The proposal is contrary to Policy EP3C: Water, Environment and Drainage of the Perth and Kinross Local Development Plan 2014, as it has not been demonstrated that a Sustainable Urban Drainage System can be accommodated on this constrained site.
- 6 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

### **Justification**

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

### **Informatives**

None

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00081/1

18/00081/2

18/00081/3

**Date of Report 28.02.2017**



**TCP/11/16(525) – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 21-22)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 23-31)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 17-19)*



**TCP/11/16(525) – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg**

## **REPRESENTATIONS**



30<sup>TH</sup> January 2018

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



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

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

Dear Local Planner

**PH2 Glenfarg Scarhead Cottage Land 20M South Of**  
**PLANNING APPLICATION NUMBER: 18/00081/IPL**  
**OUR REFERENCE: 756420**  
**PROPOSAL: Erection of a dwellinghouse (in principle)**

**Please quote our reference in all future correspondence**

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

#### **Water**

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

#### **Foul**

- This proposed development will be serviced by Glenfarg Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal**

756420\_Local Planner\_P2 DOM Capacity Available\_Applicant\_21-22-44.doc

**connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

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



- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email

756420\_Local Planner\_P2 DOM Capacity Available\_Applicant\_21-22-44.doc

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

**Laura Bunton**

Tel: 0141 414 <insert extension>

[Laura.Bunton2@scottishwater.co.uk](mailto:Laura.Bunton2@scottishwater.co.uk)

## Comments to the Development Quality Manager on a Planning Application

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 18/00081/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Address of site</b>                   | Land 20 Metres South Of Scarhead Cottage, Glenfarg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Arngask Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> |
| <b>Recommended informative(s) for applicant</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Date comments returned</b>                   | 07 February 2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------|
| <b>TCP/11/16(526) – 17/01297/FLL – Erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael</b> |
|-----------------------------------------------------------------------------------------------------------------------|

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 45-54***)
- (b) Decision Notice (***Pages 57-59***)
  - Report of Handling (***Pages 61-74***)
  - Reference Documents (***Pages 75-108***)
- (c) Representations (***Pages 109-130***)



**TCP/11/16(526) – 17/01297/FLL – Erection of a  
garage/workshop on land north west of Choc Sualtach,  
Kirkmichael**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100089135-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                       |                                 |                                                      |                    |
|-----------------------|---------------------------------|------------------------------------------------------|--------------------|
| Company/Organisation: | Lochhead Consultancy            |                                                      |                    |
| Ref. Number:          |                                 | You must enter a Building Name or Number, or both: * |                    |
| First Name: *         | James                           | Building Name:                                       | Millhole Farmhouse |
| Last Name: *          | Lochhead                        | Building Number:                                     |                    |
| Telephone Number: *   | 01738 710053                    | Address 1 (Street): *                                | Murthly            |
| Extension Number:     |                                 | Address 2:                                           |                    |
| Mobile Number:        |                                 | Town/City: *                                         | Perth              |
| Fax Number:           |                                 | Country: *                                           | Scotland           |
|                       |                                 | Postcode: *                                          | PH1 4LG            |
| Email Address: *      | james@lochheadconsultancy.co.uk |                                                      |                    |

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                     |                                                                |
|----------------------|-------------------------------------|----------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>     | You must enter a Building Name or Number, or both: *           |
| Other Title:         | <input type="text"/>                | Building Name: <input type="text" value="Boreland Farm"/>      |
| First Name: *        | <input type="text" value="Mike"/>   | Building Number: <input type="text"/>                          |
| Last Name: *         | <input type="text" value="Aitken"/> | Address 1 (Street): * <input type="text" value="Kirkmichael"/> |
| Company/Organisation | <input type="text"/>                | Address 2: <input type="text"/>                                |
| Telephone Number: *  | <input type="text"/>                | Town/City: * <input type="text" value="Blaigowrie"/>           |
| Extension Number:    | <input type="text"/>                | Country: * <input type="text" value="Scotland"/>               |
| Mobile Number:       | <input type="text"/>                | Postcode: * <input type="text" value="PH10 7NR"/>              |
| Fax Number:          | <input type="text"/>                |                                                                |
| Email Address: *     | <input type="text"/>                |                                                                |

## Site Address Details

|                                                                       |                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|
| Planning Authority:                                                   | <input type="text" value="Perth and Kinross Council"/> |
| Full postal address of the site (including postcode where available): |                                                        |
| Address 1:                                                            | <input type="text" value="BORELAND FARM"/>             |
| Address 2:                                                            | <input type="text" value="KIRKMICHAEL"/>               |
| Address 3:                                                            | <input type="text"/>                                   |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="BLAIRGOWRIE"/>               |
| Post Code:                                                            | <input type="text" value="PH10 7NR"/>                  |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="759738"/> | Easting | <input type="text" value="308590"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

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

Erection of Garage/Workshop

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See short supporting statement.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Supporting Statement (It is assumed the Planning Authority will provide the decision notice etc..)

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01297/FLL

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

03/08/2017

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

21/02/2018

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr James Lochhead

Declaration Date: 28/03/2018



**Proposed Erection of Garage/Workshop**  
**At**  
**Land North West of Choc Sualtach, Kirkmichael**  
**Proposed Review**

The determining issue in this Review is whether it is competent to impose conditions which would establish the maximum level of noise associated with the proposal. All other matters, such as siting and design were considered satisfactory by the Planning Officer.

Considerable weight must be given to the fact that the Environmental Health Officer raised no objection to the proposal subject to restricting the hours of operation, requesting the garage doors remain closed when noisy work is being undertaken and that the noise levels do not exceed a Rating Level of LAeq 37 dB over any given 1 hour period. All these conditions are acceptable to the appellant.

The key condition is the one setting the maximum noise level. If the condition is breached the Council have powers to take enforcement action. Having the doors open or closed is irrelevant. However, my client is more than content to fully comply with such a condition.

In the Report of Handling it is not stated why the Council could not enforce such a condition. Clearly the noise level condition can be enforced. Such conditions are very common within the Development Management process.

Finally, modern MOT garages, such as proposed, are not significant generators of noise – it is more computers and diagnostics. The Review Body is respectfully invited to approve this appeal with conditions recommended by the Environmental Health Officer.

James Lochhead





**TCP/11/16(526) – 17/01297/FLL – Erection of a  
garage/workshop on land north west of Choc Sualtach,  
Kirkmichael**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr Mike Aitken  
c/o Lochhead Consultancy  
James Lochhead  
Millhole Farmhouse  
Murthly  
Perth  
Scotland  
PH1 4LG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21st February 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01297/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 3rd August 2017 for permission for **Erection of a garage/workshop Land North West Of Choc Sualtach Kirkmichael** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

- 1 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be controllable via planning conditions, the proposal would have an adverse impact on the residential amenity of adjacent properties. To this end, the proposal is contrary to Policy EP8 (Noise Pollution) of the adopted Perth and Kinross Local Development Plan 2014 which states that there is a presumption against the siting of new developments which will generate high levels of noise in the locality of noise sensitive uses.

- 2 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be controllable via planning conditions, the proposal would have an adverse impact on the residential amenity that is currently enjoyed by adjacent properties, and the proposal is not considered to be compatible with the surrounding land uses. To this end, the proposal is contrary to Policy ED3 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new proposals are compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

## **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**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

Plan Reference

17/01297/1

17/01297/2

17/01297/3

17/01297/4

17/01297/5

17/01297/6

17/01297/7

17/01297/8



## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                         |      |
|------------------------|-------------------------|------|
| Ref No                 | 17/01297/FLL            |      |
| Ward No                | P3- Blairgowrie & Glens |      |
| Due Determination Date | 02.10.2017              |      |
| Case Officer           | Andy Baxter             |      |
| Report Issued by       |                         | Date |
| Countersigned by       |                         | Date |

**PROPOSAL:** Erection of a garage/workshop

**LOCATION:** Land North West Of Choc Sualtach, Kirkmichael

#### **SUMMARY:**

This report recommends **refusal** of a detailed planning application for the erection of a new rural garage/workshop on a site outside Kirkmichael as the development is considered to be contrary to the relevant provisions of the Development Plan, and there are no material considerations apparent which outweigh the Development Plan.

**DATE OF SITE VISIT:** 22 August 2017 & a meeting on site with agent in  
16 May 2017

#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The proposal seeks to obtain a detailed planning permission for the erection of a new commercial MOT garage on an area of land outside the small village of Kirkmichael. The proposed site of the garage is on land which is part of a wider agricultural field which fills the natural gap between two residential properties (to the east and west), and then extends further to the north.

The site lies immediately to the north of the B950 rural road from Kirkmichael and measures approx. 23.5m in width (east to west) – *which is approx. ½ of the full gap between the two houses* - with a depth of approx. 36m (north to south).

The proposed building would be a steel framed structure measuring approx. 16m in its width (north to south) and 18m in length (east to west). The applicant has indicated that the building would be an MOT station for vehicles – which is considered to be a Class 5 (general industry) use of the Use Classes Order 1997.

Employee and customer parking associated with the proposed use is proposed to the rear of the building, whilst a new vehicular access into the site from the public road is also proposed. The site is sloping, and the proposed building and associated parking would be cut into an existing bank. To stabilise the rear bank, a high retaining wall is proposed along the northern site boundary and it is assumed that this would be constructed of typical engineering brick/gabions.

## **SITE HISTORY**

A outline planning consent for the erection of a dwellinghouse and the change of use from agricultural land to garden ground was approved in 2008 (08/00699/OUT) on the full 'gap' between the two existing residential properties.

That consent was never advanced to a detailed stage, and has now expired.

## **PRE-APPLICATION CONSULTATION**

A pre-application enquiry was made to the Council (17/00396/PREAPP) by the applicant. The response issued by the Council highlighted the likely issues which would arise if a planning application was to be made which focused on noise and compatibility with existing (residential) uses.

## **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.

### **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published in June 2014 and 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 relevance to this application are,

- Paragraphs 74 - 83, which relates to Promoting Rural Development
- Paragraphs 92–108, which relates to Supporting Business & Employment

### **Scottish Government Circular 4/1998**

This Circular and the accompanying Annex sets out Government policy on the use of conditions in planning permissions.

### **PAN1/2011 – Planning and Noise**

This Planning Advice Note (PAN) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Information and advice on noise impact assessment methods is provided in the associated Technical Advice Note Assessment of Noise.

### **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The site lies within the landward area of the Local Development Plan, where the following policies are directly applicable to the proposal,

### **Policy ED3 - Rural Business and Diversification**

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported.

All proposals will be expected to meet all the following criteria:

- (a) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
- (b) The proposal can be satisfactorily accommodated within the landscape capacity of any particular location
- (c) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.
- (d) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
- (e) The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- (f) Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.
- (g) Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation

### **Policy EP8 - Noise Pollution**

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

### **Policy NE3 - Biodiversity**

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning

permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy PM1A - Placemaking**

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

### **Policy PM3 - Infrastructure Contributions**

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

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing 2016**

This policy outlines the Council's position in relation to Developer Contributions in relation to Primary Education, A9 upgrades and Transport Infrastructure as well as Affordable Housing provision.

## **EXTERNAL CONSULTATION RESPONSES**

**Scottish Water** have commented on the proposal and raised no objections.

## **INTERNAL COUNCIL COMMENTS**

**Transport Planning** have commented on the proposal in terms of the access and parking provision and have raised no objections to the proposal.

**Development Negotiations Officer** has commented on the proposal and confirmed that there is no requirement for any Developer Contributions.

**Environmental Health** have commented on the proposal in relation to noise nuisance, and commented on the noise impact assessment which has been lodged in support with of the planning application. It is their view that a noise nuisance may occur to an unacceptable level if the garage doors are to remain open during operations, however if the doors were to remain closed noise nuisance could be mitigated to an acceptable level.

## REPRESENTATIONS

Three letters of representations have been received, relating to the proposal, all of which are objecting to the proposal. The main issues that have been raised within the letters of representations focus on noise concerns, and a concern that the proposed development is not compatible with existing land uses.

These issues are addressed in the appraisal section below.

## ADDITIONAL INFORMATION

|                                                 |                                             |
|-------------------------------------------------|---------------------------------------------|
| Environmental Impact Assessment (EIA)           | Not Required                                |
| Screening Opinion                               | Not Required                                |
| EIA Report                                      | Not Required                                |
| Appropriate Assessment                          | Not Required                                |
| Design Statement or Design and Access Statement | Not Required                                |
| Report on Impact or Potential Impact            | Noise Impact Assessment, Planning Statement |

## 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 2017 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, consideration of the Developer Contributions and Affordable Housing 2016 document is a material consideration.

### Policy Appraisal

In terms of land use policies, the key policies are found within the Local Development Plan 2014 (LDP). Within that plan, the site lies within the landward area where *Policies PM1A and ED3* are directly applicable to new proposals.

*Policy PM1A* seeks to ensure that all new developments do not have an adverse impact on the amenity (visual and residential) of the area concerned,

whilst *Policy ED3* offers support for new rural business and the expansion of existing ones in rural areas, providing that a number of criteria can be met and delivered.

In addition to these policies, *Policy EP8* of the LDP seeks to ensure that new development which generates noise disturbance and nuisance are located away from noise sensitive receptors or suitable mitigation proposals are in place.

For reasons stated below, and after much consideration, I consider the proposal to be contrary to *Policies EP8 and RD3* on the sole issue that potential (and probable) noise nuisance cannot reasonably be controlled to a level which would not impact on the residential amenity of existing residential properties.

### **Land Use Acceptability**

The key land use issues for this proposal is whether or not there is support for the proposal under *Policy ED3* of the LDP. This policy states that favourable consideration will be given to the expansion of existing businesses and the creation of new business. The policy goes on to say that there is a preference that this will generally be within or adjacent to existing settlements, but outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity which provides permanent employment.

The policy then goes on to say that all proposals will be expected to meet a number of specific criteria, which includes *i) the proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site, and ii) the proposal can be satisfactorily accommodated within the landscape capacity of any particular location*

The applicant has made a case for the need for the new business in the area, and I consider there to be some merit in that case. In terms of a site specific resource, the lack of a comparable facility in the area does suggest that there may be a need and demand for this type of facility, and I would consider this scenario to be linked to a site specific resource opportunity.

The applicant has also suggested that there would be permanent employment opportunities associated with this business, and I have no reasons to disagree with this.

To this end, I consider the key issues for whether or not the proposal is compliant with *Policy ED3* of the LDP to be firstly whether or not the proposal has a good landscape fit, and secondly whether or not the proposal is compatible with existing uses.

I shall address these in turn.

In terms of the landscape fit, the site is one half of a natural infill site between two existing properties, with a roadside frontage. Some engineering work would be necessary to create the required levels and a suitable building area, however I do not necessary have any concerns over this - subject to final levels being confirmed and agreed.

The rear (to the north) of the site is open, however as is the case with a number of infill sites (whether that be for housing or non-housing developments), the rear boundary is often open and undefined and this is the case here. I therefore consider the proposal to have a good landscape fit which is capable of absorbing the proposed development. I would however expect to have details of new boundary treatments and landscaping agreed at a later stage.

Turning to the second issue, compatibility with existing land uses I do however have some concerns.

The nature of the proposed development is one which could generate noise nuisance when the building is in operation. This issue has been raised within all the letters of representations – all of which are concerned about the impact that the proposal might have on their existing residential amenity. To support the planning application a noise impact assessment has been carried by a suitably qualified consultant, and this has been submitted for consideration.

My colleagues in Environmental Health have reviewed the document, and made the following comments within their consultation response,

*This application for a new MOT garage is supported by a noise impact assessment (NIA) to quantify the impact on local neighbours and my comments regarding this are below.*

*The NIA was conducted in terms of BS4142:2014, which rates noise impacts in terms of the increase in noise relative to the pre-existing baseline. To this end a baseline was measured over an hour on a weekday in June. This is a short baseline, which serves to increase uncertainty in this assessment. The measured LA90 background for this location was said to be 31.5dB, which is a very low background level for the daytime period which is to be expected at such a location.*

*Operational noise levels were predicted at the 2 closest residential receptors based on library data at source and modelled back to the receptors accounting for the attenuation of the garage structure with both the doors open and closed. The receptors of Cnoc Sualtach and Laggan Fasgach are some 38m and 30m respectively.*

*The LAeq 1hour levels with the doors closed were predicted to be 31.9dB at Laggan Fasgach and 27dB at Cnoc Sualtach with the doors open figure 40.7dB and 41.7dB respectively.*

*BS4142:2014 allows for a penalty to be applied for specific acoustic features such as impulsivity, tonality and intermittency. The consultant has included a +3dB correction for impulsivity, which would account for any banging taking place but may be too low. I am also not entirely convinced that other acoustic effects will not be important such as intermittency and tonality. The consultant has taken a subjective approach to applying this penalty, but should Environmental Health become involved in the future through either the planning enforcement or nuisance regimes, we will likely use an objective method for penalising this which may well show up greater penalties than the +3dB.*

*Based on the consultants 3dB correction for impulsivity, the rating level at Laggan Fasgach is said to be +3.4dB over the background with the doors closed and +12.2dB with them open. For Cnoc Sualtach the difference is -1.5dB with the doors closed and +13.2dB with them open.*

*BS4142 states:*

*Where the rating level exceeds the background noise level by +10 dB or more then this is likely to be an indication of a significant adverse impact, depending on the context.*

*Where the rating level exceeds the background noise level +5 dB this is likely to be an indication of an adverse impact, depending on the context.*

Based on the above, the in order to protect the existing residential amenity of the adjacent properties, in the event of supporting the proposal, the Council would need to consider controlling the use of the doors of the garage so that they remain closed when work/activities - that *may* result in an increase in noise levels (from the background base level) by 5db is being carried out.

Guidance on the use of Planning Conditions is offered in Circular 4/1998, and this circular states,

*... that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise and that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning agreements.*

In order to consider supporting this proposal, it is clear that some controls would therefore be needed, so the key issue now moves onto whether not such controls would meet with the specific requirements of a planning condition, which are also set in the circular. These are,

- Need for a Condition
- Relevance to Planning
- Relevance to the Development to be Permitted
- Ability to Enforce
- Precision
- Reasonableness

Going through these in turn,

Need for a Condition – There is clear need for a noise condition(s). I therefore consider any noise condition linked to the requirement to keep the doors closed during certain activities to be required.

Relevance to Planning – The planning system has a duty to protect existing residential properties from new developments which may adversely affect existing residential amenity. To this end, I consider the potential use of any noise condition linked to the requirement to keep the doors closed during certain activities condition to be relevant to planning.

Relevance to the Development to be Permitted – The need for the condition is only required because of the activity which is proposed, and the impact that the proposed activity may have on existing residential properties. To this end, I therefore consider any noise condition linked to the requirement to keep the doors closed during certain activities to be entirely relevant to the development proposed.

Reasonableness – A noise restriction condition and a condition in relation to keeping the garage doors closed would be required to ensure that the residential amenity of adjacent properties are not adversely affected by the development proposed. To this end, I consider a noise condition linked to the requirement to keep the doors closed during certain activities to be reasonable.

Precision – Possible conditions would seek controls of an upper noise level (at the neighbour's properties), and seek the closure of the doors when work is being carried out that may push the noise over the stated limit. To this end, assuming the conditions are worded appropriately, there can be precision in such conditions.

The remaining test is the Ability to Enforce.

In terms of seeking to control a specific noise level this is controllable and enforceable, and the Council does often attach planning conditions to that effect on planning permissions – in most cases to protect existing residential amenity. However, to achieve these levels it is clear that the doors of the garage would have to be closed for potentially long periods when the garage is in operation; otherwise the noise levels at the neighbouring properties would exceed the levels that are considered acceptable.

The ultimate issue then is whether or not a specific condition requires the doors to be closed when 'noisy' activities are taking place is enforceable, or *reasonably* likely to be enforceable by the Council.

Within the noise impact assessment, it is stated that the doors of the garage would require to be opened for short periods of time, and in the summer months only. No other details have been included about what the typical activities are which are likely to take place, and when and for how long doors may need to be open for. Likewise, there are no specification details regarding ventilation to demonstrate that the garage can operate for large period of time when on operation with the doors closed – which is suggested in the noise impact assessment.

I appreciate the comments made within the applicants submission, and also the position taken by my colleagues in Environmental Health, but I nevertheless do have some concerns about the likelihood of the garage doors being kept open, and after much deliberation, I unfortunately do not consider the imposing of a condition which restricts the garage doors to be closed when certain noise generating activities are occurring to be reasonably



enforceable and having such a condition on a planning permission would inevitably cause issues for the Council in terms of future monitoring and enforcing.

Whilst not necessary a planning issue, this arrangement would also cause the neighbours some anxiety in terms of the practical ability of the Council to control noise.

To this end, and bearing in mind the position regarding what is required to keep noise levels within acceptable levels (keeping the garage doors closed), I consider the proposal to be unacceptable as the proposal is not compatible with its residential neighbours.

### **Residential Amenity**

In terms of the impact in existing residential amenity, as stated above this is an area of concern. I do not consider there to be any issues in terms of overlooking or loss of privacy, but the issue of control of noise and what can reasonably be enforceable by the Council is challenging.

In this case, the required condition would not meet the tests of enforceability and I therefore cannot propose it to be attached to the permission – which in turn, renders the proposal unacceptable as existing residential amenity cannot be protected.

### **Visual Amenity**

In terms of the impact on the visual amenity of the area, I have no concerns.

I note that within the letters of representations concerns have been raised that the proposed 'shed' structure is out of keeping with the area; however I do not agree with these views. The proposed building is fairly modest in its scale and design, and takes the form of an agricultural building which in this rural area would not appear alien.

### **Roads and Access**

In terms of road related matters I have no concerns. A suitable vehicular access into the site can be formed, and suitable onsite parking provision has been made available.

### **Drainage and Flooding**

In terms of drainage and flooding matters, I have no concerns. Whilst some new hard surfaces are proposed (as well as the structure) run off from these

hard surfaces can be adequately controlled via the introduction of a suitable surface water drainage system.

### **Impact on Bio-diversity**

There are no known protected species within the site, or the immediate surrounding area.

### **Impact on Trees**

The proposal would have no impact on any existing trees. A tree stump is present at south west corner; however its removal to form a new access causes no concerns.

### **Movement across Class 5 (General Industry) – Use Classes Order**

An MOT station is considered to be a Class 5, General Industrial use in the Use Classes Order 1997. Whilst the key issue for this proposal is noise, other uses within class 5 may generate other nuisances in relation to vibration, smell, fumes, smoke, soot, ash, dust or grit. To this end, in the event of an approval being considered the need to limit the use of the building and / or limiting the approval to the applicant only should be fully considered.

### **Developer Contributions**

#### Affordable Housing

As the proposal does not include any dwellings, there is no requirement for any affordable housing provision.

#### Primary Education

As the proposal does not include any dwellings, there is no requirement for any Primary Education contributions.

#### A9 Junction Improvements

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

#### Transport Infrastructure

The site is located outwith the catchment area for Transport Infrastructure contributions.

## **Economic Impact**

The nature of the proposal means that an approval of this application could have positive impact on the local economy, however any impact would be fairly localised to the surrounding area.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan.

On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this planning application has not been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the planning application because of the following reasons,**

- 1 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be controllable via planning conditions, the proposal would have an adverse impact on the residential amenity of adjacent properties. To this end, the proposal is contrary to Policy EP8 (Noise Pollution) of the adopted Perth and Kinross Local Development Plan 2014 which states that there is a presumption against the siting of new developments which will generate high levels of noise in the locality of noise sensitive uses.
- 2 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be

controllable via planning conditions, the proposal would have an adverse impact on the residential amenity that is currently enjoyed by adjacent properties, and the proposal is not considered to be compatible with the surrounding land uses. To this end, the proposal is contrary to Policy ED3 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new proposals are compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

### **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 applicable.

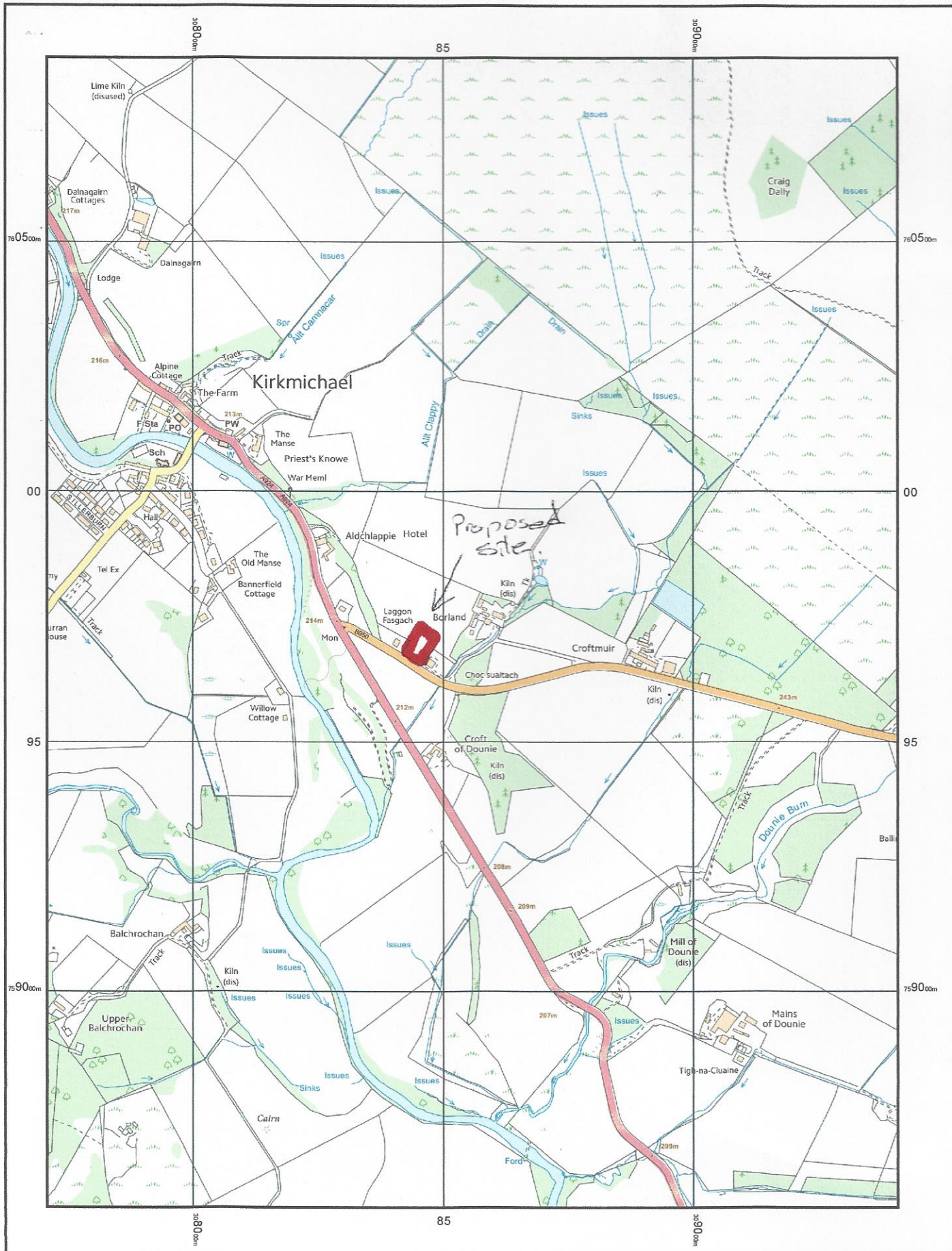
### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01297/1 - 17/01297/8 (*inclusive*)

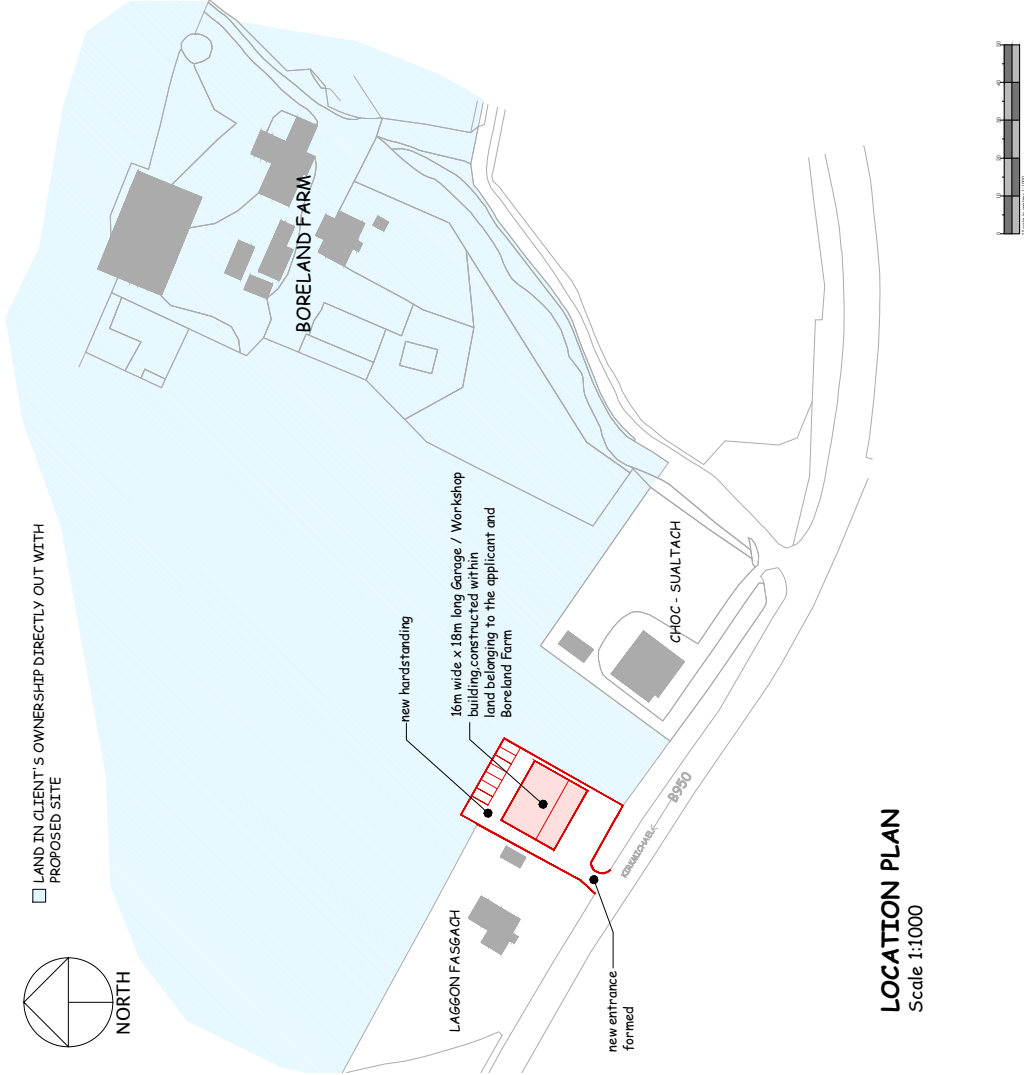
**Date of Report** - 21 February 2018







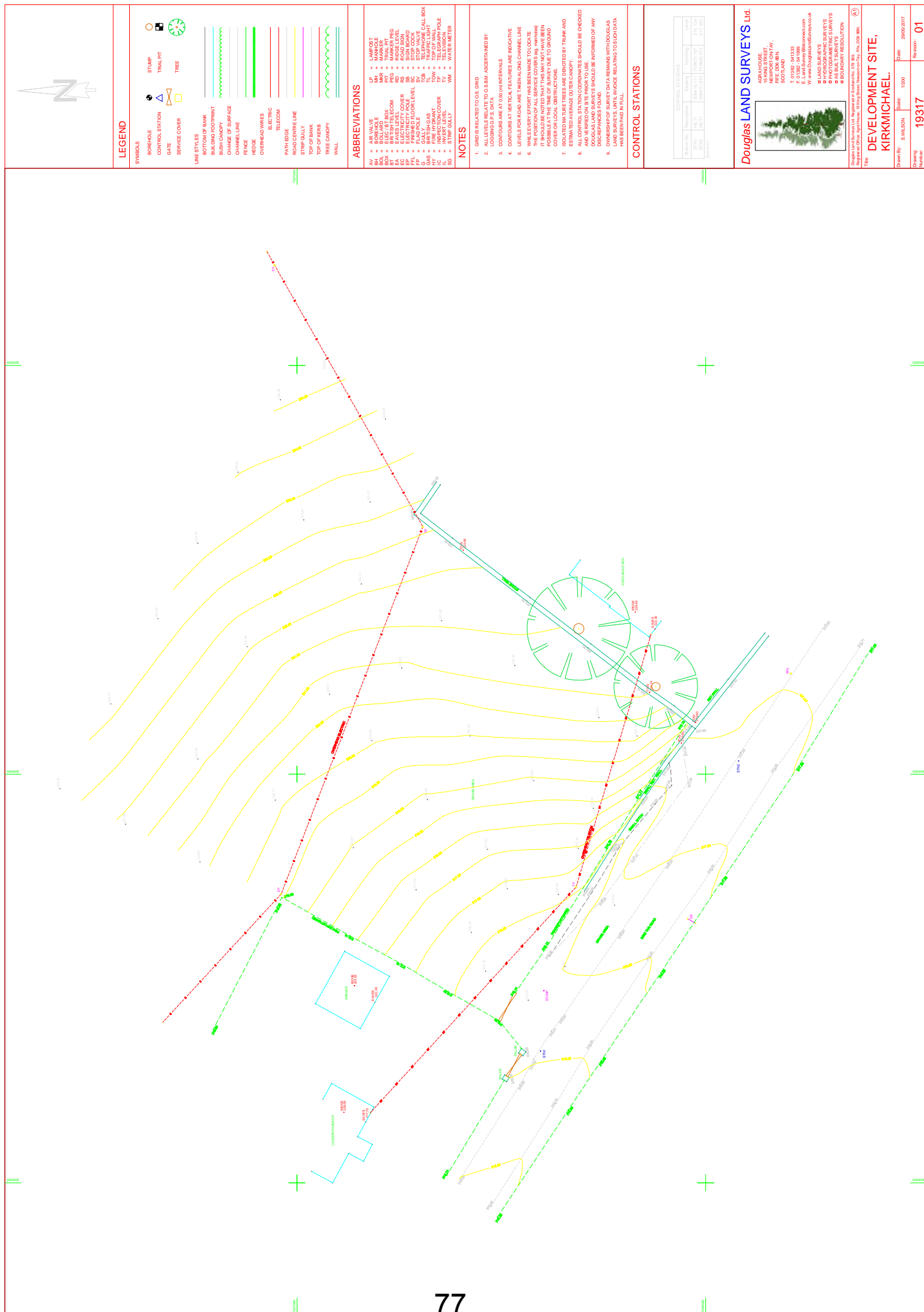


**AERIAL VIEW OF LOCATION**



**LOCATION PLAN**  
Scale 1:1000

|                                                                                                                                                                                                                                                                                                                           |                                                  |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------|
| <br>PROJECT MANAGEMENT SCOTLAND LIMITED<br>98 NORTH STREET, FORFAR, ANGUS, DD8 3BN<br>TELE: 01307 467744 FAX: 01307 467766<br>E-MAIL: enq@pm-scot.com                                                                                    |                                                  |          |
| CLIENT                                                                                                                                                                                                                                                                                                                    | Mike Aitken                                      |          |
| PROJECT                                                                                                                                                                                                                                                                                                                   | Erection of 16m x 18m garage / workshop building |          |
| ADDRESS                                                                                                                                                                                                                                                                                                                   | Boreland Farm<br>Kirkmichael<br>PH10 7NR         |          |
| DRAWING TITLE                                                                                                                                                                                                                                                                                                             | Location Plan                                    |          |
| DRAWING NUMBER                                                                                                                                                                                                                                                                                                            | PMS 2216 - 100                                   |          |
| REV                                                                                                                                                                                                                                                                                                                       | NOTES                                            | DATE     |
| A                                                                                                                                                                                                                                                                                                                         | BOUNDARY NOTE                                    | JULY 17  |
| A                                                                                                                                                                                                                                                                                                                         | REVISED BLUE HATCHED AREA                        | JULY 17  |
| SCALE<br>1:1 000 - A2                                                                                                                                                                                                                                                                                                     |                                                  |          |
| DRAWING STATUS<br><input type="checkbox"/> FEASIBILITY<br><input type="checkbox"/> CLIENT APPROVAL<br><input checked="" type="checkbox"/> PLANNING<br><input type="checkbox"/> BUILDING WARRANT<br><input type="checkbox"/> AMENDMENT TO BW<br><input type="checkbox"/> CONSTRUCTION<br><input type="checkbox"/> AS BUILT |                                                  |          |
| DIRECTION<br> NORTH                                                                                                                                                                                                                    |                                                  |          |
| DATE                                                                                                                                                                                                                                                                                                                      | July 2017                                        |          |
| DRAWN BY                                                                                                                                                                                                                                                                                                                  | CHECKED BY                                       | P. Birse |
| CAD REFERENCE                                                                                                                                                                                                                                                                                                             | boreland                                         |          |
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CLIENT

Mike Aitken

PROJECT

Erection of 16m x 18m  
garage / workshop  
building

ADDRESS

oreland Farm  
Kirkmichael  
PH10 7NR

DRAWING TITLE

## Site Plans

DRAWING NUMBER

MS 2216 - 101

| REV | NOTES                                    | DATE    |
|-----|------------------------------------------|---------|
| A   | BOUNDARY NOTE                            | JULY 17 |
| B   | SECTION LINES ADDED                      | AUG 17  |
| B   | BOUNDARY NOTES AMENDED                   | AUG 17  |
| B   | RED BOUNDARY ADDED TO EXISTING SITE PLAN | AUG 17  |

SCALE

1:500 - A2

DRAWING STATUS

FEASIBILITY

CLIENT APPROVAL

## PLANNING

BUILDING WARRANT

AMENDMENT TO BW

CONSTRU

AS BUILT

DIRECTION



NORTH

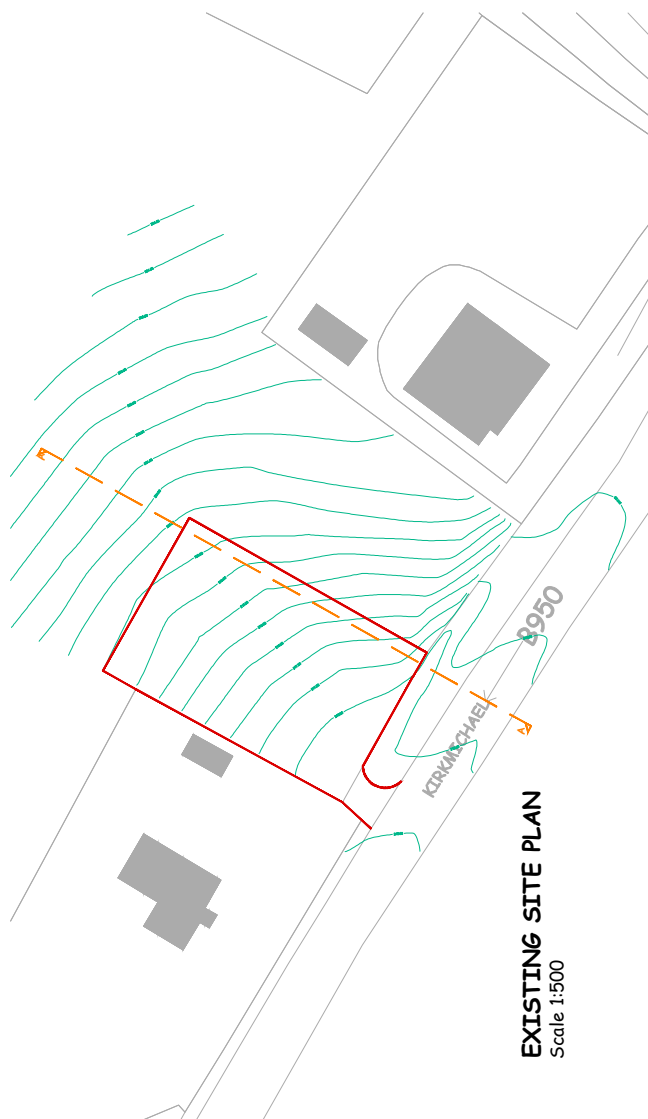
DATE July 2017

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| DRAWN BY | CHECKED BY |
|----------|------------|

P.B|rse

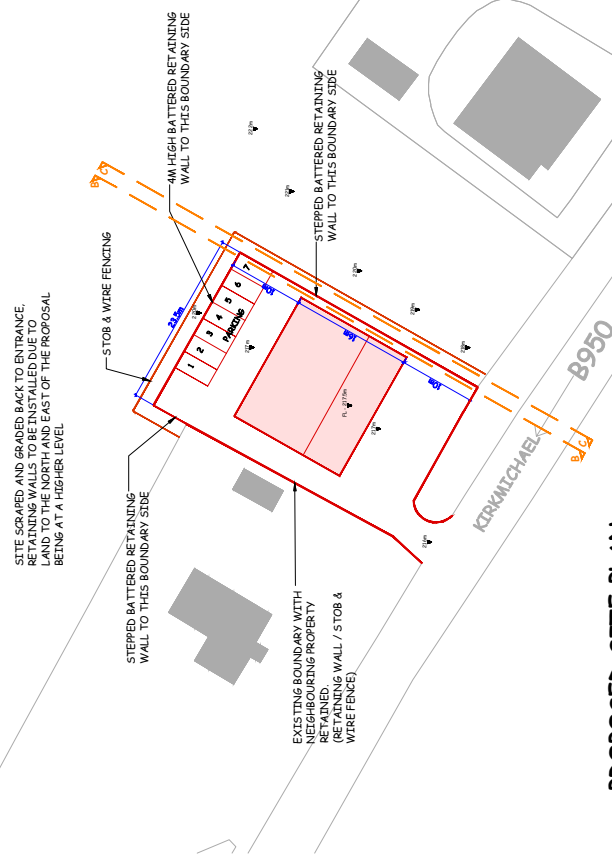
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# EXISTING SITE PLAN


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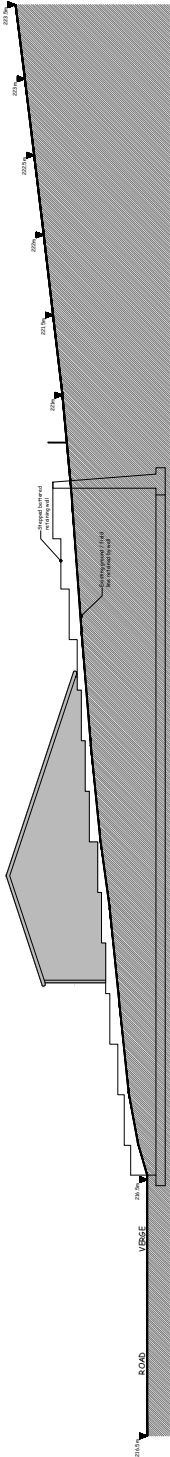
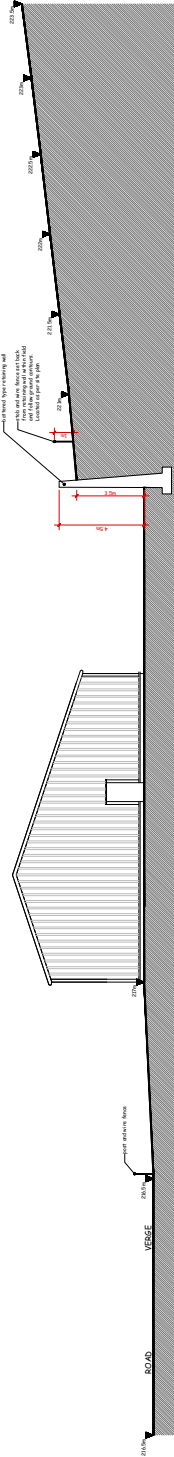
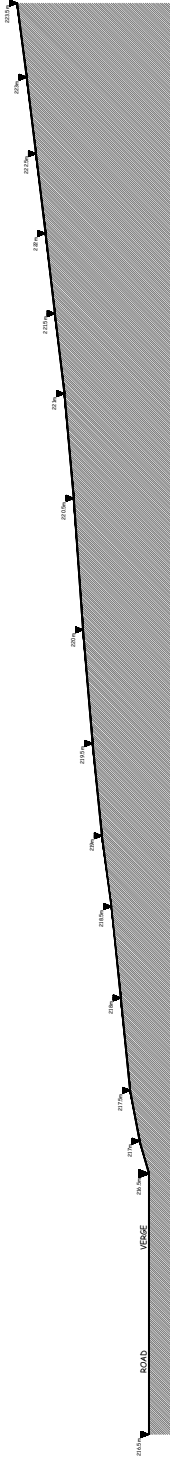


**PROPOSED SITE PLAN**  
Scale 1:500





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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------|
| <div>pm</div> <div>PROJECT MANAGEMENT SCOTLAND LIMITED<br/>98 NORTH STREET, FORFAR, ANGUS, DD8 3BN<br/>TELE: 01307 467744 FAX: 01307 467766<br/>E-MAIL: enq@pm-scot.com</div> |                                                                                                    |       |
| CLIENT                                                                                                                                                                        | Mike Aitken                                                                                        |       |
| PROJECT                                                                                                                                                                       | Erection of 16m x 18m garage / workshop building                                                   |       |
| ADDRESS                                                                                                                                                                       | Boreland Farm<br>Kirkmichael<br>PH10 7NR                                                           |       |
| DRAWING TITLE                                                                                                                                                                 | Site Sections                                                                                      |       |
| DRAWING NUMBER                                                                                                                                                                | PMS 2216 - 102                                                                                     |       |
| REV                                                                                                                                                                           | NOTES                                                                                              | DATE  |
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| DRAWING STATUS                                                                                                                                                                |                                                                                                    |       |
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| CLIENT APPROVAL <input type="checkbox"/>                                                                                                                                      |                                                                                                    |       |
| PLANNING <input checked="" type="checkbox"/>                                                                                                                                  |                                                                                                    |       |
| BUILDING WARRANT <input type="checkbox"/>                                                                                                                                     |                                                                                                    |       |
| AMENDMENT TO BW <input type="checkbox"/>                                                                                                                                      |                                                                                                    |       |
| CONSTRUCTION <input type="checkbox"/>                                                                                                                                         |                                                                                                    |       |
| AS BUILT <input type="checkbox"/>                                                                                                                                             |                                                                                                    |       |
| DIRECTION                                                                                                                                                                     | <div> N/A</div> |       |
| DATE                                                                                                                                                                          | August 2017                                                                                        |       |
| DRAWN BY                                                                                                                                                                      | CHECKED BY                                                                                         | PJrse |
| CAD REFERENCE                                                                                                                                                                 | boreland                                                                                           |       |
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Mike Aitken

Erection of 16m x 18m  
garage / workshop  
building

**Boreland Farm  
Kirkmichael  
PH10 7NR**

| DRAWING TITLE                      |
|------------------------------------|
| Floor plan, elevations and section |

PMS 2216- 205

[illegible]

1:100 - A2

DRAWING STATUS

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DIRECTION

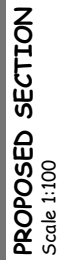
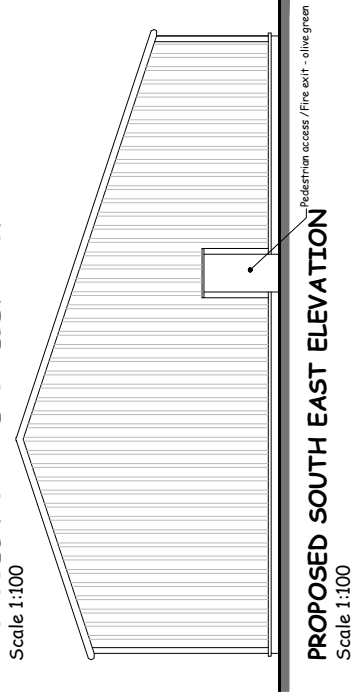
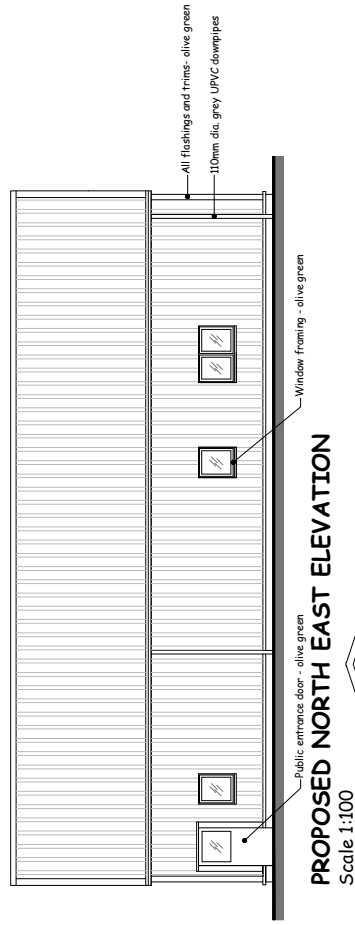
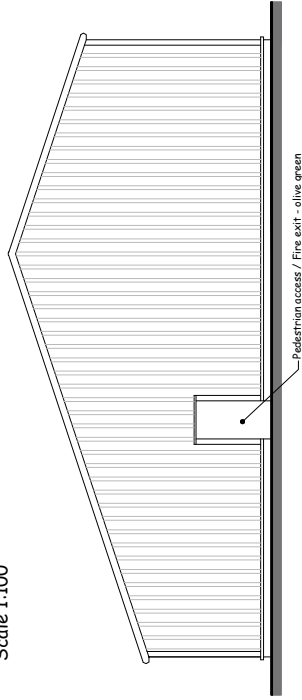


July 2017

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**boreland**

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## NOISE IMPACT ASSESSMENT

Proposed MOT Garage

**Prepared for:**

Mr. James Lochhead

Ref: 1182 001PR V1

Date: 25<sup>th</sup> July 2017

**EMAIL** INFO@CSPACOUSTICS.CO.UK  
**TEL** 01382 731813 (Dundee)  
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INVESTORS  
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## Document Revision History

| Version        | Reason                | Date/Edits Made By:              |
|----------------|-----------------------|----------------------------------|
| 1182 001 PR V1 | 1 <sup>st</sup> Issue | 25 <sup>th</sup> July 2017 PR/PC |
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## 1.00 Introduction

- 1.01** This Report has been prepared to support a Planning application on behalf of James Lochhead Development & Planning Consultant. It is proposed to build a MOT Garage at Boreland Farm, Kirkmichael, PH10 7NR. Perth & Kinross Council Environmental Health Department requires that a noise impact assessment is included as part of the planning application. CSP Acoustics has been engaged to carry out this work; details and results of the assessment completed are summarised in this report.
- 1.02** CSP Acoustics has completed noise measurements of existing ambient noise levels at the nearest dwellings with respect to the site.. This data together with historical garage noise source data was used as the basis for assessing noise impact from the new development.
- 1.03** The noise impact from activities associated with the proposed industrial building has been assessed at nearby dwellings using the method set out in BS 4142:2014, WHO and BS8233:2014.
- 1.04** Predictions of noise within this report were made using proprietary noise prediction software CadnaA<sup>®</sup> (Computer Aided Noise Abatement) developed by Datakustik.



