

LRB-2021-21 20/01443/FLL – Erection of 2 dwellinghouses, land 40 metres north of 7 Kinclaven Green, Kinclaven
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LRB-2021-21
20/01443/FLL – Erection of 2 dwellinghouses, land 40
metres north of 7 Kinclaven Green, Kinclaven

**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 100424062-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Balmains House"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Ballathie Estate"/>
Company/Organisation	<input type="text" value="Ballathie Estates Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Stanley"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH1 4QN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Kinclaven"/>			
Northing	<input type="text" value="737483"/>	Easting	<input type="text" value="314592"/>

Description of Proposal

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

Erection of 2 dwellinghouses on land 40 metres north of 7 Kinclaven Green, Kinclaven

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See separate grounds of appeal statement along with accompanying plans, reports and background correspondence

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)

Planning application forms, refused drawings, design statement, planning policy statement, email correspondence, processing agreement, report of handling, decision notice and grounds of appeal statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/01443/FLL

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

14/10/2020

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

17/03/2021

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

To assess the site boundaries and it's relationship with the wider building group

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Mark Myles

Declaration Date: 04/06/2021

ERECTION OF 2 HOUSES AT KINCLAVEN, BALLATHIE NOTICE OF REVIEW APPEAL STATEMENT

1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal submitted on behalf of Ballathie Estates Ltd for the erection of 2 houses at Kinclaven which was refused planning permission (20/01443/FLL) by Perth & Kinross Council on 17th March 2021.
- 1.2 The planning application was refused for a single reason, namely;
- 'The proposal would result in a development which would not respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group. The proposal is therefore contrary to specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Local Development Plan 2 (2019), both of which require new developments which extend existing buildings to respect the character, layout and building pattern of the group.'*
- 1.3 It should be noted that the 2nd sentence of the reason for refusal contains an inaccurate statement which does not make sense as the proposal does not involve any new development which involves extensions to existing buildings.
- 1.4 In addition to this notice of review appeal statement, the appeal is supported by drawings, a design statement prepared by Denholm Partnership and our supporting planning statement which were all submitted with the planning application. The detailed policy references contained within the earlier planning statement do not require to be repeated within this statement.

2.0 Background to Grounds of Appeal

- 2.1 The proposal involves the erection of two dwellings on an area of ground that forms part of an existing grouping at Kinclaven, Ballathie.
- 2.2 A previous planning permission in principle application to erect three dwellinghouses (19/01055/IPL) was refused permission in September 2019 as the proposal was not considered to respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group. The proposal was therefore considered to be contrary to specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Local Development Plan 2014. Both of those previous policy documents have now been superseded.
- 2.3 A subsequent amended application to erect two dwellings in principle on the site (19/01693/IPL) was withdrawn on 5 November 2019 prior to its determination and also prior to adoption of LDP2 on 29th November 2019.
- 2.4 Following on from that previous history Bidwells were appointed and we undertook a review of the background correspondence including the objections received to the earlier applications and considered an alternative approach.

- 2.5 This current proposal therefore differs from the previous in that it is a detailed proposal that very clearly identifies existing boundaries, landscaping, topography, layout, design, access and parking and also shows how the proposal can be considered to fit in within the character, layout and building pattern of the existing established building group and meet with the terms of the now updated LDP2 policy criteria and associated Supplementary Guidance (SG) 2020.
- 2.6 In submitting this alternative proposal, the same planning officer that dealt with the previous application was appointed to consider the application.
- 2.7 The application was registered on 14th October 2020 and on 16th December 2020 the planning officer confirmed that he agreed with the case that we had put forward i.e. that the site was considered as an acceptable expansion of the existing building group. However as more than 5 objections from neighbours had been received to the application it was evident that a positive recommendation would require the application to be reported to the Planning & Development Management Committee for determination. A processing agreement was therefore signed and returned to the council on 16th December 2020 (copy included within the supporting papers) agreeing to an extension of time for determination of the application to allow the application to be reported to committee, hopefully on 10th February 2021 but if not then it would be by 10th March 2021 at the latest.
- 2.8 No committee meeting took place in February 2021 and on 1st March 2021 we wrote to the planning officer asking for clarification as to why the application had not been included on the agenda for the committee meeting on 10th March 2021. The explanation and reasons given by the planning officer are included in the attached copy email correspondence. Up until 5th March 2021 no communication had been received from PKC to advise that there had been a complete change of position within the department.

