TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd

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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

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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Balnacree Cottage
First Name: *	Peter	Building Number:	
Last Name: *	McRobbie	Address 1 (Street): *	Balnacree
Company/Organisation		Address 2:	
Telephone Number: *	[redacted]	Town/City: *	Donavourd
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PH16 5JS
Fax Number:			
Email Address: *	[redacted]		

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? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

Please see submitted Statement of Case and supporting evidence detailing the matters to be taken into account.

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)

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

Application Details

Please provide details of the application and decision.

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 29th November 2017.

The application was submitted on 27th 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

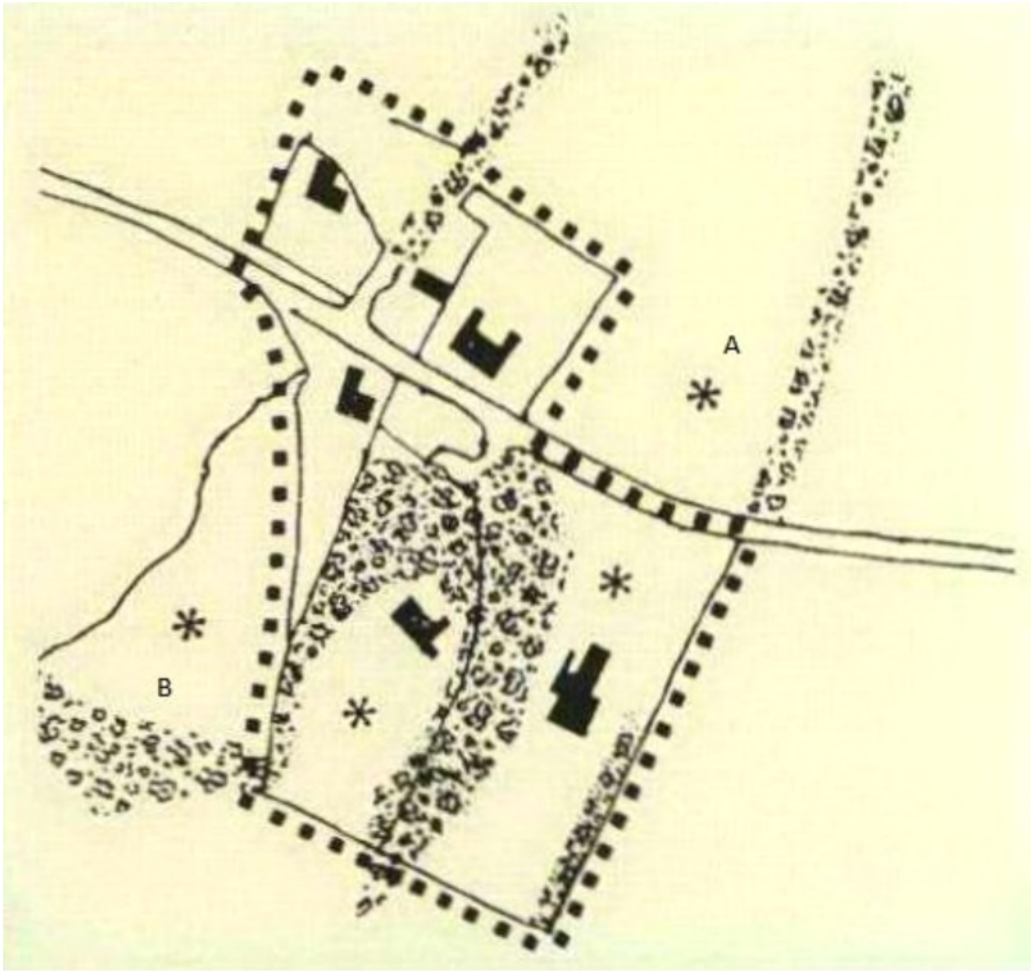
This section will directly address the reasons for refusal as referred to on the Decision Notice dated 29th November 2017.