**1.05** All CSP Acoustics Consultants/Surveyors hold membership of the Institute of Acoustics.

**CSP Acoustics:**

- Fort Street House, 63 Fort Street, Broughty Ferry, Dundee DD5 2AB
- 29 Eagle Street, Craighall Business Park, Glasgow G4 9XA



## 2.00 Summary

- 2.01 CSP Acoustics has completed a noise impact assessment for a proposed MOT garage to be located at Boreland Farm, Kirkmichael, PH10 7NR. The proposed development will include typical MOT Garage noise. The proposed operational times for the development are from 08.00 hours to 18:00 Monday to Friday, and 08.00 hours to 13.00 hours on Saturdays. Generally the Garage will operate with closed doors; these will be opened where necessary for access and may also be open for longer periods during summer months.
- 2.02 CSP Acoustics has completed a daytime noise level survey at the nearest dwelling to establish the existing noise climate. These are Laggan Gasgach, to the west and Cnoc Sualtach to the East at distances of 30 and 38 metres respectively. This survey data together with historical CSPA data for Garage activities has been used to prepare a noise impact assessment.
- 2.03 Assessment of the impact of the proposed MOT Garage on the nearest dwellings has been carried out using the methods set out in BS4142:2014, WHO and BS8233:2014.
- 2.04 Predictions of noise impact within this report were made using proprietary noise prediction software CadnaA® (computer Aided Noise Abatement) developed by Datakustik.
- 2.05 Calculations indicate that when the proposed development operates with doors closed then the following is likely:
- noise levels at Laggan Gasgach are expected to be +3.4dB above background noise levels during daytime hours. BS4142: 2014 gives no specific guidance where noise levels are no more than 5 dB above background noise levels. Thus for Laggan Gasgach dwelling it can be inferred that noise from the development does not have an adverse impact.
  - noise levels at Cnoc Sualtach are expected to be below existing background noise levels respectively. BS4142 notes that where the noise level from the assessed source does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.
- 2.06 Where the MOT Garage operates with doors open noise levels at both Laggan Gasgach and Cnoc Sualtach more than 10 dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceeds the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact, depending on the context. It should be considered that this is likely to be limited to short periods of time and

summer months only. Further context is also provided by a comparison of Garage noise levels arising in dwellings against noise limits out in WHO/ BS8233:2014.

- 2.07** Calculations indicate that noise levels arising in dwellings Laggan Fasgach and Cnoc Sualtach from the proposed Garage operations are unlikely to exceed WHO/ BS8233:2014 daytime noise limits. This is true with the MOT Garage doors closed or open.
- 2.08** Accordingly this indicates that noise from the proposed development should not be considered an impediment to the grant of planning permission.



### 3.00 Impact Assessment Criteria

**3.01** The Scottish Office Development Department issued SODD Circular 10/1999 and the associated Planning Advice Note - PAN 56 - "Planning and Noise" in April 1999. In March 2011, the Scottish government issued PAN1/2011 "Planning and Noise" and an associated Technical Advice Note which replaced PAN 56.

**3.02 PAN 1/2011:** The Planning Advice Note recommends the use of Quantitative and Qualitative assessments of noise together with assessments of the level of its significance to help planning authorities determine applications for a development types including commercial and workshop development. The PAN and its accompanying Technical Advice Note do not however offer specific guidance with respect to the standards to be applied in assessments of noise impact.

In the Technical Advice Note that accompanies the PAN in Chapter 3, para 3.8 states that: "The choice of appropriate criteria noise levels and relevant time periods are the responsibility of the local authority. Although this may lead to inconsistencies between different Local Authorities and, indeed, across areas within a given Local Authority, it does provide flexibility, allowing particular circumstances to be taken into account and the use of the latest guideline values to be included where appropriate."

**3.03** The PAN also notes, in Appendix 1, a range of Technical Standards and Codes of Practice that may be relevant to assessments including BS4142:2014 which can be used for assessing the impact of industrial/commercial developments, BS 8233:2014 which provides general guidance on acceptable levels within buildings and WHO Guidelines for Community Noise, 1999 et alia.

**3.04 BS 4142:2014** - provides a rating method to give an indication of the likelihood of complaints when a sound source affects dwellings. The rating level of the sound source is compared against existing levels of background noise level ( $L_{A90}$ ) present at the nearest residential properties, without the influence of the source. Where this is carried out the following guidance is given on the assessment of impact:

- 1) Typically, the greater the rating level exceeds the background noise level then the greater the magnitude of the impact will be.
- 2) Where the rating level exceeds the background noise level by +10 dB or more then this is likely to be an indication of a significant adverse impact, depending on the context.
- 3) Where the rating level exceeds the background noise level +5 dB this is likely to be an indication of an adverse impact, depending on the context.

### 3.05 BS 8233: 2014: Guidance on sound insulation and noise reduction for buildings

This document establishes basic criteria for dwellings as follow:

| Accommodation            | Period     | Noise Limit                             |
|--------------------------|------------|-----------------------------------------|
| Residential Living Rooms | Daytime    | 35dB, LAeq, 16hrs                       |
| Residential Dining Rooms |            | 40dB, LAeq, 16hrs                       |
| Residential Bedroom      |            | 35dB, LAeq, 16hrs                       |
|                          | Night Time | 30dB, LAeq, 8hrs<br>45 dB, LAmax        |
| Hotel Bedrooms           | Daytime    | 30 – 40dB, LAeq, 16hrs                  |
|                          | Night Time | 25 – 35dB, LAeq, 8hrs<br>45 – 55, LAmax |
| Office Open Plan         | Daytime    | 45 – 50, LAeq, 16hrs                    |

**3.06 World Health Organisation (WHO):** From research commissioned to examine community noise the WHO recommends criteria to prevent sleep disturbance of less than 30dB  $L_{Aeq, 8hr}$  within an affected property subject to a maximum level of 45dBA [ $L_{Amax}$ ] for a limited number of noise events, typically between . By assuming a reduction across a slightly open window of 15dB the WHO concluded that external levels should generally not exceed 45dBA,  $L_{Aeq, 8hr}$  at 3.5 metres from the facade of a dwelling and that occasional external event levels should not exceed 60dBA  $L_{Amax}$ . It should be noted that these are free-field values and façade reflection effects will give levels some 3dBA higher at 1 metre in front of receiving facades.

WHO guidance for daytime levels are for maximum exposure levels of 35dB  $L_{Aeq, 16hr}$  for indoor living areas (no  $L_{Amax}$  limit specified) and maximum exposure levels of 55dB  $L_{Aeq, 16hr}$  for outdoor living areas (no  $L_{Amax}$  limit specified). By assuming a reduction across a window open for ventilation of 15dB the WHO concluded that external levels in relation to indoor use should not exceed 50dBA,  $L_{Aeq}$  at 3.5 metres from the facade of a dwelling. It should be noted that these are free-field values and façade reflection effects will give levels some 3dBA higher at 1 metre in front of receiving facades.

**3.07 Perth & Kinross Council:** Environmental Health Officer Ms. Lynne Reid has advised that the impact of noise from the proposed MOT Garage activities should be assessed in accordance with the methods set out in BS4142: 2014.

In addition, Environmental Health Officer Ms. Lynne Reid has also indicated that the impact of noise from the proposed MOT Garage activities should be assessed with respect to internal noise limits set out in BS8233:2014 reproduced below and WHO Guidelines.

| BS8233:2014 – “Table 4: Indoor ambient noise levels for dwellings” |                   |                             |                                |
|--------------------------------------------------------------------|-------------------|-----------------------------|--------------------------------|
| Activity                                                           | Location          | 07:00 to 23:00<br>(Daytime) | 23:00 to 07:00<br>(Night Time) |
| Resting                                                            | Living Room       | 35dB, $L_{Aeq,16hrs}$       | -                              |
| Dining                                                             | Dining room/ area | 40dB, $L_{Aeq,16hrs}$       | -                              |
| Sleeping<br>(daytime resting)                                      | Bedroom           | 35dB, $L_{Aeq,16hrs}$       | 30dB, $L_{Aeq,8hrs}$           |

## 4.00 Survey

- 4.01 CSP Acoustics completed a noise survey in the area of the proposed development to measure representative noise levels at the nearest dwellings. Two dwellings are located to either side of the development site. The nearest is “Laggan Gasgach”, at a distance of approximately 30 metres to the west of the proposed MOT Garage. The other dwelling is “Cnoc Sualtch” located to the East at a distance of approximately 38 metres. Survey measurements were completed at the site boundary with Laggan Gasgach.
- 4.02 Observations at site indicate that the B950 and A924 roads passing to the south of the proposed development site are the dominant noise source in the area. Some noise influence was also noted from livestock in the proximity of this site.
- 4.03 Noise measurements were carried out on the 14<sup>th</sup> of June 2017 at Laggan Gasgach. The measurement location is shown in Figure 1 below, in relation to the development site and the nearest dwellings.

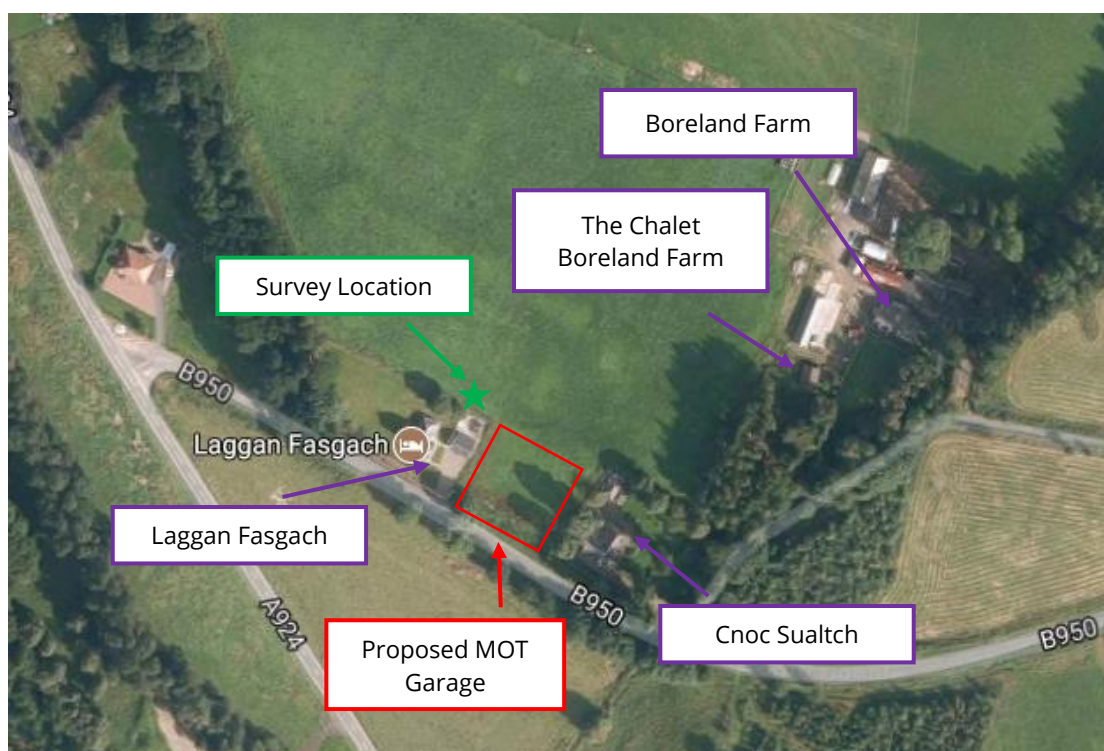


Figure 1 Survey Location in Relation to Dwellings and Proposed Development

**4.04** The sound level meter was positioned 1.2 metres above ground level with no vertical reflecting surfaces within 1 metre of the chosen measurement locations. Equipment was operated in accordance with British Standard and ISO procedures. The sound level meter was calibrated prior and post to site measurements using the appropriate calibrator to a reference tone of 114 dB at 1 kHz. Pre and post calibrations indicated a shift of no more than 0.1 dB. Details of sound level meter equipment used is set out below:

- Norsonic Nor140 Serial Number 1404033
- Norsonic Microphone Type 1225 Serial Number 118448
- Norsonic Calibrator Type 1251 Serial Number 32465

**4.05** Weather conditions at the time of the surveys were dry and settled with wind speed below 5.0m/sec.

**4.06** A summary of measured noise levels are shown in Table 1 below.

| Table 1 : Noise Survey Results for at Laggan Fasgach |                       |                       |
|------------------------------------------------------|-----------------------|-----------------------|
| Measurement Period<br>(5 min)                        | L <sub>Aeq</sub> (dB) | L <sub>A90</sub> (dB) |
| 14:15 - 14:20                                        | 39.0                  | 30.5                  |
| 14:20 - 14:25                                        | 40.9                  | 30.8                  |
| 14:25 - 14:30                                        | 39.9                  | 31.5                  |
| 14:30 - 14:35                                        | 39.6                  | 31.2                  |
| 14:35 - 14:40                                        | 42.7                  | 31.9                  |
| 14:40 - 14:45                                        | 35.6                  | 29.4                  |
| 14:45 - 14:50                                        | 38.2                  | 30.4                  |
| 14:50 - 14:55                                        | 44.3                  | 31.3                  |
| 14:55 - 15:00                                        | 42.8                  | 33.0                  |
| 15:00 - 15:05                                        | 45.3                  | 32.7                  |
| 15:05 - 15:10                                        | 42.5                  | 34.1                  |
| 15:10 - 15:15                                        | 40.0                  | 31.3                  |
| Mean/ Average                                        | 41.7                  | 31.5                  |

## 5.00 MOT Garage Operational Noise Levels

5.01 Information on operations at the proposed development were established through discussions with, Ms. Donna Aitken the applicant and Mr. James Lochhead of James Lochhead Development & Planning Consultancy. This is summarised below:

- It is understood that the proposed MOT Garage will operate from 08.00 hours to 18:00 Monday to Friday, and 08.00 hours to 13.00 hours on Saturdays.
- Proposed activities are car repair, servicing, air conditioning servicing, welding and MOT's. This will include typical garage hand tools, air tools and diagnostic tools. Some equipment will be powered by compressed air.
- Hand tools will be used regularly within a one hour period, with air tools being used for short spells, 1 to 2 mins maximum at a time. Computer based diagnostic tools will be used regularly within a one hour period. This latter activity is assumed to generate negligible levels of noise.
- It is anticipated that approximately 6 to 8 vehicles will undergo work within the garage on week days; on Saturday only 2 to 3 cars are expected.
- Deliveries to the garage would be 3 to 4 times weekly and that would be for parts and spares, collection and drop offs. These activities take no longer than a few minutes at a time and are considered to have minimal contributions to operational noise levels.
- All the garage work will take place within the garage; however, occasionally and for short periods, diagnostic/assessment work could be done outside.
- Door to the garage will be generally closed when work takes place. Doors may be open for short periods and during summer months.

5.02 Operational noise level data for activities noted in the Workshop are based on CSPA historical measurement data. Activities at the proposed development, their operational noise level and typical duration in any one hour period of operational hours are summarised in Table 2 below.

| Table 2: MOT Garage Noise Sources                                       |                                           |                           |                                    |                                  |
|-------------------------------------------------------------------------|-------------------------------------------|---------------------------|------------------------------------|----------------------------------|
| Location                                                                | Noise Sources                             | Noise Level dB at 1 metre | Typical Duration of Activity (min) | Time corrected average level Leq |
|                                                                         |                                           | LAeq                      |                                    |                                  |
| MOT Garage operations                                                   | Air, compressed, filling tires            | 83 <sup>(1)</sup>         | 5                                  | 72.2                             |
|                                                                         | Wrench, impact, fitting/removing lug nuts | 99 <sup>(1)</sup>         | 1                                  | 81.2                             |
|                                                                         | Automobile, engine idling                 | 66 <sup>(1)</sup>         | 5                                  | 54.8                             |
|                                                                         | Automobile, door slamming                 | 85 <sup>(1)</sup>         | 1                                  | 67.2                             |
|                                                                         | General Hand Tools in fabrication         | 85 <sup>(2)</sup>         | 15                                 | 79.0                             |
| <sup>(1)</sup> CSPA on site database measurements                       |                                           |                           |                                    |                                  |
| <sup>(2)</sup> Based on HSE (Health and Safety Executive) research data |                                           |                           |                                    |                                  |

5.03 The impact of the proposed development on nearby dwellings has been assessed using the proprietary noise prediction software CadnaA<sup>®</sup> and the general methods of calculation set out in ISO 9613. Descriptions are set out below indicating the general procedures to create noise source input data for the model created for the assessment.

5.04 Internal noise levels within the proposed building extension have been calculated from the noise data shown in Table 2 above. Indoor noise levels have been calculated taking account of direct and reverberant components of noise sources located within it using the following formula:

$$\text{Workshop Level} = L_w + 10 \log \left\{ \frac{Q}{4\pi r^2} + \frac{4}{Rc} \right\} \text{dB}$$

Where  $L_w$  = Sound power level of equipment;

$Q$  = Directivity of the source, in all cases this is 2;

$r$  = distance from source, all equipment is taken to be at least 5m from facades and hence this is the distance used;

$Rc$  = the room constant which is determined from:

$$Rc = \frac{S\alpha}{1 - \alpha}$$

Where  $S\alpha$  = the total effective sound absorbent area in the workshop;

$\alpha$  = the average absorption coefficient, 0.25 which takes into account large areas of reflective surfaces typical for garages.



5.05 Calculated MOT Garage noise levels are as set out in Table 3.

| Table 3: MOT Garage Internal Noise Levels |                   |
|-------------------------------------------|-------------------|
| Calculation Notes                         | Noise Level       |
| Garage Activity Noise Level               | 84.0dB, $L_{Aeq}$ |
| Garage Sound Power Level $L_w = L_p + 8$  | 92.0dB            |
| Direct level to Garage façade             | 64.4dB            |
| Reverberant Level at Garage façade        | 74.3dB            |
| <b>Total Indoor Noise Level</b>           | <b>74.7dBA</b>    |

5.06 It is understood that the walls and roof of the proposed buildings will be made up of profiled metal composite cladding with glazed windows. These elements are likely to provide the following typical sound insulation performances,  $R_w$ , as set out in Table 4 below.

| Table 4: Sound Insulation performance of proposed development building envelope elements |                                           |
|------------------------------------------------------------------------------------------|-------------------------------------------|
| Garage Element                                                                           | Sound Insulation Performance, $R_w$ in dB |
| Roof & Walls                                                                             | 25                                        |
| Windows                                                                                  | 31                                        |
| Open Doors                                                                               | 0                                         |
| Closed Doors                                                                             | 25                                        |

5.07 Calculated levels of noise within the new building and levels of sound insulation for its building envelope have been used to determine break out noise levels to the nearest dwellings.

5.08 A straight line was used to represent vehicle movements between the site entrance the circuit around the proposed building. The movement circuit has been created within the noise model overlaying them on the existing site layout. The circuit possess a sound power level attribute which was calculated using the CadnaA® concept of a moving point source within Internal Driveways and Areas. The sound power level of a moving source is calculated using the following formulas:

$$\text{Line Source: } L_{WA} = L_{WA-PQ} + 10\lg Q + 10\lg l - 10\lg v - 30\text{dB}$$

Where,

- $L_{WA}$  is the sound power level, dBA
- $L_{WA-PQ}$  is the sound power level of a moving point source, dBA
- $Q$  is the number of pass-bys, per hour
- $l$  is the length of the circuit, metres



- $v$  is the speed of the vehicle, in km/h
- 30dB is a constant of the formula

**5.09** Table 5 below sets out information on the number of vehicle movements likely to occur within a one hour period, this has been used to assess their impact.

| Table 5: Assessment Noise Source Parameters  |                                                         |              |                             |              |
|----------------------------------------------|---------------------------------------------------------|--------------|-----------------------------|--------------|
| Location                                     | Noise Sources                                           | LWA-PQ (dBA) | Number of pass-bys per hour | Speed (Km/h) |
| Access road/<br>Vehicle circuit /<br>Parking | Vehicle manoeuvring<br>arrival / departure /<br>Parking | 94.8         | 3                           | 10           |

**5.10** Noise levels likely to arise at the nearest dwellings due to the operation of the MOT Garage have been calculated and are set out in Table 6. For noise break out levels with the MOT Garage doors being closed and open were used.

| Table 6: Maximum Predicted Noise Levels at nearest Dwellings |                |                                                 |
|--------------------------------------------------------------|----------------|-------------------------------------------------|
| Garage Doors                                                 | Dwelling       | Evening Period<br>L <sub>Aeq, 1 hour</sub> (dB) |
| Open                                                         | Laggan Fasgach | 40.7                                            |
|                                                              | Cnoc Sualtach  | 41.7                                            |
| Closed                                                       | Laggan Fasgach | 31.9                                            |
|                                                              | Cnoc Sualtach  | 27.0                                            |

## 6.00 BS4142: 2014 Noise Assessment

6.01 The noise impact of the proposed development at the nearest dwellings, has been assessed in accordance with BS4142: 2014; the results are shown in Table 7 below:

| Table 7: Proposed Development Daytime Noise Levels at Nearest Dwellings in dB                                                                                                                                                                                    |                   |                   |                   |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|
| Calculation Notes                                                                                                                                                                                                                                                | Laggan Fasgach    |                   | Cnoc Sualtach     |                   |
|                                                                                                                                                                                                                                                                  | Doors Open        | Doors Closed      | Doors Open        | Doors Closed      |
| Garage Operational Noise Level, $L_{Aeq,1hr}$                                                                                                                                                                                                                    | 40.7              | 31.9              | 41.7              | 27.0              |
| Impulsivity correction (dB)                                                                                                                                                                                                                                      | +3 <sup>(1)</sup> | +3 <sup>(1)</sup> | +3 <sup>(1)</sup> | +3 <sup>(1)</sup> |
| Rating level (dBA)                                                                                                                                                                                                                                               | 43.7              |                   | 44.7              | 30                |
| Background Noise $L_{A90}$ (dB)                                                                                                                                                                                                                                  | 31.5              | 31.5              | 31.5              | 31.5              |
| <b>Level above or below Noise Level (dB)</b>                                                                                                                                                                                                                     | <b>+12.2</b>      | <b>+3.4</b>       | <b>+13.2</b>      | <b>-1.5</b>       |
| Notes:<br>Garage equipment is considered likely to have impulsive characteristics and a +3dB correction has been applied to take account of this. This is on the basis that dwellings are subject to frequent impulsive events from road traffic on local roads. |                   |                   |                   |                   |

6.02 With reference to table 7, when the proposed development operates with doors closed then the following is likely:

- Garage noise levels at Laggan Gasgach are likely to be +3.4dB above background noise levels during daytime hours. BS4142: 2014 gives no specific guidance where noise levels are no more than 5 dB above background noise levels. Thus for Laggan Gasgach dwelling it can be inferred that noise from the development does not have an adverse impact.
- Garage noise levels at Cnoc Sualtach are likely to be below existing background noise levels. BS4142 notes that where the noise level from the assessed source does not exceed the background noise level, this is an indication of the specific sound source having a low impact, depending on the context.

6.03 Where the MOT Garage operates with doors open it can be seen that noise levels at both Laggan Gasgach and Cnoc Sualtach are likely to be 12.2dB and 13.2dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceed the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact, depending on the context. It should be considered that this impact is likely to be limited to short periods of time and summer months only. Further context

is also provided by a comparison of Garage noise levels arising in dwellings against noise limits out in WHO/ BS8233 as follows.

## 7.00 WHO / BS 8233:2014 Internal Noise Limits

- 7.01 Where windows to dwellings are partially open for ventilation then they are taken to attenuate noise ingress by 15 dB, based on WHO guidance. Applying this correction to internal noise limits, set out in section 3.07, gives trigger noise levels as set out in Table 8 below. Effectively where external noise levels due to all noise sources exceed these trigger noise levels then it indicates that permanent ventilation by partially open windows would result in an excess of internal noise limits within the building.

| Table 8: Trigger Noise Levels |                      |
|-------------------------------|----------------------|
| Period                        | External Noise Limit |
| Daytime, 07.00 to 23.00       | 50 dB $L_{Aeq,16hr}$ |
| Night time 23.00 to 07.00     | 40 dB $L_{Aeq,8hr}$  |
|                               | 55 dB $L_{Amax}$     |

- 7.02 Trigger noise levels sets out in Table 8 apply outside the windows of the nearest dwellings facades. Assessed levels of noise for Garage are for one hour of operation. BS8233 noise limits are applicable over longer periods i.e. for daytime for the limits relates to an average over 16 hours and at night over an eight hour period. The Garage will be open for a maximum of 10 hours during weekday daytime and 5 hours on Saturday. This means in reality Garage noise levels over a 16 hours daytime period at the nearest dwellings will be lower as it does not operate for 6 of the total daytime hours. Results therefore represent a worst case scenario; these are set out in Table 9 below.

| Table 9: Predicted $L_{Aeq}$ 16 hours Daytime Noise Levels at Nearest Dwellings in dB |              |               |              |
|---------------------------------------------------------------------------------------|--------------|---------------|--------------|
| Laggan Fasgach                                                                        |              | Cnoc Sualtach |              |
| Doors Open                                                                            | Doors Closed | Doors Open    | Doors Closed |
| 40.7                                                                                  | 31.9         | 41.7          | 27.0         |

- 7.03 Calculated results shown in Table 9 indicate the predicted daytime noise levels at both Laggan Fasgach and Cnoc Sualtach are below the daytime trigger limit set out in Table 8. Consequently, mitigation measures will be not be required to control noise impact at nearest dwellings from the proposed MOT Garage operations.
- 7.04 WHO/ BS8233:2014 predicted  $L_{Aeq}$  16 hours daytime noise levels at both Laggan Fasgach and Cnoc Sualtach are below trigger limit set out in this report. Consequently, mitigation measures will be not be required to control noise impact at nearest dwellings from the proposed MOT Garage operations.

- 7.05 Accordingly this indicates that noise from the proposed development should not be considered an impediment to the grant of planning permission.



**Report Authors:**

**Pedro Rodrigues,**  
MSc Civil Eng., MIOA (CEng)  
*Consultant*

**Checked By:**

**Paul Cockram,**  
MIOA  
*Senior Consultant*

## Appendix A: Acoustic Glossary

| Word                        | description                                                                                                                                                                    |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acoustic environment        | Sound from all sound sources as modified by the environment                                                                                                                    |
| Ambient Noise               | Totally encompassing sound at a given location, usually composed of sound from many sources near and far                                                                       |
| Background Noise            | The lowest noise level present in the absence of any identifiable noise sources. This is usually represented by the $L_{A90}$ measurement index.                               |
| Break-in                    | Noise transmission into a structure from outside                                                                                                                               |
| Break-out                   | Noise transmission from inside a structure to the outside                                                                                                                      |
| Cross-talk                  | Noise transmission between one room and another room or space                                                                                                                  |
| Ctr                         | Correction term applied against the sound insulation single-number values ( $R_w$ , $D_w$ , and $D_{nT,w}$ ) to provide a weighting against low frequency performance          |
| dB (decibel)                | Defined as 20 times the logarithm of the ratio between the root-mean-square pressure of the sound field and a reference pressure ( $2 \times 10^{-5}$ Pa).                     |
| dBA                         | Level of sound across the audible spectrum with a frequency filter to compensate for the varying sensitivity of the human ear to sound at different frequencies at a lower SPL |
| Façade Level                | A sound field determined at a distance of 1m in front of a building façade.                                                                                                    |
| Free-field Level            | A sound field measured at a point away from reflective surfaces other than the ground                                                                                          |
| Frequency (Hz)              | Number of cycles of a wave in one second measured in Hertz.                                                                                                                    |
| Impact sound pressure level | Average sound pressure level in a specific frequency band in a room below a floor when it is excited by a standard tapping machine or equivalent                               |
| Indoor ambient noise        | Noise in a given situation at a given time, usually composed of noise from many sources, inside and outside the building, but excluding noise from activities of the occupants |

|                                         |                                                                                                                                                                                                                                                                 |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| $L_{Aeq,T}$                             | $L_{Aeq,T}$ is defined as the equivalent continuous "A"-weighted Sound Pressure Level in dB over a given period of time.                                                                                                                                        |
| $L_{Amax}$                              | Maximum A - weighted sound pressure level recorded over the measurement period. Usually has a time constraint ( $L_{Amax}$ , $L_{Amax}$ )                                                                                                                       |
| Measurement time interval, $T_m$        | Total time over which measurements are taken                                                                                                                                                                                                                    |
| Noise                                   | Unwanted sound.                                                                                                                                                                                                                                                 |
| Noise criteria                          | Numerical indices used to define design goals in a given space                                                                                                                                                                                                  |
| Noise rating NR                         | Graphical method for rating a noise by comparing the noise spectrum with a family of noise rating curves. This is usually used to control noise that has tonal characteristics that $L_{Aeq,t}$ wouldn't detect.                                                |
| Noise-sensitive premises (NSPs)         | Any occupied premises outside the assessment location used as a dwelling (including gardens), place of worship, educational establishment, hospital or similar institution, or any other property likely to be adversely affected by an increase in noise level |
| Normalized impact sound pressure level  | Impact sound pressure level normalized for a standard absorption area in the receiving room                                                                                                                                                                     |
| Octave band                             | Band of frequencies in which the upper limit of the band is twice the frequency of the lower limit                                                                                                                                                              |
| Percentile level $L_{AN,T}$             | A-weighted sound pressure level obtained using time-weighting "F", which is exceeded for N% of a specified time period                                                                                                                                          |
| Rating level, $L_{Ar,Tr}$               | Specific sound level plus any adjustment for the characteristic features of the sound                                                                                                                                                                           |
| Reference time interval, $T_r$          | Specified interval over which the specific sound level can be determined.                                                                                                                                                                                       |
| Residual sound                          | Ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound                                                                                               |
| Residual sound level, $L_r = L_{Aeq,T}$ | Equivalent continuous A-weighted sound pressure level of the residual sound at the assessment location over a given time interval, T                                                                                                                            |
| Reverberation time T                    | Time that would be required for the sound pressure level to decrease by 60 dB after the sound source has stopped within a reverberant space                                                                                                                     |

|                                                   |                                                                                                                                                                                      |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sound level difference D                          | Difference between the sound pressure level in the source room and the sound pressure level in the receiving room                                                                    |
| Sound power level, LWA                            | Ten times the logarithm to the base 10 of the ratio of the sound power radiated by a sound source to the reference sound power, determined by use of frequency-weighting network "A" |
| Sound pressure level                              | Is the Root Mean Squared value of the instantaneous sound level over a period of time expressed in decibels, usually measured with an appropriate frequency weighting                |
| Specific sound level, $L_S = L_{Aeq,Tr}$          | Equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval, $T_r$                   |
| Specific sound source                             | The sound source which is being assessed                                                                                                                                             |
| Third octave band                                 | Octave bands sub-divided into three parts, equal to 23% of the centre frequency                                                                                                      |
| Weighted level difference $D_w$                   | Single-number quantity that characterizes airborne sound insulation between rooms, but which is not adjusted to reference conditions                                                 |
| Weighted standardized level difference $D_{nT,w}$ | Single-number quantity that characterizes the airborne sound insulation between rooms                                                                                                |




## Appendix B: Noise Maps

- Daytime  $L_{Aeq}$ , 1 hour Noise Map – Doors Open





- Daytime LAeq, 1 hour Noise Map – Doors Closed



 FORT STREET HOUSE,  
FORT ST, BROUGHTY FERRY  
DUNDEE, DD5 2AB  
01382 731813

 29 EAGLE STREET  
CRAIGHALL BUSINESS PARK  
GLASGOW  
G4 9XA  
01414 283 906

 [cspacoustics.co.uk](http://cspacoustics.co.uk)  
 [info@cspacoustics.co.uk](mailto:info@cspacoustics.co.uk)



**CSPAoustics**





**JAMES LOCHHEAD**  
Development & Planning Consultant

**Land North West of Choc Sualtach, Kirkmichael, PH10 7NR**

**Proposed Commercial Garage**

The Proposal

My client, Mr M. Aitken, wishes to construct a commercial garage – car maintenance, MOT's etc. at the above location. Plans have been prepared by Project Management Scotland.

At the present time people residing in this rural location have to travel significant distances to have car repair and maintenance (Blair Athol is some 20 miles away and Blairgowrie is approximately 15 miles). The proposed garage would be a welcome addition to the services and facilities of Kirkmichael and the surrounding area.

The adopted Local Development Plan provides “a positive and flexible framework to encourage new wealth creation opportunities throughout the Plan area.” The Plan also recognises that most opportunities would be within or on the edge of existing settlements. The proposed site is on the settlement edge of, but not adjoining, Kirkmichael.

The key policy against which the proposal must be judged is Policy ED3: Rural Businesses and Diversification. The proposal is considered to find considerable favour under the terms of this policy and the listed criteria.

Following pre-application discussions with the Planning Authority the proposed building has been located to respect the building line of the adjacent properties. Given the rural nature of the site it is proposed that the boundary treatment would be a simple stob and wire fence. However, my client is content to provide additional landscaping if the Planning Authority would wish to see this.

In 2008 outline planning permission was granted for a dwellinghouse. The principle of development in this general location has therefore been established. This consent has subsequently expired.

At the request of the Planning Authority a Noise Impact Assessment has been carried out by CSP Acoustics. The report which accompanies this planning application concludes that “*the noise from*

*the proposed development should not be considered an impediment to the grant of planning permission.”*

There are no viable alternative locations for a commercial garage in Kirkmichael. There is a garage in the centre of the village but this specialises in the restoration of classic cars (Milford Vintage Engineering). The established village envelope has been drawn quite tightly round the village and a review of alternative locations for the proposed garage revealed only one potential location – land to the west of the A924 near to the junction with the B950. However, a review of the SEPA Flood Map reveals that this land is at severe risk of flooding from the River Ardle.

In conclusion it is considered that the proposal complies with the development plan. There are no viable alternative locations within the village of Kirkmichael and that the predicted noise levels from the proposed garage should not be an impediment to the granting of planning permission. The proposed garage would be a significant asset to the village of Kirkmichael and the surrounding rural area.

James Lochhead

Development & Planning Consultant

July 2017

**TCP/11/16(526) – 17/01297/FLL – Erection of a  
garage/workshop on land north west of Choc Sualtach,  
Kirkmichael**

## **REPRESENTATIONS**





### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                     |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/01297/FLL                                                                                                                                                                                                                                                                                                                                                                                              | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                        | <b>Contact Details</b>      | ██████████<br>████████████████████  |
| <b>Description of Proposal</b>                  | Erection of a garage/workshop                                                                                                                                                                                                                                                                                                                                                                             |                             |                                     |
| <b>Address of site</b>                          | Land North west of Choc Sualtach, Kirkmichael                                                                                                                                                                                                                                                                                                                                                             |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.                                                                                                                                                                                                                                                                                              |                             |                                     |
| <b>Recommended planning condition(s)</b>        | <p>AR01 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type A construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> |                             |                                     |
| <b>Recommended informative(s) for applicant</b> | <p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>       |                             |                                     |
| <b>Date comments returned</b>                   | 10 August 2017                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                     |



### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                      |                             |                                                                             |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01297/FLL                                                                                                         | <b>Comments provided by</b> | Euan McLaughlin                                                             |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                    | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>T [REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a garage/workshop                                                                                        |                             |                                                                             |
| <b>Address of site</b>                          | Land North West Of Choc Sualtach, Kirkmichael                                                                        |                             |                                                                             |
| <b>Comments on the proposal</b>                 | In terms of the Developer Contributions and Affordable Housing Guidance I have no comments to make on this proposal. |                             |                                                                             |
| <b>Recommended planning condition(s)</b>        |                                                                                                                      |                             |                                                                             |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                      |                             |                                                                             |
| <b>Date comments returned</b>                   | 11 August 2017                                                                                                       |                             |                                                                             |



18/08/2017

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



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

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

Dear Local Planner

**PH10 Kirkmichael Land North West Of Choc Sualta 0**  
**PLANNING APPLICATION NUMBER: 17/01297/FLL:**  
**OUR REFERENCE: 749087**  
**PROPOSAL: Erection of a garage/workshop**

**Please quote our reference in all future correspondence**

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

#### **Water**

- This proposed development will be fed from Kirkmichael Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

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

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal**

**connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

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

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**  
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**  
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)
- **Trade Effluent Discharge from Non Dom Property:**  
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

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

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

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

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

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

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)



2nd from same household

RECEIVED

25 AUG 2017

AMB



STEWART IRVING

ARCHITECTURAL QUANTITY SURVEYING  
& PLANNING CONSULTANT

RECEIVED

25 AUG 2017

SDI/JI/2017.4

21 August 2017

Director Of Planning  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth

ENTERED IN COMPUTER

25 AUG 2017

Dear Sirs

**PLANNING APPLICATION 17/01297/FLL**  
**ERECTION OF GARAGE / WORKSHOP ON LAND NORTH WEST OF**  
**CHOC SUALTACH KIRKMICHAEL**

I act on behalf of Mr David Campbell, owner of Laggan Fasgach, Kirkmichael.

Mr Campbell objects to the proposed development on the following grounds:

**Local Development Plan**  
**Economic Development**  
**Policy ED1A**

**Sub-clause (a)**

“Proposals should not detract from the amenity of adjoining, especially residential, areas.”

This development clearly is located between two houses and will detract from their amenity given the depth of excavations being proposed, scale, location, basic design of the building, noise levels, and vehicle movements. Furthermore, should planning consent be granted this would set a precedent for a further similar application for the remaining gap site adjacent to Cnoc Sualtach.

**Sub-clause (d)**

“Proposals for retail uses in employment areas will not generally be acceptable unless they are ancillary to an acceptable use on the site.”

I would ask Perth & Kinross Council to impose a condition preventing the sale of motor vehicles from this site should planning consent be granted.

**Local Development Plan  
Policy ED1B**

This area is not identified for a mixed use development and the range of uses stated in the policy does not include garage / workshops.

**Local Development Plan  
Policy ED3**

The proposed development is not situated or adjacent to the existing envelope of the settlement, the business is not related to a site specific resource or opportunity, and is not the diversification of an existing business. The business is very unlikely to generate much local employment given that specialist technicians will be required and they are unlikely to be sourced within the 200 Kirkmichael inhabitants.

**Sub-clause (a)**

The proposed use is not compatible with the surrounding land uses and will detrimentally impact on the amenity of the residential properties adjacent to the site.

**Sub-clause (b)**

The building cannot be adequately accommodated due to the nature of the sloping site. There is a 3.50 metre difference in the ground levels to the rear of the site to be retained by a 4.50 metre high concrete retaining wall.

**Sub-clause (d)**

The proposed garage workshop does not achieve a high quality of design given its prominent location and is not in keeping with the setting or scale of the existing residential buildings adjoining the site.

**Noise Impact Assessment**

I note in CSP Acoustics Report, Clause 2.06, that it envisages the garage doors should be open for short periods of time throughout the year and the summer months only.

Given that the garage doors will be open for considerable periods of time during the summer months I would contend that the noise level calculations at Laggan Fasgach, as stated in Clause 6.03 of the Report, should be considered as the norm as they will have a significant adverse impact on the amenity of Laggan Fasgach.

**Covering Letter From James Lochhead Development and Planning Consultant**

He mentions in Paragraph 2 of his letter that local residents have to take their vehicles to surrounding towns for maintenance and repairs. Could it be that in most instances these people just happen to work in these towns and therefore it is more convenient for them to drop their cars off first thing in the morning and collect them at finish of work?

He mentions in Paragraph 6 of his letter that outline planning permission was granted for a dwelling house in 2008 at Borland Farm. This has no relevance whatsoever to the current application before Perth & Kinross Council.

### **Observations**

The applicant owns Borland Farm which has several steadings and outbuildings clustered around the farmhouse and only lies approximately 200 metres northeast of the current site. I'm sure these buildings would be suitable for conversion to a garage / workshop or that they could be demolished and a new building erected in their place similar to what has been envisaged. Also that site would not be prone to flooding.

### **Conclusion**

I would be grateful if you would take the above objections into account in the determination of the Planning Application. Please acknowledge receipt of this letter and advise me of any Committee date ( if applicable ) and decision in due course.

Yours faithfully



Stewart Irving



# Memorandum

|          |                             |         |                            |
|----------|-----------------------------|---------|----------------------------|
| To       | Development Quality Manager | From    | Regulatory Service Manager |
| Your ref | 17/01297/FLL                | Our ref | MP                         |
| Date     | 22 August 2017              | Tel No  |                            |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission RE Erection of a garage/workshop Land North West Of Choc Sualtach Kirkmichael for Mr Mike Aitken**

I refer to your letter dated 4 August 2017 in connection with the above application and have the following comments to make.

### Recommendation

**I have no objection in principle to the application but recommend the under noted conditions be included on any given consent.**

### Comments

This application for a new MOT garage is supported by a noise impact assessment (NIA) to quantify the impact on local neighbours and my comments regarding this are below.

The NIA was conducted in terms of BS4142:2014, which rates noise impacts in terms of the increase in noise relative to the pre-existing baseline. To this end a baseline was measured over an hour on a weekday in June. This is a short baseline, which serves to increase uncertainty in this assessment. The measured LA90 background for this location was said to be 31.5dB, which is a very low background level for the daytime period which is to be expected at such a location.

Operational noise levels were predicted at the 2 closest residential receptors based on library data at source and modelled back to the receptors accounting for the attenuation of the garage structure with both the doors open and closed. The receptors of Cnoc Sualtach and Laggan Fasgach are some 38m and 30m respectively.

The LAeq 1hour levels with the doors closed were predicted to be 31.9dB at Laggan Fasgach and 27dB at Cnoc Sualtach with the doors open figure 40.7dB and 41.7dB respectively.

BS4142:2014 allows for a penalty to be applied for specific acoustic features such as impulsivity, tonality and intermittency. The consultant has included a +3dB correction for impulsivity, which would account for any banging taking place but may be too low. I am also not entirely convinced that other acoustic effects will not be important such as intermittency and tonality. The consultant has taken a subjective approach to applying this penalty, but should Environmental Health become involved in the future through either the planning enforcement or nuisance regimes, we will likely use an objective method for penalising this which may well show up greater penalties than the +3dB.



Based on the consultants 3dB correction for impulsivity, the rating level at Laggan Fasgach is said to be +3.4dB over the background with the doors closed and +12.2dB with them open. For Cnoc Sualtach the difference is -1.5dB with the doors closed and +13.2dB with them open.

BS4142 states:

*Where the rating level exceeds the background noise level by +10 dB or more then this is likely to be an indication of a significant adverse impact, depending on the context.*

*Where the rating level exceeds the background noise level +5 dB this is likely to be an indication of an adverse impact, depending on the context.*

With the doors open both properties considered above exceed +10dB, showing significant adverse impact. With the doors closed they are both the +5dB threshold for adverse impact, however if further acoustic features are deemed appropriate, this could change.

Due to this I have recommended conditions limiting noise and requiring the doors remain closed, as a suitable level of residential amenity may not be achievable with them open. In absolute terms the predicted noise level is still relatively low within gardens and internally, however due to the low background level there may be complaints if noise is not properly managed. Due to this I have recommended a number of conditions to ensure residential amenity is maintained here, including a condition limiting noise to +5dB over the background level.

#### Conditions

**EH00var** The hours of operation shall be restricted to 0800 hours to 1800 hours Monday to Friday and 08.00 to 13.00 on Saturday unless otherwise agreed in writing with the Council as Planning Authority.

The doors to the garage shall remain closed when noisy work is being undertaken.

Noise levels arising from the development shall not exceed a Rating Level of LAeq 37 dB, when measured over any given 1 hour period, outside any residential property. All measurements shall be determined using the guidance of BS4142:2014 RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS, and measurements should be corrected appropriately for acoustic features as described by this standard.