3.0 Building Group Assessment

- 3.1 The principle of erecting housing on this site is required to be considered under the terms of Policy 19 – Housing in the Countryside in the adopted LDP2. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.
- 3.2 The application site is located adjacent to 10 residential properties and to the east of the large agricultural sheds at Ballathie, all of which are located on the northern side of the public road. The two proposed houses would also share the same access road as the existing residential properties. This proposal can be considered positively under the terms of category 1 of Policy 19 which corresponds to 'building groups' and the further guidance on the interpretation of this policy is set out in the SG, Section 1 on 'building groups.'
- 3.3 Policy 1 Placemaking of the LDP2 also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place.

- 3.4 The scale, layout and design of the proposal references that of the other residential properties in the locality. It demonstrates a traditional architectural design and quality external finish which carefully integrates the houses within their setting whilst appreciating the wider environmental context which has a good fit with the surrounding landscape character.
- 3.5 The email response from the planning officer on 5th March 2021 actually acknowledges that *‘this is a detailed submission which does differ from the previous application and does show how the group can be expanded into a definable site, without compromising the residential or visual amenity of the group via a good design and layout.’*
- 3.6 The SG for assessing this type of proposal also postdates the previous withdrawn and refused PPP applications in 2019. The revised SG 2020 states that consent will be granted for houses which extends a group providing that the development takes place in definable sites which are formed by existing topography and or well established landscape features that would provide a suitable setting. This proposal fully meets those requirements as confirmed by the planning officer.
- 3.7 The SG also requires proposals within building groups to demonstrate that;
- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
 - New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
 - A high standard of residential amenity will be provided for both existing and new housing.
- 3.8 As illustrated on the site contextual plan (drawing number 5239 E02) this proposal seeks detailed permission to erect two dwellinghouses on a site forming part of an existing compact grouping which also forms part of the wider dispersed building group at Kinclaven, Ballathie.
- 3.9 For all of the reasons set out below, the proposed dwellinghouses are considered to meet with the terms of the SG criteria:
- They are well sited and integrated within the long established, natural, identifiable boundaries and the defined limits of the ‘compact building group’ and also into the ‘wider dispersed building group’.
 - The proposed house design is of a traditional building style which is sympathetic with the scale, external finish, massing and heights of the surrounding traditional house types;
 - Protects the visual amenity of the building group when viewed from the wider landscape. The architectural design has sought to carefully integrate the houses within their setting and wider environmental context;
 - The siting of the houses utilising the existing access from the public road that serves the rear of the existing properties, creates the opportunity for the dwellinghouses to round off and complete the compact building group within a comfortable environment and which would not disturb any agricultural or related rural activities. There is no loss of prime agricultural land proposed so there is also no conflict with Policy 50 in the LDP2.
 - The site is not seen in isolation within the landscape and would be read as forming part of the overall building group from the public road due to being set against the rising ground to the rear (north). The Report of Handling agrees that the boundaries of the site offer a natural backdrop

and site containment. The existing trees and vegetation located on the rising ground would be further enhanced with additional landscaping and hedge planting around the boundaries of the two plots. This will also further enhance the areas local biodiversity and create a net biodiversity gain.