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 it 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 Kinrosss 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 that 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

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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Balnacree Cottage
First Name: *	Peter	Building Number:	
Last Name: *	McRobbie	Address 1 (Street): *	Balnacree
Company/Organisation		Address 2:	
Telephone Number: *	[redacted]	Town/City: *	Donavourd
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PH16 5JS
Fax Number:			
Email Address: *	[redacted]		

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	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 principal 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 28th 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 17th 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 Kinrosss 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.

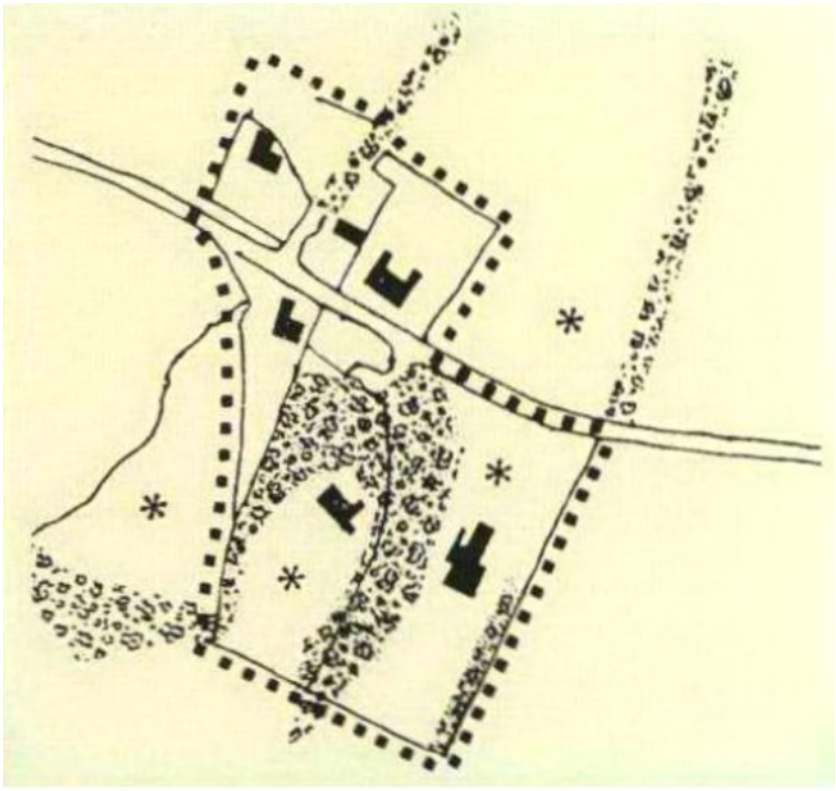
The Housing in the Countryside Guide defines a building group as "3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature."

The Application site is within a group of 3 or more buildings as described above.

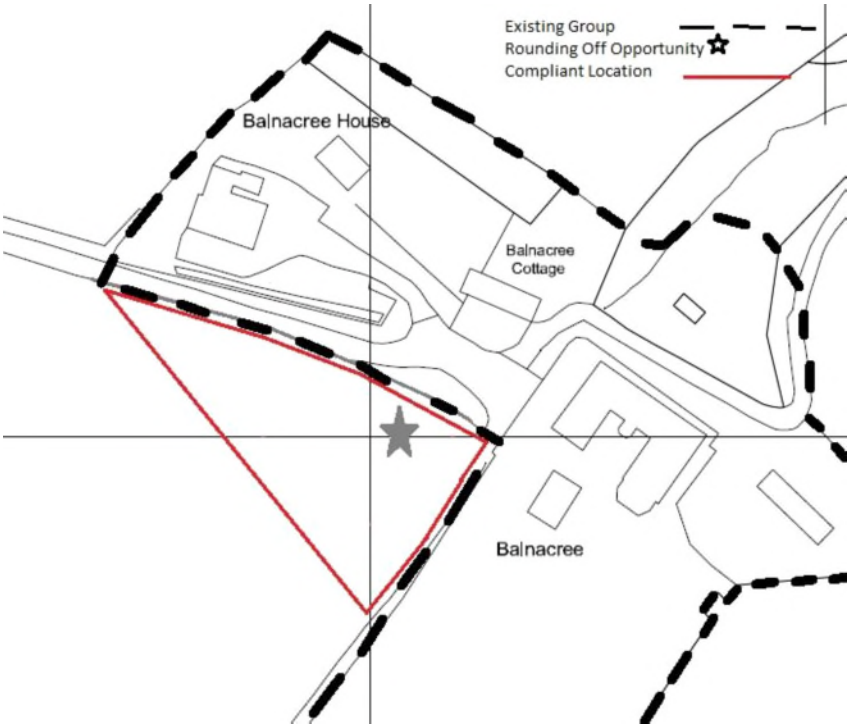
Consent will be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high 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 start. 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 the 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 Kinrosss 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 "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 Donavourd