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

23.08.2017

**Re: Planning Application Reference 17/01297/FLL**

On behalf of my family I would like to object to the proposed erection of a garage/workshop (MOT centre), planning application ref. 17/01297/FLL. Please see the reasons below:

**Noise**

The Noise Impact Assessment report concludes that that noise from the proposed development should not be considered an impediment to the grant of planning permission.

This is largely based on the assumption that the garage would operate with closed doors. If, however, the garage would operate with the doors open, the report says: "Where the MOT Garage operates with doors open noise levels at both Laggan Gasgach and Cnoc Sualtach more than 10 dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceed the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact." (page 4, point 2.6). It then states, that "Calculations indicate that noise levels arising in dwellings Laggan Gasgach and Cnoc Sualtach from the proposed Garage operations are unlikely to exceed WHO/BS8233:2014 daytime noise limits" (page 4, point 2.07). In other words, they say that it is ok that the noise level would have significant adverse impact on our houses because there are places in the world where there are even higher noise limits allowed (like for example living in a city near the airport).

My objections are:

1. The report only uses statistical data and certain measuring techniques, there was no one present on our premises to measure the real noise level over substantial period of time. In reality, we live in a location that is very peaceful and quiet, the only noise being from the passing cars (which is very brief), or when neighbours are cutting their lawn etc. There are normally very long periods when all we can hear are the birds singing and the wind blowing. Particularly outside the summer season, when there are no tourists to pass by. I work from home and there is virtually no noise during the day.

Having a MOT centre next door would increase the noise in our area dramatically, and what is worse, it would be continuous noise six days a week. There would be constant starting up of the engine, moving the cars around, opening and closing the doors and the bonnets, the repair works, tyre works etc. Even people talking just outside our house continuously would increase the noise in this area.

2. Once approved and up and running there would be no one to stop the garage from operating with the doors open, as indeed is the case with most garages. I am sure that they would need the light, the space and the fresh air. As quoted above, if they do operate with the doors open, the noise level would have significant adverse impact on our lives.

In conclusion I believe that the noise coming from the proposed MOT centre would have significant negative impact regardless of whether they operate with the doors closed or open. And, we live in the countryside, not in the city, so I think the noise levels expected and allowed here should not be compared to the ones expected and allowed elsewhere.

#### **Traffic & other disturbance**

Apart from the increased noise in the area, there would be increased traffic, more people around who would have to wait somewhere while their cars are being serviced or repaired, increased pollution, emissions etc. (the proposed MOT centre would be right next to our vegetable garden).

#### **Design**

The proposed design would not fit with the environment. This is a beautiful village in the middle of the glens, with beautiful houses. Having an unsightly composite clad building just in between the residential houses would ruin the harmonious architectural character in the area and spoil the beauty of this village and countryside.

#### **Change of use of land**

When coming to live in the house surrounded by fields (agricultural land) people do not expect one day that the field would turn into a commercial establishment. I strongly believe it should not be allowed to change the use of the land to commercial unless everyone in the area agrees with such change; this a residential area, where families with children live, and no one wants to live next to a MOT centre.

If approved, it may give a precedent to not only allow Mr. and Mrs. Aitken to increase the size of their garage in the future (while the proposed garage is already very big) but also could be a sign to anyone that they can change the fields around into commercial establishments, making people wary what could happen next to their own houses.

#### **Location & the loss of privacy**

The proposed plan shows that there would be a drive along our fence to the back of the proposed MOT centre, where 7-10 car parking spaces would be available for staff and clients. The parking spaces would be just next to our outside sitting area and our greenhouse and vegetable garden. We would continuously see or hear people talking, cars moving, cars being worked on... and we ourselves would also be seen and overheard when trying to enjoy our time in our back garden. The loss of privacy would be significant.

The proposed MOT centre with its drive would be almost attached to the property we live in, as Mr. Aitken would struggle to build it anywhere further because of how the land slopes up. I believe this is also the reason why the residential house has never been built there even though it was granted permission in the past. It should show that the land is unsuitable for any building to be built on as it would be a big struggle to level the land. But, a residential house would be much more suitable to the area than a MOT centre, of course.



### Public interest

Mr. Aitken's Supportive Statement says that he believes his proposed MOT centre would be "a significant asset to the village of Kirkmichael and the surrounding rural area".

I disagree.

First, this is a small community, with only around 200 people living in the Strathardle area, with the majority in Kirkmichael, and only a handful in the villages of Enochdhu, Straloch and Ballintuim. I do not believe that people from elsewhere would benefit or even come to have their MOT done here in Kirkmichael. They do not work here, it would be out of their way, and they would have nothing to do here while waiting for their cars; they would be so much better off to have their MOT or service done at the place near where they live or work. So, even if we assume that every single one of the 200 people in this community has a car that is older than three years and as such needs a MOT, with Mr. Aitken's estimate of servicing 6-8 cars per day, it would only take him 28 days in a year to service the entire community. In reality, not all people here have a car that needs MOT and lots of people take their car to have a MOT done by the manufacturer's dealer or near the place they work, which is more convenient for them. The amount of people that might benefit from a MOT centre in the village is thus not very high.

Second, this is a small village in the middle of the glens. People come to live here for its beauty and peacefulness. They choose to live in the countryside surrounded by nature and animals, seeking the peace and quiet, they try to avoid being surrounded by industry and commercial establishments. They are more than willing to travel a distance to access the amenities that belong to the towns and cities. Blairgowrie is mere 20 minutes away, it is a place where people go to work (some go even further), go do their shopping, the place where they have their doctors or pharmacists... all these are much more important than a MOT centre. And they would have to keep going there, no MOT centre is going to reduce the need of people living in this village to go to the nearest town.

I strongly believe that even if the people in our community were asked if they wanted a MOT centre to be built here and even if some agreed, not a single one would answer "Yes, please build it, I do not mind that it would be next to my own house." And I believe that if this proposed garage is built next to our house, people in our community would still not be pleased because they would have to look at it every time they pass by. It would change the character of the village, and not for the good.

The Perth & Kinross Council Local Development Plan states that "Our area – highly valued for the beauty of its natural and built environment - is a great place to live, work and visit, and should be developed in a way that does not detract from its attractiveness." (p.14, point 2.2.6)

I believe that the proposed MOT centre would have a negative impact both on my family, as it would become a place unsuitable for raising children, and on our community, who I am sure would rather preserve the beauty of the area they live in and keep it attractive for tourists rather than allow it to become industrialized.

Yours sincerely

Lucie Thomas

Laggan Fasgach

Kirkmichael

Blairgowrie

PH10 7NR



# Comments for Planning Application 17/01297/FLL

## Application Summary

Application Number: 17/01297/FLL

Address: Land North West Of Choc Sualtach Kirkmichael

Proposal: Erection of a garage/workshop

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Sam Onions

Address: Oakbank, Kirkmichael, Blairgowrie PH10 7NS

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Looking

Comment: On behalf of Sam Onions and Julia Sim I am writing to object to the proposed construction of a garage/workshop (17/01297/FLL) on the outskirts of Kirkmichael on the following grounds.

## Noise and Traffic

The noise pollution and added traffic caused by a MOT garage is a huge concern in an area which is, currently, very quiet and peaceful. The noise report clearly states that the noise will be a significant intrusion.

"... with doors open noise levels at both Laggan Gasgach and Cnoc Sualtach more than 10 dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceeds the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact, depending on the context. It should be considered that this is likely to be limited to short periods of time and summer months only."

The context in this case is a peaceful country road where cyclists talking to each other as they have a rest and the occasional passing car offer the only disturbance and "the summer months" constitutes 1/4 of the year and a time when people often like to be out in their gardens enjoying

the peaceful surroundings.

### Change of Land Use

Turning agricultural land into Commercial areas is completely out of character with a small rural village. Permission had also been granted previously to build a residential property in this location which would be better suited. This is an area of great beauty and peacefulness where people come to visit or to live precisely to get away from the industry and commerce of large cities.

### Privacy

The plans show parking access running down the full length of the nearest neighbors garden. This means staff and customers will constantly be walking/driving up and down their garden fence. The residents will both hear extra noise from people talking and passing by as well as be overheard in their own garden by people waiting for their cars.

### Questionable Value to Local Community

Kirkmichael is a small village of around 150 people with a lot of people commuting to Pitlochry or Blairgowrie (each about 20 minutes away) which both already have MOT garages. The convenience of having a closer garage is a minor bonus to most and wont outweigh increasing traffic and making the village less desirable. Also, Kirkmichael has 1 pub, 1 local shop/post office and 1 school - an MOT center isn't going to reduce people's reliance on travelling to Pitlochry or Blairgowrie for Supermarkets/Doctors/Vets etc.

### Sam Onions

p.s. I have emailed this with formatting which isn't available on the web form.

**TCP/11/16(527) – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 133-144***)
- (b) Decision Notice (***Pages 147-148***)
  - Report of Handling (***Pages 149-155***)
  - Reference Documents (***Pages 157-164***)
- (c) Representations (***Pages 165-180***)



**TCP/11/16(527) – 18/00015/FLL – Erection of a  
dwellinghouse on land north east of Firgrove Park, Golf  
Course Road, Blairgowrie**

**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 & MRS CLARK**

Address **FIRGROVE PARK  
GOLF COURSE ROAD  
BLAIRGOWRIE**

Postcode **PH16 6LF**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **—**

Fax No **—**

E-mail\* **[REDACTED]**

## Agent (if any)

Name **RON WEIR**

Address **BALLOCH BUNGALOW  
SOUTH BALLOCH FARM  
ALYTH.**

Postcode **PH11 8JN**

Contact Telephone 1 **01828 633888**

Contact Telephone 2 **—**

Fax No **—**

E-mail\* **—**

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 & KINROSS COUNCIL**

Planning authority's application reference number

**18/00015/FL**

Site address

**LAND NORTH EAST OF FIRGROVE PARK, GOLF COURSE RD  
BLAIRGOWRIE**

Description of proposed  
development

**ERECTION OF DWELLING HOUSE**

Date of application

**8/1/18**

Date of decision (if any)

**6/3/18**

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

Notice of Review

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:

I THINK IT WOULD BE OF A BENEFIT TO LOOK AT AND UNDERSTAND THE SITE, READ MY STATEMENT AND MAPS AND RECOGNISE HOPEFULLY THAT THE APPLICATION IS NOT BREACHING OR IMPACTING ON 'THE' GREEN ZONE AND IS IN FACT A NATURAL INFILL TO EXISTING HOUSES ON PERIMETER.

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? ☐
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒

| Yes                                 | No                                  |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

**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.

PLEASE FIND ENCLOSED WITH THIS FORM A STATEMENT REGARDING THE SITE SUITABILITY AND MAPS DEPICTING IT IN RELATION TO THE STATEMENT.

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

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising 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.

I HAVE WRITTEN ABOUT AND SHOW THE PLOT IN REGARD TO ITS SUITABILITY, BEING APPROPRIATE TO THE OPEN SPACE ZONING AND FOLLOWING THESE GUIDELINES AND REQUEST THAT IT BE SEEN TO BE IN ACCORDANCE AND BE ALLOWED AND GIVEN EQUAL MERIT TO OTHER APPLICATIONS ON THE PERIMETER PREVIOUSLY GAINING PERMISSIONS.

## List of documents and evidence

Notice of Review

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.

MY STATEMENT 'A'  
SITE MAP 'B'  
SITE MAP 'C'  
SITE MAP 'D'

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

[Redacted Signature]

Date

2/4/18

A

From: Firgrove Park [REDACTED]  
Subject: STATEMENT ON APPEAL ON PLANNING APPLICATION NO:  
Date: 27 Mar 2018 at 21:59:39  
To: 18/00015/FL

Dear Sir/Madam,

Firstly my apologies for maps and paperwork etc as i am not fully IT literate but hopefully they are of sufficient quality to be understood.

My appeal is on the grounds that my application does not in any way invade "green open space" or any "green buffer zone" thought to be meantime desirable in the latest version of the LDP.

The plot i proposed is easily of sufficient size to comfortably accommodate a house and doesn't breach any density requirements, neither does it encroach into our fields which form part of the green buffer zone . I would offer it to you as being a natural infill space between two existing houses in a line of dwellings and completely in character with this area.

The plot itself is not a green plot and is in fact black due to it being covered in a layer of chopped rubber surface arena for horses. This in itself is not particularly environmentally friendly but in any case it has been in such use for the past twenty years if not longer.

My application has had no objections whatsoever from my immediate neighbours with the sole negative comment coming from an individual residing well over a mile away who is in a personal backyard battle with his own neighbours and as such has his own agenda to pursue.

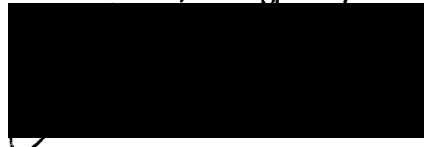
Also as such neither he nor any other person will ever have ever had sight of this plot as we are on a no through road completely screened by trees on all sides and it's not visible from any public rights of way so should offend absolutely nobody. It's ironic too that the green zone is not visible in the main to anyone other than us few residents due to trees.

Neither does it have any negative impact on local services as was stated by PKC in the original application comments section. I do not believe this application breaches in any way the desire to retain " green open space" a buffer zone if you will ,as mentioned in the LDP separating Rosemount from the rest of Blairgowrie. Given that there appears to be a wish by some to have Rosemount buffered

i am led to believe by her that an actual site visit is normally made by the Appeals Panel and so i respectfully request that during this visit all these factors and statements made by me become clearer and be found to be true and correct and seen as an accurate portrayal and that no infringement into the green zoned area would occur in this case and so my appeal be granted.

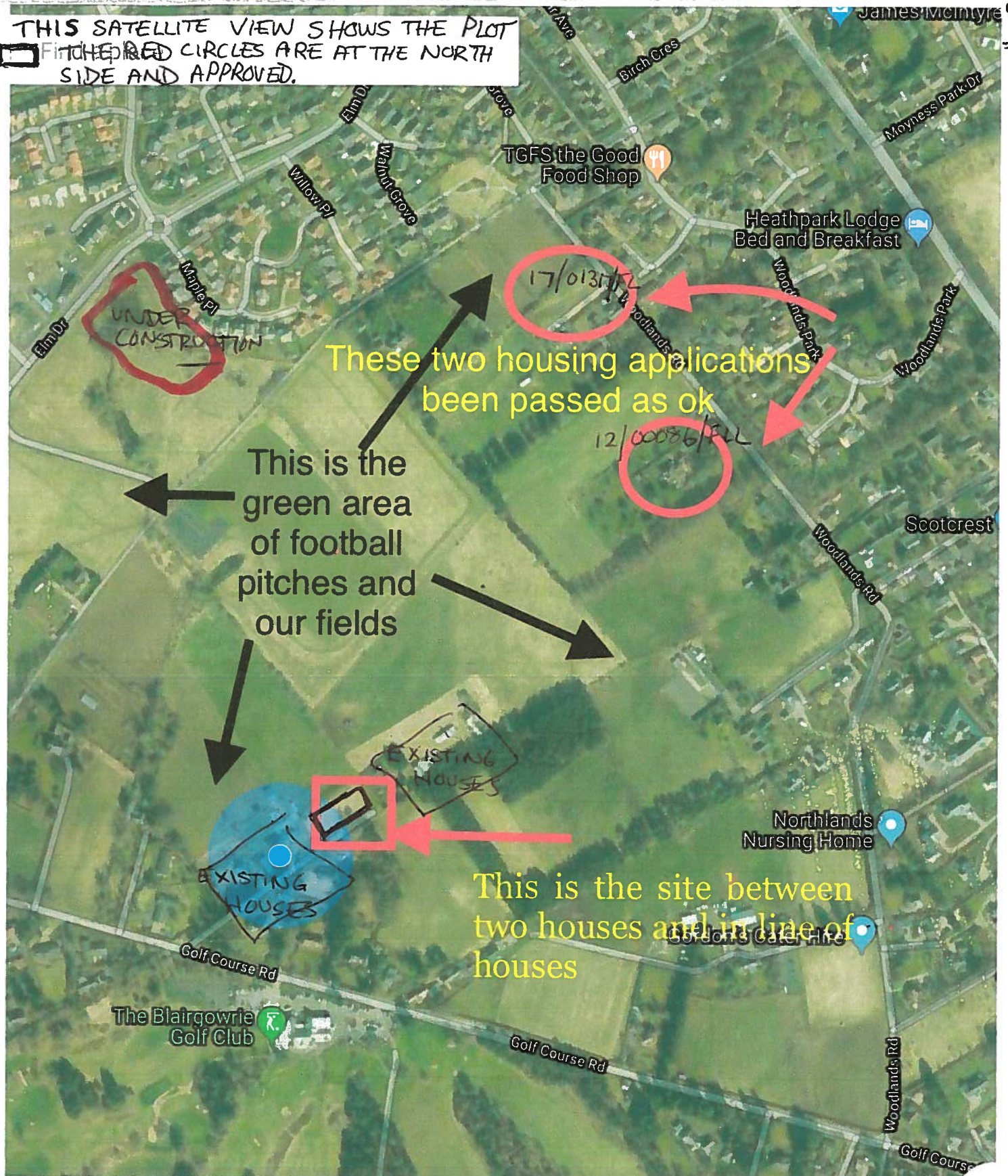
Yours Faithfully ,

~~Sent from my iPad~~





THIS SATELLITE VIEW SHOWS THE PLOT  
FINISHED RED CIRCLES ARE AT THE NORTH  
SIDE AND APPROVED.





FIRGROVE PARK  
18/00015/FL

# Land at (FIRGROVE) Blairgowrie (PARK)



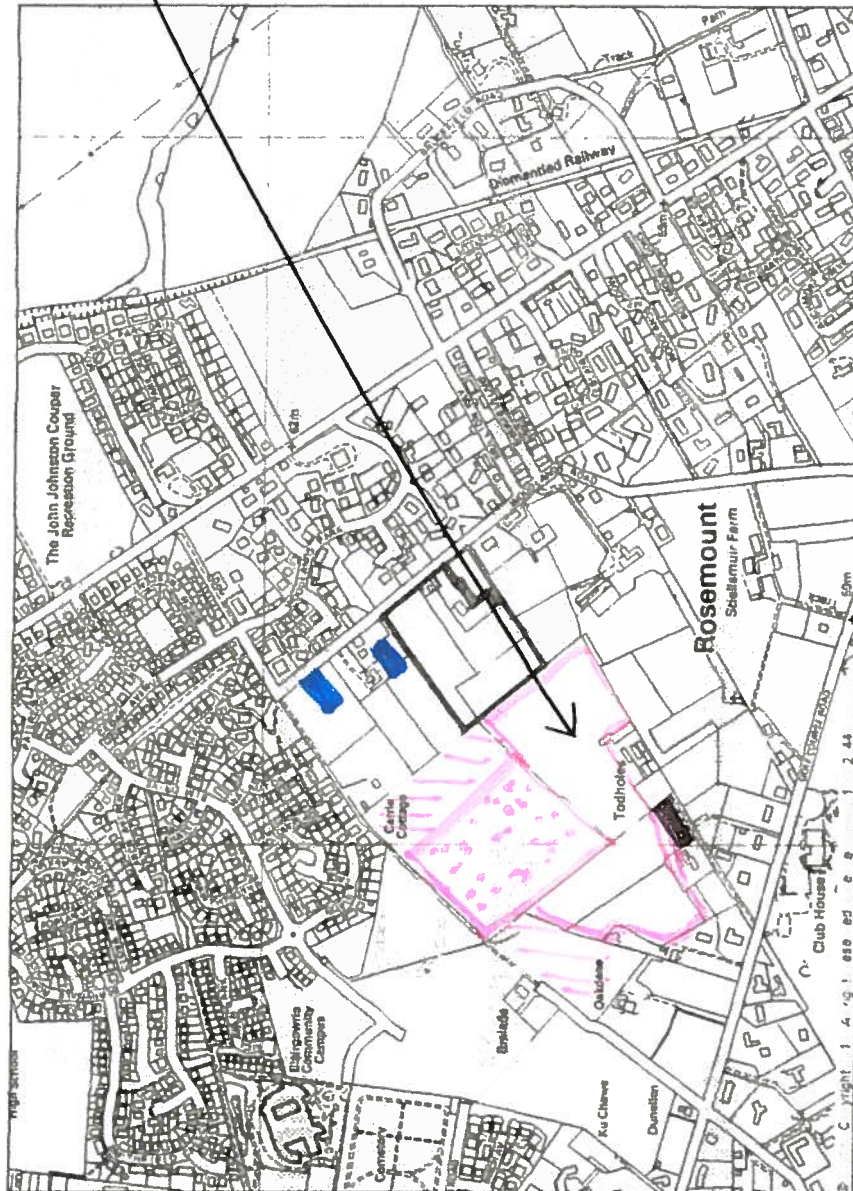
— THESE ARE THE FIELDS



— THESE ARE FOOTBALL FIELDS



— THIS IS BARE UNCULTIVATED UNUSED GROUND



PERTH AND KINROSS COUNCIL  
DRAWING REF 18/00015/FL

## LEGEND

= THE PLOT IN QUESTION LYING BETWEEN TWO HOUSES (ONE OURS)

= PREVIOUS APPROVED SITES ON WOODLANDS ROAD BLAIRGOWRIE

Scale 1:10,000

OS Licence ES 754 900



↑ N

"D"



I think this map shows the area clearly and allowances have been made previously around the perimeter as can be seen. My application is also on the 143 perimeter and an infill & natural.





**TCP/11/16(527) – 18/00015/FLL – Erection of a  
dwellinghouse on land north east of Firgrove Park, Golf  
Course Road, Blairgowrie**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr And Mrs Clark  
c/o Ron Weir  
Balloch Bungalow  
South Balloch Farm  
Alyth  
PH11 8JN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 6th March 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00015/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 19th January 2018 for permission for **Erection of a dwellinghouse Land North East Of Firgrove Park Golf Course Road Blairgowrie** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy CF1 Open Space Retention and Provision as it would set a precedent in the erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider 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 relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### Plan Reference

18/00015/1

18/00015/2

18/00015/3

18/00015/4

18/00015/5

18/00015/6

18/00015/7

18/00015/8

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                           |      |
|------------------------|---------------------------|------|
| Ref No                 | 18/00015/FLL              |      |
| Ward No                | P3- Blairgowrie And Glens |      |
| Due Determination Date | 18.03.2018                |      |
| Case Officer           | Joanne Ferguson           |      |
| Report Issued by       |                           | Date |
| Countersigned by       |                           | Date |

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land North East Of Firgrove Park Golf Course Road  
Blairgowrie

### SUMMARY:

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

**DATE OF SITE VISIT:** 26 January 2018

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is for erection of a dwelling at Land North East Of Firgrove Park, Golf Course Road, Blairgowrie. The site is currently used as a riding arena ancillary to the dwelling Firgrove Park.

The site is within the settlement boundary of Blairgowrie and located in an area characterised by small groupings of dwellings interspersed with paddocks.

The dwelling proposed is single storey with gable-ended detailing centrally located within the plot. New post and wire fences are proposed with the site extending beyond the confines of the existing riding area to the north but not as far as the full extent to the east, retaining an access to the paddock.

## **SITE HISTORY**

No recent site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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



## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy CF1A - Open Space Retention and Provision**

Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

## **OTHER POLICIES**

No other policies

## **CONSULTATION RESPONSES**

|                                  |                                                                    |
|----------------------------------|--------------------------------------------------------------------|
| Transport Planning               | No objection                                                       |
| Scottish Water                   | No objection                                                       |
| Local Flood Prevention Authority | No objection                                                       |
| Contributions Officer            | Education Contribution required if application was to be supported |
| Environmental Health             | No response within time                                            |

## REPRESENTATIONS

The following points were raised in the 1 representation received:

- Contrary to Development Plan Policy

## ADDITIONAL INFORMATION RECEIVED:

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### Policy Appraisal

This site is located within the settlement boundary of Blairgowrie and Rattray and is within an area zoned as open space where Policy CF1A: Existing Areas applies.

The existing dwelling, Firgrove Park, is located within an area zoned under Policy RD1 Residential Areas with its wider land holding which consists of the riding arena and paddocks zoned as open space.

The Policy CF1A seeks to protect designated open spaces which have value to the community for either recreational or amenity purposes. Development proposals resulting in a loss of these areas will not be permitted except in certain circumstances. This includes where it involves a minor part of the site which would not affect its continued use as an amenity resource.

Given that this proposal is to develop a private dwellinghouse, the community would not gain any value from this loss of open space. Furthermore the overall character of this area is important. Rosemount is a residential area with a pleasant semi-rural character. Much of the land between Woodlands Road and Golf Course Road is open and undeveloped, and there are attractive areas of trees and woodland. Most of this land is privately owned, but it is important that this significant area of green space within the settlement boundary is protected for its amenity value and the existing policy is in place to retain this area and not allow piecemeal erosion.

The proposal would therefore not comply with policy.

### **Design and Layout**

The dwelling proposed is single storey with a large footprint. It is gable ended and arranged with a U shaped floorplan with integral garage. The finish materials are slate, white roughcast with stone entrance porch.

The dwelling is acceptable in terms of the scale and design for this location; however as above the principle of development is contrary to policy.

### **Residential Amenity**

The site is large enough to accommodate the development without detrimental impact on existing residential amenity.

### **Visual Amenity**

The development of the site would lead to the erosion of small areas of open space which would be detrimental to the visual amenity of the area.

### **Roads and Access**

There is an existing private road which serves a number of dwellings. The site plan shows an access point with turning and parking. Transport Planning have no objection to the proposal and no conditions are recommended.

### **Drainage and Flooding**

No drainage or flooding implications.

### **Developer Contributions**

#### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be

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

This proposal is within the catchment of Newhill Primary School. This school is at capacity and a contribution would be required if the principle of development was acceptable.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

#### **Reasons for Recommendation**

1 The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy CF1 Open Space Retention and Provision as it would set a precedent in the erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider 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

**Procedural Notes**

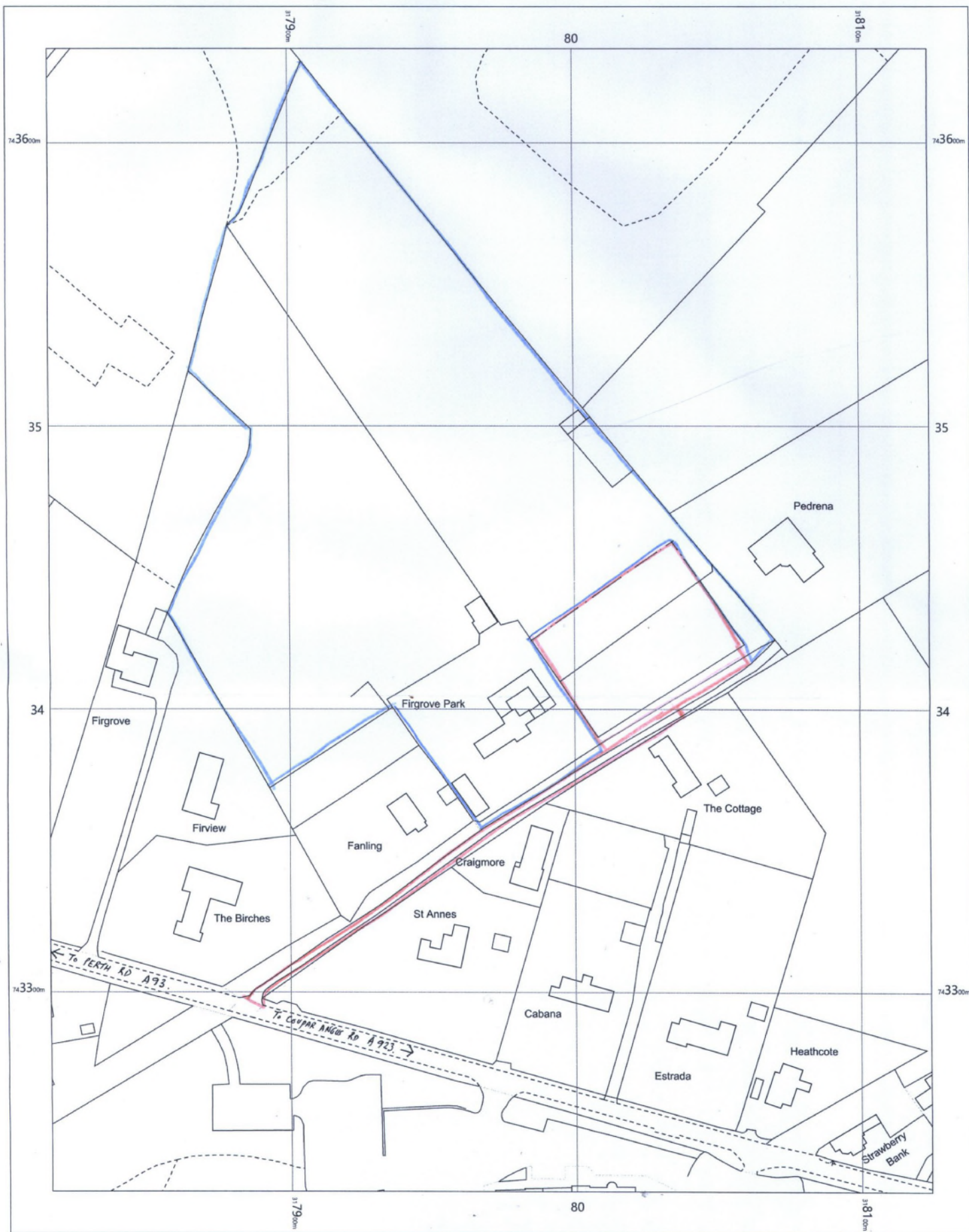
Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00015/1  
18/00015/2  
18/00015/3  
18/00015/4  
18/00015/5  
18/00015/6  
18/00015/7  
18/00015/8

**Date of Report 05.03.2018**





OS MasterMap 1250/2500/10000 scale  
 Tuesday, October 24, 2017, ID: MNOW-00664378  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:1250 scale print at A3, Centre: 317970 E, 743431 N

©Crown Copyright Ordnance Survey. Licence no. 100057546

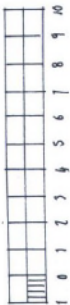




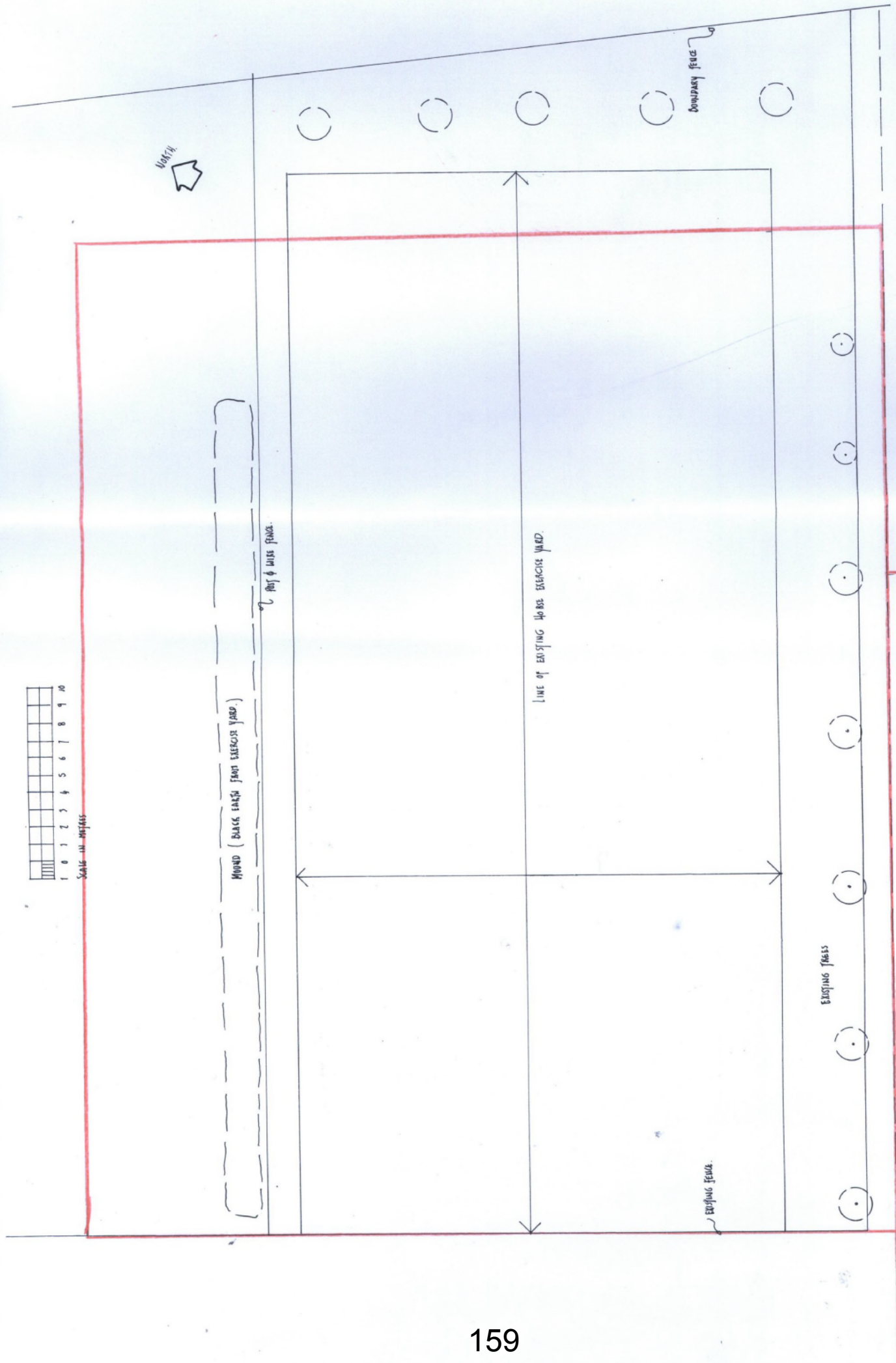
0 5 10 15 20 25 30 35 40 45 50  
SCALE IN METRES

EXISTING SITE PLAN / LOCATION  
"FINGROVE PARK", GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No :- 2291 / 7 SCALE :- 1:1250.

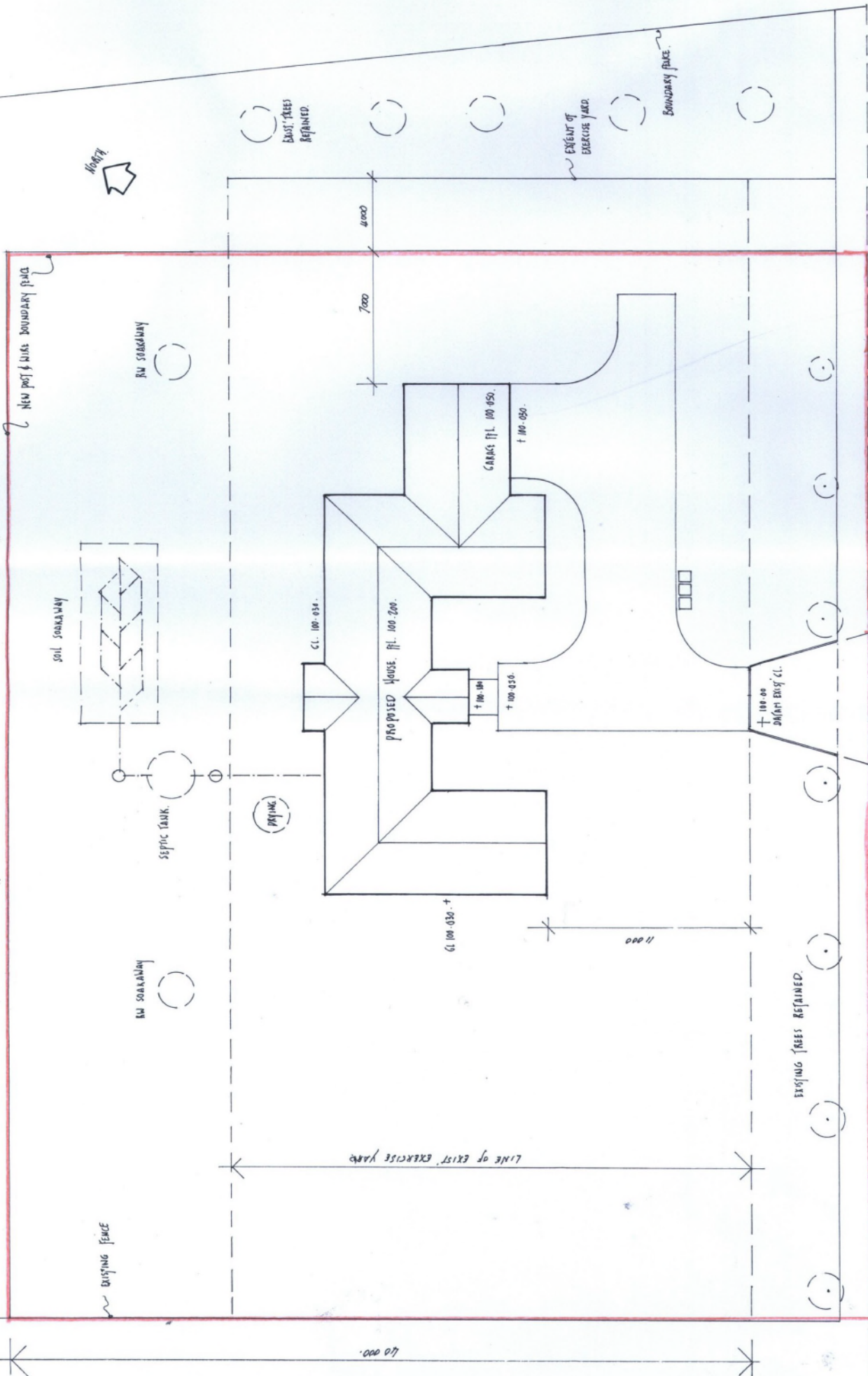
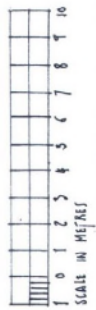




Scale in meters



EXISTING SITE PLAN.  
"FIR GROVE PARK" GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No:- 2291/S SCALE:- 1:200.

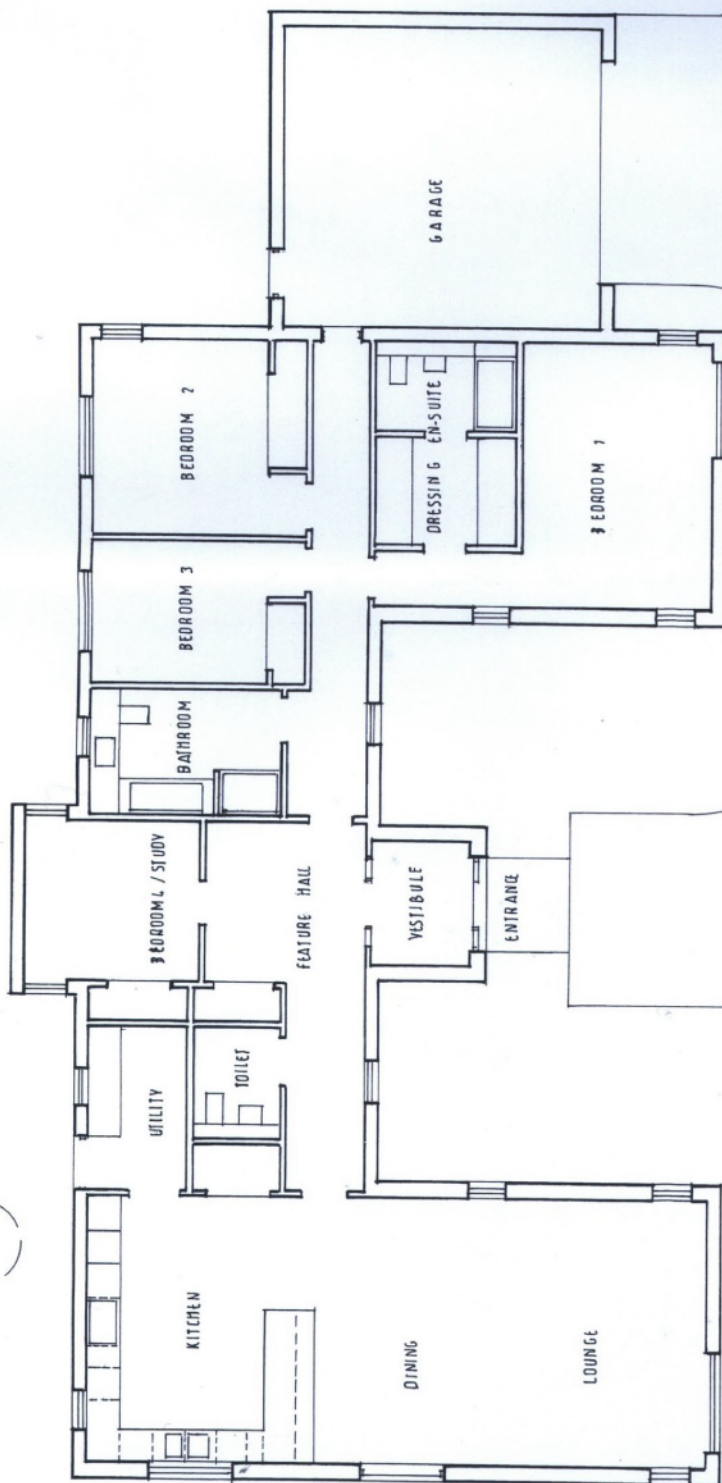


PROPOSED SITE PLAN  
 "FIRGROVE PARK," GOLF COURSE ROAD, BLAIRGOWRIE.  
 DRG No.- 2791/6A. SCALE :- 1:200.  
 REV A LINES ADDED

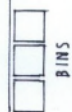
ACCESS ROAD.



DRYING

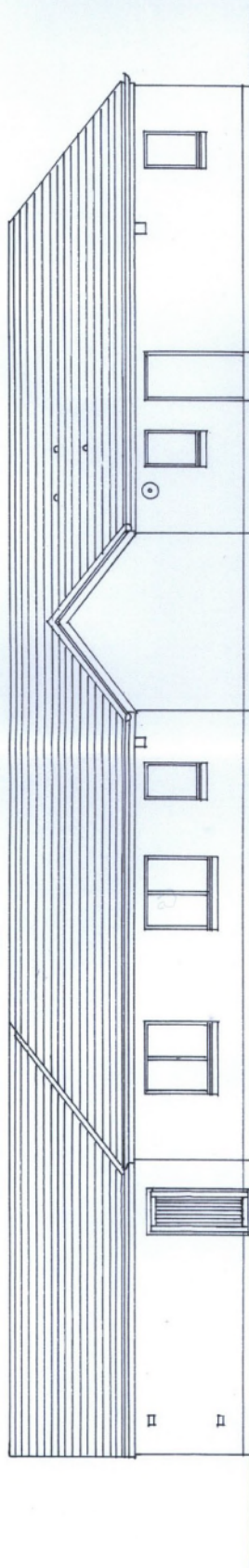


DRIVE / PARKING

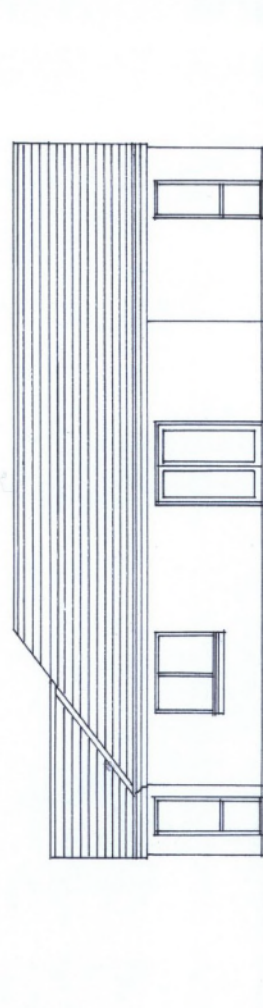


PLAN OF PROPOSED HOUSE AT  
"FINGROVE PARK", GOLF COURSE ROAD, BLAIRGOWRIE.  
DAG No:- 2291/1 SCALE :- 1:100.

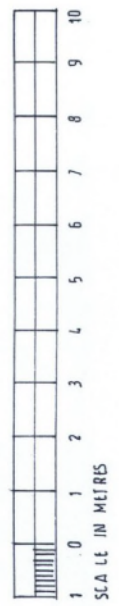
Coloured Set.



BACK, NORTH-WEST ELEVATION

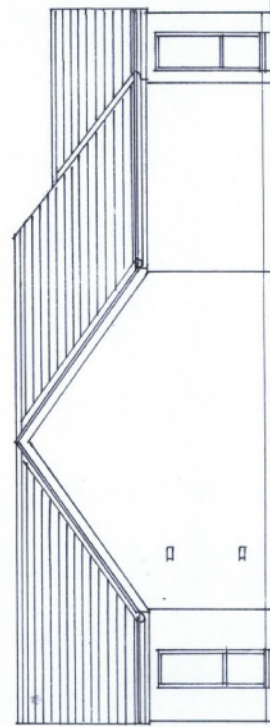
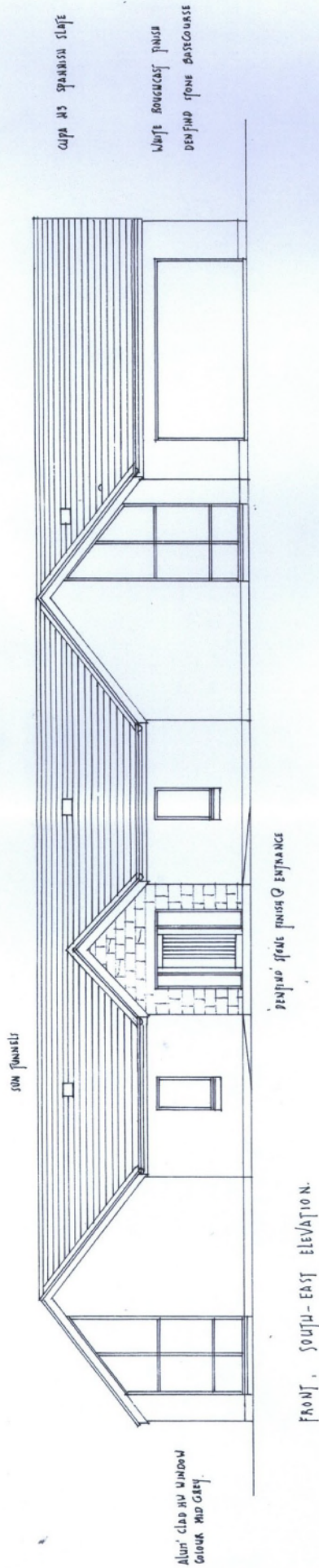


SIDE, SOUTH-WEST ELEVATION

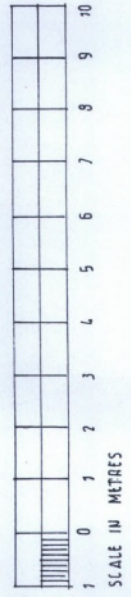


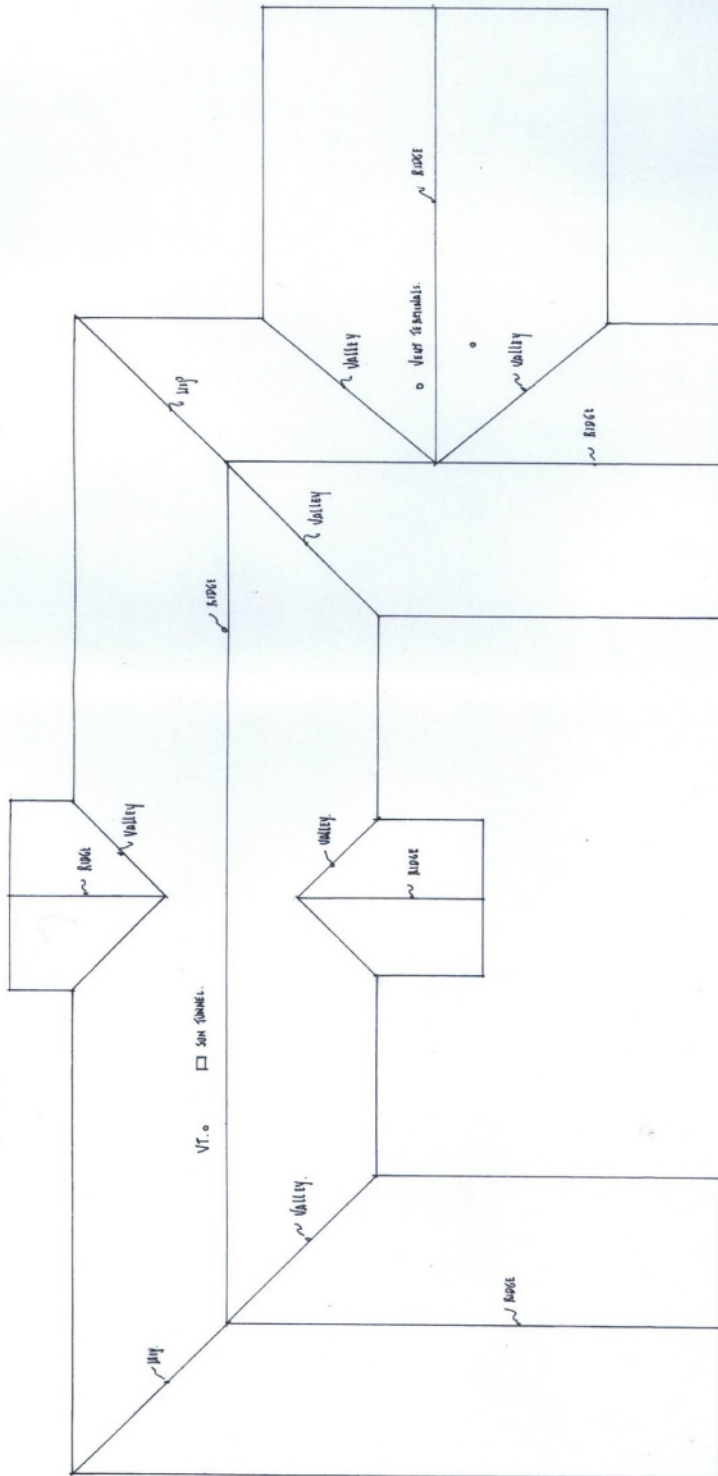
PROPOSED ELEVATIONS OF HOUSE AT  
FINGROVE PARK GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No :- 2291 / 4. SCALE :- 1:100.