- The proposed site is also a logical addition to the wider dispersed building group which extends further along the northern side of the public road and includes the very large modern agricultural storage buildings situated at Ballathie Farm. The wider dispersed grouping therefore comprises residential and farm buildings of mixed size, scale, form and use. The farm buildings extend a considerable 'double plot depth' distance back from the public road as evidenced on the site contextual plan. The proposed appeal site has a definable boundary to the north which is framed by the existing topography and well establishing planting and extends a similar distance to the north as the nearby farm buildings already situated at the western end of the grouping. The proposal does therefore compliment the existing character, layout and building pattern of the building group and would not materially affect the character of the existing grouping.

4.0 Conclusions

- 4.1 In terms of the principle of the development, the proposal is therefore considered to meet the terms of Policy 19 (1) from LDP2 and also category, 1 of the SG 2020 in that the new houses are justified and supported by the detailed criteria set out in the policy. There are also no uses in the vicinity of the site that would prevent an adequate standard of amenity for the proposed houses.
- 4.2 When assessing the criteria listed in Policy 1 of LDP2, the proposed houses are to be located on a site that is set against and located within a mature landscape framework on all boundaries which with the additional planting proposed, is perfectly capable of absorbing the development. The submission of this detailed planning application also specifically addresses the detailed concerns that were raised by objectors in respect of the queries about the scale, massing, height, orientation, access, garden sizes, in order to provide confirmation that there would be no issues of overlooking or loss of privacy on any of the adjacent properties.
- 4.3 There are no issues raised with regards to transportation and no alterations are proposed to the existing long-standing access arrangements for the site. There is also adequate space within the site to accommodate the required parking and turning areas for the proposed two-house development. The council's transportation department raised no concerns or objections to the proposals.
- 4.4 In response to the application the council's developer contributions officer also confirmed that there would be no requirement for any contribution payments as part of any approval.
- 4.5 Based on the above assessment and also the incorrect justification set out in the 2nd sentence of the council's reason for refusal, it is therefore considered that the proposal can be supported as being in accordance with the existing Development Plan, subject to any conditions that the LRB may consider necessary.



Ballathie Estates Ltd
c/o Bidwells
Mark Myles
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35 Kinnoull Street
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Date of Notice: 17th March 2021

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **20/01443/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 14th October 2020 for Planning Permission for **Erection of 2 dwellinghouses Land 40 Metres North Of 7 Kinclaven Green Kinclaven**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 The proposal would result in a development which would not respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group. The proposal is therefore contrary to specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Local Development Plan 2 (2019), both of which require new developments which extend existing buildings to respect the character, layout and building pattern of the group.

Justification

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

Notes

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

Plan Reference

01

02

03

04

05

06

07

REPORT OF HANDLING

DELEGATED REPORT

Ref No	20/01443/FLL	
Ward No	P5- Strathtay	
Due Determination Date	13th December 2020 Extended to 12th March 2021	
Draft Report Date	15th March 2021	
Report Issued by	AMB	Date 15th March 2021

PROPOSAL: Erection of 2 dwellinghouses

LOCATION: Land 40 Metres North Of 7 Kinclaven Green,
Kinclaven

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of two dwellings 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: 31 July 2019 (previous application)

SITE PHOTOGRAPHS



View of the site

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a detailed planning permission for the erection of two dwellings on a site to the rear of a small hamlet of dwellings locally known as Kinclaven Green. The hamlet is largely based on a

run of dwellings along the roadside (east to west), with an additional grouping of agricultural buildings at its western end.

The application site is an area of largely unkempt land which is understood to have been used in the past for animals but is now vacant. The boundaries of the site are defined by sloping land to the rear (north) which offers a natural backdrop and site containment.

To the front (south) are the rear gardens of the existing dwellings and a private vehicular access serving those properties – both of which also creates site containment. Along the northern boundary, and on land further outwith the site is a scattering of trees.

Vehicular access into the site would be via an existing private access which joins the public road to the south.

Each of the dwellings will offer living accommodation over two levels, with the upper level contained within the roofspace via dormers. The two houses are essentially the same house type but are handed versions of one another.