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, Donavourd. The site is part of an unkempt area at the top of a grazed field in a rural location around 200 metres from the Donavourd 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 Donavourd 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 Donavourd 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 Kinrosss 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

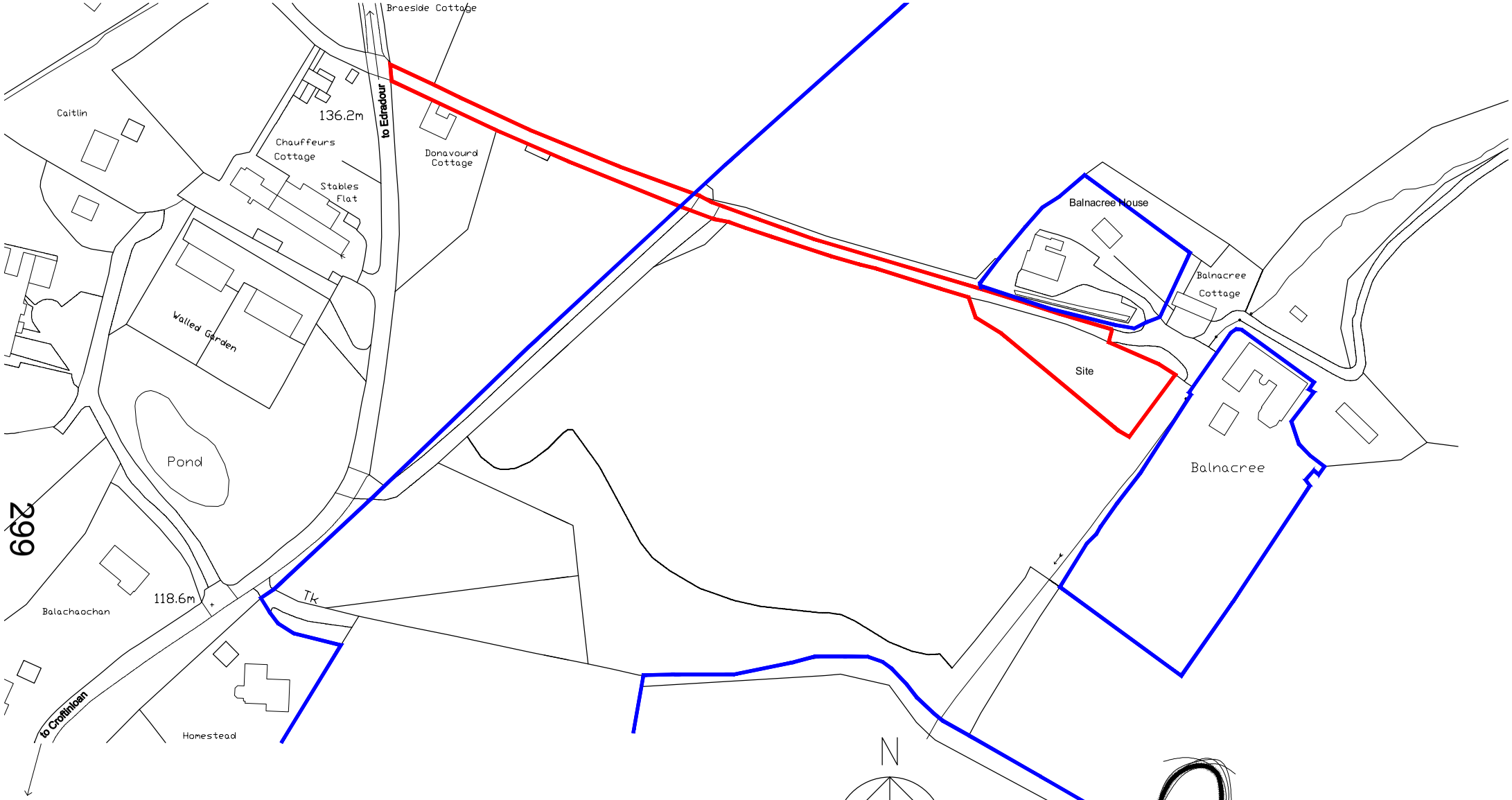
17/01915/4

17/01915/5

17/01915/6

Date of Report

27.11.2017



Location Plan

Orchil
Architectural Consultants

The Barn Mains of Orchil, Killiecrankie, Pitlochry, Perthshire PH16 5LR
t: 01796 470082
e: mail@orchilarch.co.uk
w: www.orchilarch.co.uk

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Rev	Date	Description	By	Chk