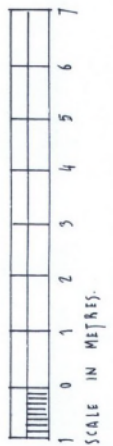


PROPOSED ELEVATIONS OF HOUSE AT  
"FINGROVE PARK", GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No:- 2291 / 3. SCALE:- 1:100.





ROOF PLAN OF PROPOSED HOUSE AT  
 "FIR GROVE PARK" GOLF COURSE ROAD, BLAIRGOWRIE.  
 DRG No:- 2291/2 SCALE:- 1:100.



**TCP/11/16(527) – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie**

## **REPRESENTATIONS**





23/01/2018

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



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**Blairgowrie Golf Course Rd Firgrove Prk Land NE Of**  
**PLANNING APPLICATION NUMBER: 18/00015/FLL**  
**OUR REFERENCE: 756149**  
**PROPOSAL: Erection of a dwellinghouse**

**Please quote our reference in all future correspondence**

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

**Water**

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

**Foul**

- There is currently sufficient capacity in the Blairgowrie Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. Please note: The nearest public sewer is approx. 550m from the proposed site.

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

## **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

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

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

### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can

756149\_Local Planner\_P2 DOM Capacity Available\_Applicant\_10-52-03.doc

be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

## Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                               |                             |                                       |
|-------------------------------------------------|---------------------------------------------------------------|-----------------------------|---------------------------------------|
| <b>Planning Application ref.</b>                | 18/00015/FLL                                                  | <b>Comments provided by</b> | Leigh Martin                          |
| <b>Service/Section</b>                          | TES/Flooding                                                  | <b>Contact Details</b>      | FloodingDevelopmentControl@pkc.gov.uk |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse                                   |                             |                                       |
| <b>Address of site</b>                          | Land North East Of Firgrove Park Golf Course Road Blairgowrie |                             |                                       |
| <b>Comments on the proposal</b>                 | No objection.                                                 |                             |                                       |
| <b>Recommended planning condition(s)</b>        | N/A                                                           |                             |                                       |
| <b>Recommended informative(s) for applicant</b> | PKC Flooding and Flood Risk Guidance Document (June 2014)     |                             |                                       |
| <b>Date comments returned</b>                   | 29/01/18                                                      |                             |                                       |



### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                     |                             |             |
|-------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 18/00015/FLL                                                                        | <b>Comments provided by</b> | Dean Salman |
| <b>Service/Section</b>                          | Transport Planning                                                                  | <b>Contact Details</b>      |             |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse                                                         |                             |             |
| <b>Address of site</b>                          | Land North East Of Firgrove Park, Golf Course Road, Blairgowrie                     |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as roads matters are concerned I do not object to the proposed development. |                             |             |
| <b>Recommended planning condition(s)</b>        |                                                                                     |                             |             |
| <b>Recommended informative(s) for applicant</b> |                                                                                     |                             |             |
| <b>Date comments returned</b>                   | 5 February 2018                                                                     |                             |             |





## Tracy McManamon

---

**From:** Ian Brown [REDACTED]  
**Sent:** 06 February 2018 16:31  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 18/00015/IPL

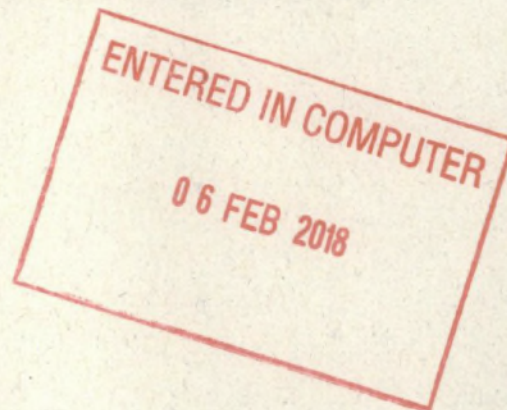
Dear Sir,

I write to object to the above planning application. It requests permission to erect a dwelling house on land that is clearly marked as part of the open space area on the 2014 Local Development Plan. This request is contrary to Policy CF1 Open Space Retention and Provision. It would set a precedent in the erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider character of the area

Yours sincerely,

Ian A Brown

Morvich House  
Golf Course Road,  
Blairgowrie PH10 6LJ





## Comments to the Development Quality Manager on a Planning Application

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 18/00015/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                           |
| <b>Address of site</b>                   | Land North East Of Firgrove Park, Golf Course Road, Blairgowrie                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Summary of Requirements</b></p> <p>Education: £6,460 (1 x £6,460)</p> <p><b><u>Total: £6,460</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b></p> <p>All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b><br/> The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/> To make such a payment please call 01738 475300 in the first instance.<br/> When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Education Contributions</b><br/> For Education contributions please quote the following ledger code:<br/> 1-30-0060-0001-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| <b>Date comments returned</b> | 07 February 2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



**TCP/11/16(529) – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 183-194***)
- (b) Decision Notice (***Pages 197-198***)
  - Report of Handling (***Pages 199-208***)
  - Reference Documents (***Pages 209-215***)
- (c) Representations (***Pages 217-242***)





**TCP/11/16(529) – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100088456-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                       |                                       |                                                      |                     |
|-----------------------|---------------------------------------|------------------------------------------------------|---------------------|
| Company/Organisation: | Galbraith                             |                                                      |                     |
| Ref. Number:          | 6901-2                                | You must enter a Building Name or Number, or both: * |                     |
| First Name: *         | Desmond                               | Building Name:                                       |                     |
| Last Name: *          | Montgomery                            | Building Number:                                     | 16                  |
| Telephone Number: *   | 01334 659980                          | Address 1 (Street): *                                | St Catherine Street |
| Extension Number:     |                                       | Address 2:                                           |                     |
| Mobile Number:        |                                       | Town/City: *                                         | Cupar               |
| Fax Number:           |                                       | Country: *                                           | Scotland            |
|                       |                                       | Postcode: *                                          | KY15 4HH            |
| Email Address: *      | desmond.montgomery@galbraithgroup.com |                                                      |                     |

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                                |                                                      |                                            |
|----------------------|------------------------------------------------|------------------------------------------------------|--------------------------------------------|
| Title:               | <input type="text"/>                           | You must enter a Building Name or Number, or both: * |                                            |
| Other Title:         | <input type="text"/>                           | Building Name:                                       | <input type="text" value="Shore Cottage"/> |
| First Name: *        | <input type="text"/>                           | Building Number:                                     | <input type="text"/>                       |
| Last Name: *         | <input type="text"/>                           | Address 1 (Street): *                                | <input type="text" value="Shore Cottage"/> |
| Company/Organisation | <input type="text" value="Munro Estates Ltd"/> | Address 2:                                           | <input type="text"/>                       |
| Telephone Number: *  | <input type="text"/>                           | Town/City: *                                         | <input type="text" value="Lergas"/>        |
| Extension Number:    | <input type="text"/>                           | Country: *                                           | <input type="text" value="Scotland"/>      |
| Mobile Number:       | <input type="text"/>                           | Postcode: *                                          | <input type="text" value="PA34 4SE"/>      |
| Fax Number:          | <input type="text"/>                           |                                                      |                                            |
| Email Address: *     | <input type="text"/>                           |                                                      |                                            |

## Site Address Details

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

Please identify/describe the location of the site or sites

Former farm building and associated stack yard, Inchcoonans Errol PH2 7RB

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="723601"/> | Easting | <input type="text" value="323683"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

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

Change of use from sui generis class as an agricultural storage building, hardstanding yard, and grazing land previously used as a grain store to classes 4 (business), 5 (general industry), and 6 (storage and distribution). Note: The building, yard and associated land have been in use in connection with a landscape maintenance business since 2007. See appeal statement clarifying use of site.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to Supporting Documents section where we have uploaded an appeal statement.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appeal Statement.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01958/FLL

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

31/10/2017

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

15/01/2018

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

To allow for discussion or expansion of information to assist the review body consideration.

Please select a further procedure \*

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

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

To allow for discussion or expansion of information to assist the review body consideration.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Miss Nicola Charleston

Declaration Date: 10/04/2018





**Statement in Support of an Appeal to the Perth and Kinross Council Revue Body In respect of Refusal of Planning permission Reference 17/01958/FLL Inchcoonans Errol Perth**

**Background**

1. The planning application resulting in the refusal of planning permission was made retrospectively by Galbraith on behalf of Munro Estates Ltd and following on discussion between the owner of the site with Perth and Kinross Council officials. It had been anticipated that the retrospective application would be likely to receive approval.

2. The application sought planning permission for business, industrial, storage and distribution uses. Classes 4, 5, 6 to the Town and Country Planning (Use Classes) (Scotland) Order 1997.

3. If the revue body considers it appropriate the appellant owner of the site would be happy to accept a restriction to embrace the current activity at the site which is essentially a very low key storage and distribution business comprising storage within the former agricultural building and an office within a unit installed at the site. (Classes 4 and 6) There is no industrial use taking place at the site and none is intended.

4. The land and buildings were acquired by Munro Estates in 2007 and subsequently rented to Growing Concern Scotland Ltd. Before 2007 use of the site consisted of the farm building, a general purpose shed used as a grain store, along with the storage of agricultural equipment and machinery and externally a stack yard used, as any farm stack yard, for general activity associated with agriculture including external storage, parking and manoeuvring of vehicles..

5. For the last 10 years (prior to the present tenancy) the buildings and land have been used in conjunction with the contracting business (Growing Concern Scotland Ltd) maintaining landscaped and grassed highway verges for most councils throughout Scotland, SSE and industrial sites. Not all operations were carried out from the Inchcoonans site as this had become too small to support the vans and equipment for 75 employees.

The attached field (3.25 ha) is rented to Grass Engineering Ltd and a small landscape company Landscape Logistics and continues to be used for training purposes.

6. The present use of the site in connection with the storage and distribution is an activity which creates no noise, no smell, no adverse traffic impact and no unsightliness due to external storage within the yard area around the building.

7. Resumption of either of the previous uses as a contractors yard or for agriculture has the potential to be a great deal more intrusive in the surrounding area than the present low key activity, which will be evident at a site visit.

8. It is unlikely that agricultural use of the site of appeal will resume since the extent of the agricultural holding is too small (x hectares) to be an economic unit unless for some form of intensive agricultural activity. If the appeal is rejected the likely outcome will be either a return to a contracting use, failing which there is a prospect that the site may become disused or derelict.

### **Site description**

9. Inchcoonans and the site of appeal is not a remote countryside site. It is about a kilometre from Errol lying between the former Errol railway station and the Errol itself and part of the small settlement of Inchcoonans. There are a number of commercial activities in the vicinity, in particular Mackies crisp factory on the site of a former brick works, an equestrian business opposite the site and a timber business within the former railway yard. The area around Errol is characterised by the existence of a number of diverse commercial and industrial activities which have been permitted on land which became redundant for a previous use, notably Errol Airfield which is now a significant area for business lying to the north east of Errol. **The present activity at the site of appeal is not out of character with the sporadic nature of business activity in the vicinity of Errol.**

### **Policy - Development Plan**

10. The primary issue is whether the application for planning permission is in conflict with the Local Development Plan, strategic policy as outlined in the TAYplan or in conflict with National Policy guidance. Having reviewed the policies and the case officers summary of policies I agree with him that the main concern is the whether or not the development accords with the policies of **Perth and Kinross Local Development Plan 2014**

11. **The only policy related to the issue of Employment and Business and referred to in the first reason for refusal is Policy ED3.** Far from being a reason for refusal it is my submission that this policy is supportive of the development for which planning permission was sought.

**Policy ED3** Rural Business and Diversification states :-

12. **“The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas.”**

While the policy goes on to say that there may be a preference for businesses to be within or adjacent to existing settlements, that is only a preference, not a prerequisite. The location at Inchcoonans meets the specific resource and opportunity criteria referred to in the policy. (It is of note that reference is made at reason for refusal 3, (Policy EP3B) to a policy which refers to sites within or close to

settlements, clearly acknowledging that the site is in fact close to not only Errol but is also part of the small community at Inchcoonans).

**The development in my submission is consistent with the locational guidance of Policy ED3 and there is no justification for the first reason of refusal.**

**13. Notice of refusal reason 2** argues that there is a lack of information regarding noise and therefore a conflict with Policy EP8.

**There is no significant or audible noise emanating from the activity on the site** as a site inspection will demonstrate. At the time of my inspection of the site the only significant noise was from a barking dog at the adjacent equestrian centre. The appellant would however be happy to accept an appropriate condition which could control noise from the site. What is clear, the noise is a great deal less than normal agricultural activity.

**14. Notice of refusal reason 3** relates to drainage requirements in settlements where no sewage connection is possible. A Klargester system has been installed by On Tap Water and Drainage Ltd, which simply replaces a collapsed brick built cess-pit serving the previous uses of the site. The tenants were advised by the company installing the Klargester tank that no permission was necessary the existing outlet having been tested and found to perform satisfactorily. There is no question of there being any adverse impact to the natural environment or the amenity of the surrounding area as a result of the system which has been installed.

### **15. Consultation responses**

The comments of Environmental Health and Scottish Water are noted. It is also noted that there are no objections from other consultates in particular Transport Planning.

### **Summary**

**16.** It is regrettable that development took place necessitating a retrospective application for planning permission. The determining issue however is whether the proposed development is contrary to the Development Plan and if that should be the case whether there is good reason why on the merits of the case planning permission should in any event be granted.

It is my submission that not only is there support for the development in the adopted Perth and Kinross Local Plan see Policy ED3. There are no adverse consequences which will arise from the grant of planning permission. Furthermore it is open to the Council to impose conditions to restrict the way in which the site may be used to further protect the amenity of the area in relation to noise, use of land outwit the building or the. It is respectfully submitted that having regard to the foregoing submission planning permission should be granted.

The author of this statement is Desmond Montgomery FRTPI

Brief background experience:-

Local Government Planning officer 16 years 1963 -1979

Latterly Deputy Director of planning North East Fife district Council

Planning Consultant, formerly Senior Partner of Montgomery Forgan Associates

Architects and Town Planning Consultants, since 2013 consultant with Galbraith

**TCP/11/16(529) – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Munro Estates Pension Fund  
c/o Galbraith  
Lauren Springfield  
Stirling Agricultural Centre  
Suite C  
Stirling Agricultural Centre  
Stirling  
UK  
FK9 4RN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 15th January 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01958/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 16th November 2017 for permission for **Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect) Former Grain Store Inchcoonans Errol** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
2. There is a lack of environmental information to assess the impacts of the scheme with regards to noise. This has meant the application cannot be fully assessed against Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014.

3. There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

### **Justification**

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

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

**17/01958/1**

**17/01958/2**

**17/01958/3**

**17/01958/4**

**17/01958/5**



# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/01958/FLL        |      |
| Ward No                | P1- Carse Of Gowrie |      |
| Due Determination Date | 15.01.2018          |      |
| Case Officer           | John Russell        |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

**PROPOSAL:** Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect)

**LOCATION:** Former Grain Store Inchcoonans Errol

### SUMMARY:

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

**DATE OF SITE VISIT:** 11 January 2018

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application is a retrospective application for the change of use from an agricultural store and yard to a sui generis use comprising the following proposed uses (business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6)). The proposal also includes the retrospective erection of temporary office buildings.

The application has arisen following a planning enforcement investigation.

The supporting statement submitted by the agent acknowledges that the current lawful use of the site is agriculture but the submitted application now seeks to regularise the unauthorised commercial use.

The site is some 0.467 hectares in area, an agricultural building with a footprint of 420 sqm is located at the front of the site facing the public road on the north-east boundary, an area of hardstanding surrounds the agricultural building and temporary office building at approximately 102sqm is located on the north-west corner of the hardstanding. The western part of the site remains undeveloped and is laid out in pasture. A coniferous hedge has been established along the road frontage, the rest of the site is delineated by post and wire fencing.

There are residential properties directly opposite the site, there are also residential properties 115 metres to the south. The Perth to Dundee Railway line is 90 metres to the North of the site. The former Errol Brick works now utilised by Mackie's crisps is located 200 meters to the south of the site.

## **SITE HISTORY**

09/00912/OUT Residential development (in outline) 15 July 2009 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 16/00527/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy ED1A - Employment and Mixed Use Areas**

Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

#### **Policy ED3 - Rural Business and Diversification**

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally

be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

#### Policy EP8 - Noise Pollution

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

#### Policy TA1B - Transport Standards and Accessibility Requirements

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

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

#### Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### OTHER POLICIES

Developer Contributions Guide

### CONSULTATION RESPONSES

Network Rail – Non objection.

Dundee Airport Ltd – No objection.

Transport Planning – No objection.

Scottish Water – There is no Scottish Water Waste Infrastructure within the vicinity of the proposal.

Contributions Officer – No objection but advice provided on application of contribution policy.

Environmental Health - Do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the proposed development.

## **REPRESENTATIONS**

2 letter of representation have been received one objecting to the application the other supporting the application. The letter of support is from the tenant who is occupying the site.

Objection:-

- Inappropriate land use, incompatibility with surrounding land uses.
- Road safety Concerns.
- Concerns with sanitation foul drainage.

Support:-

- Employment provision.
- Enhances character of the area, results in environmental improvements.
- Supports Economic Development.

## **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| Report on Impact or Potential Impact eg Flood Risk Assessment | 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

Policy ED1A identifies areas for employment uses which should be retained for such uses and any proposed development must be compatible with surrounding land uses. These zoned sites are generally located within or adjacent to the main settlements. I note that the tenant of the site previously operated from such locations prior to their relocation to this site.

The supporting statement confirms that the relocation will allow their business to expand and there were no available facilities at Inveralmond to meet their needs despite searching for premises for three years.

In this location Policy ED3 of the Local Development Plan (LDP) is the most relevant policy in the assessment of this retrospective application. This policy states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. It states that there will be a preference that these will generally be within or adjacent to existing settlements. It also confirms that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or relate to a site specific resource or opportunity.

In this instance the site is located remote from any settlements in a countryside location on an agricultural site. The planning statement submitted with the application indicates that the proposal is to serve an existing business that previously operated from zoned employment sites. It does not provide any evidence of a site specific resource or justification for this location being the most appropriate other than stating that it will serve potentially allow it to expand. The submission fails to provide evidence of why this specific site is required for the business as it is not associated with a tourist use or a rural enterprise.

Based upon the nature of the operations it would appear to be more logical in planning and sustainability terms for this business to be located within an established settlement, within a designated employment area as indicated within policy ED1A. It is my view that a rural location of this nature, remote from any settlements is not the most appropriate location and therefore the principle of development in this location fails to comply with the requirements of Policy ED3.

There are other relevant considerations and these will be reviewed in the paragraphs below.

### **Residential Amenity**

Policy EP8 is relevant and states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of noise sensitive uses.

Whilst Environmental Health recognise the agricultural use of the site would have had noise associated with it they require reassurance that noise associated with the commercial use of this site will not lead to nuisance given the proximity of residential receptors within 20 metres of the site. They note that the application should be supported by a noise impact assessment carried out by a suitably qualified noise consultant.

While I note the applicant's intention is not to detrimentally impact on neighbouring land uses granting consent on the site as stipulated in the application would allow other occupiers to utilise the site. The lack of a noise impact assessment means the proposal to be contrary to Policy EP8 of the LDP.

### **Visual Amenity and Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Scotland's landscape is one of its most valuable assets it is therefore essential that this quality is maintained and enhanced. Criterion (b) of LDP Policy ED3 requires the proposal to be satisfactorily accommodated within the landscape. There is also landscape protection associated with Policy ER6.

Currently all machinery and storage is located within the existing agricultural building and no open storage is occurs on the application site.

The coniferous planting along the eastern boundary screens the majority of the site from the public road, however the quality of this planting is poor and does little to enhance the landscape character of the area. The sites other boundaries are open to the north, west and east. This does not provide a good landscape framework to accommodate the new portable buildings or any future expansion at the site. While I accept this could be improved with the provision of landscaping this would not resolve the conflict with the land use zoning and the potential noise impact on surrounding residential properties.

## **Roads and Access**

Transport Planning have been consulted and offer no objection to the proposal. I note that concerns have been expressed regarding access and egress from the site but from my site inspection there was sufficient visibility to exit the site onto the public road. There is also sufficient space within the site to turn and to park vehicles. On that basis the proposal is considered to accord with Policy TA1B of the LDP.

## **Drainage and Flooding**

Policy EP2 relates to flooding and states that there is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant possibility of flooding from any source. I have reviewed the SEPA flood maps and the site is located out with any flood zone, there is no conflict with Policy EP2.

While I note the application form confirms there are no changes to the drainage arrangements on site it would appear from the lessee's supporting statement that new drainage has been installed. The letter of objection has raised concerns regarding the drainage arrangements and without appropriate details being provided I am unable to assess the acceptability of the installed drainage against LDP Policy EP3B: Foul Drainage.

## **Developer Contributions**

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The proposal is within the reduced transport contributions area.

The proposal will reuse the existing 420m<sup>2</sup> agricultural building for Classes 4,5 & 6 and will erect a temporary office building of 120m<sup>2</sup>. Paragraph 6.7 of the Developer Contributions and Affordable Housing Guidance provides an exemption for new employment uses on brownfield land. Where the brownfield land was previously used for agricultural use then a view will be taken on whether the proposed use would create a significant additional impact on the road network. In this case it is viewed that the reuse of the existing building will not create a significant additional impact on the road network so is exempt.

In terms of the office building, if this is restricted with to a temporary time period then it will be exempt. If no restriction is applied then a contribution will be required at £8 per m<sup>2</sup>.



## **Economic Impact**

Whilst there is some economic benefit to this proposal given the business use it is in conflict with Economic Development Policy due to the location in the countryside and the proximity to residential dwellings.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations set out in the supporting statement submitted by the agent but find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
- 2 There is a lack of environmental information to assess the impacts of the scheme with regards to noise. This has meant the application cannot be fully assessed against Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014.
- 3 There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

**Justification**

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

**Informatives**

None.

**Procedural Notes**

This case is to be passed back to the Council's Enforcement Officer for remedial action.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01958/1

17/01958/2

17/01958/3

17/01958/4

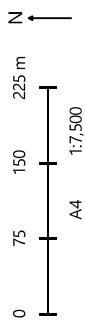
17/01958/5

**Date of Report 15.01.2018**

## Location Plan

**Change of Use Application**  
**Former Grain Store, Inchcoonans**  
**Errol, PH2 7RB**

23/10/2017

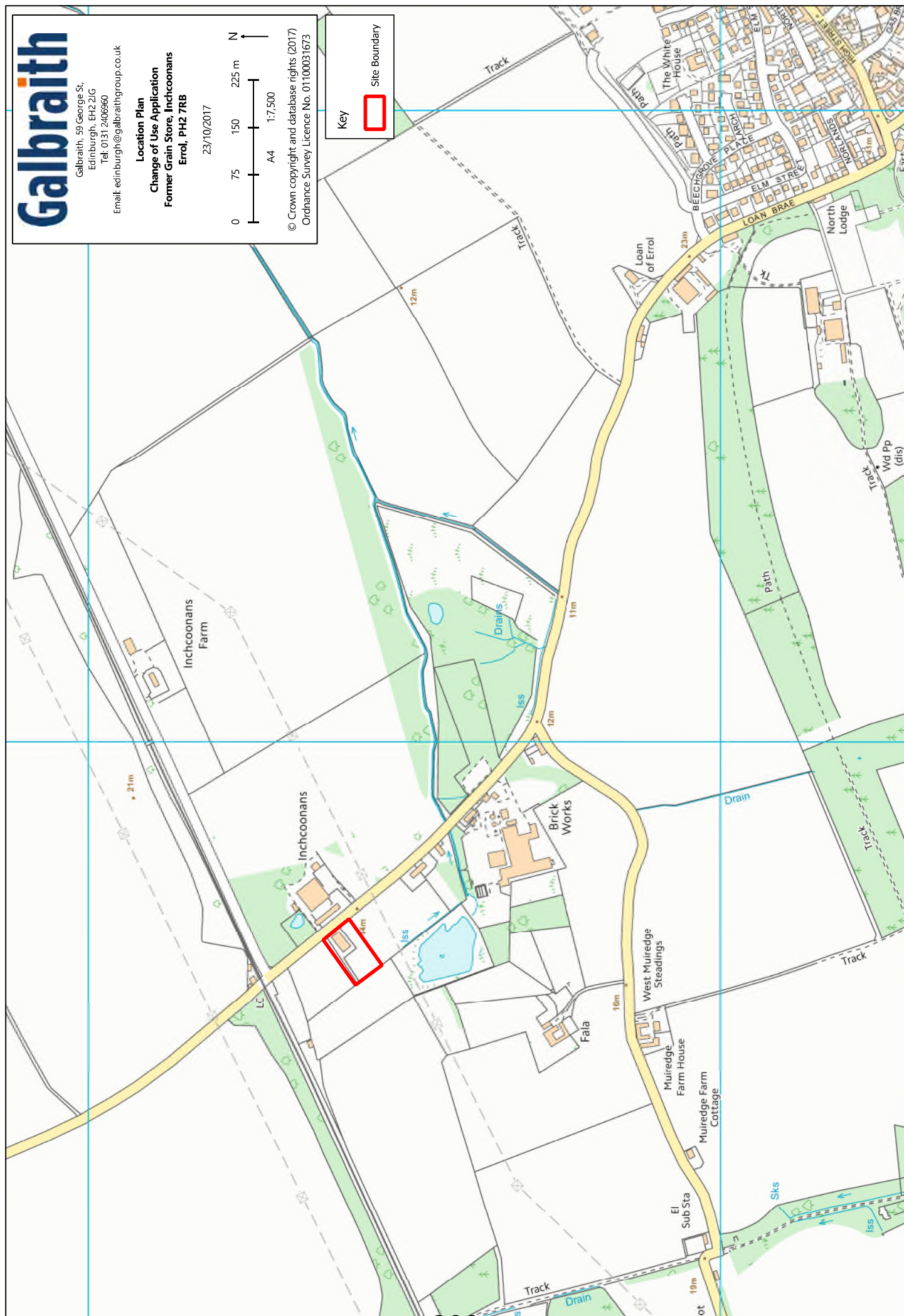


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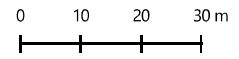


Site Boundary



**Existing Site Plan**  
**Change of Use Application**  
**Former Grain Store, Inchcoonans**  
**Errol, PH2 7RB**

31/10/2017



A4 1:1,250

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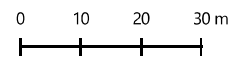
 Site Boundary





**Proposed Site Plan**  
**Change of Use Application**  
**Former Grain Store, Inchcoonans**  
**Errol, PH2 7RB**

31/10/2017



A4 1:1,250

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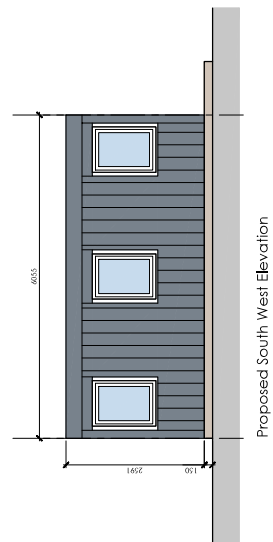
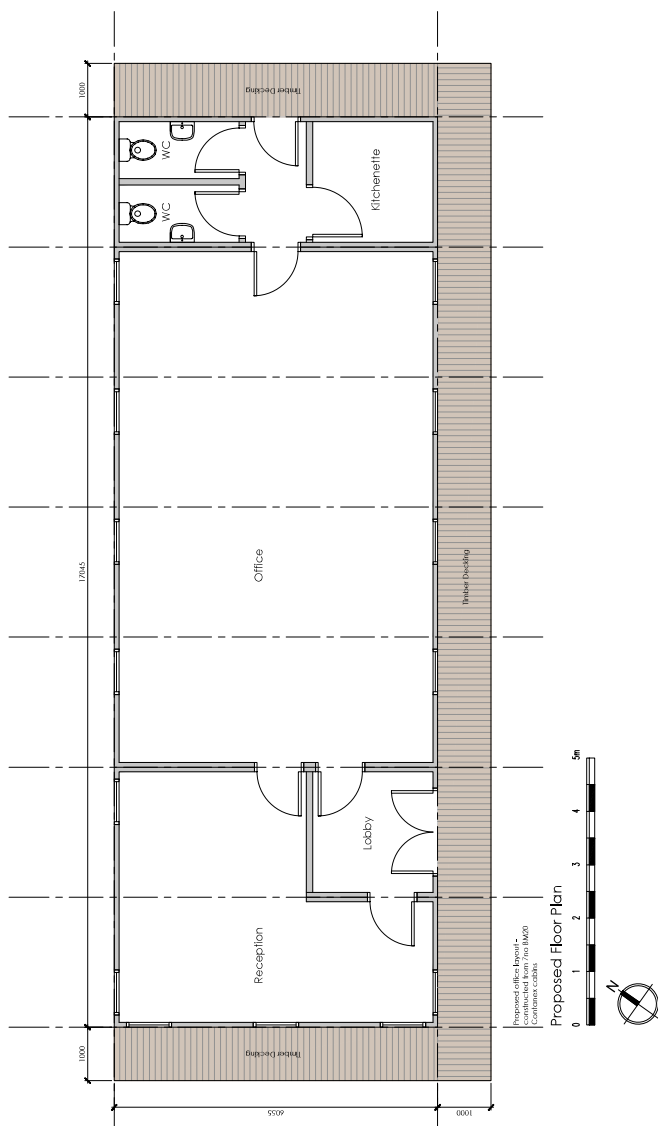


Site Boundary



Temporary Office Building





212

Change of Use  
Planning Permission  
Application

- **General** – **all** materials, components, design, methods of construction or operations to conform to a British Standard or to be based on the recommendations of a British Standard code of practice.
- **all** works to comply with the Building Standards (Scotland) Regulations 2017, including **all** current standards.
- **all** parties to this contract must comply with the CDM Regulations 2015, including **all** current standards.
- **all** works to be in strict accordance with the Design Certificate and any appendices notes and drawings produced by the Consultant Structural Engineer.
- **all** dimensions to be checked on site.

• All dimensions to be checked on site.

Galbraith

**Scirling Agricultural Centre**  
Scirling FK9 4RN  
01786 434600 f: 01786 450014  
scirling@cdkgalbraith.co.uk  
www.cdkgalbraith.co.uk

...  
Aberdeen • Ayr • Castle Douglas • Cupar  
Edinburgh • Glen Gairloch • Inverness  
Kilpis • Perth • Stirling

|       |  |
|-------|--|
| Year  |  |
| Sex   |  |
| Class |  |
| Grade |  |

Proposed Temporary  
Office Block  
Inchconans, Errol PH2 7RB

Munro Estates Pension Fund

|                |  |               |  |                |  |               |  |         |  |          |  |
|----------------|--|---------------|--|----------------|--|---------------|--|---------|--|----------|--|
| Drawing Number |  | 6901-2        |  | Project Number |  | 6901-2        |  | Series  |  | PLANNING |  |
| Title          |  | 6901-2(PL)001 |  | Drawing Number |  | 6901-2(PL)001 |  | Project |  |          |  |
| Scale          |  | 1:50 at A1    |  | Drawn by       |  | SR            |  | Check   |  | Oct 2017 |  |

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# Galbraith

## **PLANNING** **SITE PHOTOS REPORT**



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

**Our Ref: 6901-2**

**Change of Use Application**  
**Former Grain Store**  
**Inchcoonans**  
**Errol**  
**PH2 7RB**

**October 2017**

## SITE PHOTOS



1. View looking west across the Site and showing the temporary office building as well as the hardstanding and grass boundary. The existing building is to the south (left) just out of the camera's view.
2. View of the front of the temporary office building. Shows the 1 m timber decking around 3 sides of the structure.







3. Panoramic view looking at east over the Site, showing the spatial relationship between the existing building and the temporary office structure.
4. Panoramic view looking west from middle of site on the access road.





**TCP/11/16(529) – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol**

## **REPRESENTATIONS**



20/11/2017

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



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH2 Errol Inchcoonans Former Grain Store**  
**PLANNING APPLICATION NUMBER: 17/01958/FLL**  
**OUR REFERENCE: 753736**

**PROPOSAL: Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect)**

**Please quote our reference in all future correspondence**

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

**Water**

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

**Foul**

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

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

**General notes:**

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

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

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

**Next Steps:**

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

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units

that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)



**From:** Anne Phillips  
**Sent:** Wed, 29 Nov 2017 16:58:40 +0000  
**To:** Development Management - Generic Email Account  
**Subject:** Plan App 17/01958/FLL - Change of Use to Former Grain Store Inchcoonans Errol

**Your Ref:** 17/01958/FLL

**HIAL Ref:** 2017/0190/DND

Dear Sir/Madam,

**PROPOSAL** Change of use from an agricultural grain store etc to business (class 4), industrial unit (class 5), storage and distribution unit (class 6), and erection of a temporary office building (in retrospect)

**LOCATION** Former Grain Store Inchcoonans Errol

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Dundee Airport**.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Kind regards

**Safeguarding Team**

**on behalf of Dundee Airport Limited**

**c/o Highlands and Islands Airports Limited**  
Head Office, Inverness Airport, Inverness IV2 7JB  
☎ 01667 464244 (DIRECT DIAL)  
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## Comments to the Development Quality Manager on a Planning Application

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                                                           |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b> | 17/01958/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>           | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>   | Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                                                           |
| <b>Address of site</b>           | Former Grain Store Inchcoonans, Errol                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                           |
| <b>Comments on the proposal</b>  | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposal is within the reduced transport contributions area.</p> <p>The proposal will reuse the existing 420m<sup>2</sup> agricultural building for Classes 4,5 &amp; 6 and will erect a temporary office building of 120m<sup>2</sup>. Paragraph 6.7 of the Developer Contributions and Affordable Housing Guidance provides an exemption for new employment uses on brownfield land. Where the brownfield land was previously used for agricultural use then a view will be taken on whether the proposed use would create a significant additional impact on the road network. In this case it is viewed that the reuse of the existing building will not create a significant additional impact on the road network so is exempt.</p> <p>In terms of the office building, if this is restricted with to a temporary time period then it will be exempt. If no restriction is applied then a contribution will be required at £8 per m<sup>2</sup>.</p> |                             |                                                                           |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recommended planning condition(s)</b>        | <b>Summary of Requirements</b><br><br>Transport Infrastructure: £960 (120m <sup>2</sup> x £8) or £0 if temporary consent<br><br><u><b>Total: £960</b></u><br><br><b>Phasing</b><br><br>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicant and time for processing legal agreements for applications of this scale is not considered to be cost effective to either the Council or applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Recommended informative(s) for applicant</b> | <b>Payment</b><br><br><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b><br><br><b>Methods of Payment</b><br><br>On no account should cash be remitted.<br><br><b>Scheduled within a legal agreement</b><br><br>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.<br><br><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.<br><br><b>Other methods of payment</b><br><br>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.<br><br><b>Remittance by Cheque</b><br>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued. |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b><br/> All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b><br/> The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/> To make such a payment please call 01738 475300 in the first instance.<br/> When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Transport Infrastructure</b><br/> For Transport infrastructure contributions please quote the following ledger code:<br/> 1-30-0060-0003-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| <b>Date comments returned</b> | 29 November 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



**From:**Henderson Martin

**Sent:**Tue, 5 Dec 2017 14:17:39 +0000

**To:**Development Management - Generic Email Account

**Subject:**REF: 17/01958/FLL - Change of use from an agricultural store to (class 4, 5 and 6) and erection of a temporary office building (in retrospect) at Former Grain Store Inchcoonans Errol

**For the attention of John Russell**

John,

Thank you for consulting Network Rail regarding the above development. After examining the proposal Network Rail considers that it will have minimum impact on railway infrastructure and therefore have no comments/objections to this application.

Regards

Martin Henderson



**Martin Henderson**

Town Planning Technician  
1st Floor George House

36 North Hanover Street

Glasgow, G1 2AD

T +44 (0) 141 555 4543 (Internal) 085 44543

E [martin.henderson@networkrail.co.uk](mailto:martin.henderson@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

Please send all Notifications and Consultations to [TownPlanningScotland@networkrail.co.uk](mailto:TownPlanningScotland@networkrail.co.uk) or by post to Network Rail, Town Planning, 1st Floor George House, 36 North Hanover Street, Glasgow, G1 2AD

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# Memorandum

|          |                             |         |                            |
|----------|-----------------------------|---------|----------------------------|
| To       | Development Quality Manager | From    | Regulatory Service Manager |
| Your ref | 17/01958/FLL                | Our ref | MP                         |
| Date     | 5 December 2017             | Tel No  | 01738 476415               |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**RE Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect) Former Grain Store Inchcoonans Errol for Munro Estates Pension Fund**

I refer to your letter dated 16 November 2017 in connection with the above application and have the following comments to make.

### Recommendation

I do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the proposed development.

### Comments

This application seeks to introduce industrial usage including storage and distribution to a former agricultural site near Errol. Whilst I recognise there agricultural site would have had noise associated with it, I believe that the fact there are residential receptors within 20 metres of this site, noise could be an issue from the proposed use. In order to reassure myself that noise will not lead to nuisance, it is my opinion that this application should be supported by a noise impact assessment carried out by a suitably qualified noise consultant.



# Comments for Planning Application 17/01958/FLL

## Application Summary

Application Number: 17/01958/FLL

Address: Former Grain Store Inchcoonans Errol

Proposal: Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Dr Peter Symon

Address: Shalla-Ree St Madoes Road, Errol, Perth And Kinross PH2 7QX

## Comment Details

Commenter Type: Member of Public

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

Comment Reasons:

- Inappropriate Land Use
- Road Safety Concerns

Comment: The visibility splay at the access to the public road is adversely affected by mature evergreen trees within the site.

The site is unsuitable for general industrial use due partly to lack of suitable sanitation and foul drainage as well as to incompatibility with surrounding land uses.



### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                                                                                                                                         |                             |                                          |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01958/FLL                                                                                                                                                                                                                            | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                      | <b>Contact Details</b>      | [REDACTED]                               |
| <b>Description of Proposal</b>                  | Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect) |                             |                                          |
| <b>Address of site</b>                          | Former Grain Store Inchcoonans<br>Errol                                                                                                                                                                                                 |                             |                                          |
| <b>Comments on the proposal</b>                 | Insofar as the roads matters are concerned, I have no objections to this proposal.                                                                                                                                                      |                             |                                          |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                         |                             |                                          |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                         |                             |                                          |
| <b>Date comments returned</b>                   | 13 December 2017                                                                                                                                                                                                                        |                             |                                          |



# Comments for Planning Application 17/01958/FLL

## Application Summary

Application Number: 17/01958/FLL

Address: Former Grain Store Inchcoonans Errol

Proposal: Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mr Craig Michel

Address: The Steading, Inchcoonans PH2 7RB

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Employment Provision
- Enhances Character of Area
- Results in Environmental Improvements
- Supports Economic Development

Comment: This application is to support the existence of a small, young family business. As the business owner, I have found it impossible to find a suitable site anywhere else in the area, and this site has proved perfect for us.

## THE SITE:

Although this site is zoned as agricultural, it is in fact surrounded by commercial activity, with D.Morrison immediately to the north-west, Mackies immediately to the south-east and Inchcoonans Equestrian directly to the west. In fact, it could be argued that this site is the only piece of "agricultural" land on the road between the railway and the junction. This site has also been used for commercial activity for many years before we arrived.

Prior to our arrival, the site was an overgrown dumping ground for rubbish by unscrupulous contractors, the building was derelict, leaking and rat-infested, had been targeted by burglars over the years and proved an ideal location for drug-dealing. It attracted undesirable characters to the area but when we came, that all changed.

My children and I spent a lot of time and money tidying and improving. We removed piles of debris and rubbish from the site in skips and employed a pest control company to destroy the rats. We resurfaced the yard, and re-landscaped the grassed areas which had been cleaned up and

reinstated. The trees along the roadside have been trimmed back to allow better use of the road and the fences have been repaired and replaced where needed. The building has been cleaned, tidied and properly secured.

We have brought in services including electricity, water, communications and had an expensive drainage system installed.

The office building is low-impact and we specially painted it in a colour sympathetic to the environment around. It is surrounded by some nice-looking timber decking to help it blend in.

#### OUR BUSINESS:

We supply products for the agricultural and construction industries. Most of our orders go directly from the manufacturer to the customer, so we only hold a small amount of emergency stock. We also keep purebred Border Leicester sheep.

We have no passing trade, no retail activity, and very few deliveries, so our impact on traffic numbers is negligible. We bring no more than four cars to and from the site Monday to Friday.

We have no plans to manufacture anything on site, or carry out any noisy, dirty or smelly works of any sort.

#### LOCAL ECONOMY:

Since we arrived, we have committed ourselves to supporting the local economy, and we buy food, provisions and fuel in and around Errol.

We have also employed someone additional from the area, and that would be our primary focus for future staff as needed.

We have made our newly surfaced yard available to others in the area for events, including Inchcoonans Equestrian Centre who use it as an overflow car park, and will continue to make the amenity available to the local community as required.

#### SUMMARY:

To refuse this application and force us to relocate would literally drive us out of business. To get this far has cost everything we have. This is a great opportunity for Perth and Kinross Council to show that they can think outside the box and support small businesses in difficult economic times.



## CHX Planning Local Review Body - Generic Email Account

---

**From:** Craig Michel | Zappshelter [REDACTED]  
**Sent:** 26 April 2018 17:12  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: TCP/11/16(529)

**Importance:** High

Good afternoon Gillian,

Sorry not to have responded earlier but the email only reached me yesterday and I was away.

I'd like to put a few points on record, please:

1. Our activity at the site is very quiet and very tidy. We have no noisy plant or machinery, do not have visitors, and generate no pollution or waste.
2. We have spent £thousands improving the site in line with the surrounding area, removing rubbish dumped by fly-tippers and drug-dealers, and landscaping. The neighbours have spoken very highly of what we have done.
3. The location suits our business suits ideally because it is close to local amenities whilst still in a rural area. We keep purebred sheep on site which wouldn't be suited to industrial areas.

With respect, I very much hope the review committee will be sympathetic to the appeal because a negative outcome will seriously impact our small family business.

Kind regards,

Craig Michel | Director



Paragon Protection Systems Ltd  
The Steading | Inchcoonans | Perthshire | PH2 7RB | UK  
0208 0505 121 | [REDACTED]



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## **Audrey Brown - CHX**

---

**From:** Des Montgomery [REDACTED]  
**Sent:** 09 May 2018 15:01  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Craig Michel | Zappshelter  
**Subject:** Re: TCP/11/16(529)

Dear Ms Brown

Thank you for your email communication regarding the Local Review Body appeal and the submission by Mr Michel of Zappshelter. I have no further comment to make.