SITE HISTORY

A in principle planning application for a residential development on the site was refused planning permission in 2019 on the grounds that the proposal would not accord with the principles of the Council's housing in the countryside policies (19/01055/IPL). That submission showed an indicative layout of three residential units.

A further in principle application (19/01693/IPL) was submitted in 2019 and was withdrawn prior to determination.

PRE-APPLICATION CONSULTATION

None undertaken.

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this planning application is,

The Scottish Planning Policy 2014

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

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

Of specific relevance to planning application are,

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The site is located within the landward area of the LDP2, where the following policies would be applicable to a residential proposal,

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policy towards developer contributions and affordable housing 2020.

Housing in the Countryside 2020

This is the most recent expression of Council policy towards new housing in the open countryside.

Placemaking Guide 2020

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

EXTERNAL CONSULTATION RESPONSES

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

Perth And Kinross Heritage Trust have commented on the proposal and raised no objections in terms of local archaeology.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal and have indicated that they have no objections to the proposal in terms of the proposed means of vehicular access or parking / turning areas.

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

Environmental Health have commented on the proposal in terms of noise, odours and contaminated land and have raised no objections.

REPRESENTATIONS

Eight letters of representations have been received, all of which are objecting to the proposal. The main reasons stated within the objections are,

- Contrary to the HITCG 2020
- Contrary to the Development Plan
- Out of character with the area

- Impact on local wildlife
- Impact on trees
- Loss of residential amenity
- Road safety issues

These issues are addressed in the main appraisal section.

ADDITIONAL STATEMENTS

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

APPRAISAL

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

In terms of other material considerations, consideration of the site's relatively recent planning history and compliance with the Council's SPG's on Housing in the Countryside and Developer Contributions are all material considerations.

Policy Appraisal

In terms of land use policies, the principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan 2 (LDP2). Within the LDP2, the site lies within the landward area where *Policies 1 (placemaking)* and *19 (HITCP)* would be directly applicable to a new residential proposal.

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

For reasons stated below, this revised (detailed) proposal is still considered to be contrary to *Policy 19* of the Local Development, and the associated SPG on Housing in the Countryside.

Land Use Acceptability

The site lies within the landward area of LDP2 where *Policy 19* is directly applicable to new residential proposals. *Policy 19* relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2020 (HITCG) which offers a more detailed policy background and is the most recent expression of Council opinion towards new housing in the open countryside.

To this end, the acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the terms of the HITCG 2020.

The site is located to the rear of a run of existing properties, so the most relevant section of the HITCG applicable to this proposal is building groups.

By definition of what is proposed i.e. the proposal is not a conversion, replacement non-residential building, replacement house, operational need/local worker house or development on rural brownfield land - the other sections of the HITCG are not relevant.

Likewise, as the development would not take place between existing dwellings, or other buildings, the development is not an infill opportunity by definition either. It would simply be an extension of a building group, which is defined as typically being three or more dwellings - which Kinclaven Green would be.

In terms of acceptable new development which extends an existing grouping, the HITCG policy states that consent will be granted for houses which extends a group providing that the development takes place in definable sites which are formed by existing topography and or well established landscape features that would provide a suitable setting. As the site is well contained by natural features to the rear and front, the site aligns positively with this part of the HITCG.

However, the HITCG also states that all acceptable proposals must a) respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern of the group, b) not detract from the visual amenity of the group and c) provide / achieve a high standard of residential amenity for existing and proposed house(s).

In terms of residential amenity, existing residential will be safeguarded and a suitable level of residential amenity deliverable for future occupiers of the dwellings.

In terms of the visual impact, the impact would be low due to the quality of the house design, and the fact that they would be located behind the run of existing dwellings. The principal impact in visual terms would be on the general character of the group as perceived by the existing residents.

In light of this, the key issue for this proposal is its impact on the character of the existing group and on the existing building pattern, and this has been raised as a specific issue in a number of the representations. This was also the principal issue for the previous in principle planning application which was refused.