A	26/10/17	Ownership boundaries confirmed	BH	JH

Client: Mr P McRobbie	Project: New Dwelling at Balnacree
Drawing: Site 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

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300

Proposed Site Plan

0 4M 8M 16M

1:200

Rev	Date	Description	By	Chk
A	26/10/17	Amended	BR	JF

Orchil
Architectural Consultants

The Pier, Home of Orchil
Aberargie
Moncrieffe
Perthshire
PH19 5LY
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e: mail@orchilarch.co.uk
w: www.orchilarch.co.uk

Client:
Mr P McRobbie

Project:
New Dwelling at Balnacree

Drawing title:
Proposed Site Plan

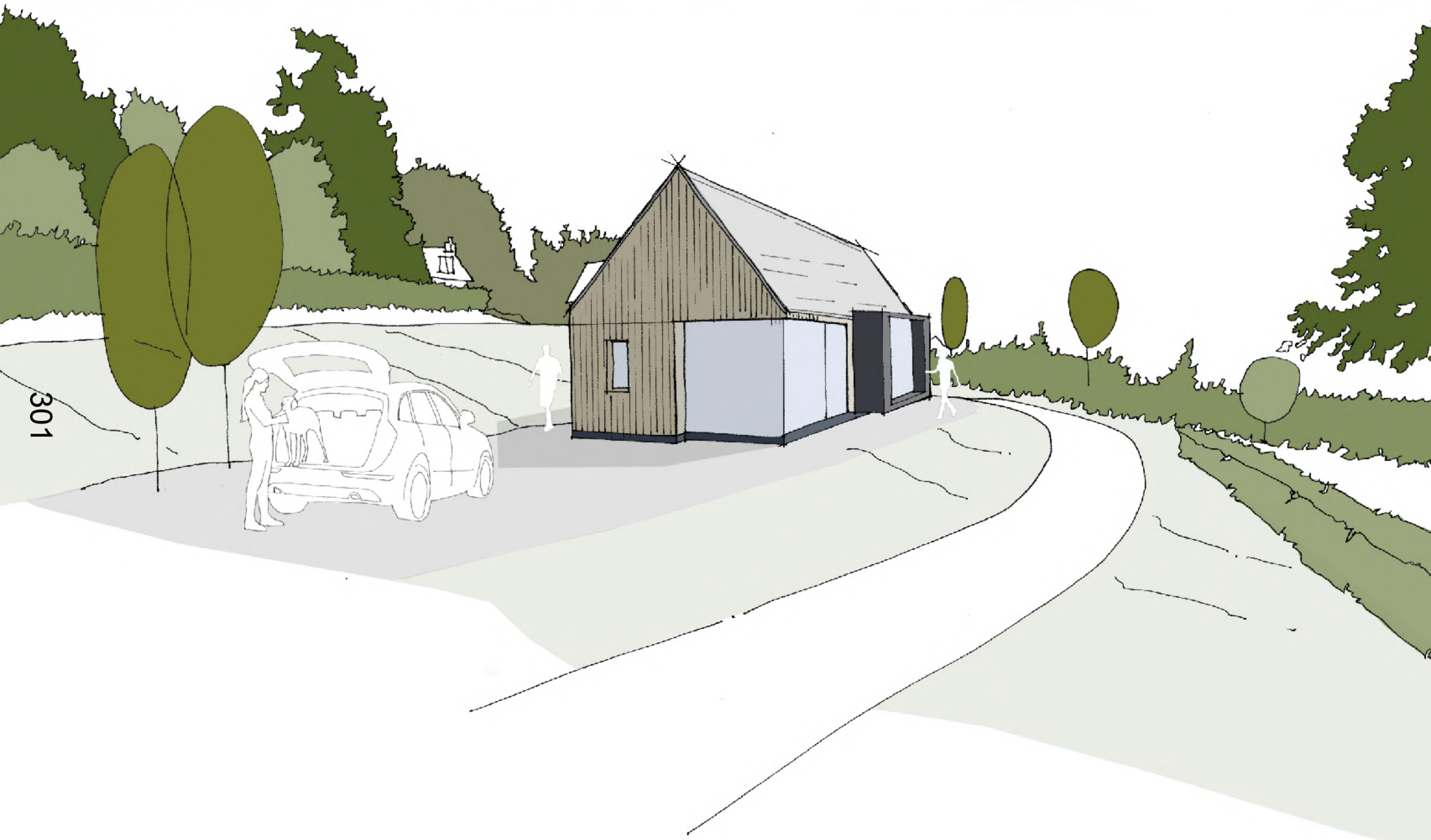
Scale @	Size:	First issue:	Drawn:	Checked:
1:100	A1	20/10/17	BR	JF
Job no		Drawing no:		Rev:
243		04		A