Yours sincerely  
Des Montgomery FRTPI  
For Galbraith



|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| <b>TCP/11/16(519) – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS</b> |
|--------------------------------------------------------------------------------------------------------------------------|

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 245-264***)
- (b) Decision Notice (***Pages 267-268***)
  - Report of Handling (***Pages 269-276***)
  - Reference Documents (***Pages 261-263***)
- (c) Representations (***Pages 277-282***)



**TCP/11/16(519) – 17/02272/FLL – Alterations and extension  
to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100053602-004

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                       |                           |                                                      |                |
|-----------------------|---------------------------|------------------------------------------------------|----------------|
| Company/Organisation: | Scott Strachan Architect  |                                                      |                |
| Ref. Number:          |                           | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Scott                     | Building Name:                                       | The Hurst      |
| Last Name: *          | Strachan                  | Building Number:                                     |                |
| Telephone Number: *   | 07872318785               | Address 1 (Street): *                                | Old Perth Road |
| Extension Number:     |                           | Address 2:                                           | Milnathort     |
| Mobile Number:        |                           | Town/City: *                                         | Kinross        |
| Fax Number:           |                           | Country: *                                           | Scotland       |
|                       |                           | Postcode: *                                          | KY13 9YA       |
| Email Address: *      | scott@scottstrachan.co.uk |                                                      |                |

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                              |                                                                |
|----------------------|----------------------------------------------|----------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>              | You must enter a Building Name or Number, or both: *           |
| Other Title:         | <input type="text"/>                         | Building Name: <input type="text" value="Evearn"/>             |
| First Name: *        | <input type="text" value="A. &amp; Mrs C."/> | Building Number: <input type="text"/>                          |
| Last Name: *         | <input type="text" value="Gordon"/>          | Address 1 (Street): * <input type="text" value="Forgandenny"/> |
| Company/Organisation | <input type="text"/>                         | Address 2: <input type="text"/>                                |
| Telephone Number: *  | <input type="text"/>                         | Town/City: * <input type="text" value="Perth"/>                |
| Extension Number:    | <input type="text"/>                         | Country: * <input type="text" value="Scotland"/>               |
| Mobile Number:       | <input type="text"/>                         | Postcode: * <input type="text" value="PH2 9HS"/>               |
| Fax Number:          | <input type="text"/>                         |                                                                |
| Email Address: *     | <input type="text"/>                         |                                                                |

## Site Address Details

|                                                                       |                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|
| Planning Authority:                                                   | <input type="text" value="Perth and Kinross Council"/> |
| Full postal address of the site (including postcode where available): |                                                        |
| Address 1:                                                            | <input type="text" value="Evearn"/>                    |
| Address 2:                                                            | <input type="text" value="Forgandenny"/>               |
| Address 3:                                                            | <input type="text"/>                                   |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="Perth"/>                     |
| Post Code:                                                            | <input type="text" value="PH2 9HS"/>                   |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="718312"/> | Easting | <input type="text" value="308727"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

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

Alterations & extension to dwelling house

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

1970's chalet dwelling in conservation area located near B listed Church. Refused on basis of scale & form resulting in adverse impact on visual amenity of house & surrounding area. Conservation officer confirmed no comments or concerns regarding the impact of the proposed extension on the setting of the listed buildings. No objections from neighbours, statutory consultees or the public. Pre-application feedback indicated support for a larger scheme with varying eaves heights

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Location Plan Block Plan Plans, Section & Elevations Pre-application enquiry Pre-application response

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/02272/FLL

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

21/12/2017

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

12/02/2018

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

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

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

To view the proposal in context. Dwelling does not front a public road and proposal has negligible impact on visual amenity to surrounding area

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Scott Strachan

Declaration Date: 22/02/2018



## Scott Strachan

---

**From:** Murray Mitchell [REDACTED]  
**Sent:** 21 August 2017 22:37  
**To:** Scott Strachan  
**Subject:** Fwd: Pre application advice

Regards

**Murray Mitchell**



10 South Street,  
Milnathort  
Kinross  
KY13 9XA

[REDACTED]  
w. [www.mscharacterhomes.com](http://www.mscharacterhomes.com)

Begin forwarded message:

**From:** Claire Gordon [REDACTED]  
**Subject:** Fwd: Fw: Pre application advice  
**Date:** 21 August 2017 at 21:38:25 BST  
**To:** Murray Mitchell [REDACTED]

Original correspondence

----- Forwarded message -----

**From:** The Gordons [REDACTED]  
**Date:** 3 July 2017 at 13:53  
**Subject:** Fw: Pre application advice  
**To:** CLAIRE GORDON [REDACTED]

On Wednesday, 29 June 2016, 22:13, The Gordons [REDACTED] wrote:

Hello

We are living in Forgandenny, Evesham, PH2 9HS and would like to extend our current house to increase the living space and add a bedroom and bathroom upstairs.

Please find attached a first draft of a concept we like.

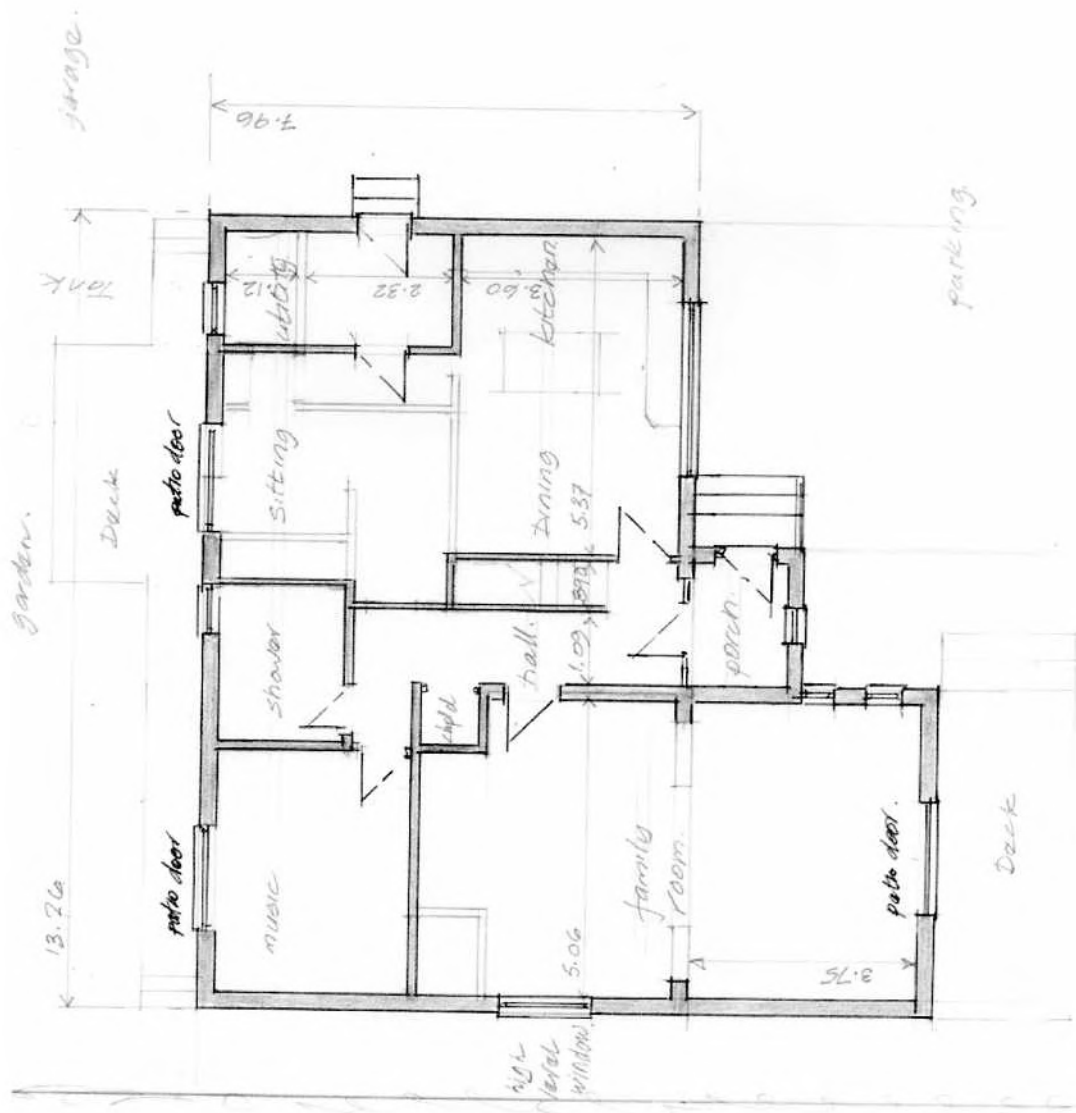
We would appreciate your input before we take the drafts and plans any further.

Thank you

Claire and Andrew Gordon

Show original message

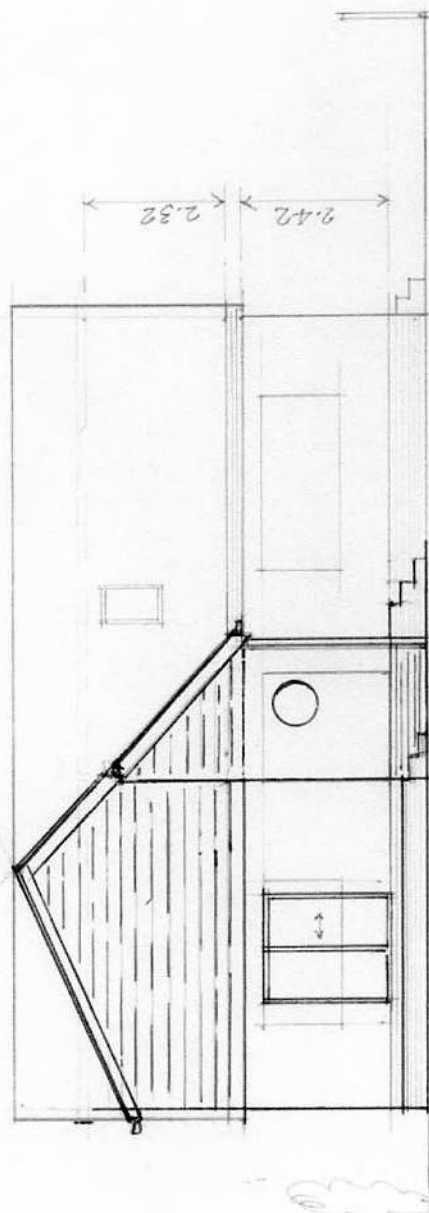




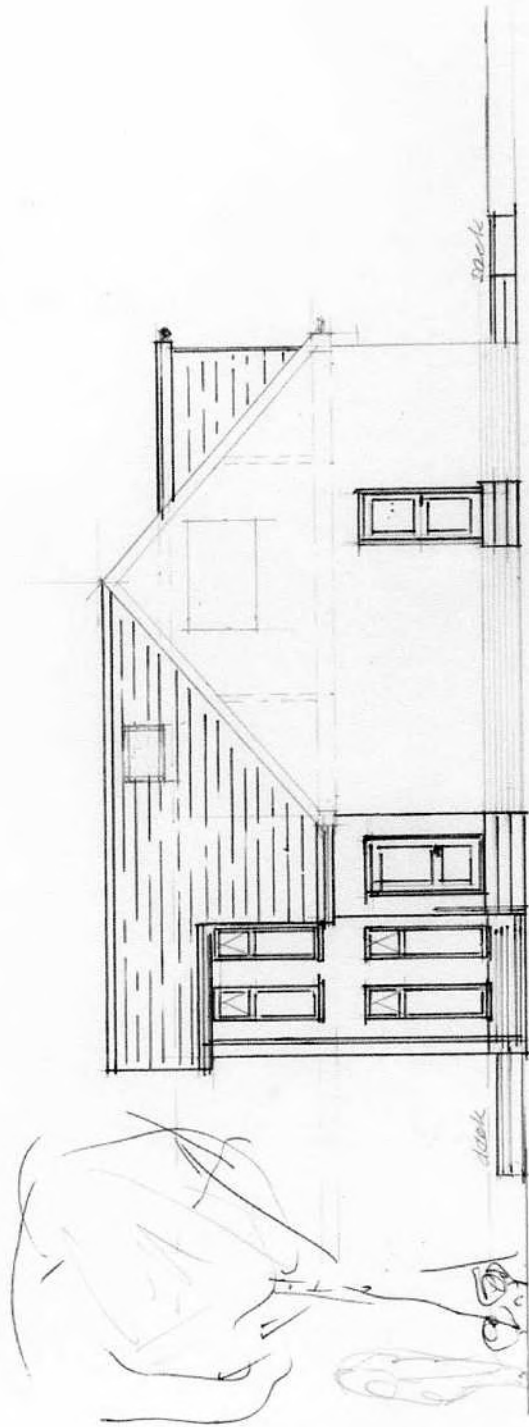
EVA ERN EDO  
concept  
Ground Floor

SCALE 1" = 100'  
0 1m 2m 3m 4m 5m





FUEARN  
concept two  
Front Elevation  
Scale 1:100



EVEARN  
concept TWO.  
side Elevation  
Scale 1:100

## Scott Strachan

---

**From:** Murray Mitchell [REDACTED]  
**Sent:** 21 August 2017 22:37  
**To:** Scott Strachan  
**Subject:** Fwd: PKC Pre Application Response

Regards

Murray Mitchell



10 South Street,  
Milnathort  
Kinross  
KY13 9XA

[REDACTED]  
w. [www.mscharacterhomes.com](http://www.mscharacterhomes.com)

Begin forwarded message:

**From:** Claire Gordon [REDACTED]  
**Subject:** Fwd: Fw: PKC Pre Application Response  
**Date:** 21 August 2017 at 21:37:29 BST  
**To:** Murray Mitchell [REDACTED]

Response from planning officer

On Thursday, 30 June 2016, 17:54, Sean Panton [REDACTED] wrote:

Dear Mr & Mrs Gordon,

**Pre Application Enquiry: Extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS.**

I refer to your email received on 30 June 2016 regarding the above proposal.

Any proposal such as this would be assessed against council policies and Scottish Government legislation. Of particular relevance is TAYplan 2012 and Perth and Kinross Council's Local Development Plan 2014.

The most relevant policies of this Local Development Plan are policies PM1: Placemaking and RD1: Residential.

The Development Plan can be viewed online:

<http://www.pkc.gov.uk/article/1936/Development-Plan>

Other policies or documents which will be applicable include:

The Placemaking guide and Scottish Planning Policy 2014.

The key considerations would be the design, impact on the surrounding built and natural environment, the finishing materials, height, scale and massing, and the impact on neighbouring properties from overshadowing or overlooking and potential road safety concerns.

### **Comment on proposal**

On an initial look at the plans, it was difficult to identify which sections of the building are new build and which sections are existing. On saying this however, the building does not appear to be substantially increased in size and in terms of scale is considered to be acceptable for the size of the plot and existing dwellinghouse. The height line of the proposed extension is also considered to be acceptable due to being similar to that of the existing building and neighbouring properties. In terms of overlooking, concept 2D shows that there are windows on the side elevation, however I am satisfied that these will not cause any adverse issues of overlooking to neighbouring residents. My concerns however relate to the potential overshadowing of the proposed development. I would advise that prior to submitting an application you fully look at ways to minimise overshadowing. I hope you can appreciate that it is hard to tell fully from these drawings and without visiting the site how much overshadowing will be created.

I therefore consider your proposal to appear acceptable in principle and would advise that you come forward with a formal application once consideration has been given to overshadowing of neighbouring residents.

### **Limitations of This Advice**

It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.

**You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.**

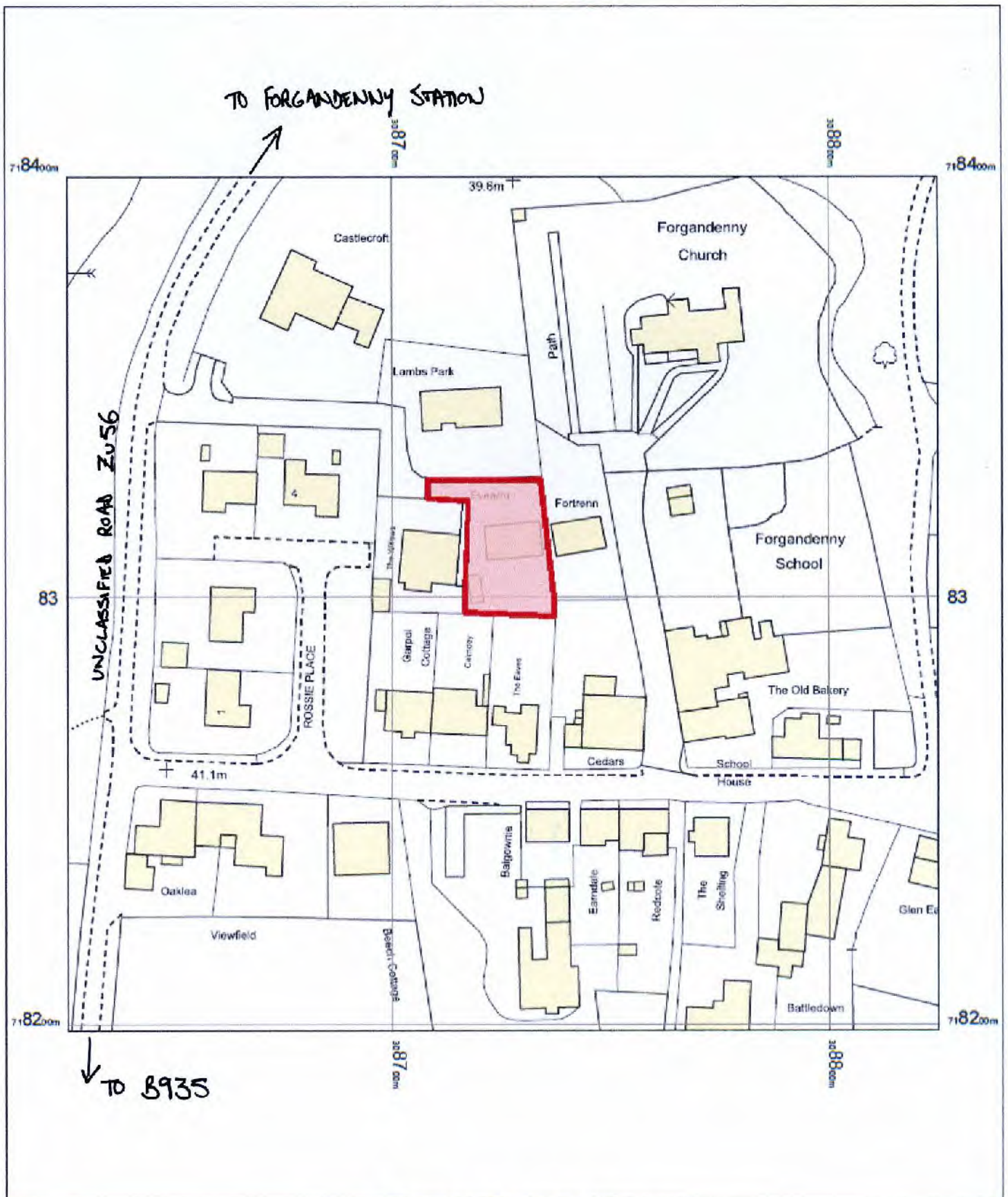
Please note that current staffing resources, priorities and workload will not permit me to respond to any further pre-application consultation regarding this proposed development.

I hope that this response has been of some assistance to you.

Kind Regards,  
**Sean Panton,**  
Development Management,  
Planning & Development,



# Location Plan



Eveam,  
Forgandenny  
Perth  
PH2 9HS

OS MasterMap 1250/2500/10000 scale  
19 May 2017, ID: MNOW-00625325  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:1250 scale print at A4, Centre: 308725 E, 718298 N

©Crown Copyright and database rights 2016 OS  
100019980



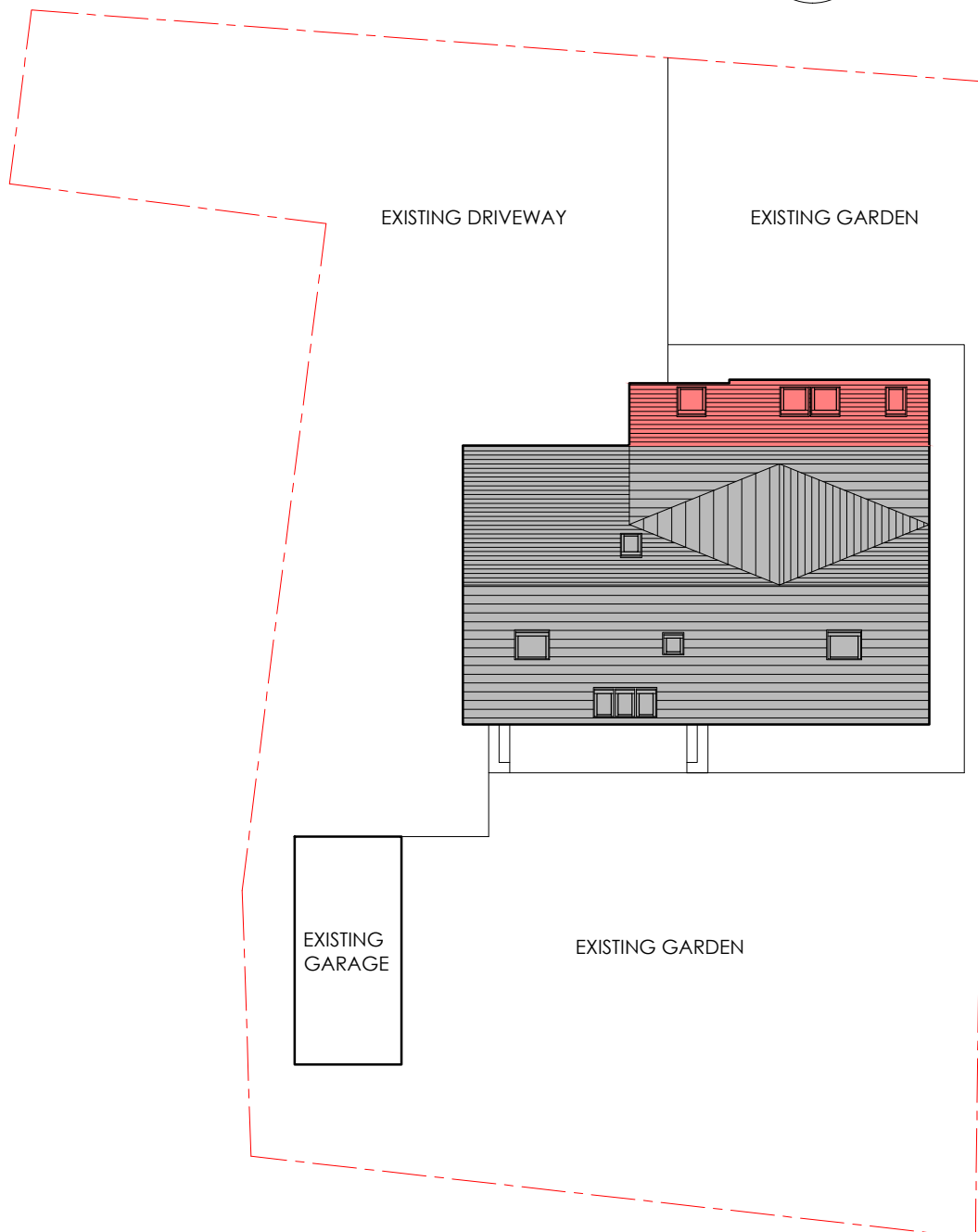
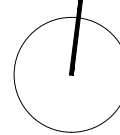


Building Standards  
Approved Certifier

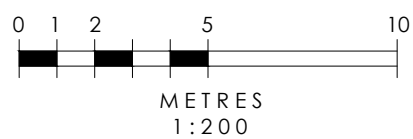


The Scottish  
Government

NORTH



**BLOCK PLAN**  
1:200



**SCOTTSTRACHAN**ARCHITECT

THE HURST, OLD PERTH ROAD, MILNATHORT, KINROSS KY13 9YA  
T. 01577 862694 - M. 07872 318785  
[scott@scottstrachan.co.uk](mailto:scott@scottstrachan.co.uk)

**PROJECT**

ALTERATIONS TO DWELLING  
'EVEARN', FORGANDENNY PERTH PH2 9HS

**CLIENT**

MR & MRS GORDON

**DRAWING TITLE**

BLOCK PLAN

**DATE**

29 MAY 2017

**SCALE**

1:200 @ A4

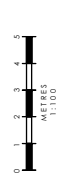
**DRAWING NO.**

16/311/PL/ 002

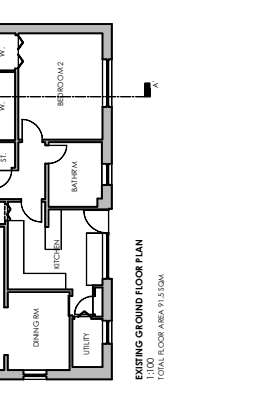
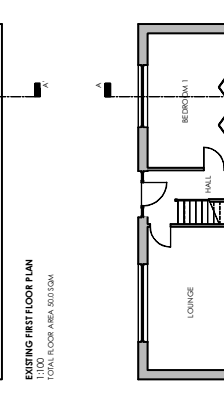
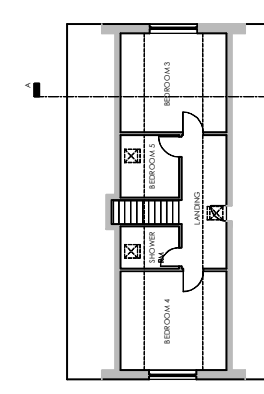
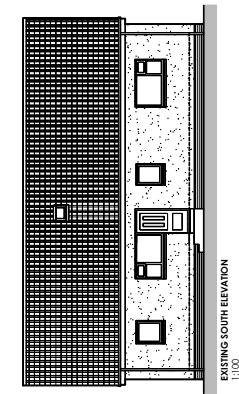
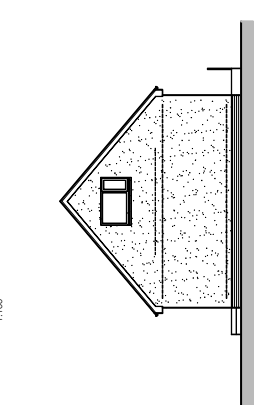
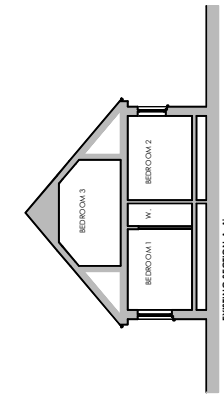
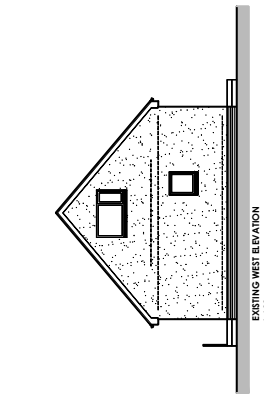
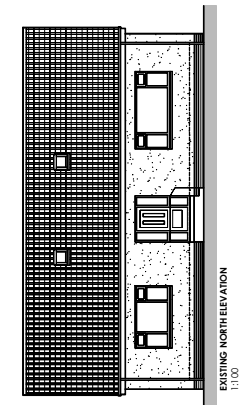
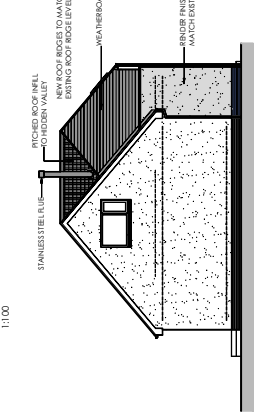
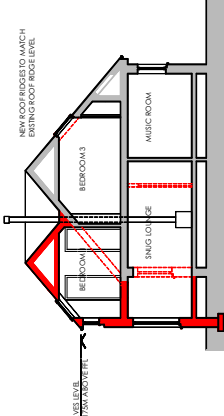
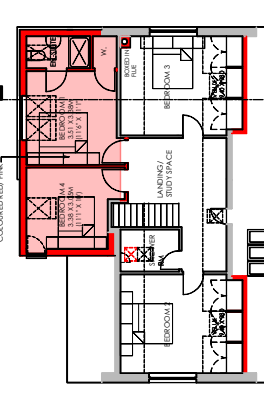
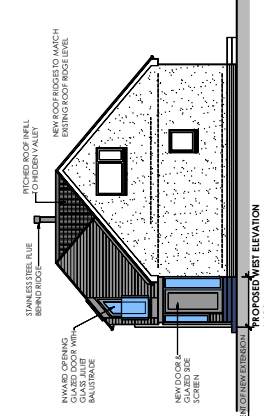
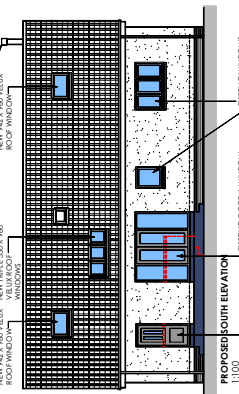
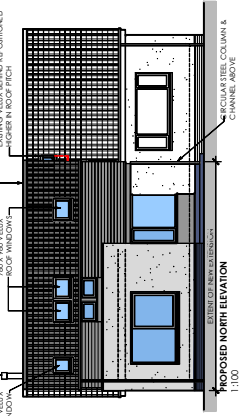




NOTES:  
ALL DIMENSIONS TO BE VERIFIED ON SITE.  
IF IN DOUBT CHECK WITH ARCHITECT.



**PROPOSED EXTERNAL FINISHES**  
**ROOF**  
GREY POWDER INTERLOCKING CONCRETE ROOF  
TILES TO MATCH EXISTING  
STAINLESS STEEL FINISH TO ROOF OF WINDOWS  
STAINLESS STEEL FINISH TO ROOF OF PORCH  
**RAINWATER GOODS**  
BLACK PVC/DREPOW STYLE PHONES &  
CIRCULAR DOWNPIPES  
**WALLS**  
GREY PAINTED INTERLOCKING CONCRETE ROOF  
TILES TO MATCH EXISTING  
GREY PAINTED WOODGRAN FIBRE CEMENT  
WEATHERBOARD CLADDING TO ROOF OF WINDOWS  
GREY PAINTED EXPOSED STRUCTURAL STEELWORK  
FACING BRICK BASE COURSE TO MATCH EXISTING



| REV | DATE  | DESCRIPTION               |
|-----|-------|---------------------------|
| A   | 26.11 | SHOWER ROOM VELUX AMENDED |
| B   |       | SKETCH PROPOSAL           |
| C   |       | CLIENT APPROVAL           |
| D   |       | PLANNING                  |
| E   |       | BUILDING WARRANT          |
| F   |       | BILING                    |
| G   |       | CONSTRUCTION              |
| H   |       | AS BUILT                  |

**SCOTT STRACHAN ARCHITECT**  
THE HUBS, 100, GLENKILPATRICK AVENUE, GLASGOW, G12 8TA  
T: 01577 862884 • M: 07872318765  
SCOTTSTRACHANARCHITECT.CO.UK

|                                                                                      |                                          |
|--------------------------------------------------------------------------------------|------------------------------------------|
| <b>PROJECT</b><br>PROPOSED EXTENSION TO DWELLING<br>EVEAR, FOSGARDENNY, PERH PH2 PH5 | <b>CLIENT</b><br>MR A. & MRS C. GORDON   |
| <b>DRAWING TITLE</b><br>FLOOR PLANS, SECTIONS & ELEVATIONS                           | <b>DRAWING NO.</b><br>14/ 311 / P1 / 001 |
| <b>DATE</b><br>19 MAY 2017                                                           | <b>SCALE</b><br>1:100 @ A1               |
| <b>DRAWING NO.</b><br>14/ 311 / P1 / 001                                             | <b>REVISION A</b>                        |



|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| <b>TCP/11/16(519) – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS</b> |
|--------------------------------------------------------------------------------------------------------------------------|

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 261-263)*



# PERTH AND KINROSS COUNCIL

Mr A. And Mrs C. Gordon  
c/o Scott Strachan Architect  
Scott Strachan  
The Hurst  
Old Perth Road  
Milnathort  
Kinross  
Scotland  
KY13 9YA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 12th February 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02272/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 21st December 2017 for permission for **Alterations and extension to dwellinghouse Evearn Forgandenny Perth PH2 9HS** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposed extension, by virtue of its raised wall head and eaves level, excessive proportions, poor form, conflicting composition and lack of integration, would unbalance and overwhelm the existing dwellinghouse and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the house and surrounding area.

Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, massing, materials, colours and finishes.

## **Justification**

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

## **Notes**

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

Plan Reference

17/02272/1

17/02272/2

17/02272/3

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/02272/FLL        |      |
| Ward No                | P9- Almond And Earn |      |
| Due Determination Date | 20.02.2018          |      |
| Case Officer           | Keith Stirton       |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** Evearn Forgandenny Perth PH2 9HS

#### SUMMARY:

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

**DATE OF SITE VISIT:** 10 January 2018

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Evearn, a detached 1970's "chalet-style" dwellinghouse which is located within the Forgandenny Conservation Area. This application seeks detailed planning permission for alterations to the rear (South) and an extension to the front (North). The application is identical to a previously refused proposal, Ref: 17/00940/FLL.

## **SITE HISTORY**

17/00940/FLL          Extension to dwellinghouse  
Application Refused – 21 July 2017

## **PRE-APPLICATION CONSULTATION**

Pre application Reference:          16/00433/PREAPP

The principle of an extension was considered to be acceptable, but several reservations were raised. The proposal evolved in design and detailing in between the initial pre-application enquiry and the formal application submission.

## **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.

Scottish Planning Policy, paragraph 143, states that;

*“Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance”.*

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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



The principal policies are, in summary:

**Policy HE3A - Conservation Areas**

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development out with an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

**Policy PM1A - Placemaking**

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

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

In addition to the adopted development plan policies listed above, the following policies from Perth & Kinross Local Development Plan 2: Proposed Plan 2017 are now relevant material considerations in the determination of the application;

Policies 1A and 1B: Placemaking, Policy 17: Residential Areas, Policy 28A: Conservation Areas. These Policies generally replicate the equivalent Policies in the adopted Local Development Plan.

## **OTHER GUIDANCE**

Perth & Kinross Council's Draft Placemaking Guide 2017 has now been issued. The guidance states that;

*"Whether it is an extension on a house or a strategic development site, there are always aims and objectives for any new development..."*

*There is considerable scope for modern architecture and building techniques to support new lifestyles but an honest contemporary approach can be matched with local building characteristics to provide attractive modern living. It requires sensitivity and care by the designer but will not necessarily result in additional expenditure.*

*New development should acknowledge the scale and form of the surrounding buildings. This can make a huge difference to the visual impact of a*

*development. Whilst it is not desirable to copy traditional buildings, it is important to harmonise with them.*

*Proportion is a fundamental element of architecture, and relates to the building as a whole and also as sections working harmoniously together. Individual elements of a building must work together to create a coherent design that balances. The building envelope, windows and doors, eaves and roof ridgeline should all work in balance with each other”.*

The Council is in the process of drafting more detailed Technical Notes that will provide specific guidance on domestic extensions.

These will offer more information regarding this type of development and give best practice examples that can be used by applicants and Development Management to support the pre-application and planning application process.

The aim of these technical notes is not to be proscriptive regarding design but to ensure that the Placemaking process has been followed when applying for planning permission for a new development, regardless as to the size, cost or location of a proposal.

The Technical Notes will reflect the messages in the Placemaking Guide and be published alongside the Adopted Supplementary Guidance.

The draft Supplementary Guidance has been consulted upon and comments were invited between 13th July 2017 and 31st August 2017.

## **INTERNAL COMMENTS**

Conservation Officer            No concerns regarding setting of Listed Buildings

Environmental Health            No objections – condition required on any approval

## **REPRESENTATIONS**

No letters of representation have been received in relation to this proposal.

## **ADDITIONAL STATEMENTS RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environment Statement                                         | Not Required |
| Screening Opinion                                             | Not Required |
| Environmental Impact Assessment                               | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

In general terms, developments which are ancillary to an existing domestic dwelling are considered to be acceptable in principle. However, consideration must be given to the specific details of any proposal, whether it would have an adverse impact on visual amenity and whether it would preserve and enhance the character and appearance of the Conservation Area.

### **Design and Layout**

The existing dwellinghouse has a rectangular footprint and is of a 1970's pitched roof "chalet-style" design, with accommodation contained entirely within the roof space. The houses in the immediately adjacent plots have a mixture of designs and finishes, though all are of single storey appearance, with upper level accommodation contained entirely within the roof space.

This proposal is identical to a previously refused proposal, Ref: 17/00940/FLL. Whilst post-refusal discussions have taken place on a number of alternative design options, none of them were considered to adequately address the concerns raised and/or were cost prohibitive. It is understood that the applicant has re-submitted the same proposal with the intention of taking the case to the Local Review Body, seeing as the previous refusal is now time-barred from a review.

Minor alterations to window and door openings are proposed to the rear (South). Additionally, an extension is proposed to the principal (North) elevation of the house. It measures 8.66m in length, 1.88m in projection; has a raised eaves level and a matching ridge level. The extension has been designed to read deferentially from the existing house, in a contemporary fashion.

### **Landscape**

The scale and nature of the proposals do not raise any significant landscape impact issues.

## **Residential Amenity**

The residential amenity of neighbouring properties would not be adversely affected by the proposed development in terms of overlooking or overshadowing, given their relative positions, orientations and distances.

The Council's Environmental Health Officer has provided comments in relation to potential nuisance conditions caused by the proposed stove. A planning condition has been requested on any approval in order to safeguard surrounding residential amenity.

## **Visual Amenity**

The proposed alterations to the window and door openings to the rear of the building are of no concern and are considered to be acceptable.

Given the variety of surrounding houses in this private cul-de-sac and adjoining plots, the principle of an extension to the front elevation in this context is considered to be acceptable, providing that its proportions, design and finish are appropriate.

The extension is detailed in a contemporary fashion with the partial use of grey fibre cement weatherboard cladding, a Juliette balcony and an open-sided entrance porch which has a steel column supporting the upper level extension.

However, the heightened proportions and raised wall head and eaves level of the extension exceed those of the host building, resulting in a dominant feature which would unbalance and overwhelm the principal elevation of the house, to the detriment of its visual amenity.

Additionally, the proposed ridge line runs parallel to the ridge of the house. Therefore, in addition to its dominant appearance, the resulting extension also lacks cohesion as it is poorly integrated with the house and has an incongruous appearance.

The applicant has cited examples of nearby unsympathetic development in an effort to justify the current proposals. However, none of them are considered to be justification for over-riding the current planning policies in this instance. This application must be determined based upon its own planning merits.

On balance, the present proposals are not considered to meet with adopted planning policies or the recently issued draft Placemaking Guide for the previously stated reasons; therefore the application is recommended for refusal.

## **Conservation Area and Setting of Adjacent Listed Buildings.**

This modern dwellinghouse is located within the Forgandenny Conservation Area and is located adjacent to a number of Listed Buildings. The proposal is

not considered to have an adverse effect on the setting of the adjacent Listed Buildings.

Although the proposal raises a number of visual amenity issues, as detailed above, it is accepted that the impact of the proposals would be contained to an area relatively close to the modern property, and that it would not have such a significant impact on the traditional character and historic integrity of the wider Conservation Area.

### **Roads and Access**

There are no road or access implications associated with this proposed development.

### **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Reasons for Recommendation**

- 1 The proposed extension, by virtue of its raised wall head and eaves level, excessive proportions, poor form, conflicting composition and lack of integration, would unbalance and overwhelm the existing dwellinghouse and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the house and surrounding area.

Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, massing, materials, colours and finishes.

### **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**

Not Applicable.

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/02272/1

17/02272/2

17/02272/3

**Date of Report**      **9 February 2018**

**TCP/11/16(519) – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS**

## **REPRESENTATIONS**





# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/02272/FLL

Our ref LRE

Date 8 January 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK17/02272/FLL RE: Alterations and extension to dwellinghouse Evearn Forgandenny Perth PH2 9HS for Mr & Mrs C. Gordon**

I refer to your letter dated 3 January 2018 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –08/01/18)

### **Recommendation**

**I have no objection in principle to the application but recommend that the under noted conditions be included on any given consent.**

### **Comments**

The plans submitted with the application indicate that the applicant proposes to install a wood burning stove within the snug lounge area of the dwelling house.

The closest residential property to the application site is Fortrenn which is approximately 3 metres away.

There are no letters of representation at the time of writing this memorandum.

### **Air Quality**

Biomass has the potential to increase ambient air concentrations of nitrogen dioxide and particulate matter. The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical guidance LAQMA.TG16 which accompanies this Act, advises that biomass boiler within the range of 50kW to 20MW should be assessed. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

The wood burning stove to be installed is a small domestic stove and will be below the range that should be assessed; I therefore have no adverse comments to make with regards to air quality.

### **Nuisance**

However this Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

The plans submitted with this application indicate that the proposed flue will be exhausted through the roof and will terminate above the roof ridge. Therefore the emissions should disperse adequately and should not adversely affect the residential amenity of neighbouring properties.

However I recommend that the undernoted condition be included on any given consent.

**Condition**

**EH50** The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority



### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                                                                                                                                                                                                                                |                             |               |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| <b>Planning Application ref.</b>                | 17/012272/FLL                                                                                                                                                                                                                                                                                                                  | <b>Comments provided by</b> | Diane Barbary |
| <b>Service/Section</b>                          | Conservation                                                                                                                                                                                                                                                                                                                   | <b>Contact Details</b>      | [REDACTED]    |
| <b>Description of Proposal</b>                  | Alterations and extension to dwellinghouse                                                                                                                                                                                                                                                                                     |                             |               |
| <b>Address of site</b>                          | Evearn, Forgandenny                                                                                                                                                                                                                                                                                                            |                             |               |
| <b>Comments on the proposal</b>                 | <p>Evearn is an unlisted building in the Forgandenny Conservation Area. The site is to the south west of the category B listed Forgandenny Parish Church and Churchyard (LB 11303 and 11304).</p> <p>I have no comments or concerns regarding the impact of the proposed extension on the setting of the listed buildings.</p> |                             |               |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                |                             |               |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                |                             |               |
| <b>Date comments returned</b>                   | 22/01/18                                                                                                                                                                                                                                                                                                                       |                             |               |



**TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 285-338***)
- (b) Decision Notice (***Pages 319-320***)
  - Report of Handling (***Pages 321-330***)
  - Reference Documents (***Pages 331-333 and 336***)
- (c) Representations (***Pages 341-352***)



**TCP/11/16(521) – 17/01915/IPL – Erection of a  
dwellinghouse (in principle) on land 30 metres south of  
Balnacree House, Donavourd**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100085566-001

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

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

|                      |                                       |                                                      |                                                |
|----------------------|---------------------------------------|------------------------------------------------------|------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>       | You must enter a Building Name or Number, or both: * |                                                |
| Other Title:         | <input type="text"/>                  | Building Name:                                       | <input type="text" value="Balnacree Cottage"/> |
| First Name: *        | <input type="text" value="Peter"/>    | Building Number:                                     | <input type="text"/>                           |
| Last Name: *         | <input type="text" value="McRobbie"/> | Address 1 (Street): *                                | <input type="text" value="Balnacree"/>         |
| Company/Organisation | <input type="text"/>                  | Address 2:                                           | <input type="text"/>                           |
| Telephone Number: *  | <input type="text" value=""/>         | Town/City: *                                         | <input type="text" value="Donavourd"/>         |
| Extension Number:    | <input type="text"/>                  | Country: *                                           | <input type="text" value="Scotland"/>          |
| Mobile Number:       | <input type="text"/>                  | Postcode: *                                          | <input type="text" value="PH16 5JS"/>          |
| Fax Number:          | <input type="text"/>                  |                                                      |                                                |
| Email Address: *     | <input type="text" value=""/>         |                                                      |                                                |

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

757005

Easting

296100

## Description of Proposal

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

Erection of a dwellinghouse (in principle)

## Type of Application

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |              |                                             |              |                                                                      |            |                                                                |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------------|--------------|----------------------------------------------------------------------|------------|----------------------------------------------------------------|------------|
| What does your review relate to? *<br><input checked="" type="checkbox"/> Refusal Notice.<br><input type="checkbox"/> Grant of permission with Conditions imposed.<br><input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                                             |              |                                                                      |            |                                                                |            |
| <h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; min-height: 60px;">         Please see submitted Statement of Case and supporting evidence detailing the matters to be taken into account.       </div> |              |                                             |              |                                                                      |            |                                                                |            |
| Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |              |                                             |              |                                                                      |            |                                                                |            |
| If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |                                             |              |                                                                      |            |                                                                |            |
| Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">           1. Statement of Case 2. Review Doc 1 - Image of site 3. Review Doc 2 - Applicant's suggested conditions 4. Application Form 5. Location Plan 6. Planning Statement 7. Indicative Site Layout 8. Sketch Perspective 9. Site Photographs 10. Historic Map Extract 11. Report of Handling 12. Decision Notice         </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              |                                             |              |                                                                      |            |                                                                |            |
| <h3>Application Details</h3> <p>Please provide details of the application and decision.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">What is the application reference number? *</td> <td style="border: 1px solid black; padding: 2px 10px;">17/01915/IPL</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 2px 10px;">27/10/2017</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 2px 10px;">29/11/2017</td> </tr> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |              | What is the application reference number? * | 17/01915/IPL | What date was the application submitted to the planning authority? * | 27/10/2017 | What date was the decision issued by the planning authority? * | 29/11/2017 |
| What is the application reference number? *                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 17/01915/IPL |                                             |              |                                                                      |            |                                                                |            |
| What date was the application submitted to the planning authority? *                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 27/10/2017   |                                             |              |                                                                      |            |                                                                |            |
| What date was the decision issued by the planning authority? *                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 29/11/2017   |                                             |              |                                                                      |            |                                                                |            |

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The land surrounding the application site is private land, not public, so in order to view the site it would be necessary first to make arrangements with the applicant.

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Peter McRobbie

Declaration Date: 26/02/2018

## **Perth and Kinross Council Local Review Body**

### **Statement of Case for a request for a review of refusal of application for planning permission in principle**

**Planning Application Ref. No: 17/01915/IPL**

**For:**

**Erection of a dwellinghouse (in principle)**

**Land 30 Metres South Of Balnacree House, Donavourd, Pitlochry**

## Introduction

This statement is submitted in support of a request for a review of the decision to refuse an application for planning permission in principle (reference 17/01915/IPL). The proposal is for the erection of a dwellinghouse on land to the south of Balnacree Cottage. The application was refused under delegated powers on 29<sup>th</sup> November 2017.

The application was submitted on 27<sup>th</sup> October 2017. The application was accompanied by a location plan; historic mapping; site photographs; and indicative site layout and a sketch perspective drawing illustrating how the proposal would be situated on the site. This level of detail is well in excess of the minimum requirements for an application for planning permission in principle.

The case in support of approval of the application was set out in the applicant's planning statement. This set out a comprehensive justification for the proposal in accord with the relevant Local Development Plan Policy as well as the Council's Supplementary Guidance. These documents are all submitted in support of this review request and should be read in conjunction with this Statement of Case.

It is not intended to re-state the policy case already made in the applicant's planning statement. This document will set out the case in support of this review, taking account of the reasons for refusal and matters raised in the Report of Handling.

We have significant concerns with incorrect and unsubstantiated assumptions made in the Report of Handling that have clearly influenced the decision to refuse to grant planning permission in principle for the proposal. In particular these assumptions relate to ground levels and concerns about further future applications. It is wholly inappropriate and indeed unreasonable to reach a conclusion on an application for planning permission in principle based on unsubstantiated assumption.

It is also of concern that despite the officer reached a conclusion that the visual amenity of the proposal would not be acceptable, despite clearly concluding in the assessment that the information submitted by the applicant confirmed that the proposal would not be unduly prominent. The overall conclusion is not consistent with the assessment in this regard.

It should be borne in mind at all times that this is a proposal seeking planning permission in principle. Detailed matters relating to siting, design, finishing materials, landscaping and ground levels can appropriately be dealt with by way of planning conditions.