The existing dwellings are all along the roadside in a distinctly linear shape.

Notwithstanding the sites physical characteristics in terms of its containment, if consented, the proposed development would result in a distinct change in the appearance and character of the existing group, moving it from its current linear feel to a more substantial grouping which in turn, would creating a new building pattern.

Accordingly, what is proposed would not respect the character of the existing group but would clearly alter it and also create a new building pattern which would be materially different from the status quo.

It remains the view of the Council that whilst the site may have a good landscape and containment, this alone does not justify support as there remains concerns that the character of the existing group would be adversely affected by new development at the rear which would erode the distinct building pattern and character of the existing group.

To this end, it is not considered that the proposal would be an acceptable extension of existing building group and would therefore be contrary to both Policy 19 of the LDP2 and the HITCG 2020.

Visual Amenity. Design and Layout

The house types proposed are acceptable in this location, as is their layout which ensures that residential amenity is protected and a suitable level of amenity space for future occupiers of each of the dwellings is delivered.

As stated previously, the visual impact of the development would be relatively low due to the quality of the design, and the fact that they would be located behind the existing dwellings and screened from the public road.

Residential Amenity

In terms of the impact on existing residential amenity, it is noted that some concerns have been within the representation regarding loss of privacy and overlooking. Whilst the placement of two dwellings to the rear will change the

appearance of the area from the neighbour's perspective, it will not necessarily impact directly on their residential amenity in terms of direct overlooking or loss of privacy. The separation distances proposed are acceptable and inline with the Council's placemaking standards.

In terms of being able to provide a suitable level of residential amenity for future occupiers of the dwelling, a suitable amount of usable amenity space is being provided which again meets with the Council's placemaking standards, and an acceptable internal separation between the two proposed houses.

Roads and Access

Transport Planning have reviewed the proposal and raised no concerns over the proposed geometrics or visibility at the junction. In terms of parking and turning within the plots, this is also considered to be acceptable.

Natural Heritage and Biodiversity

The proposal will have no impact on biodiversity or natural heritage issues, and there is no known protected species on the site. However, as some vegetation will be removed, in the event of any approval being forthcoming, bio-diversity measures such as swift and box boxes should be included in the final design of the dwellings. Such measures can be controlled via conditions.

Drainage and Flooding

In terms of drainage and flooding matters, the proposal raises no concerns.

The site is located outwith any sewered area, so drainage will be via a private system which is an acceptable solution in this area.

With regards to flooding matters, the site is not known to be at risk from flooding and any surface water will be controlled to that surface water does not spill onto neighbouring land.

Impact on Trees

There are some trees scattered along the boundaries of the site, and these will be protected during the course of construction. Some of these trees may have their root protection areas within the site, however there should not be the need for substantial tree removals to accommodate proposal as the main portion of the site is clear of trees.

Conservation Considerations

The proposal does not affect any listed building or conservation area. There is also no impact on any local archaeology.

Developer Contributions

Affordable Housing

As the proposal only involves two dwellings, there is no requirement for affordable housing provision.

Transport Infrastructure

The site is located outwith the catchment areas for Transport Infrastructure.

Primary Education

The local primary school currently has no capacity issues, so no developer contributions in relation to Primary Education is required.

A9 Junction Improvements

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

The planning application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

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

The proposal would result in a development which would not respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group. The proposal is therefore contrary to specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Local Development Plan 2 (2019), both of which require new developments which extend existing buildings to respect the character, layout and building pattern of the group.

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

01-07 (inclusive)

From: [Mark Myles](#)
To: [Andy Baxter](#)
Cc: [John Milligan](#); [Rod Paul](#); [Mark Milligan](#); [Scott Milligan](#)
Subject: RE: KInclaven
Date: 05 March 2021 10:25:00

Hi Andy

Thanks for your update email which acknowledges that for whatever reason there has been a complete failing on the part of the council in the way that this planning application has been processed.