Orchil
Architectural Consultants

Project:
Balnacree - House Plot

Drawing Title:
Sketch Perspective A

Drawing No:
243-05



301

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".

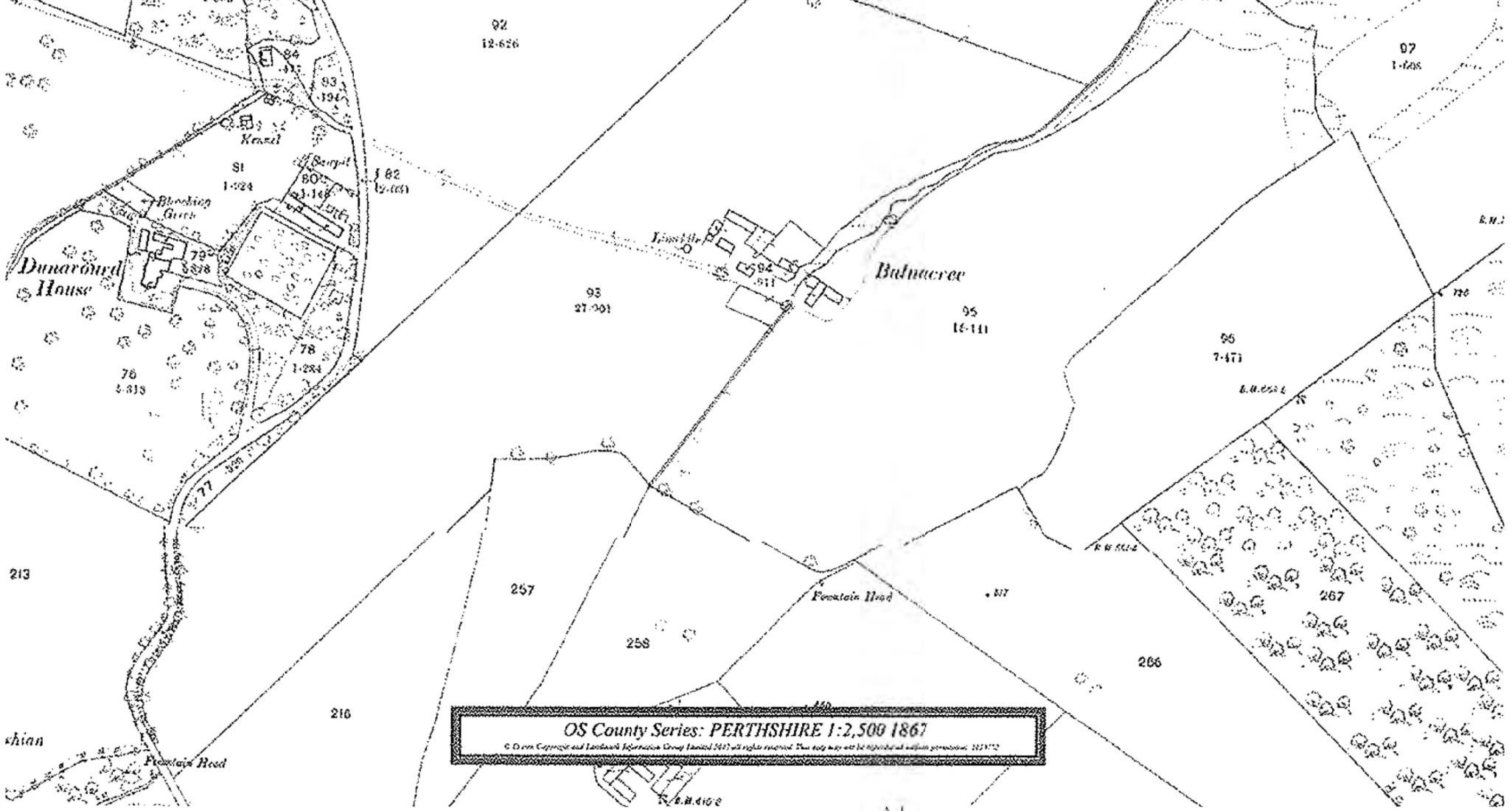
Orchil
Architectural Consultants

Project:
Balnacree - House Plot

Drawing Title:
Site Photographs

Drawing No:
243-06

303



304

OS Map 1867

0 50M 100M 200M

1:2500

N

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Rev	Date	Description	By	Chk

Client: Mr P McRobbie

Project: New Dwelling at Balnacree

Drawing: OS Map of 1867

Scale(s):	Size:	First issue:	Drawn:	Checked:
1:1250	A3	20/10/17	bh	jh

Job no:	Drawing no:	Rev:
243	07	

All dimensions and setting out must be checked on site. Use written in preference to scaled dimensions. If in doubt ask.

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 287-288)*

REPORT OF HANDLING *(included in applicant's submission, see pages 289-298)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 299-301 and 304)*

TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd

REPRESENTATIONS

M e m o r a n d u m

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

Planning Application ref.	17/01915/IPL	**Comments provided by**	Euan McLaughlin
Service/Section	Strategy & Policy	**Contact Details**	**Development Negotiations Officer:** Euan McLaughlin [redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres South Of Balnacree House, Donavourd		
Comments on the proposal	**Primary Education** With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Pitlochry Primary School.		
Recommended planning condition(s)	**Primary Education** **CO01** The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority. **RCO00** 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.		
Recommended informative(s) for applicant	N/A		
Date comments returned	09 November 2017		

M e m o r a n d u m

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK17/01915/IPL	Our ref	LJA
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

PK17/01915/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.

[redacted]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01915/IPM	**Comments provided by**	Katrina Walker
Service/Section	TES: Development Plans	**Contact Details**	Planning Officer [redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres South Of Balnacree House, Donavourd		
Comments on the proposal	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 Donavourd I would suggest that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside.		
Recommended planning condition(s)	None		
Recommended informative(s) for applicant	None		
Date comments returned	16/11/17		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01915/IPL	**Comments provided by**	Niall Moran
Service/Section	Transport Planning	**Contact Details**	[redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres South Of Balnacree House Donavourd		
Comments on the proposal	Insofar as roads matters are concerned I do not object to the proposed development.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 November 2017		