## Addressing the Reasons for Refusal

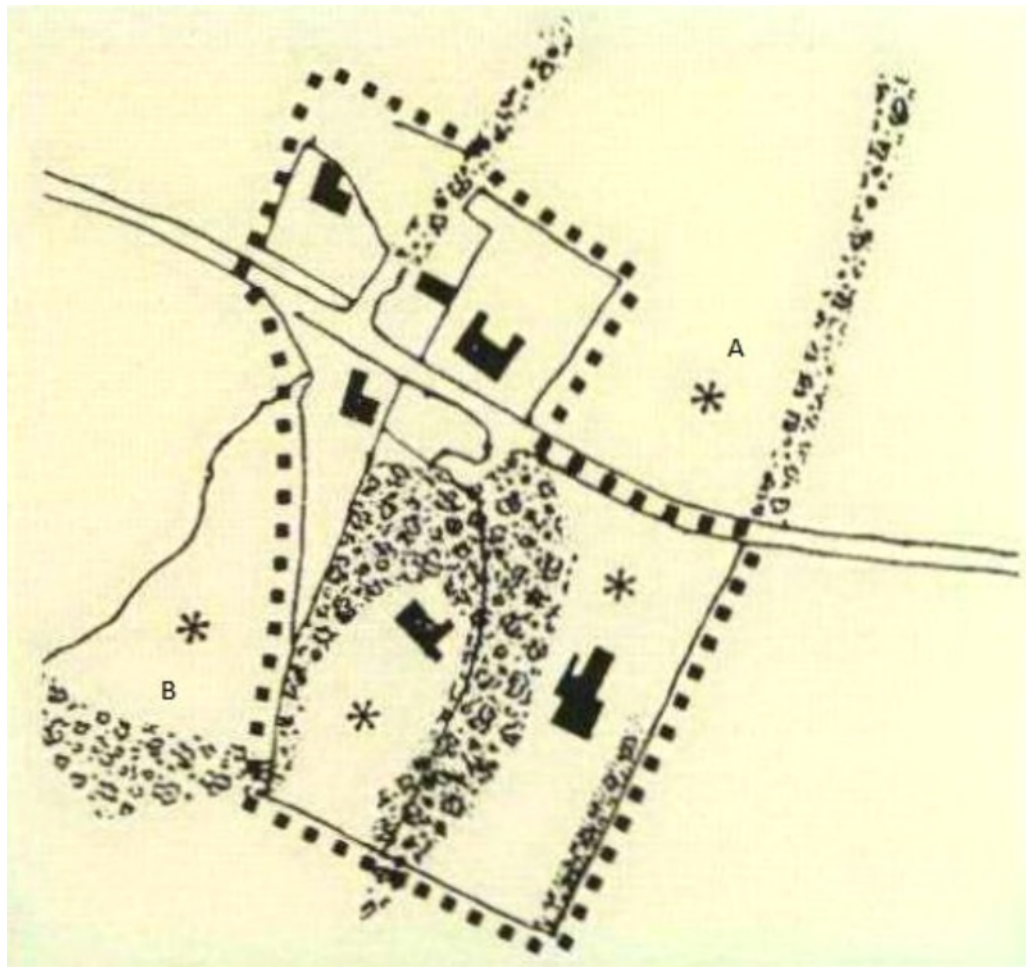
This section will directly address the reasons for refusal as referred to on the Decision Notice dated 29<sup>th</sup> November 2017.

The first reason for refusal states:

1. *The proposal is contrary to Policy RD3: Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.*

The merits of the application site are discussed in great detail in the supporting planning statement. It is not intended to repeat all of those here.

The Council's Guidance on the Siting and Design of Houses in Rural Areas illustrates appropriate rounding off opportunities (marked A and B on the plan below).





The plan above demonstrates the application site in relation to the rest of the building group.

In the first image from Council Guidance, appropriate site A is bounded by the curtilage of one residential property, by an access road, by a field boundary and is open to the north. Appropriate site B is bounded by the curtilage of residential property to one side, by landscaping to the other, and a field boundary or stream to the other side.

There are clear comparisons to be drawn between what the Council considers appropriate in the Guidance and this site. It is bounded by residential property on one side, by the access track on another side (with residential property beyond) and a field boundary on the other side.

There is no discernible or material difference between the application site and these appropriate additional sites identified in the Council's guidance.

The site is clearly defined by the curtilage of residential property to the south east. This boundary is clearly defined by maturing trees. The boundary to the north east is clearly defined by the road and a small hedge. The south western boundary is a long established field boundary. It is defined by a fence and had been augmented by recent tree and shrub planting. The topography of the local landform slopes down to the south west from the site, containing it from extending further into the field. The image above demonstrates that the proposal would round off the existing building group in accord with Council policy.



It is not referred to in the reason for the refusal but the discussion in the Report of Handling notes that the Officer had concerns about future pressure to extend the building group further into the field. This is an unsubstantiated assertion made by the Case Officer and is completely irrelevant in the consideration of this proposal. The proposal is only for a single dwelling on the identified site. This matter is discussed in more detail in the following section.

It is submitted that the proposal is an appropriate extension to an established building group. It meets the criteria of Policy RD3: Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as well as the Council's long established guidance set out in Guidance on the Siting and Design of Houses in Rural Areas as illustrated above. For these reasons, the first reason for refusal cannot be sustained.

The second reason for refusal states:

*2. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.*

There are several matters of concern raised in respect of the second reason for refusal. These are addressed below.

**Concern about the conclusion - *Due to the open, sloping nature of the site, the lack of a landscape framework.***

The site is open only to the south west. The topography of the wider area rises to the rear of the site. In addition, there is existing, established landscaping to the north and east of the site, providing a very strong visual backdrop and sense of containment for the proposal. Further, as suggested by PKC planning officials, the applicant has already undertaken to provide some additional planting to augment the existing site boundaries. Indeed, as clarified in the applicant's planning statement the siting of the proposed house follows the Council's own guidance as set out in the Council's Guidance on the Siting and Design of Houses in Rural Areas.

Unfortunately, this did not seem to have been taken into consideration by the officer in the assessment of the application as it is not referenced in the Report of Handling.

It must also be taken into account that the site is not prominently visible in wider public viewpoints. This is reflected in the lack of public interest/objection to the application.

A document has been prepared (Review Doc 1) to demonstrate that the proposal would be contained by its surroundings. It is submitted that the strong visual backdrop and containment afforded by the existing topography and landscaping, in addition to that the additional landscaping around the site boundaries is wholly in accord with Council guidance. Indeed, the Report of Handling concludes that the proposal would not be "unduly prominent".

**Concern about the conclusion - *its position below and detached from other buildings in the group.***

The Officer's assessment states that the position of the house would be below the other buildings in the group. Indeed, the Report of Handling states that *"any development would be at a significantly lower level than the existing buildings in the group"*. This interpretation is not correct. The position of the proposed house illustrated in the applicant's indicative site layout occupies a similar ground floor level as the large garage of the adjacent house to the east. It would be seen alongside, not below this neighbouring building within the group.

The assessment also states that the proposed house would be detached from the other buildings in the group. A simple interpretation of the word "detached" is "separate". However, the proposed house would not appear separate or isolated from the rest of the group. Far from it. The proposed house would share access from the same access track as the rest of the group. It occupies a location to the south of Balnacree Cottage and west of Balnacree Steading. It is bounded by the access track to the north and by the curtilage of Balnacree Steading to the east. It is clearly seen in the context of these two immediately adjacent, adjoining properties. This is demonstrated on the image on the preceding page. To suggest it is detached would be to suggest that the proposal would be remote from, detached from and with no conterminous boundaries with the other properties in the group. This is clearly not the case as is also shown in Review Doc 1.

The proposed house would be neither below or detached from the rest of the group. As stated above, the site is not prominent in wider public views.

The Report of Handling considers the evidence submitted by the applicant, including the Sketch Perspective Drawing. On that basis, the officer concluded that the proposal would "not be unduly prominent". The conclusions reached in the second reason for refusal are inconsistent, and contrary to that assessment of the submission.

Taking the above into account it is clear that contrary to the overall conclusions reached in the second reason for refusal:

- The proposal is not widely open or prominent and benefits from a strong visual backdrop as a consequence of rising landform to the rear and an established framework of mature trees;
- The siting of the proposed dwellinghouse would be in accordance with Council's Guidance on the Siting and Design of Houses in Rural Areas;
- The proposed dwellinghouse would not sit below all other buildings in the group, nor would it appear detached from the group. Instead it would be a clear part of the group with shared access and conterminous boundaries with other properties in the group.

There is no evidence to suggest that the proposal would have an adverse visual impact and would not contribute positively to the built environment. No concerns have been raised regarding design or finishing materials in any of the Officer's assessment. Indeed, the assessment concludes that the proposal would not be unduly prominent. This is an application for planning permission in principle and all matters relating to design and external appearance can be controlled by imposition of suitable conditions. For these reasons, it is submitted that the second reason for refusal cannot be sustained.

## Addressing other matters raised in the Report of Handling

### Lack of objection by public and consultees

It is relevant to note that there were no letters of representation or objection submitted by members of the public in respect of this application.

It is also relevant to note that there were no objections made by any of the parties formally consulted about the application. In summary:

Internal Development Planning: Case Officer sought opinion on the proposal's compliance with LDP Policy PM4. Development Planning confirms that this is not relevant to the application and it should be assessed against Policy PM3. No objection made.

Internal Transport Planning: No objections to the proposal.

Internal Strategy & Policy: Confirms that application site in catchment area for Pitlochry Primary School. Requests condition requiring compliance with developer contribution policy. No specific requirement for any contribution specified. No objection made.

Internal Regulatory Services – Contaminated Land: No concerns regarding ground contamination. Water: Standard condition requested regarding private water supply. No objection made.

It is therefore clear that there are no technical objections to the proposed development. Importantly, when consulted on the application, development planning raised no objection in terms of compliance with development plan policy.

### Concerns raised with the Report of Handling

As stated previously, we have serious concerns with a number of statements and unsubstantiated assumptions set out in the Report of Handling. These are highlighted and commented on below.

#### The proposed dwelling would not be located forward of the building group

The Report of Handling states that *"the proposed site does not relate well to the existing building group. It extends the group into the top part of an existing field and any development would be at a significantly lower level than the existing buildings in the group."*

It also states that the Officer has *"concerns with the site configuration and that any sizable building, forward of the main building group would not contribute positively to the quality of the surrounding built and natural environment and be contrary to policy PM1 Placemaking"*.

There is no analysis provided in this assessment to demonstrate what harm would be caused by siting a building forward of the group. In any event, and as already discussed, the proposed dwelling as demonstrated in the indicative site layout, would not be forward of the group. There is no defined building line in this location. The large detached triple garage at Balnacree Steading to the east (05/01446/FUL) lies further to the south than the proposed dwelling as illustrated on the indicative site layout.

The proposed dwelling would not be at a significantly lower level than the existing building in the group. The topographical contours run north west – south east (as confirmed in the topographical survey). The proposed dwelling sites on the 157m contour – this is actually further up the hill than the adjacent large detached triple garage to the east. The garage occupies a lower level than the proposed dwelling would.

Therefore all assumptions regarding the proposed dwelling being forward of and significantly lower than the existing building group are incorrect. This has significant implications for the subsequent assessment made by the officer regarding the proposal's compliance with Policy PM1.

#### **Acknowledgement that proposal would not be unduly prominent**

The Report of Handling states that *"There was concern previously that extensive ground works would be required to provide sufficient level ground for any proposed house resulting in an overly engineered development in this open rural location. Additional information has been submitted by the applicant suggesting that the proposed house would be set in to the bank and would not be unduly prominent (our emphasis)..."*

The Officer notes that the applicant has submitted information confirming that the proposed house would be set into the bank and would not be unduly prominent. The Officer clearly recognises the applicant's intention and confirms that the proposal "would not be unduly prominent." We welcome and endorse this conclusion.

Despite acknowledging that the proposal would *"not be unduly prominent"* the Officer goes on to conclude that *"until detailed plans are submitted it is difficult to comment on this with any degree of certainty..."*

The Council can use conditions to provide all of the clarity and certainty that it needs to ensure that the proposed dwelling utilises the slope to the rear, and that as far as possible the house would be built into the bank, avoiding the need for underbuilding as far as possible. The applicant has demonstrated commitment to do so both in the visualisation submitted in support of the application and as described in the Planning Statement.

It is all the more frustrating that whilst having provided with this information, the Officer (despite clearly seeking re-assurance on the matter) did not seek to approach the applicant to obtain additional information or commitment to address these concerns. There is no reason why this matter could not be conditioned to provide the necessary certainty.

#### **Unsubstantiated concerns about visual impact and unreasonable conclusions about pressure to develop adjacent land**

The assessment in the Report of Handling states that *"The application is in principle so the full impact on visual amenity would be assessed should any detailed proposal be submitted. However placemaking policies require proposals to contribute positively to the built and natural environment. Due to the open nature of the site and the site configuration I still consider that it is highly likely that any proposed dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment. The site is triangular in shape and relatively narrow. It is also likely that there will be pressure to extend the garden ground into the field below further detracting from the rural nature of the area."*

The first section of this section of the Report of Handling is correct. The application is for permission in principle, and therefore visual amenity and impact would be assessed at the detailed stage. However, the Officer then goes on to conclude that *“it is highly likely that any proposed dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment”* without providing any explanation as to why this conclusion has been reached. All matters relating to design, siting and finishing materials are dealt with at the detailed design stage in the submission for Approval of Matters Specified in Conditions. Conditions can be used to ensure that the building is of an appropriate height (no more than 1.5 storeys) is situated appropriately, landscaped properly and finished with appropriate materials.

Of greatest concern however, is the Officer’s assumption that *“It is also likely that there will be pressure to extend the garden ground into the field below further detracting from the rural nature of the area”*.

According to Annex A of Circular 3/2013: Development Management Procedures, there are two tests which define a whether a consideration is *“material or relevant”*. The second test states *“It should relate to the particular application.”* Quite simply, concerns about the impacts of hypothetical applications that may never be submitted are of no relevance whatsoever to this proposal. Therefore they cannot reasonably be material considerations.

It is a fundamental principle of the planning system that each application must be treated on its own merits. It is clear from the Report of Handling that the Officer has considered the prospect of a future planning application on adjacent land and that this has influenced the conclusion on this application. This is wholly inappropriate and unreasonable.

We note that the Officer acknowledges that the proposal will not be unduly prominent. Conditions can be imposed to ensure that the building is of an appropriate height (no more than 1.5 storeys) is situated appropriately, landscaped properly and finished with appropriate materials. Conditions can also ensure that the building is set into the rising landform to minimise underbuilding as far as practical as a fundamental design principle for the detailed design.

## Conclusions and Recommendations

In conclusion, it has been demonstrated that:

- There are no public comments or objections to this proposal;
- There are no objections or technical concerns from any of the Council's internal or external consultees to this proposal;
- There are significant concerns in the assessment of the proposal in the Report of Handling, in particular related to unsubstantiated assertions and assumptions by the Case Officer relating to ground levels and future applications;
- The Report of Handling acknowledges that the information submitted by applicant in support of the proposal confirms that it "would not be unduly prominent". This does not support an overall conclusion that the proposal would have an adverse visual impact. The second reason for refusal is illogical, and contrary to the assessment of the proposal;
- It has incorrectly been stated that the proposed dwelling would be "significantly lower" than the other existing buildings in the group. This led to a conclusion that the proposal would not comply with Policy PM1. This is not correct, the adjacent triple garage to the south east occupies lower ground than the proposed dwelling;
- Assumptions regarding future planning applications are not material considerations in the assessment of a planning application. Each case is judged on its own merits. Any future application for a different site would be judged on its own merits against the appropriate planning policy on that time. It is not reasonable for concerns about future planning applications to influence the decision on this application;
- For the reasons set out above, the two reasons for refusal of the application cannot be sustained; and
- The proposal is in accord with the requirements of LDP Policies RD3 and PM1 as well as the Housing in the Countryside Guide (2012).

For all of the reasons set out in this statement, the applicant wishes the Local Review Body to reconsider the decision to refuse to grant planning permission in principle for the proposed dwelling. The applicant is willing to agree to a number of conditions regarding the size, siting and construction of the proposed dwelling to give the Council the necessary comfort that visual amenity will be in accord with Council policies. To that end, Review Doc 2 sets out a list of suggested conditions and informatives.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100071639-001

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

## Type of Application

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

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

## Description of Proposal

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

Erection of a dwellinghouse (in principle)

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

|                      |                                       |                                                               |
|----------------------|---------------------------------------|---------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>       | You must enter a Building Name or Number, or both: *          |
| Other Title:         | <input type="text"/>                  | Building Name: <input type="text" value="Balnacree Cottage"/> |
| First Name: *        | <input type="text" value="Peter"/>    | Building Number: <input type="text"/>                         |
| Last Name: *         | <input type="text" value="McRobbie"/> | Address 1 (Street): * <input type="text" value="Balnacree"/>  |
| Company/Organisation | <input type="text"/>                  | Address 2: <input type="text"/>                               |
| Telephone Number: *  | <input type="text" value=""/>         | Town/City: * <input type="text" value="Donavourd"/>           |
| Extension Number:    | <input type="text"/>                  | Country: * <input type="text" value="Scotland"/>              |
| Mobile Number:       | <input type="text"/>                  | Postcode: * <input type="text" value="PH16 5JS"/>             |
| Fax Number:          | <input type="text"/>                  |                                                               |
| Email Address: *     | <input type="text" value=""/>         |                                                               |

## Site Address Details

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

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="757005"/> | Easting | <input type="text" value="296093"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☒ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

This is a fresh application following refusal of 16/01504/IPL. Discussion held with Council regarding the reasons for refusal and requirements for resubmission.

Title:

Mr

Other title:

First Name:

John

Last Name:

Williamson

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1640.00

Please state the measurement type used:

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

## Existing Use

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

Vacant land.

## Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network  
☒ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.  
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☒ Discharge to land via soakaway.  
☐ Discharge to watercourse(s) (including partial soakaway).  
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Surface water will be via new soakaway and foul water via septic tank/treatment plant and soakaway.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☐ Yes  
☒ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

## All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

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

Certificate E

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

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

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

Or

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

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

Name:

Address:

Date of Service of Notice: \*

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

Signed: Mr Peter McRobbie

On behalf of:

Date: 27/10/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

Supporting planning statement

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Peter McRobbie

Declaration Date: 27/10/2017

## **Statement in Support of the application for Planning Permission in Principle by Peter McRobbie for the erection of a single dwellinghouse on land to the south of Balnacree House, Donavourd.**

This statement has been prepared to accompany an application for Planning Permission in Principle (PPP) for the erection of a single dwelling at Balnacree, Donavourd. This is a fresh application following the decision of Perth and Kinross Council to refuse to grant PPP for a dwelling on the site (ref: 16/01504/IPL dated 28<sup>th</sup> October 2016). This statement will address the reasons for the refusal of the previous application and set out the proposal's compliance with the development plan.

The over-riding policy context has not changed significantly since the determination of the previous application. TAYplan 2, the second Strategic Development Plan for the area, has formally been approved by the Scottish Ministers. However, this proposal by its nature raises little by way of strategic relevance to the SDP.

### **The Proposal**

The Applicant, Peter McRobbie and his family have resided at Balnacree for 55 years. The existing cottage at Balnacree was originally built in the 17<sup>th</sup> century. This proposal is for a new a new, modern and more efficient family home at Balnacree.

It is proposed to erect a single storey house on presently vacant land at Balnacree Cottage. As the Application seeks Planning Permission in Principle, full details of the proposed dwelling are not available at this stage.

The Indicative Layout drawing submitted in support of the Application illustrates the location of a new house and garage within the site. Private garden ground is provided and a new septic tank and soakaway would be provided within the site.

The Applicant's vision is for a new single storey home of timber construction and finish, inspired by Scandinavian timber lodges. It is proposed that timber for the new home would be sourced locally. The proposed new house would benefit from a south facing aspect, with excellent views over the Tummel Valley.

Vehicular access will be taken from the existing private drive (owned by the Applicant). The proposed vehicular access is illustrated on the Indicative Layout drawing as being to the front of the proposed dwelling house. It is noted that the gradient of the proposed new access will comply with Council standards.

The topography of the land within the site slopes from north east down to the south west. The proposal seeks to minimise groundworks, in accord with Council policy to create a suitable platform for the house that minimises engineering works and negates the the need for significant underbuilding.

Semi-mature landscaping exists on the south east and south west boundaries.

### **The proposal's response to the previous reasons for refusal**

This section of the statement responds to the previous reasons for refusal, confirming why they are no longer relevant considerations.

1. *The proposal is contrary to Policy RD3: Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.*

Response: It is submitted that the site is an appropriate addition to the building group at Balnacree. It is a triangular site that is bounded by residential property to the east (south east) and a road with residential property to the north (north east). The southern boundary is a well defined field boundary with landscaping in the form of semi-mature trees. As explained below, the site is in accord with similar suitable extensions to building groups as highlighted in Council guidance in *Siting and Design of New Houses in Rural Areas*, compliance with which is a pre-requisite of Council Policy in the *Housing in the Countryside Policy* (2012).

Compliance with this policy requirement is explained further in the following section.

2. *The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site and the need for substantial engineering works it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.*

Response: This reason for refusal relates to concerns regarding the visual impact about the house in relation to engineering works. The applicant's original supporting statement confirmed that the applicant sought to reduce groundworks and to work with the site's topography where possible (page 4). It also confirmed that the proposed house would be cut into the slope to the rear, and would not be built on a significantly raised platform (page 7). The applicant confirmed that this would be in accord with the Council's *Siting and Design of Houses in Rural Areas* guidance.

However, this did not seem to be taken into account in the determination of the previous application. The need for "extensive" and "substantial engineering works" is an unsubstantiated assertion made by the Case Officer. At no point did the Case Officer request any additional information from the applicant in terms of existing or proposed levels, or to request any section or perspective drawings.

The applicant has now provided a perspective drawing to illustrate how the proposal would sit in the context of the surrounding topography. The level of detail must bear in mind that this is an application for PPP. The proposed layout is indicative only. For the avoidance of doubt, it is proposed to minimise the impact of groundworks. There is no need for extensive or intrusive engineering. The proposed dwelling would be cut into the existing slope. It would not be built on a raised, engineered platform.

The Council's *Siting and Design of Houses in Rural Areas* advises to "use or create a level site" and to "fit the house to the site without using a large amount of underbuilding". This is just what the proposal seeks to do. A level site will be created by cutting in to the slope, thus



avoiding the need for any underbuilding. Thus the proposal is wholly in accord with the Council's approved guidance in this regard.

Indeed, the site uses the surrounding topography which rises to the rear in a positive fashion. The rising landform provides a strong visual backdrop for the proposal. It will be extremely well contained by existing landform and trees. Again this is in accord with the guidance in *Siting and Design of Houses in Rural Areas*. Additional landscaping is now established on the site's eastern and southern boundaries.

*Reason 3. The proposal is contrary to policy PM4: Settlement Boundaries of the Perth and Kinross Local Development Plan 2014 which states that for settlements which are defined by a settlement boundary, development will not be permitted, except within the defined settlement boundary. The site is around 200 metres from an identified settlement boundary. Development in such close proximity to a settlement boundary would be contrary to policy PM4.*

Response: This is considered to be an unreasonable reason for refusal as Policy PM4 is not a relevant consideration. The application site is not within, nor is it on the adjoining edge of a defined settlement boundary. The site lies entirely within the countryside area as defined by the adopted LDP. Indeed, the Report of Handling and the first reason for refusal clearly acknowledge that the site is within the countryside.

Policy PM4 was introduced to the LDP as a recommendation of the Reporter at Examination (Issue 8b) as a result of concerns regarding the ability of the Proposed Plan to resist pressure to incrementally extend existing settlement boundaries. The Proposed Plan contained no policy presumption against development adjoining a settlement boundary. Any such proposal would be assessed under Policy RD3 in the same way as a proposal to extend a building group which did not have a settlement boundary.

Policy PM4 was therefore introduced to provide a policy presumption in favour of preserving settlement boundaries. The Examination Report clearly confirms that Policy PM4 is relevant only to proposals that would extend a settlement boundary. It is not relevant for proposals that would not adjoin a settlement boundary. The site is 200 metres away from a settlement boundary. It does not adjoin any settlement boundary. The Examination Report clearly states that applications for additions to building groups are to be assessed under Policy RD3. There is no locus to assess such an application under Policy PM4. Accordingly, this reason for refusal was unreasonable as Policy PM4 is not a relevant policy in the consideration of the proposal.

### **Compliance with the Development Plan**

The LDP was adopted in February 2014. It contains policies and proposals to guide development in Perth and Kinross over the period to 2024.

The LDP confirms that the land at Balnacree is not located within a settlement boundary is therefore considered as a countryside location. There are no site specific policies or designations affecting the site.

The LDP strategy acknowledges the importance of the contribution of windfall sites to the overall housing supply. Paragraph 4.3.10 of the LDP confirms that the Council anticipates that 10% of all house completions will come from unplanned or windfall sites. For Highland

Perthshire, this means that the Council anticipates that 110 homes will be built from windfall sites over the period 2010-2024.

Paragraph 6.1.12 states:

“Windfall or small sites can play an important role in sustaining villages outwith the main settlements whilst retaining the character of each settlement and the high value of the natural environment within the area. The level and type of development within villages will be influenced by the needs of the local economy and the capacity of existing infrastructure.”

Paragraph 4.3.11 of the LDP confirms that 15% of all house completions in the Highland Perthshire Area will come from small sites of 5 homes or less.

The LDP therefore acknowledges the importance of approving housing development from small windfall sites such as this in meeting housing need and demand in Highland Perthshire. This is even more pertinent in circumstances where there is a shortfall in the effective housing land supply.

The following policies in the LDP are relevant to this Application.

RD3: Housing in the Countryside

PM1: Placemaking

PM3: Infrastructure Contributions

TA1: Transport Standards and Accessibility Requirements

ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

EP2: New Development and Flooding

EP3: Water Environment and Drainage

Policy HE1B: Non-Designated Archaeology

*Policy RD3: Housing in the Countryside* states that the “Council will support the erection, or creation through conversion, of single houses groups of houses in the countryside which fall into at least one of the following categories:

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

Proposals considered under any of these categories must comply with the Council's relevant Supplementary Guidance, particularly the Housing in the Countryside Guide.

The proposal is for the erection of a single new build house. The Application site is located within an existing group of 3 houses and one holiday chalet. There are existing residential properties to the east and to the north. The site occupies a triangular plot between them. Therefore, the proposal falls to be considered under the Building Groups category.

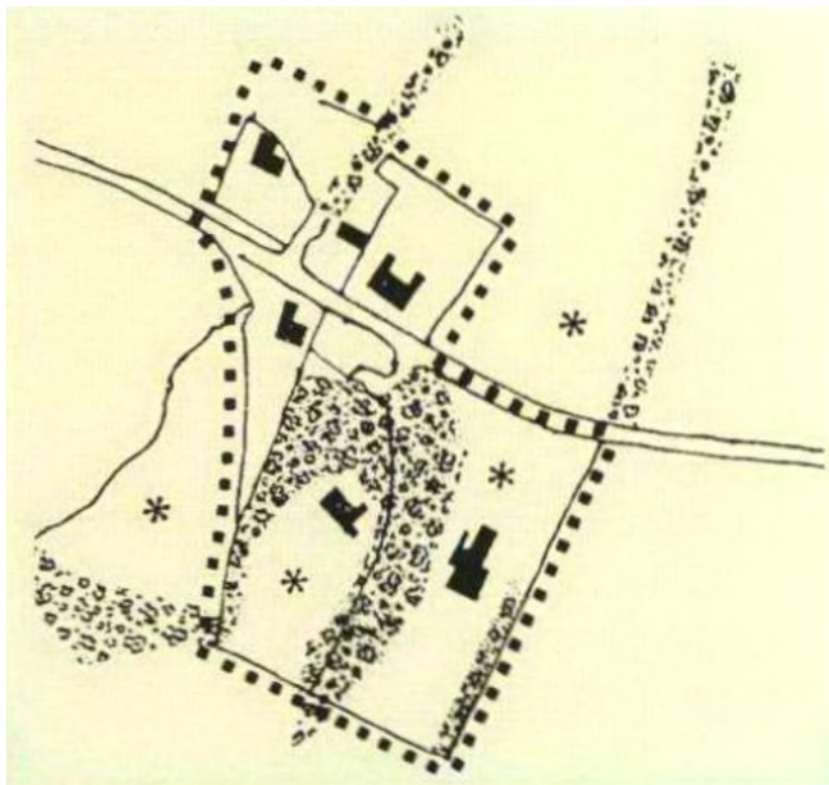
The Housing in the Countryside Guide defines a building group as “3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature.”

The Application site is within a group of 3 or more buildings as described above.

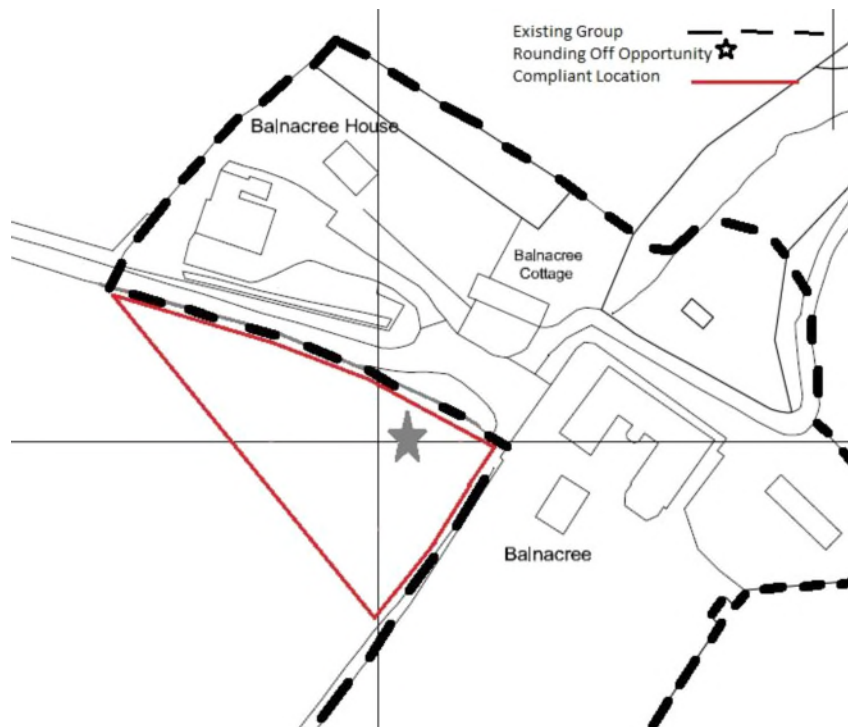
Consent will be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

The Application site is well defined by the existing road to the rear and the boundary of the neighbouring property to the west. The south west boundary features existing landscaping, ensuring that the group is well contained. This will further mature over time, providing a defensible edge that will prevent the further spread of the group, in accord with the requirements of *Siting and Design of Houses in Rural Areas*.

A comparison between the suitable rounding off locations illustrated in Council Policy in *Siting and Design of Houses in Rural Areas* and this proposal is illustrated below:



In the above image appropriate sites are highlighted with a star. There are appropriate additions to the west (a triangular plot bounded by a single house, trees and a watercourse or fence line) and to the north east (bounded to the west by a house, south by a road, east by trees/hedging, and the north boundary is completely undefined). The application site is illustrated below.



It is evident that the application site is bounded by a house to the east, a road to the north (with housing beyond) and the south western boundary is enclosed by trees and a long established boundary). There is no difference between this application site and those sites highlighted as appropriate additions to building groups in Council Policy.

The proposal is for a home of a similar scale to the existing house at Balnacree Cottage. It would be smaller than the larger homes at Balnacree House and Balnacree Steading. The proposal would be in keeping with the scale and character of the existing homes. The proposed home would not be overlooked or overshadowed, nor would it overlook or overshadow the neighbouring homes. A suitable standard of amenity will be achieved.

*Siting and Design of Houses in Rural Areas* also advises that new proposals should use existing topography to provide a landscape setting for the new house. This reduces scale and visual impact and makes the development immediately look established.

It is proposed that a level platform is created by cutting in to the rising ground to the north east, rather than raising the ground level by constructing a raised platform. This will ensure that the proposal is well integrated into the landscape and minimises underbuilding.

The proposal accords with this guidance, utilising the rising landform to the rear. This is illustrated in the supporting perspective sketch drawing.

The use of timber in construction and as a finishing material is supported by *Siting and Design of Houses in Rural Areas*. There are a number of existing timber built chalet style buildings in the locality. Accordingly, the proposal will not be incongruous in its surroundings.

The proposed new house will be located more than 20 metres away from any existing house. Accordingly, there will be no loss of amenity through window to window overlooking. As a

result of the topography of the location and the position of the existing houses, there will be no loss of amenity through overshadowing.

Accordingly, the proposal is in accord with the requirements of *The Housing in the Countryside Guide* and the *Siting and Design of Houses in Rural Areas*. It therefore follows that the proposal is in accord with *Policy RD3: Housing in the Countryside*.

*Policy PM1: Placemaking* is split in three sections, some of which are not relevant to a proposal for a single house. The proposal will be a well designed addition to the group, it would be sited well within the landscape as explained above and as such would contribute positively to the surrounding environment. It would respect the site's topography, complement the surrounding area in terms of scale, character, massing and materials and include provision for additional landscaping.

For these reasons, the proposal complies with the relevant aspects of Policy PM1.

*PM3: Infrastructure Contributions* sets the Development Plan context for the Council to secure financial contributions through planning obligations to mitigate the individual and cumulative impact of development.

Detailed guidance about developer contributions is set out in Supplementary Guidance. In this case, the only relevant Supplementary Guidance relates to Primary Education. Section 4 of the Supplementary Guidance (Primary Education and new Housing Development) states that the Council will identify a school capacity constraint when the roll reaches 80% of capacity.

According to the Council's annual SCOTXED returns, the capacity of Pitlochry Primary School is for 300 pupils. The 2016/17 census roll was 190 pupils. This is 63% of capacity. Accordingly, there is no requirement for any financial contributions towards increased capacity at Pitlochry Primary School.

*TA1: Transport Standards and Accessibility Requirements* sets out policy requirements for significant travel generating development. As this proposal is for a single house and therefore not a significant travel generator, the requirements of this Policy are not directly relevant to this proposal.

However, it is noted that there is an existing bus route within around 10 minutes walk from the site that provides services to Pitlochry. The Council's car parking standards will be met and this can be secured by a planning condition.

*ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes* states that development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross' landscapes. Development proposals should not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

It is noted that there are no landscape designations on the Application site. The site is not readily visible in public views, particularly from existing transport routes. The proposal is within an existing group of buildings. All of the buildings within the group are to the rear of the Application site. Therefore the proposal will be seen in the landscape as part of an

existing group of buildings. The proposal would not incorporate significantly engineered platforms or underbuilding to accommodate the new house. The rising landform to the rear of the Application site, as well as the existing trees and landscaping, provides significant visual containment for the proposal. The proposed landscaping on the south western boundary will further ensure the visual integration of the proposal.

Therefore, the proposal will have a minimal impact on the characteristics and features of Perth & Kinross' landscapes, and is in accord with Policy ER6.

The proposal is not within an area identified as being at risk of pluvial or fluvial flooding. Accordingly, the proposal complies with the requirements of *Policy EP2: New Development and Flooding*.

*Policy EP3: Water Environment and Drainage* is relevant to the proposal in respect of parts EP3B and EP3C.

*Policy EP3B: Foul Drainage* states that private drainage systems may be permitted where there is little or no public system available and the proposal does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks.

There is no public drainage system available to serve the proposal. A private drainage system is proposed through septic tank and soakaway. This is illustrated in the Indicative Layout drawing. The soakaway system is provided in land owned by the Applicant. The proposal is designed to comply with the SBSA Technical Handbook. Further details will be provided at the detailed design stage.

The proposal is in accord with the requirements of *Policy EP3B: Foul Drainage*.

*Policy EP3C: Surface Water Drainage* requires that new proposals employ suitable SUDS measures. The proposal will ensure that surface water run off from the proposal is contained to no greater than existing Greenfield rates. Further details will be provided at the detailed design stage. This will ensure that the proposal is in accord with Policy EP3C.

The site is partly within the *Balnacree Farmstead Historic Environment Record*. This is a non-statutory designation. *Policy HE1B: Non-Designated Archaeology* states that the Council may impose conditions on the grant of planning permission, if necessary, to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

A desktop review of historic mapping confirms that the site has not been significantly developed and most likely been in agricultural use throughout. The 1867 mapping indicates that there may have been some kind of enclosure around the site, but this is not confirmed. Given previous agricultural use, the potential for any surviving archaeological remains of any significance is therefore low.

## **Conclusion**

This Statement has been prepared in support of a fresh application for Planning Permission in Principle by Peter McRobbie for the erection of a new dwellinghouse at Balnacree, near Pitlochry.

This Statement confirms that the proposal is in accord with the provisions of the development plan. Material considerations provide further support for the proposal.

In particular, it has been demonstrated that:

- The proposal is a suitable addition to an existing building group in accord with the Council's approved Supplementary Guidance and LDP Policy RD3.
- Engineering works will be minimised and the need for underbuilding negated. The proposed house will integrate well in the surrounding landscape in accord with the *Housing in the Countryside Policy* and *Siting and Design of Housing in Rural Areas*.
- All matters raised in the previous application have been addressed.
- The proposed access arrangements meet the requirements of Council Policy.
- Policy PM4 is not a relevant consideration in the determination of this application.
- There is adequate capacity at Pitlochry Primary School with no requirement for any financial contribution to augment capacity.
- Detailed design matters will be considered through the submission of subsequent application(s) for Approval of Matters Specified in Conditions.

In accord with the provisions of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, it is therefore recommended that Planning Permission in Principle is granted.





# PERTH AND KINROSS COUNCIL

Mr Peter McRobbie  
Balnacree Cottage  
Balnacree  
Donavourd  
PH16 5JS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 29th November 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01915/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th October 2017 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres South Of Balnacree House Donavourd** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3: Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.
2. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.

## **Justification**

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

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

**17/01915/1**

**17/01915/2**

**17/01915/3**

**17/01915/4**

**17/01915/5**

**17/01915/6**

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                 |      |
|------------------------|-----------------|------|
| Ref No                 | 17/01915/IPL    |      |
| Ward No                | N4- Highland    |      |
| Due Determination Date | 26.12.2017      |      |
| Case Officer           | Persephone Beer |      |
| Report Issued by       |                 | Date |
| Countersigned by       |                 | Date |

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 30 Metres South Of Balnacree House Donavoured

### SUMMARY:

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

**DATE OF SITE VISIT:** 6 November 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission in principle is sought for the erection of a dwellinghouse on land 30 metres south of Balnacree House, Donavoured. The site is part of an unkempt area at the top of a grazed field in a rural location around 200 metres from the Donavoured settlement boundary. There are two existing dwellinghouses on ground above the site, separated from the site by an access track, and a large modern property to the east that was constructed on the site of an old steading building. The site measures 1640 square metres.

An application for a similar proposal was refused in October 2016. This is a new application which seeks to address the reasons for refusal.

## **SITE HISTORY**

16/01504/IPL Erection of a dwellinghouse (in principle) 28 October 2016  
Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy PM4 - Settlement Boundaries**

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

### **Policy RD3 - Housing in the Countryside**

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

### **Policy EP3B - Water, Environment and Drainage**

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

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

## OTHER POLICIES

Housing the Countryside Supplementary Guidance  
Developer Contributions Supplementary Guidance

## CONSULTATION RESPONSES

Transport Planning

No objection subject to condition.

Contributions Officer

The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure.

Scottish Water

No response.

Environmental Health

Private water

The development is for a dwelling house in a rural area with private water supplies (including Balnacree) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water an informative note is required to be attached to any planning permission.

Contaminated Land

A search of the historic records did not raise any concerns regarding ground contamination.

Development Plans

A view is requested on the interpretation of Policy PM4 of the adopted LDP as it relates to this planning application.

Policy PM4, as inserted into the Plan by the Reporter during the examination process, is not particularly clear and this is something which we are seeking to address in Proposed LDP2. However, my view is that Policy PM4 applies to proposals for development which directly adjoin a settlement boundary. Given that this proposal does not directly adjoin the settlement boundary at Donavoured I would suggest that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside.

## REPRESENTATIONS

There have not been any representations received in relation to this application.

## ADDITIONAL STATEMENTS RECEIVED:

|                                                               |                                |
|---------------------------------------------------------------|--------------------------------|
| Environment Statement                                         | Not Required                   |
| Screening Opinion                                             | Not Required                   |
| Environmental Impact Assessment                               | Not Required                   |
| Appropriate Assessment                                        | Not Required                   |
| Design Statement or Design and Access Statement               | Supporting statement submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required                   |

## APPRAISAL

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

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

### Policy Appraisal

The site is within an area where the housing in the countryside policy (RD3) of the Perth and Kinross Local Development Plan applies. This, along with the associated Housing in the Countryside Guide, is the main policy consideration in the determination of this application.

The main thrust of the policy is to safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved.

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- (a) Building Groups.
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.

- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

In this case the proposal does not accord with any of the relevant categories of the housing in the countryside policy. In particular the proposal should be judged in terms of the building group part of the policy. Whilst the existing cluster of buildings can be categorised as a building group as outlined within the policy, any extension to a group must respect the layout and building pattern of the group. The policy states that: "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 this instance the proposed site does not relate well to the existing building group. It extends the group into the top part of an existing field and any development would be at a significantly lower level than the existing buildings in the group. The proposed site has a rough, unkempt appearance. The existing topography does not give definition to the site. It slopes down into the field and there are no well established landscape features that would define the site or provide a landscape setting.

I would also highlight that the site is around 200 metres from a settlement boundary as identified in the Local Development Plan. Policy PM4 states that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary. Previously this proximity to a settlement boundary was given as a reason for refusal. Having consulted the Development Plan Team they advise that Policy PM4, as inserted into the Plan by the Reporter during the examination process, is not particularly clear and that this is something which is being addressed in the Proposed LDP2. However, it is the view of the Development Plan Officer that Policy PM4 applies to proposals for development which directly adjoin a settlement boundary. Given that this proposal does not directly adjoin the settlement boundary at Donavoured it is considered that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside. This reason for refusal has therefore been removed from this application. However it is still considered that the proposal fails to meet the terms of the housing in the countryside policy.

It was also considered previously that the site did not comply with placemaking policies and that the site works required to form a suitable area for construction of a house would have an adverse visual impact. This re-submission includes an indicative layout however I still consider that the development of this site located below the existing group would not comply with placemaking policies that seek to ensure development contributes positively to the quality of the surrounding built and natural environment.



## **Design and Layout**

The proposal is in principle although an indicative house position and sketch design has been shown. There was concern previously that extensive ground works would be required to provide sufficient level ground for any proposed house resulting in an overly engineered development in this open rural location. Additional information has been submitted by the applicant suggesting that the proposed house would be set in to the bank and would not be unduly prominent. However until detailed plans are submitted it is difficult to comment on this with any degree of certainty and I still have concerns with the site configuration and that any sizable building, forward of the main building group would not contribute positively to the quality of the surrounding built and natural environment and be contrary to policy PM1 Placemaking.

## **Landscape**

The appearance of the site has not changed significantly since application no. 16/01504/IPL was refused. There are no significant trees on the site which is generally overgrown with weeds. The access track forms part of the northern boundary with a low hedge extending along the north east part of this boundary. This hedge and track provides a well-defined boundary at the top of the site, giving a clear separation between this site and the existing building group. The other boundaries are not defined either by existing topography or well established landscape features. There is a post and wire fence with some intermittent small beech trees along part of the southwest boundary. This does not form an established landscape feature as required by Development Plan policy. The site slopes down into a large grazed agricultural field and relates more to this than to the existing building group. There are extensive views of the surrounding countryside from the site.

## **Residential Amenity**

The application is in principle. Any issues with regard to residential amenity would be fully addressed should a detailed application be submitted.

## **Visual Amenity**

The application is in principle so the full impact on visual amenity would be assessed should any detailed proposal be submitted. However placemaking policies require proposals to contribute positively to the built and natural environment. Due to the open nature of the site and the site configuration I still consider that it is highly likely that any proposed dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment. The site is triangular in shape and relatively narrow. It is also likely that there will be pressure to extend the garden ground into the field below further detracting from the rural nature of the area.

## **Roads and Access**

There is an existing private track that would access the site which also serves other properties in the area. There was previously an objection to the use of the access although no objections have been received this time. The Transport Planner has been consulted and does not object to the route shown. However further details will be required with regard to access and parking matters should any further application be submitted.

## **Drainage and Flooding**

There was concern previously about the potential for surface water flooding from the new house as it is suggested that the development would increase water on the access road. Further drainage details will be required with any detailed proposal but it would be expected that a SUDS scheme would be required to ensure that surface water stays within the site boundaries.

## **Private Water**

The development is for a dwelling house in a rural area with private water supplies (including Balnacree) believed to serve properties in the vicinity. Environmental Health has requested that any consent included an informative note to ensure the new development has an adequate and consistently wholesome supply of water.

## **Contaminated Land**

A search of the historic records did not raise any concerns regarding ground contamination.

## **Developer Contributions**

### **Primary Education**

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

This proposal is within the catchment of Pitlochry Primary School.

Should the application be approved a condition will be attached to ensure that any detailed proposal is in line with the Developer Contributions policy.

## **Economic Impact**

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

## **Conclusion**

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

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application**

## **Reasons for Recommendation**

1 The proposal is contrary to Policy RD3: Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.

2 The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.

**Justification**

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

**Informatives**

None.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01915/1

17/01915/2

17/01915/3

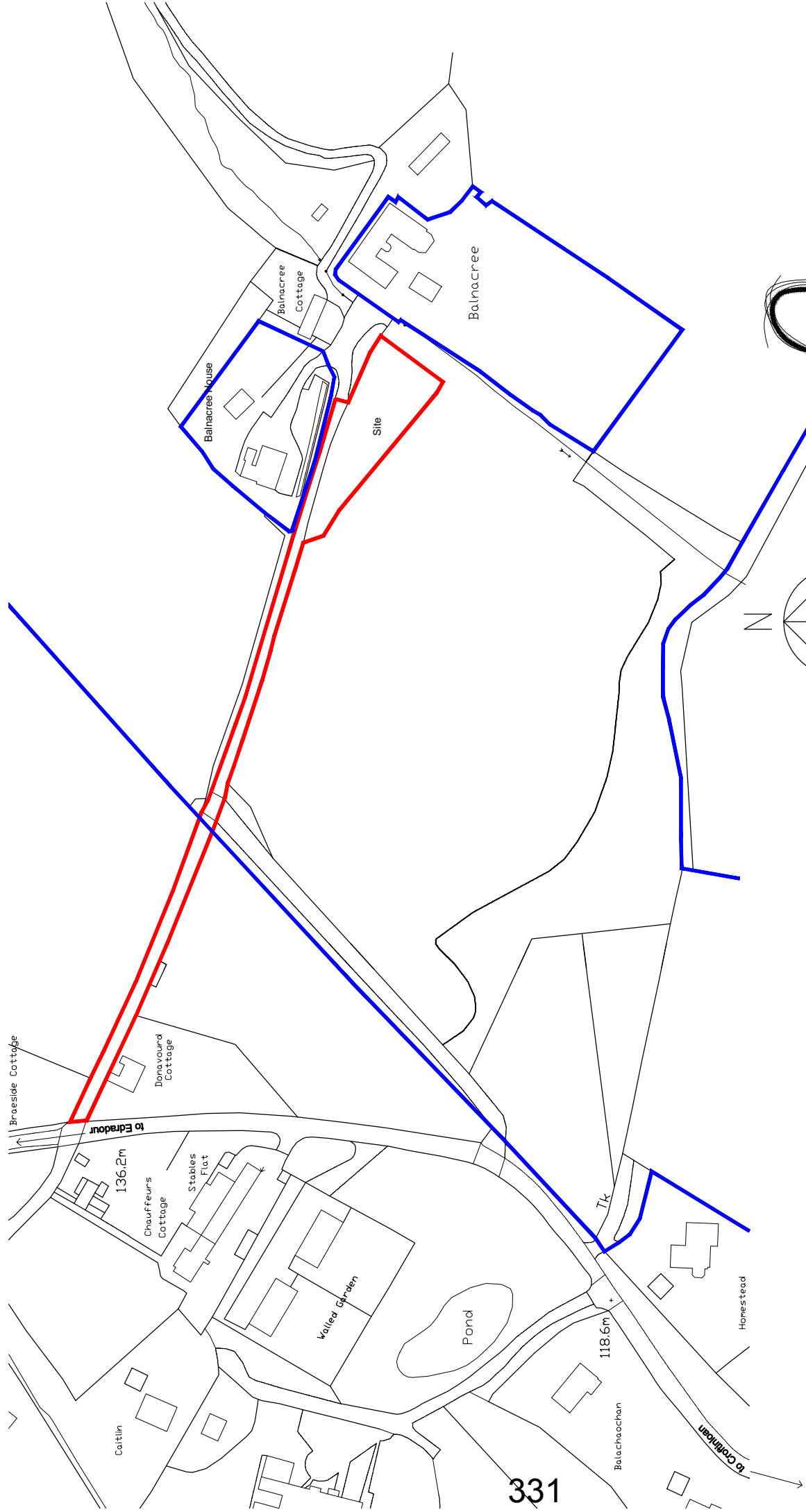
17/01915/4

17/01915/5

17/01915/6

**Date of Report**

**27.11.2017**





# Orchill

**Architectural Consultants**  
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## Location Plan

|           |             |              |        |          |
|-----------|-------------|--------------|--------|----------|
| Scale(s): | Size:       | First issue: | Drawn: | Checked: |
| 1:1250    | A3          | 20/10/17     | bh     | jh       |
| Job no:   | Drawing no: |              | Rev:   |          |
| 243       | 01          |              | A      |          |

|                    |                           |
|--------------------|---------------------------|
| Client:            | Project:                  |
| Mr P McRobbie      | New Dwelling at Balnacree |
| Drawing:           |                           |
| Site Location Plan |                           |

|     |          |                                |     |
|-----|----------|--------------------------------|-----|
|     |          |                                |     |
| Rev | Date     | Description                    | By  |
| A   | 26/10/17 | Ownership boundaries confirmed | BH  |
|     |          |                                | JH  |
|     |          |                                | Chk |

1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies are to be reported to Orchill. 2. This drawing is copyright and may not be reproduced or used for any purpose other than that intended without the prior written agreement from Orchill Architectural Consultants.