I am not only disappointed and frustrated at the change of position but as a regular agent and user of the Perth & Kinross Council planning system, I'm also angry and feel totally let down as you will appreciate that I've been informing my client that the council were presenting this application to committee with a positive recommendation - with an expected committee date of 9th March as per the signed processing agreement.

When we spoke on 16th December it was clear that you were supportive of the application and you would be speaking with your Team Leader later that week and unless I heard from you again a positive recommendation would be the settled position of the council. No further correspondence or phone call was received that offered a different view until today.

The delay in the determination of this application and now the change of position not only impacts on my clients time and money, but may also have implications for the wider development opportunities at Ballathie which we are currently discussing with your colleagues Callum Petrie and Jamie Scott.

I will be reverting to my client to discuss next steps.

Kind regards



Mark Myles
Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738230154 | M: 07717512203 | bidwells.co.uk

Business continuity during Covid-19 outbreak. Click [here](#) to find out more.



From: Andy Baxter [REDACTED]
Sent: 05 March 2021 09:33
To: Mark Myles <mark.myles@bidwells.co.uk>
Cc: John Milligan [REDACTED]; Rod Paul [REDACTED]; Mark

Hello Mark,

Again, apologies for the delay in getting back to you regarding this application and also for the level of customer care you've received which has been below the Council's expected standards. I've now had a opportunity to discuss this case in depth with my Team Leader, and accept that this should have been done sometime ago to allow for a settled position to be obtained and then relayed back to you – so I again, apologise for that.

The recent site history of the site, and the comments made on the previous Report of Handling (ROH) is more of a consideration than I had originally had accounted for, and my initial thoughts on this proposal should have reflected the position which was set out in the 2019 ROH. That report was explicit in saying that any development to the rear of the existing group would be out of character with that existing (linear) grouping. It also considered (albeit with no details) the possibility of a two house development being advanced and assessed the impact that would have on the existing group. Whilst a change to the character of an existing building group is not always necessary an adverse one, the distinct nature of the Kinclaven Crescent would undoubtedly be affected, and the impact would be an adverse.

We're aware that this is a detailed submission which does differ from the previous application and does show how the group can be expanded into a definable site, without compromising the residential or visual amenity of the group via a good design and layout, however the position we took in the Report of Handling (ROH) for the previous planning application is a significant consideration which needs to be borne in mind, and it is noted that a number of the representations have referenced the specific sections of the ROH.

To this end, we'll unfortunately be recommending the application for a refusal on the grounds that the proposal would materially affect the character of the existing group, which aligns with the position taken for the 2019 application. This position should have been arrived far soon and last year, and the delay in getting there is due to delays on my part which I do regret as it will no doubt have cost your client time.

I've been asked to report on the application ASAP to avoid further delays, and to allow you to take the application to the Council's Local Review Body -which is the route I would suggest you take.

I hope this updates you but appreciate it is a very disappointing and frustrating outcome, after earlier discussions.

Andy Baxter
Planning Officer

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 02 March 2021 08:02
To: Andy Baxter <[REDACTED]>
Cc: John Milligan <[REDACTED]>; Rod Paul <[REDACTED]>; Mark Milligan <[REDACTED]>; Scott Milligan <[REDACTED]>
Subject: RE: Kinclaven

Morning Andy – thanks for your update.

Trusting that the settled view will be one that continues to recommend approval.

Look forward to hearing from you

Kind regards

Mark Myles
Partner, Head of Planning Scotland
Ext. 4154 | DD: 01738230154 | M: 07717512203

From: Andy Baxter <[REDACTED]>
Sent: 02 March 2021 07:06
To: Mark Myles <mark.myles@bidwells.co.uk>

Subject: RE: Kinclaven

Hello Mark, and apologies for the delay in getting back to you and keeping you updated. Anne has asked me to give her some further clarification on why I think the development accords with the HITCG before committing to taking the application to Committee, in light of the position taken in respect of previous planning applications which I need to do today – as the next Committee cycle starts tomorrow.