All dimensions and setting out must be checked on site. Use written in preference to scaled dimensions. If in doubt ask.



Proposed Site Plan







Review Doc 1 – Illustration of site in context of surrounding houses, landform and existing landscaping



The above image demonstrates that the site of the proposed dwelling is visually contained by a combination of the existing dwellings within the group, rising landform and the existing mature trees. Additional planting already carried out, with further planting as part of a landscaping scheme for the site, will further integrate the new home into its surroundings. As confirmed in the Report of Handling, the proposal “would not be unduly prominent”.









## Review Doc 2 – Applicant's suggested conditions

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 3 Notwithstanding condition 1, the proposed dwelling shall be of single storey or one and a half storey design, with any accommodation at first floor level contained within the roofspace and with all details and finishing materials sympathetic to the other dwellings in the area, all to the satisfaction of the Council as Planning Authority. It shall be demonstrated that the proposal dwelling will be built into the slope where possible, minimising the need for underbuilding.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 In pursuance of condition 1, the landscaping scheme shall include:
  - (i) The location of new trees, shrubs hedges, grassed areas and water features.
  - (ii) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
  - (iii) The location design and materials of all hard landscaping works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

#### Informatives

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 The applicant shall ensure the private water supply for the house/development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

**TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 319-320)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 321-330)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 331-333 and 336)*



**TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd**

## **REPRESENTATIONS**





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01915/IPL

Our ref ALS

Date 31/10/2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse (in principle) Land 30 Metres South Of Balnacree House Donavourd for Mr Peter McRobbie**

I refer to your letter dated 30/10/2017 in connection with the above application and have the following comments to make.

**Water** (assessment date – 31/10/2017)

### Recommendation

**I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.**

### Comments

The development is for a dwelling house in a rural area with private water supplies (including Balnacree) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and please note the following informative. No public objections relating to the water supply were noted at the date above.

### PWS - Informative 2

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

AS



### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01915/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Address of site</b>                          | Land 30 Metres South Of Balnacree House, Donavoured                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                                                           |
| <b>Comments on the proposal</b>                 | <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School.</p>                                                                                                                                                  |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        | <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                                                           |
| <b>Date comments returned</b>                   | 09 November 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK17/01915/IPL

Our ref LJA

Date 14 November 2017

Tel No (

The Environment Service

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

## Consultation on an Application for Planning Permission

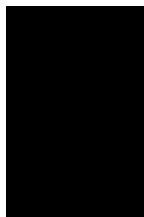
### PK17/01915/IPL RE: Erection of dwellinghouse (in principle) Land 30m South of Balnacree House Donavourd for Mr Peter McRobbie

I refer to your letter dated 30 October 2017 in connection with the above application and have the following comments to make.

#### Contaminated Land (assessment date – 14/11/2017)

#### Recommendation

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





### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------|
| <b>Planning Application ref.</b>                | 17/01915/IPM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Comments provided by</b> | Katrina Walker                 |
| <b>Service/Section</b>                          | TES:<br>Development Plans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Contact Details</b>      | Planning Officer<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                |
| <b>Address of site</b>                          | Land 30 Metres South Of Balnacree House, Donavourd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                |
| <b>Comments on the proposal</b>                 | <p>A view is requested on the interpretation of Policy PM4 of the adopted LDP as it relates to this planning application.</p> <p>Policy PM4, as inserted into the Plan by the Reporter during the examination process, is not particularly clear and this is something which we are seeking to address in Proposed LDP2. However, my view is that Policy PM4 applies to proposals for development which directly adjoin a settlement boundary. Given that this proposal does not directly adjoin the settlement boundary at Donavourd I would suggest that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside.</p> |                             |                                |
| <b>Recommended planning condition(s)</b>        | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                |
| <b>Recommended informative(s) for applicant</b> | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                |
| <b>Date comments returned</b>                   | 16/11/17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                |





### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                     |                             |             |
|-------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 17/01915/IPL                                                                        | <b>Comments provided by</b> | Niall Moran |
| <b>Service/Section</b>                          | Transport Planning                                                                  | <b>Contact Details</b>      | ██████      |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                          |                             |             |
| <b>Address of site</b>                          | Land 30 Metres South Of Balnacree House<br>Donavourd                                |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as roads matters are concerned I do not object to the proposed development. |                             |             |
| <b>Recommended planning condition(s)</b>        |                                                                                     |                             |             |
| <b>Recommended informative(s) for applicant</b> |                                                                                     |                             |             |
| <b>Date comments returned</b>                   | 16 November 2017                                                                    |                             |             |



**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 355-440***)
- (b) Decision Notice (***Pages 379-380***)
  - Report of Handling (***Pages 381-390***)
  - Reference Documents (***Pages 403-434***)
- (c) Representations (***Pages 443-456***)
- (d) Further Information (***Pages 457-462***)



**TCP/11/16(523) – 17/01749/FLL – Erection of a  
dwellinghouse and stables on land 90 metres west of  
Findatie Farm, Kinross**

**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 **SHONASH KINNAIRD**

Address **C10 FINDATIE FARM  
KINROSS**

Postcode **KY13 9LY**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name **ROBIN MATTHEW**

Address **PFA LTD  
39 DUNPACE CRESCENT  
DUNFERMLINE**

Postcode **KY12 9LZ**

Contact Telephone 1 **0151 225 1225**

Contact Telephone 2 **07515 396534**

Fax No

E-mail\* **robin@pfa.co.uk**

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 COUNCIL**

Planning authority's application reference number

**17/01749/FL**

Site address

**FINDATIE FARM, KINROSS, KY13 9LY**

Description of proposed  
development

**ERECTION OF A DWELLINGHOUSE AND STABLES**

Date of application

**06/10/2017**

Date of decision (if any)

**13/12/2017**

**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:

**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:

**SITE ACCESS WOULD REQUIRE FARMER TO OPEN FIELD GATES**



**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 ENCLOSED STATEMENT

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

Yes

No

☐☒

If yes, you should explain in the box below, why you are raising 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.

PLANNING APPLICATION DOCUMENTS  
STATEMENT OF REVIEW  
APPROVED HOLIDAY LODGES PLAN

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:

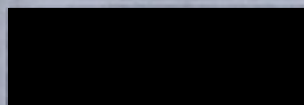
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

01/03/2018

**Statement of Review for the refusal of planning permission for erection of  
Erection of a dwellinghouse and stables on land at Findatie Farm, Kinross**



***March 2018***

**Job No: 1495**

## Contents

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## **1 Introduction**

- 1.1 PPCA Ltd has been instructed by Ms. Shonagh Kinnaird to lodge an appeal with the Council Local Review Body against the refusal of planning permission for the erection of a dwelling house and stables on land at Findatie Farm, Kinross.
- 1.2 The planning application (Perth & Kinross Council reference 17/01749/FLL was refused by delegated decision on 13<sup>th</sup> December 2017.
- 1.3 This Statement sets out the appeal position for Ms. Kinnaird, seeks to rebut the reasons for refusal and obtain planning permission for the proposed development on appeal. The original planning application has been included and should be viewed in conjunction with this planning appeal statement.

## **2 The site and proposed development**

### The site

- 2.1 The planning appeal site covers an area of circa 0.51 hectares and is located between the existing principal building group at Findatie Farm comprising the main farmhouse and farm sheds and the landscape boundary of the consented chalet development at the farm to the north of the B9097.
- 2.2 The site is roughly rectangular and will be accessed from the former B9097 that remained following the reconstruction of the road in the early 1980s. The site is bounded to the north by the new B9097 and to the east by the existing farm buildings.



*Proposed Access*

- 2.3 To the north is agricultural land beyond the fenced site boundary. To the west is the consented holiday lodge development at Findatie Farm. This boundary comprises a post and wire fence and beech hedge landscaping planted within the holiday lodge development.
- 2.4 The Council planning application describes the site as “Land 90 metres west of Findatie Farm”. This is considered incorrect as the site is, clearly, immediately adjacent to the existing farm building group.
- 2.5 The site is, clearly, a gap site between the farm building group and the nearby holiday lodge development with a frontage onto the B9097 of approximately 50 metres. It also forms part of the roughly square farm building group and forms a logical extension to that.

#### The proposed development

- 2.6 The proposed development comprises an architect designed bespoke single storey three bed home with garden ground, access from the former B09097 as noted above and a small stable block to the rear.

#### The need for the proposed development

- 2.7 The proposed development of the house is required to allow the existing farmer to retire and, thereby, free up one of the two tied cottages to the south of the B9097 for a replacement farm worker.



*Tied cottages to the south of the B9097*

- 2.8 Mr. Kinnaird, the farmer, runs the farm, comprising sheep rearing and suckling cows, with his son and grandson. Mr. Kinnaird is 78 years old and lives with his wife in one of tied cottages to the south of the B9097. There are currently two such cottages although there used to be four. Two of the cottages, closest to the B9097, were demolished in the early 1980s to make way for the realigned B9097 replacement road.
- 2.9 Mr. Kinnaird requires to move from the cottage when he retires to allow his son to take over the business and hire a replacement farm worker. It is not the intention of the farm to sell this property on the open market.

### 3 Site planning history

3.1 The wider farm has a planning history as set out below.

- 02/02034/FUL – development of 17 chalets and roads, services, drains and sewage system: Withdrawn
- 04/01388/FUL - Development of 14 chalets and roads, services, drains and sewerage system: Granted 11 November 2014
- 0500717/FUL – Erection of an above ground slurry store – withdrawn
- 05/01144/FUL – Extension to dwelling house: Granted 19 August 2005
- 05/02425/PN – Erection of general agricultural building: Granted 19 January 2006
- 08/01177/FUL – Erection of toilet facilities, seated area, reception and small shop: Granted 26 August 2008
- 14/00587/IPL – Erection of 16 holiday lodges and associated works (in principle) on land 200 Metres North West Of Findatie Farm: Granted 10 July 2014
- 14/00798/FLL – Erection of Wind Turbine
- 15/00449/AML – Erection of 16 holiday lodges and associated works (matters specified by conditions 1 and 2 of 14/00587/IPL relating to levels, landscaping, access and drainage for the whole site and chalet details and siting for plots 2-5 inclusive) on land 200 Metres North West Of Findatie Farm: Granted 26 May 2015
- 15/01070/FLL – Erection of wind turbine: Refused 4 September 2015

3.2 The most significant applications above are the grant of planning permission in principle and approval of matters specified in conditions for the holiday lodges as, firstly, these influence the landscaping requirements on the western boundary of the appeal site and create the gap site. Secondly, the appeal site overlaps the holiday lodges consent in its northwest corner (see Appendix 1). Part of the landscaping required for the holiday lodge consent is located within the appeal site. The Council is invited to impose a planning condition on the appeal site requiring that the landscaping associated with the holiday lodge site that overlaps the appeal site be implemented as part of a permission for the appeal site. A suggested wording is set out below –

*“The dwelling shall not be occupied until such time as the landscaping associated with the adjacent holiday lodge development (permission reference 15/00449/AML) within the area of overlap of the planning permissions is implemented and maintained in accordance with that consent”*



## **4 Perth & Kinross Council Reasons for Refusal**

4.1 The Perth & Kinross Council Decision Notice of 13<sup>th</sup> December 2017 sets out four reasons for refusal of the planning permission in principle application as follows –

- 1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.
- 3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

4.2 Dealing with each of the above in turn –

### Reason for refusal one

4.3 The full Local Development Plan Policy RD3 is set out below –

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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

(f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairstown Loch and the River Tay SACs.

Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.

#### 4.4 The Council Supplementary Guidance in Housing in the Countryside states –

##### 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).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy. Proposals which contribute towards ribbon development will not be supported.

##### 2. Infill Sites

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

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

- 4.5 The Supplementary Guidance also requires that all new development complies with various requirements. Addressing each of the relevant points in turn, the site has satisfactory access from the B9097. The proposed development is an architect-designed bespoke house that, through design and layout, appropriately reflects its surroundings. It has been established through the planning application process that there is no conflict between the proposed development and the operational farm adjacent. The house could be used for homeworking purposes by its occupants if required. The proposed development will increase biodiversity by replacing an operational agricultural field of low value with garden ground and a variety of flora species. There is no adverse impact on protected locations as set out in the Supplementary Guidance.
- 4.6 Regarding the siting criteria set out in Category 3 referred to above, the proposed house blends in with and forms an appropriate extension to the existing farm building group. It uses these buildings and the landscaping required for the adjacent holiday lodge development as a setting and backdrop. It uses an identifiable site. The adjacent holiday lodges are of the size of a traditional small cottage as set out above so create the western edge of the site in accordance with the Supplementary Guidance.
- 4.7 The Council is invited to impose a planning condition (as suggested in draft form above) to ensure that the landscaping associated with the holiday lodge development is implemented as part of a planning permission for the appeal site. It has no detrimental impact upon the surrounding landscape. It is set in line with existing adjacent buildings being located on a generally flat piece of land adjacent to the B9097 before a break of slope towards Loch Leven. It is not ribbon development (it fills a gap) nor will it extend a settlement boundary.
- 4.8 The appeal site clearly forms part of the Findatie Farm building group comprising principal farmhouse and outbuildings. It also represents an infill site in that it fills the fifty-metre gap between the operational farm and the boundary of the adjacent holiday lodge development. The boundary of the existing farm and holiday lodge development are established boundaries. The individual lodges are of a scale equivalent to a small cottage.



*Proposed development site showing existing farm to the right (east) and holiday lodge boundary to the left (west)*

- 4.8 The proposed development plot has a road frontage equivalent to the adjacent Findatie Farmhouse. The proposed house is proportional to its overall plot size.
- 4.9 It must, therefore comply with parts (a) and (b) of the above Policy and the Supplementary Guidance.
- 4.10 From the above, it is respectfully requested that Reason for Refusal One be dismissed.

#### Reason for refusal two

- 4.11 The reason contends that the proposed development would not contribute positively to the surrounding built and natural environment. Policy PM1A states –

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and Nature of the development.

- 4.12 The proposed development is a bespoke architect-designed house that takes reference from surrounding residential development to deliver a traditional style development using modern materials.

4.13 The Council Report of Handling contends that the proposed location of the new house would be prominent in the surrounding landscape and is not considered of a sufficient design quality.

4.14 However, that Report also notes that the proposed locating and scale of the house will make it subservient to the main farmhouse and several of the surrounding farm buildings which are immediately adjacent to the plot. It notes that the new house ridge, at 135.5m asl will be lower than the main existing farmhouse at 136.25m asl. It is comparable to the nearest farm building cited as 131.8m asl. As such, the new house cannot be prominent in the locality. It forms, instead, an appropriate extension to the existing building group.

4.15 The proposed house has also been relocated within the plot as part of the application process to accommodate this concern and the point raised by the Community Council.



*Existing farmhouse*



*Adjacent farm building*

4.15 Similarly, the design concept and materials used for the building respects the rural location and character of the area.

4.16 From the above, it is respectfully requested that Reason for Refusal Two be dismissed.

#### Reason for Refusal three

4.17 Local Development Plan Policy PM1b states –

All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

4.18 The proposed development forms part of, and relates to, the existing farm building group. It considers the context of surrounding development and is subservient to the majority of existing farm buildings. It is designed in keeping with surrounding development.

4.19 From the above, it is respectfully requested that Reason for Refusal Three be dismissed.

#### Reason for refusal four

4.20 The proposed development of a single house at the appeal site will not adversely impact upon the landscaping associated with the adjacent holiday lodge development. The Council is invited to impose a planning condition upon consent for the appeal site (see above) to ensure that this is delivered within the appeal site.

4.21 From the above, it is respectfully requested that Reason for Refusal Four is dismissed.

## **5 Council Report of Handling for the planning application**

- 5.1 The Report of Handling confirms that there are no statutory third-party objections to the proposed development.
- 5.2 The statement within the Report that “the proposed site is very open” is disputed. The B9097 represents a strong boundary to the south. Similarly, the landscaping associated with the adjacent holiday lodge development, when slightly more mature will create a strong boundary along the western edge of the site that may be enhanced by planting or fencing within the proposed garden of the appeal development.
- 5.3 In respect of design and layout the Report of Handling states that “There have been representations submitted with regard to the siting of the house suggesting that it should be at a similar level to the existing farmhouse which is located at a lower level”. This comment, from Partook Community Council, is not a representation. The response from the Community Council states that it does not object in principle to the proposed development. The Community Council describes the response as a “letter of comment” only. The house has been relocated within the appeal site as part of the original planning application process to address this concern.
- 5.4 The Report of Handling states “The site boundary of the chalet development overlaps with this planning application site boundary and I would have concerns that if the housing proposal is approved it is unlikely that the chalet development landscaping will be implemented”. The Council is invited to impose a planning condition on the grant of planning permission for the appeal site to ensure that it implements the landscaping associated with the holiday lodge development in the part of the site that overlaps the lodge consent. This addresses the concern above.
- 5.5 Comments within the Report of Handling on the visual impact of the proposed house are disputed as existing farm buildings adjacent are higher than the ridge height of the proposed house.
- 5.6 Lastly, the Report of Handling states that “The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development”. This is considered inaccurate as the proposed development will allow for the farmer to retire and release a tied agricultural dwelling to be occupied by a future farm worker required for the ongoing operation of the farm. The proposed development, therefore, allows the ongoing operation of an existing farm business.

## **6 Other material considerations**

### Scottish Planning Policy (2014)

- 6.1 Scottish Planning Policy of 2014 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 Scottish Planning Policy promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to the determination of planning applications and appeals.
- 6.2 It sets out policies in relation to housing in the countryside and rural development.
- 6.3 Paragraph 79 requires Development Plans to actively make provision for housing in rural areas.
- 6.4 Paragraph 75 goes on to state 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.
- 6.5 Paragraph 109 notes that the National Planning Framework "aims to facilitate new housing development ... through innovative approaches to rural housing provision". The proposed development meets the aims of both latter paragraph requirements and will deliver a sustainable extension to the existing building group.
- 6.6 In conclusion, the proposed development that is the subject of this appeal complies with the policy requirements set out in Scottish Planning Policy.



## **7 Conclusion**

- 7.1 In conclusion, the proposed of a new house at Findatie Farm as proposed through planning application 17/01749/FLL to Perth & Kinross Council represents a logical addition established farm building group and infills a gap site between the farm and nearby holiday lodge development.
- 7.2 It is a single house extension to the group that can be accessed and serviced using existing infrastructure arrangements that will not set a precedent for other such development elsewhere within the Council area. It will be located to protect the amenity and privacy of the existing building group.
- 7.3 It is necessary to allow the farmer to retire and pass his business on to younger family members and to recruit a new farm worker to replace him with appropriate accommodation.
- 7.4 All of the matters raised in the Reasons for Refusal can be addressed as set out above to allow the grant of planning permission for a house on the appeal site. From the above, it is respectfully requested that the Council Local Review Body overturn the refusal of planning permission for the proposed dwelling house at Findatie Farm.







## PERTH AND KINROSS COUNCIL

Ms Shonagh Kinnaird  
c/o Module Architects  
Mark Dowey  
24 Anchorscross  
Dunblane  
FK15 9JW

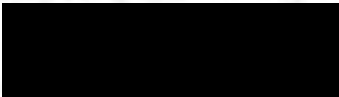
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 13th December 2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 17/01749/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 17th October 2017 for permission for **Erection of a dwellinghouse and stables Land 90 Metres West Of Findatie Farm Kinross** for the reasons undernoted.

  
Interim Development Quality Manager

### Reasons for Refusal

- 1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

- 3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

### **Justification**

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

### **Notes**

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

#### **Plan Reference**

17/01749/1

17/01749/2

17/01749/3

17/01749/4

17/01749/5

17/01749/6



# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01749/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 16.12.2017        |      |
| Case Officer           | Persephone Beer   |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:**      Erection of a dwellinghouse and stables

**LOCATION:**      Land 90 Metres West Of Findatie Farm Kinross

### SUMMARY:

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

**DATE OF SITE VISIT:** 20 November 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a single storey dwellinghouse and stables on land 90 metres west of Findatie Farm. The site measures 0.51 hectares which will include an area of paddock.

The site to the west is part of a holiday chalet development that was given in principle planning permission in 2014 for 16 chalets. An application for the detail of some of the plots and landscaping was approved in 2015 and some chalets have now been constructed. The proposals included landscaping of the ground which to date has not been undertaken. The approved site boundary for the chalets overlaps with that shown for this application.

## **SITE HISTORY**

14/00587/IPL Erection of 16 holiday lodges and associated works (in principle) Land 200 Metres North West Of Findatie Farm  
Kinross Approved July 2014

15/00449/AML Erection of 16 holiday lodges and associated works (matters specified by conditions 1 and 2 of 14/00587/IPL relating to levels, landscaping, access and drainage for the whole site and chalet details and siting for plots 2-5 inclusive) Land 200 Metres North West Of Findatie Farm  
Kinross Approved May 2015

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive*



*and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy RD3 - Housing in the Countryside**

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

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

## **OTHER POLICIES**

Housing in the Countryside

## **CONSULTATION RESPONSES**

Portmoak Community Council

Comments made in relation to siting of the house.

Community Waste Advisor - Environment Service  
No comments received.

The Coal Authority  
Site is not within a high risk area. No Coal Mining Risk Assessment is required. Coal Authority standing advice should be included as an informative note.

Scottish Gliding Centre  
No response received.

Transport Planning  
No objection.

Contributions Officer

Primary Education  
This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contribution is required.

Scottish Water  
Advice given. Developer should complete pre-development enquiry. No foul drainage in area.

Environmental Health  
No objections subject to conditions with regard wood burning stove. Informative note required with regard private water supplies.

## **REPRESENTATIONS**

The following points were raised in the 1 representation received from Portmoak Community Council.

The Community Council does not object to the proposals as they acknowledge that it may comply with criteria in the housing in the countryside policy. However it recommends that the position of the house be reviewed with a view to it being placed further north and down the hill so lessening the profile from the B9097 and bringing it more into line with the existing farm house.

These considerations will be addressed in the appraisal section of the report below.

#### **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

#### **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

#### **Policy Appraisal**

The site is within an area where the housing in the countryside policy (RD3) of the Perth and Kinross Local Development Plan applies. This, along with the associated Housing in the Countryside Guide, is the main policy consideration in the determination of this application.

The main thrust of the policy is to safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved.

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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

(f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

In this case the proposal should primarily be assessed in terms of parts a) Building groups and b) infill sites.

The existing farm contains a range of buildings and is considered to constitute a building group under the terms of the policy. The policy allows for proposals which extend a building group into a definable site formed by existing topography or well established landscape features which will provide a suitable setting. The proposed site is very open with a post and wire fence defining the boundary to the west and to the south along the road edge. The site does not meet the criteria set out in the policy of extending a building group.

The Housing in the Countryside policy also allows for infill development of up to two houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage. In this case the gap is between a farm shed and holiday chalets and does not meet the terms of the policy which requires the infill site to be between an established house and another substantial building. In this case the nearest buildings are holiday chalets to the west and a farm shed to the east. The site does not meet the terms of the infill section of the policy with regard to type and size of building that define the site.

Proposals must also meet other policies in the plan including PM1A and PM1B (placemaking) and policy ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes). These seek to ensure that development contributes positively to the quality of the surrounding built and natural environment and enhance landscape quality.

## **Design and Layout**

The proposal is for a single storey three bed dwellinghouse with integral garage finished in buff coloured render with Caithness effect quoins. The roof is proposed to be a slate effect fibre cement roof tile. The house is to be positioned around 30 metres to the north of the public road. The footprint of the proposed house measures around 25m x 11.6m.

There have been representations submitted with regard to the siting of the house suggesting that it should be at a similar level to the existing farmhouse which is located at a lower level. The plans show that the new house will be set around the 129m contour with a proposed new house ridge set at 135.5m. The ridge of the existing farmhouse is at a height of 136.25 metres. This is set at a lower level and has three storeys. The ridge of the nearest farm building to the proposal is set at 131.8 m. The new house will therefore be the dominant element of the building group if positioned as proposed.

The proposals also include a stable building to be constructed in a paddock to the north. This is proposed to be a small brick stables for three horses with dark grey roof and timber windows.

## **Landscape**

The site is within an area identified as part of the Loch Leven and Lomond Hills Special Landscape Area. The proposals indicate that some trees will be planted to the south east of the site with a beech hedge along the north side of the proposed access road. This access is also shown as linking through to the holiday lodge development.

There is an area of paddock proposed to the north of the house which will be bounded by a 1.2 metre ranch style timber fence. The other boundaries will be stock proof post and wire fencing. No soft landscaping of this area is proposed. This is in direct conflict with landscaping proposals approved as part of the adjacent chalet development. The site boundary of the chalet development overlaps with this planning application site boundary and I would have concerns that if the housing proposal is approved it is unlikely that the chalet development landscaping will be implemented.

## **Residential Amenity**

There are no immediate neighbours to the proposed house so there are no issues with regard potential overlooking or overshadowing. The site is adjacent to a working farm however the applicant is connected to the farm and this is not considered to be an issue. A stable block to the north of the site is proposed as part of the application. Environmental Health has been consulted and notes that there is the potential for existing residential properties to be affected by odours from the stables; however the closest neighbouring properties are all within the ownership of the applicant. A condition is requested with regard to any potential nuisance from the proposed wood burning stove included in the plans.

## **Visual Amenity**

The open nature of the site is likely to make the proposed house visually prominent. Whilst some landscaping to the front of the new house is proposed this is insufficient to provide an effective setting for the proposed development. In addition the siting of the proposed dwellinghouse on the higher part of the site will have an adverse visual impact and will be over dominant in relation to the existing farm buildings and farm house.

## **Roads and Access**

The proposed access is from an existing entrance into the farm. There are no objections from the Transport Planner.

## **Drainage and Flooding**

All foul drainage is proposed to septic tank with partial soakaway discharge. This is shown as entering a watercourse close to the site which will require SEPA authorisation. The site is close to but not within the Loch Leven Catchment Area. The plans state that rainwater will be stored and used where possible and that any additional surface water drainage will to an existing land drain in the paddock.

### **Water supply**

The existing water supply utilised by the farm will be used to serve the proposed property. Environmental Health has recommended an informative note be attached with regard to the protection of existing wayleaves.

## **Developer Contributions**

### **Primary Education**

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

This proposal is within the catchment of Portmoak Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required.

### **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Conditions and Reasons for Recommendation**

1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.

4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

### **Justification**

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

**Informatives**

None.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01749/1

17/01749/2

17/01749/3

17/01749/4

17/01749/5

17/01749/6

**Date of Report**

13 December 2017





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100068866-001

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

## Type of Application

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

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

## Description of Proposal

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

Provide new dwelling house, paddock and stable block on agricultural gap site west of Findatie Farm farmhouse including garden ground and revised access.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                                                                                                       |                             |                                                      |                |
|-------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------|----------------|
| Company/Organisation:                                                                                 | Module Architects           |                                                      |                |
| Ref. Number:                                                                                          |                             | You must enter a Building Name or Number, or both: * |                |
| First Name: *                                                                                         | Mark                        | Building Name:                                       |                |
| Last Name: *                                                                                          | Dowey                       | Building Number:                                     | 24             |
| Telephone Number: *                                                                                   | 01786 823753                | Address 1 (Street): *                                | Anchorscross   |
| Extension Number:                                                                                     |                             | Address 2:                                           |                |
| Mobile Number:                                                                                        |                             | Town/City: *                                         | Dunblane       |
| Fax Number:                                                                                           |                             | Country: *                                           | United Kingdom |
|                                                                                                       |                             | Postcode: *                                          | FK15 9JW       |
| Email Address: *                                                                                      | mdowey@modulearchitects.com |                                                      |                |
| Is the applicant an individual or an organisation/corporate entity? *                                 |                             |                                                      |                |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity |                             |                                                      |                |

## Applicant Details

Please enter Applicant details

|                      |          |                                                      |  |
|----------------------|----------|------------------------------------------------------|--|
| Title:               | Ms       | You must enter a Building Name or Number, or both: * |  |
| Other Title:         |          | Building Name:                                       |  |
| First Name: *        | Shonagh  | Building Number:                                     |  |
| Last Name: *         | Kinnaird | Address 1 (Street): *                                |  |
| Company/Organisation |          | Address 2:                                           |  |
| Telephone Number: *  |          | Town/City: *                                         |  |
| Extension Number:    |          | Country: *                                           |  |
| Mobile Number:       |          | Postcode: *                                          |  |
| Fax Number:          |          |                                                      |  |
| Email Address: *     |          |                                                      |  |

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Findatie Farm

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kinross

Post Code:

KY13 9LY

Please identify/describe the location of the site or sites

Northing

699111

Easting

317418

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐

Meeting

☒

Telephone

☐

Letter

☐

Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussion relating to the Loch leven catchment area with David Rennie.

Title:

Mr

Other title:

-

First Name:

David

Last Name:

Rennie

Correspondence Reference  
Number:

-

Date (dd/mm/yyyy):

21/09/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.51

Please state the measurement type used:

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

## Existing Use

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

Agricultural grazing land.

## Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network  
☒ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.  
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☐ Discharge to land via soakaway.  
☒ Discharge to watercourse(s) (including partial soakaway).  
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Septic tank to partial soakaway to field drains ultimately resting in River Leven rather than the Loch.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

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

☐ Yes ☐ No ☒ Don't Know

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

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

☐ Yes ☐ No ☒ Don't Know

## Trees

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

☐ Yes ☒ No

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

## Waste Storage and Collection

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

☒ Yes ☐ No

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

Domestic Wheelie bin provision shown on plans to east of house.

## Residential Units Including Conversion

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

☒ Yes ☐ No

|                                                                                                                                                                                                                                                                                                                                                |                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| How many units do you propose in total? *                                                                                                                                                                                                                                                                                                      | <div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; line-height: 20px;">1</div> |
| Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.                                                                                                                                                                                                   |                                                                                                                     |
| <h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>                                                                                                                                                                                                                                                     |                                                                                                                     |
| Does your proposal alter or create non-residential floorspace? * <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No         </span>                                                                                                                                                    |                                                                                                                     |
| <h2 style="margin: 0;">Schedule 3 Development</h2>                                                                                                                                                                                                                                                                                             |                                                                                                                     |
| Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No           <input type="checkbox"/> Don't Know         </span> |                                                                                                                     |
| If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.                      |                                                                                                                     |
| If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.                                                                                                                                                          |                                                                                                                     |
| <h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>                                                                                                                                                                                                                                                                  |                                                                                                                     |
| Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * <span style="float: right;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No         </span>                                                         |                                                                                                                     |
| <h2 style="margin: 0;">Certificates and Notices</h2>                                                                                                                                                                                                                                                                                           |                                                                                                                     |
| CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013                                                                                                                                                                                                           |                                                                                                                     |
| One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.                                                                                                                                                                    |                                                                                                                     |
| Are you/the applicant the sole owner of ALL the land? *                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                 |
| Is any of the land part of an agricultural holding? *                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                 |
| Do you have any agricultural tenants? *                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                 |
| Are you able to identify and give appropriate notice to ALL the other owners? *                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                 |
| <h2 style="margin: 0;">Certificate Required</h2>                                                                                                                                                                                                                                                                                               |                                                                                                                     |
| The following Land Ownership Certificate is required to complete this section of the proposal:                                                                                                                                                                                                                                                 |                                                                                                                     |
| Certificate B                                                                                                                                                                                                                                                                                                                                  |                                                                                                                     |

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Owners RJ Kinnaird

Address:

Findatie Farm Findatie Farm, Findatie Farm, Kinross, Scotland, KY13 9LY

Date of Service of Notice: \*

04/09/2017

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Mark Dowey

On behalf of: Ms Shonagh Kinnaird

Date: 29/09/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

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

CGI views



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Mark Dowey

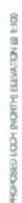
Declaration Date: 29/09/2017

## Payment Details



Created: 06/10/2017 09:12









## Design Statement

Proposed three bedroom dwelling house, paddock and stables at Findatie Farm, Kinross KY13 9LY

### 1.0 Introduction

The proposed site is located approximately four miles south-east of Kinross, in rural countryside to the south east shore of Loch Leven. The Kinnaird family have owned the farm for two generations and the site is located adjacent to the existing stone built farmhouse. There is a grouping of new farm cottages in a bungalow style over the B9097 adjacent to the farmhouse. Further, there is a large grouping of timber clad holiday chalets to the west of the proposed site. The site therefore forms a gap site between these chalets and the farmhouse.

Perth & Kinross Planning has confirmed that the site drains to the River Leven and is therefore not part of the Loch Leven Catchment Area relating to phosphorus discharge.

The local architectural style is that of the single stone or rendered farmhouse, shallow in plan and either single storey or one and a half storeys. The existing buildings along the B9097 Road vary in scale, form and age but most face the loch to optimise the vista.

Materials again vary dependant on the age of the development but locally-won stone or painted harling and 'Scottish' slate roofs predominate with small, punched fenestration to the main elevations.

The proposed design takes into account the guidance from Perth & Kinross Council in its 'Housing in the Countryside Design Guidance' document relating to massing and form. The dwelling house is of a modern idiom but in keeping with the guidance document's Design Principles this will be tied to a building that is wholly in keeping with the materials, form and massing of its rural context.

### 2.0 Planning Context

Under Perth & Kinross 'Housing in the Countryside Guide November 2012' guidance the application site is judged to meet the following criteria;

#### *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).*



## 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.*

The site would appear to meet all or some of the criteria listed in the above two clauses of the Perth & Kinross guidance for Housing in the Countryside.

## 2.0 The Building

### 2.1 Proposed Plot Area = 0.514Ha including paddock

Proposed House GIFA = 249m<sup>2</sup>

Of which 41m<sup>2</sup> is the garage

### 2.2 Dwelling House Layout

The house will single storey to reference similar sized properties in the locale and be of a footprint of approximately 250m<sup>2</sup> with integral garage. The house is 12 deg east of north-south axis to optimise the vista to the loch and to provide alignment with the neighbouring properties.

Access to the dwelling house is by the front elevation (south facade) into a connecting hallway through to a combined opened plan kitchen dining area. There is a standalone living room with views to the Loch and a double aspect woodburner in a stone chimney. The bedrooms are to the east end of the property comprising master with ensuite and two guest bedrooms with ensuite. A study is provided for home working. A utility room is provided to the rear entrance for accessing the garden and drying green.

The roof space will have attic trusses for storage.

### 2.3 Energy and Aspect

The building will be designed to achieve a Bronze Standard or better in Section 7 of the Scottish Building Regulations. It will be an energy efficient home with an air tightness under 5m<sup>3</sup>/h.m<sup>2</sup> @ 50 Pa and U-values to





individual element ensuring an EPC rating A-C dependant on the agreed insulation levels.

The building will be masonry built utilising a porous clay block with outstanding green credentials.

The building is north-south facing with the vista to the north. This has provided a challenge to perception of a thermally managed design. We have looked to overcome this by selectively placing glazing on the north elevation and increasing the amount of glazing on the south elevation to increase solar gain.

## 2.4 Materials and Form

The building takes the form of a traditional single storey rural dwelling of the area and is of a simple, single massing element with a shallow linear plan.

The house will have a traditional rendered harling buff in colour with grey Caithness effect quoins at the corners as shown on the elevation. Fenestration will be dark brown timber effect full height glazing with top opening lights.

The rear of the house has a frameless double glazed curved screen to maximise the view across to the Loch.

The roof will be covered with a slate effect fibre cement roof tile such as Marley Eternit Rivendale Fibre Cement slate, or equal approved.

## 3.0 **The Site**

### 3.1 Vehicular access

It is proposed that a new vehicular access be formed off of the old B9097 where it enters the farm. In essence the house will not be accessed from the main road but from an entry road running some five metres parallel to it. The main farm entrance is then utilised for access to the B9097 giving maximise visibility. This is the safest position for the new access, given the layout of the existing road

### 3.2 Amenity Space and Vehicular Parking

The house will have a hard standing tarmaced driveway to the south entrance area leading up to the house. This will allow for three visitor parking spaces adjacent to the main door and a further space near to the back door or this can be utilised for hammerhead turning. The rear of the property will comprise a grassed amenity space / family garden with some hardstanding to facilitate working the paddock beyond



### 3.3 Landscaping

The client has chosen to implement a five bar ranch style timber fence to the north boundary with the paddock. This will have a twelve foot five bar timber field gate to match the fence to provide access to the paddock.

The Client proposes to plan to plant a beech hedge to the south boundaries along the junction of the access road and the front garden as shown on the drawings. This will be young trees at 300mm centres around .75m in height. The front garden will be predominantly grassed with an orchard area of semi-mature planted fruit trees to the south west corner.

Further, a hedge off bin store is shown to the east side of the house.

Vehicular access is provided to the rear paddock via a tarmaced driveway to a gravelled area in the back garden. The gravelled area will act as a soakaway for surface water drainage from the tarmaced areas.

Existing boundary treatments – the 1.2m high post & wire fences to the east and west boundaries will remain in-situ. The east boundary fence will be extended and a new gate added to facilitate access for the farm to the fields beyond.

### 3.3 Additional ancillary buildings

The paddock area to the north of the garden ground requires a small brick built stables for three horses. The roof will be in dark grey single ply membrane and four timber windows will provide daylighting to the structure.

### 3.5 Existing trees and hedges

The proposal does not affect any existing trees (of which there are none on site) or hedges (to the southernmost boundary).

## **4.0 Utilities and Drainage**

### 4.1 Foul and surface water

There are no existing local authority sewers serving this part of the B9097. All foulwater drainage is to septic tank and subsequent 25m partial soakaway discharge. Please refer to submitted JIG Ltd document submitted with this application.

Rainwater will be stored and used where possible. Any additional surface water drainage will be via a new branch in connection to an existing land drain in the paddock, after the Septic tank and connecting into the soak away, subject to drainage consultant design.





#### 4.2 Water supply

The existing shared water supply should be utilised to serve the proposed property with an additional toby being installed at the point of connection, subject to Statutory approval.

#### 4.3 Electrical supply

There is an existing overhead electrical supply to Findatie Farmhouse. This will be extended to the new plot, subject to Utilities Consent.

MCD Module Architects

28/09/2017

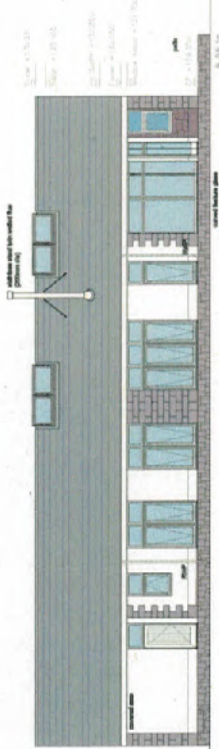
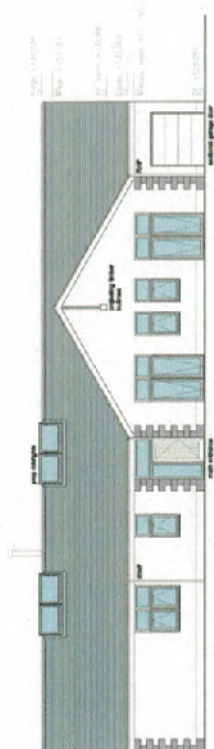
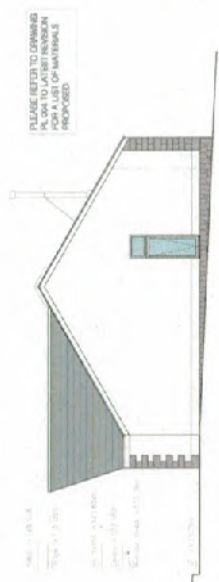
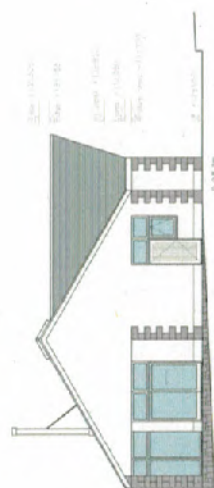
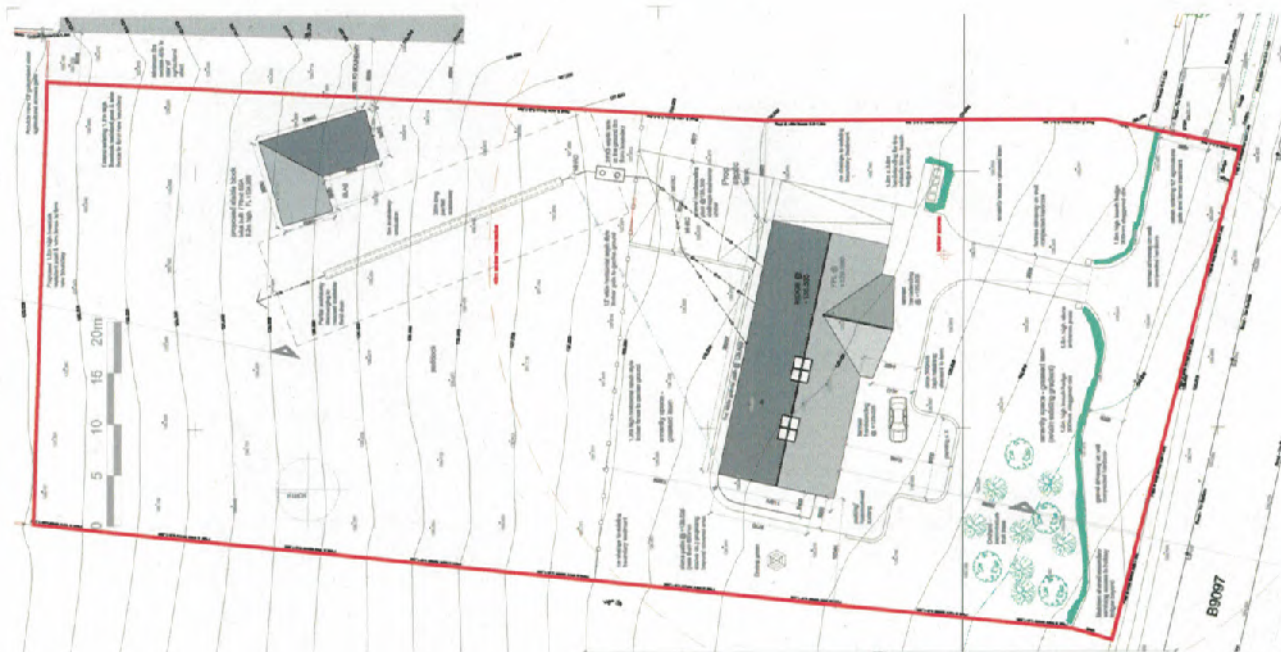










[illegible]

The following may also be of interest to practitioners in the field of child health:

- **Child abuse and neglect:** The National Child Abuse and Neglect Data System (NCANDS) is a national system for collecting and analyzing data on child abuse and neglect. It is a multi-agency system that collects data from child protective services, hospitals, law enforcement, and other agencies. NCANDS data is used to identify trends in child abuse and neglect, and to develop and evaluate interventions to prevent and respond to child abuse and neglect.
- **Child development:** The National Longitudinal Survey of Children and Youth (NLSCY) is a large-scale, longitudinal survey of children and youth in Canada. It collects data on a wide range of child development outcomes, including physical, cognitive, and social-emotional development. NLSCY data is used to monitor child development trends and to evaluate the effectiveness of child development programs.
- **Child health services:** The National Child Health Survey (NCHS) is a large-scale, cross-sectional survey of children and youth in Canada. It collects data on a wide range of child health outcomes, including physical, cognitive, and social-emotional health. NCHS data is used to monitor child health trends and to evaluate the effectiveness of child health services.

| no | description      | date | debit | credit | balance |
|----|------------------|------|-------|--------|---------|
| 1  | opening balance  |      |       |        |         |
| 2  | cash             |      |       |        |         |
| 3  | bank             |      |       |        |         |
| 4  | creditors        |      |       |        |         |
| 5  | debtors          |      |       |        |         |
| 6  | expenses         |      |       |        |         |
| 7  | income           |      |       |        |         |
| 8  | profit           |      |       |        |         |
| 9  | loss             |      |       |        |         |
| 10 | drawings         |      |       |        |         |
| 11 | share capital    |      |       |        |         |
| 12 | share premium    |      |       |        |         |
| 13 | reserves         |      |       |        |         |
| 14 | provisions       |      |       |        |         |
| 15 | depreciation     |      |       |        |         |
| 16 | amortisation     |      |       |        |         |
| 17 | prepaid expenses |      |       |        |         |
| 18 | accrued expenses |      |       |        |         |
| 19 | prepaid income   |      |       |        |         |
| 20 | accrued income   |      |       |        |         |
| 21 | taxes            |      |       |        |         |
| 22 | interest         |      |       |        |         |
| 23 | dividends        |      |       |        |         |
| 24 | share repurchase |      |       |        |         |
| 25 | share issue      |      |       |        |         |
| 26 | share buyback    |      |       |        |         |
| 27 | share dividend   |      |       |        |         |
| 28 | share premium    |      |       |        |         |
| 29 | share repurchase |      |       |        |         |
| 30 | share issue      |      |       |        |         |
| 31 | share buyback    |      |       |        |         |
| 32 | share dividend   |      |       |        |         |
| 33 | share premium    |      |       |        |         |
| 34 | share repurchase |      |       |        |         |
| 35 | share issue      |      |       |        |         |
| 36 | share buyback    |      |       |        |         |
| 37 | share dividend   |      |       |        |         |
| 38 | share premium    |      |       |        |         |
| 39 | share repurchase |      |       |        |         |
| 40 | share issue      |      |       |        |         |
| 41 | share buyback    |      |       |        |         |
| 42 | share dividend   |      |       |        |         |
| 43 | share premium    |      |       |        |         |
| 44 | share repurchase |      |       |        |         |
| 45 | share issue      |      |       |        |         |
| 46 | share buyback    |      |       |        |         |
| 47 | share dividend   |      |       |        |         |
| 48 | share premium    |      |       |        |         |
| 49 | share repurchase |      |       |        |         |
| 50 | share issue      |      |       |        |         |
| 51 | share buyback    |      |       |        |         |
| 52 | share dividend   |      |       |        |         |
| 53 | share premium    |      |       |        |         |
| 54 | share repurchase |      |       |        |         |
| 55 | share issue      |      |       |        |         |
| 56 | share buyback    |      |       |        |         |
| 57 | share dividend   |      |       |        |         |
| 58 | share premium    |      |       |        |         |
| 59 | share repurchase |      |       |        |         |
| 60 | share issue      |      |       |        |         |
| 61 | share buyback    |      |       |        |         |
| 62 | share dividend   |      |       |        |         |
| 63 | share premium    |      |       |        |         |
| 64 | share repurchase |      |       |        |         |
| 65 | share issue      |      |       |        |         |
| 66 | share buyback    |      |       |        |         |
| 67 | share dividend   |      |       |        |         |
| 68 | share premium    |      |       |        |         |
| 69 | share repurchase |      |       |        |         |
| 70 | share issue      |      |       |        |         |
| 71 | share buyback    |      |       |        |         |
| 72 | share dividend   |      |       |        |         |
| 73 | share premium    |      |       |        |         |
| 74 | share repurchase |      |       |        |         |
| 75 | share issue      |      |       |        |         |
| 76 | share buyback    |      |       |        |         |
| 77 | share dividend   |      |       |        |         |
| 78 | share premium    |      |       |        |         |
| 79 | share repurchase |      |       |        |         |
| 80 | share issue      |      |       |        |         |
| 81 | share buyback    |      |       |        |         |
| 82 | share dividend   |      |       |        |         |
| 83 | share premium    |      |       |        |         |
| 84 | share repurchase |      |       |        |         |
| 85 | share issue      |      |       |        |         |
| 86 | share buyback    |      |       |        |         |
| 87 | share dividend   |      |       |        |         |
| 88 | share premium    |      |       |        |         |
| 89 | share repurchase |      |       |        |         |
| 90 | share issue      |      |       |        |         |
| 91 | share buyback    |      |       |        |         |
| 92 | share dividend   |      |       |        |         |
| 93 | share premium    |      |       |        |         |
| 94 |                  |      |       |        |         |









**Project Information**

Client: **Findale Farm, Cornwall**

Project Name: **Findale Farm, Cornwall**

Project No: **1703**

Project Date: **1703**

Project Status: **1703**

Project Manager: **1703**

Project Engineer: **1703**

Project Designer: **1703**

Project Checker: **1703**

Project Approver: **1703**

Project Date: **1703**

Project Status: **1703**

Project Manager: **1703**

Project Engineer: **1703**

Project Designer: **1703**

Project Checker: **1703**

Project Approver: **1703**

**Site Plan**

Scale: **1:1000**

North Arrow: **North**

Site Boundary: **Site Boundary**

Building Footprint: **Building Footprint**

Parking Area: **Parking Area**

Access Road: **Access Road**

Drainage: **Drainage**

Topography: **Topography**

Contours: **Contours**

Spot Heights: **Spot Heights**

Level: **Level**

Height: **Height**

Area: **Area**

Volume: **Volume**

Weight: **Weight**

Force: **Force**

Energy: **Energy**

Power: **Power**

Pressure: **Pressure**

Temperature: **Temperature**

Humidity: **Humidity**

Wind Speed: **Wind Speed**

Wind Direction: **Wind Direction**

Solar Radiation: **Solar Radiation**

Cloud Cover: **Cloud Cover**

Visibility: **Visibility**

Weather: **Weather**

Climate: **Climate**

Environment: **Environment**

Ecology: **Ecology**

Geology: **Geology**

Soil: **Soil**

Water: **Water**

Air: **Air**

Land Use: **Land Use**

Planning: **Planning**

Regulation: **Regulation**

Compliance: **Compliance**

Approval: **Approval**

Consent: **Consent**

License: **License**

Permit: **Permit**

Order: **Order**

Agreement: **Agreement**

Contract: **Contract**

Deed: **Deed**

Will: **Will**

Trust: **Trust**

Partnership: **Partnership**

Joint Venture: **Joint Venture**

Cooperation: **Cooperation**

Collaboration: **Collaboration**

Partnership: **Partnership**

Joint Venture: **Joint Venture**

Cooperation: **Cooperation**

Collaboration: **Collaboration**



PROPOSED WEST GABLE ELEVATION @ 1:100

PROPOSED EAST GABLE FLATIRON @ 1:100

PROPOSED FRONT (SOUTH) ELEVATION @ 1:100

PHOTOGRAPHED LOCUS: NORTH-EAST BRUNTON @ 1:100

PROPOSED GROUND FLOOR PLAN @ 1:50

0002-1 © 1997 WILEY-LISS, CINCINNATI, OH



|                                          |
|------------------------------------------|
| Dwelling house @ Flindula Farm, Khorosot |
| Mrs B Khumrat                            |
| Flindula Farm, Khorosot RT13 UK          |
| P.L.A.H.E.R.O.                           |
| Proposed U1                              |
| status                                   |
| ver 98 A1                                |
| date                                     |
| Sep 2017                                 |
| project ref                              |
| 1703                                     |
| drawing number                           |
| 1703 PL 603                              |
| revision                                 |
| pg                                       |

[illegible]

The following are the names of the companies that have been awarded the 1997-1998 award for the best in the industry. The award is presented to the company that has the highest number of awards in the industry. The award is presented to the company that has the highest number of awards in the industry. The award is presented to the company that has the highest number of awards in the industry.

| Company Name                   | Number of Awards |
|--------------------------------|------------------|
| 1. <b>General Motors</b>       | 10               |
| 2. <b>Ford Motor Company</b>   | 9                |
| 3. <b>Chrysler Corporation</b> | 8                |
| 4. <b>Stellantis</b>           | 7                |
| 5. <b>Fiat</b>                 | 6                |
| 6. <b>Peugeot</b>              | 5                |
| 7. <b>Renault</b>              | 4                |
| 8. <b>Volvo</b>                | 3                |
| 9. <b>Subaru</b>               | 2                |
| 10. <b>Toyota</b>              | 1                |

The award is presented to the company that has the highest number of awards in the industry. The award is presented to the company that has the highest number of awards in the industry. The award is presented to the company that has the highest number of awards in the industry.