When we have discussed this, and come to a settled view I'll update you on the outcome.

This should have been done previously, but I've been caught up on other work – which I appreciate is not either your or your clients fault, but I will get back to you as soon as I can.

Andy

From: Mark Myles <mark.myles@bidwells.co.uk>

Sent: 01 March 2021 15:05

To: Andy Baxter <[A](#)>

Cc: John Milligan <>; Scott Milligan >;
Mark Milligan >; Rod Paul >

Subject: RE: Kinclaven

Hi Andy

I note that the Kinclaven planning application is not included on the agenda for the 9th March committee meeting which is clearly very disappointing given that this had been discussed back in December and was referred to in the processing agreement.

Can you advise if there is a specific reason for this and if the application will now be reported to the next meeting on 7th April?

Look forward to hearing from you by return

Kind regards



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738230154 | M: 07717512203 | bidwells.co.uk

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From: Andy Baxter <[REDACTED]>
Sent: 29 January 2021 10:06
To: Mark Myles <mark.myles@bidwells.co.uk>
Subject: RE: Kinclaven

Hello Mark,

I've asked around to see what the outcome was of the debate, however my reading of the paper is that it was proposed to keep the LRB and Planning Committee going.

Andy

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 29 January 2021 08:19
To: Andy Baxter <[REDACTED]>
Cc: John Milligan <[REDACTED]>; Rod Paul <[REDACTED]>
Subject: RE: Kinclaven

Morning Andy

In light of the council's decision earlier this week to suspend all committee meetings for the foreseeable future, can you confirm if the Planning & Development Management Committee will still be meeting on a regular basis and if the Kinclaven application (20/01443/FLL) will be on the agenda for the next scheduled meeting on 10th March?

<https://www.thecourier.co.uk/fp/news/local/perth-kinross/1922620/perth-and-kinross-council-rips-up-meetings-timetable-to-offer-reprieve-to-tired-and-overstretched-officers/>

Many thanks

Kind regards



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA

DD: 01738230154 | M: 07717512203 | bidwells.co.uk

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From: Mark Myles

Sent: 16 December 2020 13:37

To: Andy Baxter <[REDACTED]>

Cc: John Milligan <[REDACTED]>; Rod Paul <[REDACTED]>

Subject: RE: Kinclaven

Hi Andy

Thank you for the very helpful discussion this morning.

As requested please find attached the completed processing agreement and look forward to hearing from you again soon

Kind regards



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA

DD: 01738230154 | M: 07717512203 | bidwells.co.uk

Business continuity during Covid-19 outbreak. Click [here](#) to find out more.



From: Andy Baxter <[REDACTED]>
Sent: 16 December 2020 13:02
To: Mark Myles <mark.myles@bidwells.co.uk>
Subject: Kinclaven

Hello Mark,

Thanks for the chat this morning.

I've attached simple processing agreement, with our March committee dates inserted. I will try to hit to February, but this will save doing another processing agreement – if I don't manage that.

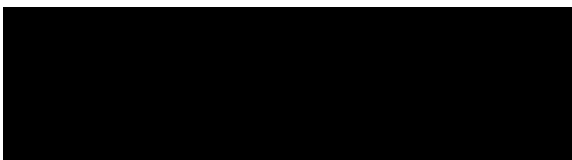
I will come back to you sooner though, once I've agreed the approval recommendation with Anne.

If you have time to e-sign and return, it will assist me internal – bearing in mind the application has slipped past its target dates.

Thanks,

Andy Baxter
Planning Officer (Local Developments)
Development Management
Planning & Development

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





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Planning Processing Agreement



**PERTH &
KINROSS
COUNCIL**

This processing agreement between Perth and Kinross Council and Mark Myles, and aims set out the timescale for bringing a pending planning application to a conclusion,

This processing agreement is not legally binding.