## Drainage Assessment

For a New Dwelling at  
Findatie Farm, Kinross

October 2017

[www.jig.uk.com](http://www.jig.uk.com)

23 Westminster Terrace

Glasgow G3 7RU

Telephone: 0141 221 4747



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## **1. EXECUTIVE SUMMARY**

JIG Ltd was engaged by Ms S Kinnaid, via Module Architects, to undertake an assessment of the sewage treatment and effluent dispersal options for a proposed 3-bedroom dwelling to be erected on a site immediately adjacent to, and to the west of, Findatie Farm, by Ballingry, Kinross, Perth and Kinross. Surface water management was also to be considered. The systems would need to meet the requirements of the regulatory authorities and JIG's investigations were to assist in ensuring compliance.

### **SEWAGE TREATMENT**

JIG's investigations concluded that a favourable means of treating the sewage that would be generated by the proposed dwelling would be one based upon the provision of an EN12566 compliant biological treatment plant from which the effluent would be discharged to an unnamed tributary of the River Leven at a point to the northeast of the site via an outfall incorporating at least 25m<sup>2</sup> of partial soakaway. It was advised the treatment system chosen would need to be capable of producing a mean effluent quality of no more than 20mg/l BOD.

With regard to the choice of actual treatment system it was advised that a supplier and expert in the field such as Hutchinson Environmental Solutions (01434 220508 or 01896 860246) be contacted to discuss options and installation.

It was advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be approved by SEPA and an application for a "Registration" must be made and a Registration issued prior to the sewage treatment system being used.

### **SURFACE WATER**

JIG recommended the surface water from the impermeable areas associated with the proposed dwelling be directed to the same watercourse as the treated foul effluent. A common carrier pipe could be utilised, however, in such an instance the surface water should, ideally, be connected to the pipe at a point after the partial soakaway. As the incorporation of SUDS into the surface water drainage system of a single dwelling is not a legal requirement this would be compliant with General Binding Rule 10 of the Controlled Activities (Scotland) Regulations 2011.

## 2. INTRODUCTION

JIG Ltd was engaged by Ms S Kinnaid, via Module Architects, to undertake an assessment of the sewage treatment and effluent dispersal options for a proposed 3-bedroom dwelling to be erected on a site immediately adjacent to, and to the west of, Findatie Farm, by Ballingry, Kinross, Perth and Kinross. Surface water management was also to be considered. The systems would need to meet the requirements of the regulatory authorities and JIG's investigations were to assist in ensuring compliance.

### 2.1. Introduction to Sewage Treatment

The Building (Scotland) Regulations 2004 must be adhered to when a construction project is being undertaken. Regulation 3.7 of the Regulations, as reproduced in Box 1, states that:

Box 1.

**Every wastewater drainage system serving a *building* must be designed and constructed in such a way as to ensure the removal of wastewater from the *building* without threatening the health and safety of the people in and around the *building*, and:**

- (a) That facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided;
- (b) That discharge is to a public sewer or public wastewater treatment plant, where it is *reasonably practicable* to do so; and
- (c) Where discharge is to a public sewer or public wastewater treatment plant is not *reasonably practicable* that discharge is to a private wastewater treatment plant or septic tank.

**Limitation**

Standard 3.7(a) does not apply to a *dwelling*.

As a public sewer connection was not possible a private wastewater treatment system and traditional soakaway option had to be investigated as the preferred route for the treatment and final dispersal of the sewage that would be generated by the proposed dwelling. Section 3.9.1 of the Technical Handbook requires a preliminary "ground assessment" for such infiltration devices.

Under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, all activities concerning the discharge of sewage effluent to the water environment, either directly or indirectly via land, require the authorisation of the Scottish Environment Protection Agency (SEPA). This includes discharge activities to infiltration devices including soakaways and raised filtration mounds.



## 2.2. Introduction to Surface Water Management

With regard to surface water treatment and dispersal, Regulation 3.6 of the Building (Scotland) Regulations 2004, as reproduced in Box 2, states that:

Box 2.

**Every *building* and hard surface within the *curtilage* of a *building*, must be designed and constructed with a surface water drainage system that will:**

- (a) ensure the disposal of *surface water* without threatening the *building* and the health and safety of the people in and around the *building*; and**
- (b) have facilities for the separation and removal of silt, grit and pollutants.**

Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements of the authorities and following the results of the preliminary "ground assessment" JIG would report upon and advise on the best practicable means.

With regard to SEPA's requirements, general binding rule (GBR) 10, in pursuance of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 states that a sustainable urban drainage system is not required for a single house.

**GBR10: Discharge of surface water run-off from a surface water drainage system to the water environment from construction sites, buildings, roads, yards and any other built-up areas.**

**Rules:**

- a) If the surface water run-off is from areas constructed after 1 April 2007, the site must be drained by a Sustainable Urban Drainage System (SUDS). If the surface water run-off is from a construction site operated after 1 April 2007, the site must be drained by a SUD system or equivalent. The only exceptions are if the run-off is from a single dwelling and its curtilage, or if the discharge is to coastal water.
- b) All reasonable steps must be taken to ensure that the discharge will not result in pollution of the water environment.
- c) The discharge must not contain any trade effluent or sewage and must not result in visible discolouration, iridescence, foaming or sewage fungus in the water environment.
- d) The discharge must not result in the destabilisation of the banks or bed of the receiving surface water.
- e) The discharge must not contain any water run-off from any of the following areas constructed after 1 April 2007:
  - fuel delivery areas and areas where vehicles, plant and equipment are refuelled;
  - vehicle loading or unloading bays where potentially polluting matter is handled;
  - oil and chemical storage, handling and delivery areas.
- f) All treatment systems (including oil interceptors, silt traps and SUDS) must be maintained in a good state of repair.
- g) All reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the SUDS is prevented from entering the system.
- h) The construction and maintenance of the outfall must not result in pollution of the water environment.

(Source; SEPA, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 7.3 June 2016.



### **3. SITE PROFILE AND GROUND ASSESSMENT**

The site was visited on the 7<sup>th</sup> October 2017 with the intent of conducting intrusive investigations, including percolation tests if deemed appropriate, with a view to utilising infiltration as a means of disposing of treated foul drainage from the dwelling.

#### **3.1. Topography, Local Drainage and Flooding**

The site of the proposed dwelling is immediately to the west of, and adjacent to, Findatie Farm, Ballingry, by Kinross, Perth and Kinross. The site, which is a field laid to grass, is at an altitude of approximately 130m above sea and slopes fairly steeply to the north towards the River Leven.

The nearest watercourse is a tributary of the River Leven which lies approximately 150m the northeast of the site while the River Leven lies approximately 210m to the north.

Given the location of the development, the site gradient and the position of the nearest watercourse, the risk of flooding of the site or elsewhere downstream as a result is not considered to be an issue.

#### **3.2. Geology, Groundwater and Abstraction**

According to the geological record the underlying solid geology is Sandstone of the Stratheden and Inverclyde Group. The superficial deposits are recorded as Diamicton (boulder clay). This was confirmed on the day by Mr R Kinnaird who has farmed at Findatie for 60 years.

Depth to ground water is unknown as no intrusive investigations were carried out.

There are no wells marked within 50m of the site on current maps, however, as infiltration will not be used as a means of dispersing foul drainage the presence of wells nearer to the site would not be a constraint.

#### **3.3. Location of Services**

The developer knows the locations of all services and any treatment system location would be sited accordingly with due care and attention taken to avoid any inadvertent disturbance during development works.

#### **3.4. Other Implications of Plot Size or Vegetation**

With regard to any infiltration device for sewage or wastewater it must be located;

- at least 50m from any spring, well or borehole used as a drinking water supply; and
- At least 10m horizontally from any watercourse (including any inland or coastal waters), permeable drain, road or railway.

Any infiltration system and any treatment plant must also be located;

- at least 5m from a building; and
- at least 5m from a boundary.

The location of any septic tank or treatment plant must ensure that a desludging tanker can gain access to a working area that:

- will provide a clear route for a suction hose from the tanker to the tank; and
- is not more than 25 m from the tank where it is not more than 4m higher than the invert level of the tank; and
- is sufficient to support a vehicle axle load of 14 tonnes.

With regard to any infiltration device for surface water, it must be located;

- at least 5m from any building or boundary.

Following clearance of the site for construction there will be no notable vegetation that might interfere with any system proposed or vice versa.

### **3.5. Porosity Testing**

Intrusive ground investigations were not undertaken during the site visit on the 7<sup>th</sup> October 2017 due to the fact that previous deep excavations previously undertaken by Mr R Kinnaid had revealed unsuitable ground conditions. This, compounded by the steep site contours, meant that a soakaway was discounted due to the inability to specify a design that would be compliant with BS6297:2007 on foul soakaway design, SEPA guidance, or the Technical Handbook to the Building Regulations. As a result, an alternative solution based on achieving a discharge of appropriately treated sewage effluent to an unnamed tributary of River Leven to the northeast was to be investigated.

## 4. SEWAGE TREATMENT

### 4.1. Minimum System Requirements

The size of treatment plant required to treat the sewage that would be generated by the 3-bedroom dwelling was calculated according to recognised industry figures as shown in Table 1.

Table 1. Effluent Flow Figures

| Development  | Maximum Occupancy          | Total Daily Flow (150litres/ person) | BOD loading per person (g/day) | Treatment capability required (kg/BOD) |
|--------------|----------------------------|--------------------------------------|--------------------------------|----------------------------------------|
| New Dwelling | 5<br>(based on 3 bedrooms) | 150                                  | 60                             | 0.3                                    |

Sized in accordance with British Water "Code of Practice - Flows and Loads 4 - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems". 2013

Based on the above information, a treatment plant capable of treating at least 0.3kg BOD per day would be required.

### 4.2. Discharging to a Watercourse

A soakaway is not considered a realistic solution at the site due to poor ground conditions and steep contours. As a result, JIG consulted SEPA by way of an email submission dated 10<sup>th</sup> October 2017 proposing a solution based on achieving a discharge of appropriately treated sewage effluent to an unnamed tributary of the River Leven to the northeast of the site. The proposal was based on making a discharge of treated effluent from a BS EN12566 compliant sewage treatment plant capable of achieving an effluent quality of 20mg/l BOD to this watercourse. SEPA responded by way of an e-mail on the 16<sup>th</sup> October 2017 agreeing to the principle of the proposal, see Appendix 3.

JIG was advised by Mr R Kinnaird that a drain existed adjacent to the shed on the western boundary of the site and that this drain, to which access could be gained from this site, discharged to the tributary of the River Leven at a point just above where the watercourse came back out of culvert into open cut. It is via this drain that JIG envisions a discharge to the tributary being achieved.

### 4.3. Recommendation – Sewage Treatment

JIG recommends the foul drainage arising from the proposed dwelling be treated by way of an EN12566 compliant biological treatment plant from which the effluent would be discharged to an unnamed tributary of the River Leven at a point to the northeast of the site via an outfall incorporating at least 25m<sup>2</sup> of partial soakaway. It is advised the treatment system chosen would need to be capable of producing a mean effluent quality of no more than 20mg/l BOD.

With regard to the choice of actual treatment system it is advised that a supplier such as Hutchinson Environmental Solutions (01434 220508 or 01896 860246) be contacted to discuss options and installation.

It is advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be authorised by SEPA and a Registration must be obtained prior to the sewage treatment system being used. A Registration application was made on the 19<sup>th</sup> October 2017.

## 5. SURFACE WATER MANAGEMENT

### 5.1. Minimum System Requirements

In pursuit of compliance with Regulation 3.6 of the Building (Scotland) Regulations 2004, Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements:

- a. a SUDS system designed and constructed in accordance with clause 3.6.4:  
or
- b. a soakaway constructed in accordance with:
  - clause 3.6.5; or
  - the guidance in BRE Digest 365, 'Soakaway Design'; or
  - National Annex NG 2 of BS EN 752-4: 1998; or
- c. A public sewer provided under the Sewerage (Scotland) Act 1968; or
- d. An outfall to a watercourse, such as a river, stream or loch or coastal waters, that complies with any notice and/or consent by SEPA; or
- e. If the surface water is from a dwelling, to a storage container with an overflow discharging to either [sic] of the 4 options above.

The impermeable surfaces to be drained will consist of the roof and ancillary impermeable surfaces only.

### 5.2. Investigations & Results

Site investigations revealed that due to impermeable ground conditions and space constraints trench or pit soakaways, or other infiltration devices, would not be an appropriate means of disposing of surface water from the development. The surface water could however, readily be taken to the unnamed tributary of the River Leven at a point to the northeast of the site.

### 5.3. Recommendation – Surface Water

JIG recommends the surface water from the impermeable areas associated with the proposed dwelling be directed to the same watercourse as the treated foul effluent. A common carrier pipe could be utilised, however, in such an instance the surface water should, ideally, be connected to the pipe at a point after the partial soakaway. As the incorporation of SUDS into the surface water drainage system of a single dwelling is not a legal requirement this would be compliant with General Binding Rule 10 of the Controlled Activities (Scotland) Regulations 2011.

## **6. DISCLAIMER**

The content of this assessment is for internal use only, and should not be distributed to third parties unless under the expressed authority of our client. The designs, recommendations and outline proposals shall remain the property of JIG Ltd, and shall not be plagiarised in any form without authority to do so. The comments and recommendations stipulated are solely those expressed by JIG Ltd, and both parties understand that the comments and recommendations expressed are not binding. JIG Ltd. confirms that all reasonable skill, care, and diligence have been applied and that any design element has been carried out using verifiable and approved reference documentation. No responsibility shall be assumed by JIG for system failure as a result of incorrect installation work by contractors assigned by the client or incorrect or inappropriate implementation of JIG's recommendations.

## **7. REFERENCES**

Building (Scotland) Regulations 2004.

Building Standards (Scotland) Regulations 1990.

British Water Code of Practice: Flows and Loads 4 – Sizing Criteria, Treatment Capacity for Small Sewage Wastewater Treatment Systems, 2013

British Standard BS 6297: 2007

Environment Act 1995.

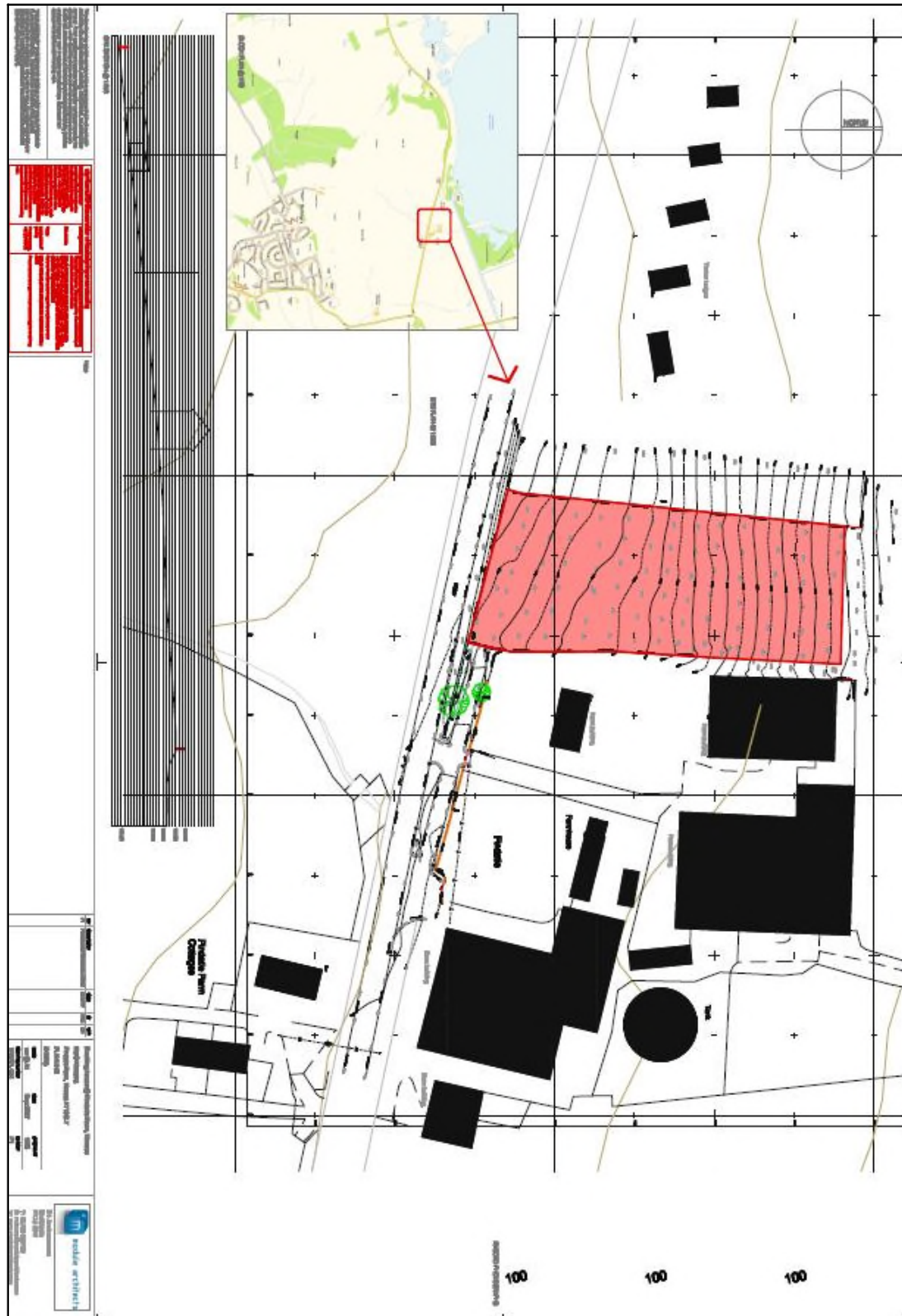
Phelps, D.S. and Griggs, J. Mound Filter Systems for the Treatment of Domestic Wastewater. BRE Bookshop, Waterford, 2005.

SEPA, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide. Version 7.3 June 2016.

Scottish Building Standards: Technical Handbook: Domestic.

Water Environment (Controlled Activities) (Scotland) Regulations 2011

SEPA guidance: WAT-RM-03: Regulation of Sewage Discharges to Surface Waters



## 8.2. Appendix 2: Discharge location





### 8.3. Appendix 3: Submission to SEPA

**From:** Isaacs, Pamela [mailto:pamela.isaacs@sepa.org.uk]  
**Sent:** 16 October 2017 12:01  
**To:** Ian Corner <Ian@jig.uk.com>  
**Subject:** RE: Loch Leven Cut

Hi Ian,

Apologies for the late reply. Busy as always!

If there is adequate flow in the burn for the discharge SEPA would not have an issue with this in principle if ground conditions could not merit a soakaway. We may require evidence of this thought at the application stage.

If this was going straight to the River Leven there should be enough dilution for the discharge however as this is going to a small burn if dilution is not sufficient then secondary treatment may be required. Is this still proposed to be a septic tank?

I am sure you will have seen this before but the table below is taken from pg. 17 of Wat-RM-03 Sewage discharges to Surface Waters (available here: <https://www.sepa.org.uk/regulations/water/pollution-control/pollution-control-guidance/>)

**Table 1 Registration look up table for sewage discharges to watercourses**

| Dilution range:                         |                                            | Treatment / standards required                                                                |
|-----------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------|
| Anticipated/Existing Pollution Pressure | No Anticipated/Existing Pollution Pressure |                                                                                               |
| >400:1                                  | >400:1                                     | Primary / Septic tank (with partial soakaway)                                                 |
| 100:1 - 400:1                           | 30:1 - 400:1                               | Secondary treatment <b>designed</b> to produce effluent with a mean BOD concentration ≤20mg/l |
| 30:1 - 100:1                            | 10:1 - 30:1                                | Secondary: <b>designed</b> to produce effluent with a mean ammonia concentration ≤5mg/l       |
| <30:1                                   | <10:1                                      | Enhanced treatment or refuse                                                                  |

Usually dilution would need to be greater than 400:1 for septic tank to discharge to surface water. This would more than likely be met by the River Leven but as this is being proposed to go to a burn justification would be required if dilution is lower than this.

I would like to take the most pragmatic approach to this as it is for a single property so impact will be much less than a large development however justification would be needed if dilution was not sufficient.

Regards

Pamela Isaacs  
 Environment Protection Officer

---

**From:** Ian Corner  
**Sent:** 10 October 2017 18:03  
**To:** Isaacs, Pamela <pamela.isaacs@sepa.org.uk>  
**Subject:** RE: Loch Leven Cut

Pamela,

Apologies for delay in getting this to you but I was out on site all day yesterday as a job over ran.

I met Mr Kinnaird, the farmer and father of our client, on Sat. I became abundantly clear early on in our discussions that there was little point in putting a digger on the site.

Mr Kinnaird advised that a number of years ago he had reason so conduct a deep excavation within the field where the 3-bedroom house will be located. The excavation was at least 8ft deep and at no time did they encounter what he would have considered permeable ground conditions. Bearing in mind that Mr Kinnaird has farmer here for 60 years and is one of 3 shareholders in the adjacent chalet development and has intimate knowledge of the soakaway that apparently serves that development, it was apparent that he knew what he was talking about when it came to understanding the type of ground that is needed for a successful soakaway. He further advised that, just as indicated on the Geological map of the area, the more permeable ground lies somewhat to the NE of Findatie Farm. Unfortunately this area of land is all but inaccessible from our client's site as it lies on the other side of the farm and some distance from it.

As a result of his input, and giving consideration to the contours of the site, which slopes quite steeply to the North (see attached photo), I decided that there was little point in attempting percolation tests as the evidence indicated this would have been a complete waste of time. Bearing in mind that a soakaway makes our job so much easier, and the client generally ends up with the cheapest drainage solution, you might imagine this was not a decision that was taken lightly.

As a result of this we discussed the possibility of achieving a discharge to the Leven Cut directly but this appears not to be a feasible solution based on land ownership and the physical difficulty of getting an outfall to the Rive Leven. Apparently no field drains go in that direction either.

We are therefore required to propose an alternative solution to that initially proposed and that is to achieve a discharge to a watercourse that is culverted through the farm. This can be seen on SEPA's NGR Tool. This once served an undercut water wheel associated with a mill that once existed at the farm. It arises as a spring some distance to the south of the farm and is known to have a flow 52 weeks of the year. Which seems reasonable if it was used as a supply to a mill.

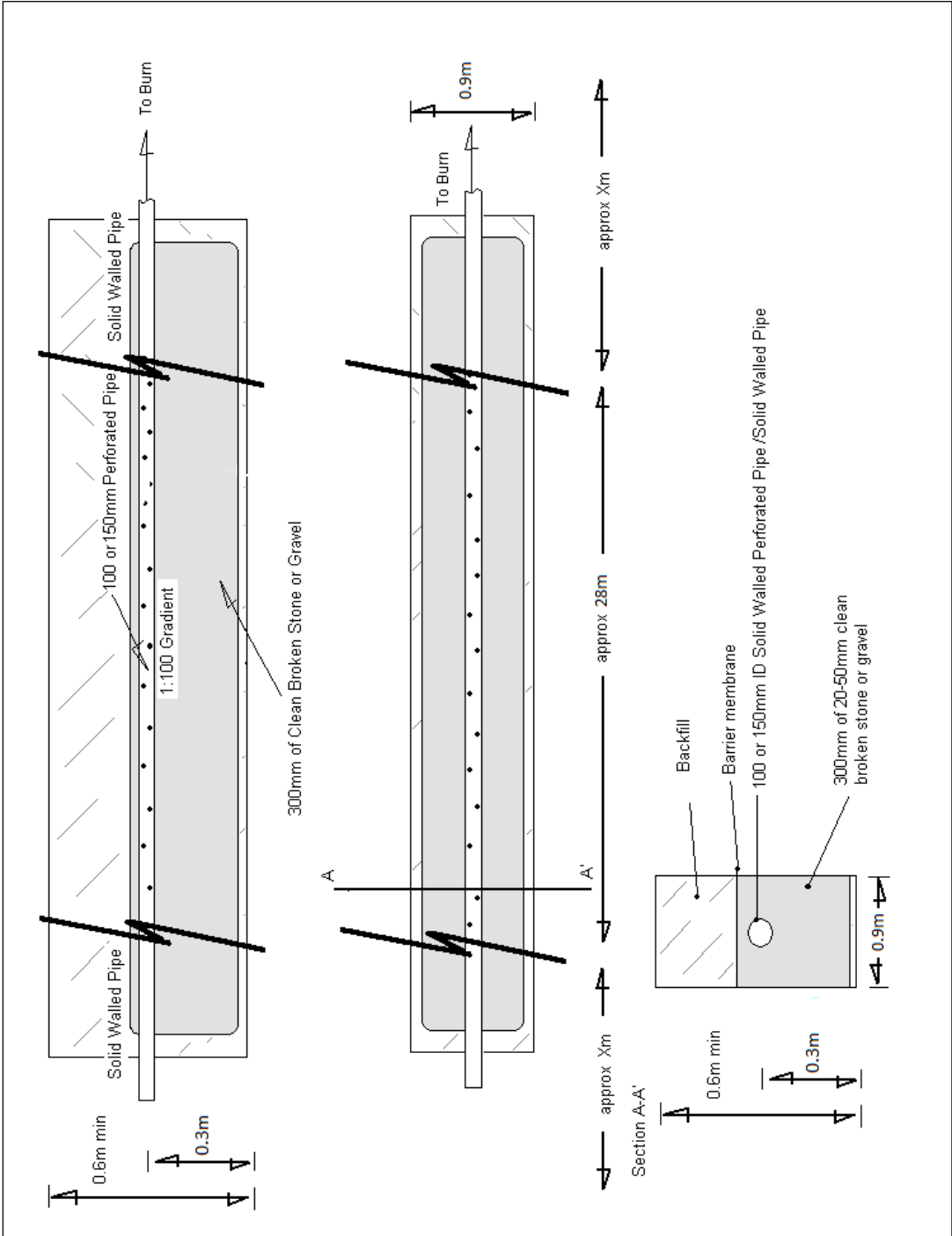
The flow in this watercourse, as can be seen from the attached photo, was reasonably substantial on Sat, 7<sup>th</sup> October and seemed to offer well in excess of 30:1 dilutions (for SPE this equates to 0.24 litres/sec flow in the watercourse) and we would have estimated the flow on the day to be at least several litres /sec.. While we accept this is not the driest time of the year this does allow a great deal of latitude in terms of flow in the watercourse with even a 50% drop in flow still offering something like 100 dilutions. This would suggest an effluent quality of 20mg/l BOD as a mean could be appropriate. The effluent would be discharged to the watercourse via an existing field drain that exists adjacent to the site and to which the client can gain access. The outfall from the treatment plant prior to connection to the field drain would incorporate 25m<sup>2</sup> of constructed p.s.a. The outfall location to the watercourse would be at NGR NT17447 99255.

We would be obliged if you would give this proposal due consideration and advise whether the effluent quality proposed is likely, at least in principle, to meet with SEPA's approval.

Regards

Ian Corner

8.4. Appendix 4: Partial Soakaway Layout (indicative)



## 8.5. Appendix 5: Photographs

Photo No 1 - Site overview looking north

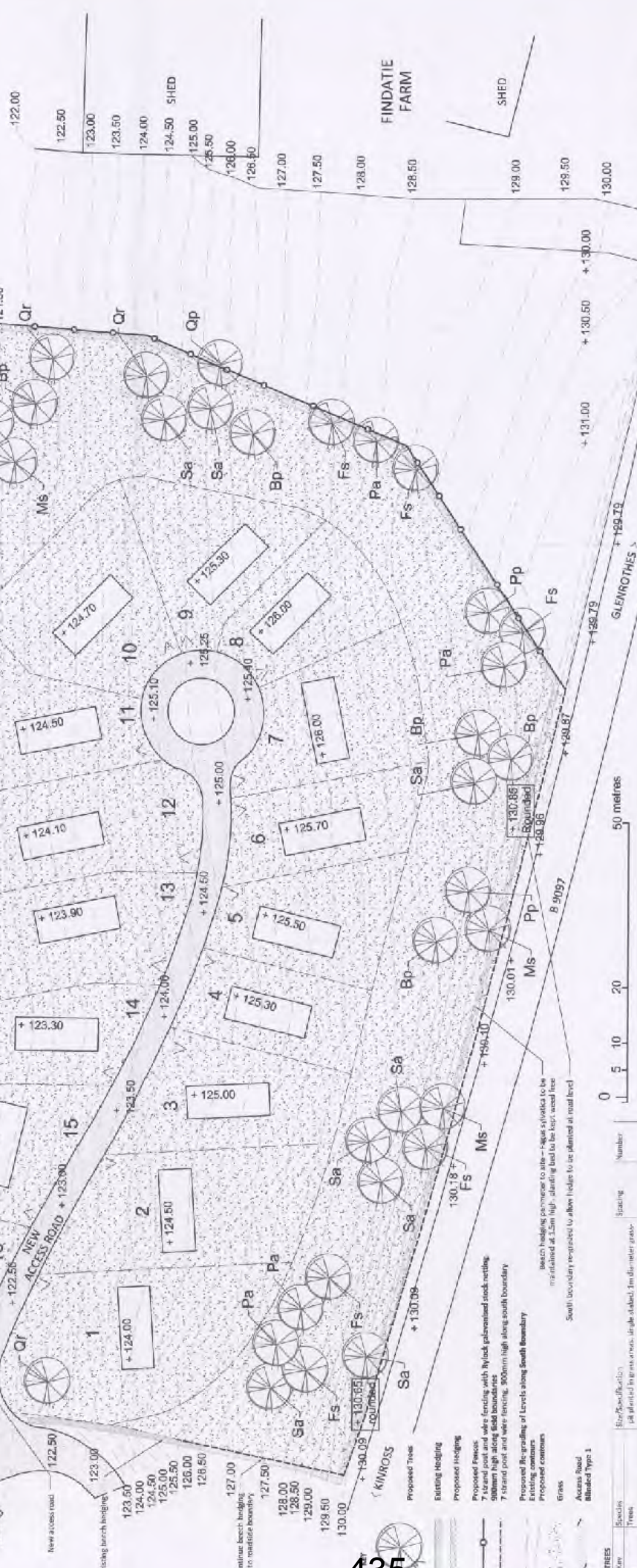


Photo No 2 – Watercourse at location of proposed discharge via existing drain





HS tries to be single-staked, secured with adjustable rubber tree ties, anchors and bolting. 1-m dia circular area to be kept weed-free around base; 1-millimeter-free with bare matrix.



|                          |                               |  |  |  |  |
|--------------------------|-------------------------------|--|--|--|--|
| <b>LINDA CURR DESIGN</b> |                               |  |  |  |  |
| <b>Project</b>           | ch Leven Lodges               |  |  |  |  |
|                          | Kidlatia, Loch Leven, Kinross |  |  |  |  |
| <b>Drawing title</b>     | Landscaps Proposals           |  |  |  |  |
| <b>Drawing number</b>    | 2/001                         |  |  |  |  |
| <b>Date</b>              | 24/10/14                      |  |  |  |  |
| <b>Billing</b>           | as built                      |  |  |  |  |

[illegible]

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>18-20cm dbH clear stem trees, full &amp; even<br/>1500 x 900mm deep pits, with<br/>any compaction of stems to be reworked<br/>to be similar to the surrounding<br/>single sized stems graded 30/40mm</p> <p>Beefly pits with a mixture of light topsoil<br/>poorly, slow release fertiliser (14:14:14)<br/>sodding</p> <p>Plant trees centrally within pit, single<br/>timber for tree stakes shall be strategic, po<br/>(30/40) subsoiled, widest chestnut or larch<br/>The length of stakes shall be equal to the<br/>The top of the tree pit and an additional 30<br/>Trees to be secured with adequate<br/>Trees to have stakes aligned in same<br/>After planting wider depth through<br/>1.6m diameter, 75mm deep dark colour</p> | <p>than the plastic:<br/>number cover,<br/>on within a few<br/>consistent in<br/>in depth<br/>tern in depth<br/>the topsoil,<br/>system,<br/>with at a rate of<br/>or soil</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01749/FLL

Our ref LRE/MA

Date 1 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

### **PK17/01749/FLL RE: Erection of a dwellinghouse and stables land 90 metres West of Findate Farm Kinross for Ms Shonagh Kinnaird**

I refer to your letter dated 20 October 2017 in connection with the above application and have the following comments to make.

#### **Environmental Health (assessment date –01/11/17)**

##### **Recommendation**

**I have no adverse comments to make in relation to the application.**

##### **Comments**

This application is for the erection of a dwelling house and the plans submitted with the application indicates that the applicant proposes to install a double sided inset log burner between the living and dining area and a stainless steel twin walled flue is to be exhausted out through the roof of the dwelling house and will sit about one metre above the roof ridge.

The applicant also proposes to erect a stable block which will consist of three stables, tack room and a feed store.

The closest residential properties to the application site are all within the ownership of the applicant and the closest one outwith is Sluice House which is approximately 325 metres away.

##### **Air Quality**

Biomass has the potential to increase ambient air concentrations of nitrogen dioxide and particulate matter. The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical guidance LAQMA.TG09 which accompanies this Act, advises that biomass boiler within the range of 50kW to 20MW should be assessed. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

The proposed biomass double sided log burner to be installed will be well below the range to be assessed and as an individual installation I have no adverse comments to make with regards to local air quality.

However there is the potential for small biomass installations, whilst individually acceptable, could in combination lead to unacceptably high PM concentrations, particularly in areas where concentrations are close to or above objectives.

I have undertaken a screening assessment and it is my contention that the combined installation of all four stoves will not have an adverse impact of local air quality, as the background maps indicate low PM and NO<sub>2</sub> concentrations for the area.

### **Nuisance**

However this Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

As the exhaust for the flue is up through the roof and is to sit above the roof ridge, the emissions should be adequately dispersed. Therefore I have no adverse comments to make with regards to loss of amenity, however I do recommend that the undernoted condition be included on any given consent to protect residential amenity.

### **Odour**

There is the potential for existing residential properties to be affected by odours from the stables; however the closest neighbouring properties are all within the ownership of the applicant.

There are no letters of representation at the time of writing this memorandum.

**Water** (assessment date – 26/10/17)

### **Recommendation**

**I have no objections to the application but recommend the undernoted informative be included in any given consent.**

### **Comments**

The development is for a dwelling house in a rural area with private water supplies (including Findatie Dairy Farm Supply) believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply. To ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informative. No public objections relating to the water supply were noted at the date above.

### **WAYL - Informative 1**

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.



**Tracy McManamon**

*Response from Portmoak Community Council*

**From:** Robin Cairncross <[REDACTED]>  
**Sent:** 08 November 2017 17:23  
**To:** Nick Brian; Development Management - Generic Email Account  
**Cc:** tomandnorma.smith@gmail.com; steel@greenheadfarm.co.uk; Robin Cairncross; susanforde@fons-scotiae.scot; davemorris2@btinternet.com; alineil@btinternet.com; the.calderwoods@btinternet.com; andrew.muszynski@icloud.com  
**Subject:** Letter of Comment. Planning Application 17/01749/FLL Sweeling House and Stables at Findatie Farm Kinross  
**Attachments:** Letter of Comment re Fidatie application 17 01749 FLL.docx

Nick Brian  
Development Control  
Perth & Kinross Council

Dear Mr Brian

**Letter of Comment. Planning Application 17/01749/FLL Sweeling House and Stables at Findatie Farm Kinross**

Please see attached a letter of comment from Portmoak Community Council

Yours sincerely

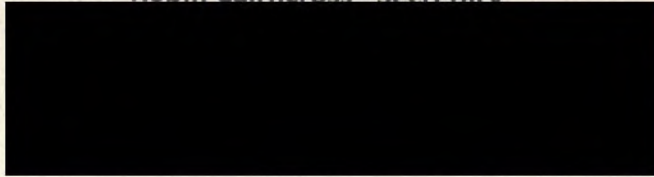
Robin Cairncross  
Secretary  
Portmoak Community Council





# Portmoak Community Council

Robin Cairncross - Secretary



8<sup>th</sup> November 2017

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

Dear Mr Brian

**17/01749/FLL Land 90 metres west of Findatie Farm, Kinross. Erection of a dwellinghouse and stables.**

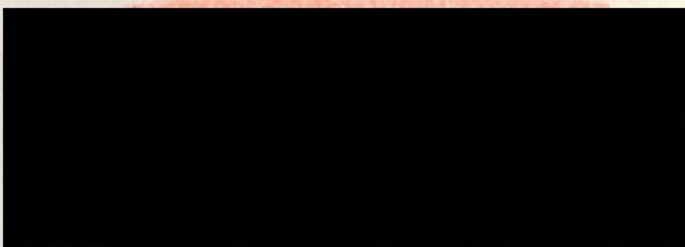
## **Notice of Comment**

This application is for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm Kinross. .

The Community Council does not in principle object to this application. It acknowledges that it may comply with criteria set out in the Council's policy document Housing in the Countryside.

It recommends that the position of the house be reviewed with a view to it being placed further north and down the hill so lessening the profile from the B9097 and bringing it more into line with the existing farm house.

Yours sincerely



Robert G Cairncross  
for  
Portmoak Community Council

**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 379-380)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 381-390)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 403-434)*



**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **REPRESENTATIONS**



24/10/2017

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



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

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

Dear Local Planner

**KY13 Kinross Findate Farm Land 90 Metres West Of**  
**PLANNING APPLICATION NUMBER: 17/01749/FLL**  
**OUR REFERENCE: 752610**  
**PROPOSAL: Erection of a dwellinghouse and stables**

**Please quote our reference in all future correspondence**

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

#### **Water**

- This proposed development will be fed from Glendevon Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

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

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

### **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

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



- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**  
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)
- **Trade Effluent Discharge from Non Dom Property:**  
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities

including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

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

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

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

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

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

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                   |                             |                                     |
|-------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/01749/FLL                                                                      | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                | <b>Contact Details</b>      | [REDACTED]                          |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and stables                                           |                             |                                     |
| <b>Address of site</b>                          | Land 90 Metres West<br>Of Findate Farm, Kinross                                   |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal. |                             |                                     |
| <b>Recommended planning condition(s)</b>        |                                                                                   |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                   |                             |                                     |
| <b>Date comments returned</b>                   | 01 November 2017                                                                  |                             |                                     |





The Coal  
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG



Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Ms Persephone Beer

Perth and Kinross Council

[By Email: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) ]

03 November 2017

Dear Ms Persephone Beer

**PLANNING APPLICATION: 17/01749/FLL**

**Erection of a dwellinghouse and stables; LAND 90 METRES WEST OF  
FINDATIE FARM, KINROSS, KY13 9LY**

Thank you for your consultation notification of the 20 October 2017 seeking the views of The Coal Authority on the above planning application.

**The Coal Authority Response: Material Consideration**

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

**The Coal Authority Recommendation to the LPA**

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Yours sincerely

**Rachael A. Bust**

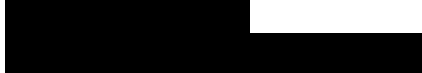
*B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*

**Chief Planner / Principal Manager**

**Planning and Local Authority Liaison**



### Comments to the Development Quality Manager on a Planning Application

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                                                                                                   |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01749/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                                                                                                   |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br> |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and stables                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                                                                                                   |
| <b>Address of site</b>                          | Land 90 Metres West Of Findate Farm, Kinross                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                                                                                                                                   |
| <b>Comments on the proposal</b>                 | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Portmoak Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> |                             |                                                                                                                                                   |
| <b>Recommended planning condition(s)</b>        | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total: £0</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                                                                                                                                   |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                                                                                                   |
| <b>Date comments</b>                            | 08 November 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                                                                                                   |





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK17/01749/FLL

Our ref LJ

Date 14 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### PK17/01749/FLL RE: Erection of a dwellinghouse and stables Land 70m west of Findatie Farm Kinross for Ms Shonagh Kinnaird

I refer to your letter dated 20 October 2017 in connection with the above application and have the following comments to make.

#### Contaminated Land (assessment date – 14/11/2017)

##### Informative

An inspection of the proposed development site did not raise any real concerns, although the site is adjacent to a farm steading which used to contain a sheep wash area. The applicant is advised that, given the current and historical use of the adjacent land, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.





**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **FURTHER INFORMATION**





PPCA Ltd

Town Planning Consultants

39 Dunipace Cres. Dunfermline KY127LZ

0131 225 1225

robin@ppca.co.uk

www.pcca.co.uk

Our Ref: 1495  
Your ref: 17/01749/FLL

18<sup>th</sup> April 2018

FAO Gillian A Taylor,  
Clerk to the Local Review Body,  
Perth & Kinross Council,  
Committee Services,  
Council Building,  
2 High Street,  
PERTH PH1 5PH

Dear Ms Taylor,

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

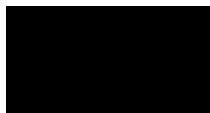
**Application Ref: 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – Ms S Kinnaird**

Following on from your letter dated 18<sup>th</sup> April 2018 in respect of the above, and in response to point (ii) therein, I can confirm that the siting and positioning of the proposed house is as per the original planning application as submitted for consideration to the Council.

As requested, I have attached an electronic version of the original site plan as prepared by the architects which shows the position of the proposed dwellinghouse.

I trust that this clarifies the matter and will allow the consideration of the Review at the 1<sup>st</sup> May 2018 Local Review Body.

Yours sincerely,



Robin Matthew  
Director