PLANNING APPLICATION DETAILS

Reference numbers	20/01443/FLL
Site Address	Kinclaven Green, Kinclaven
Description of Development	Residential Development
Application Type	Full

DETAILS OF PROCESSING AGREEMENT

Action	Date/Comments
PKC to confirm recommendation, and presentation to Committee	Prior to 4 February 2021
PKC to finalise committee paper, in event of approval recommendation	Prior to 10 February 2021
Presentation to Committee	No later than 10 March 2021
PKC to issue formal decision notice	No later than 3 working days after Committee

Signed -



On Behalf of Perth and Kinross Council

Dated -

16 December 2020

Signed -



c/o Bidwells on behalf of applicant

Dated -

16 December 2020



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 100313916-001

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 2 dwellinghouses

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *
Other Title:		
First Name: *		
Last Name: *		
Company/Organisation	Ballathie Estates Ltd	
Telephone Number: *		
Extension Number:		
Mobile Number:		
Fax Number:		
Email Address: *		

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

737493

Easting

314592

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.40

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)

Rough grass and scrub

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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 80%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 80%;" type="text" value="4"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? * <div style="margin-top: 5px;"> <input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required </div>	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? * <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets). </div>	
What private arrangements are you proposing for the New/Altered septic tank? * <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters. </div>	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * <div style="border: 1px solid black; height: 100px; margin-top: 5px; padding: 5px;"> Details are shown on proposed site plan </div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *	
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.	

<p>Are you proposing to connect to the public water supply network? **</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h3>Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? **</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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 SEP/A for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? **</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h3>Trees</h3> <p>Are there any trees on or adjacent to the application site? *</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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.</p>
<h3>Waste Storage and Collection</h3> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? **</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details ** (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> Domestic bin storage area will be provided to satisfy current standards </div>
<h3>Residential Units Including Conversion</h3> <p>Does your proposal include new or additional houses and/or flats? *</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? *</p> <div style="border: 1px solid black; width: 150px; text-align: center; margin: 5px 0;">0</div> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>
<h3>All Types of Non Housing Development – Proposed New Floorspace</h3> <p>Does your proposal entail or create non-residential floorspace? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<h3>Schedule 3 Development</h3> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>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.</p>

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 2012

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 D.

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

Certificate Required

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

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2012

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signature: Mark Myers

On behalf of: Ballantine Estates Ltd

Date: 07/10/2020

☒ Please tick/hard to certify this Certificate

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan
- ☒ Elevations
- ☒ Floor plans
- ☒ Cross sections
- ☐ Roof plan
- ☒ Master Plan/Framework Plan
- ☐ Landscape plan
- ☒ Photographs and/or photo-montages
- ☐ 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 Floods Impact Assessment (including proposals for sustainable Drainage systems)? *

☐ Yes ☒ N/A

Drainage/UD 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 800 characters):

Planning Statement

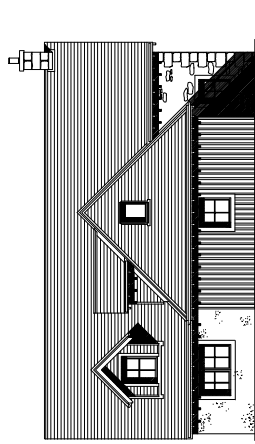
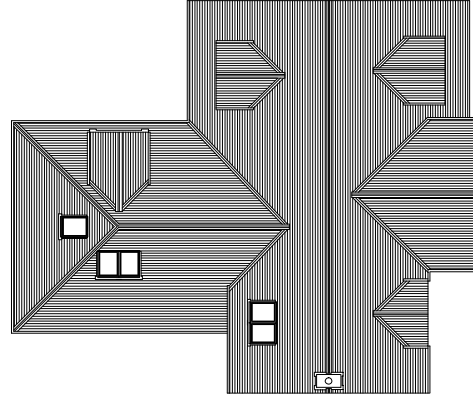
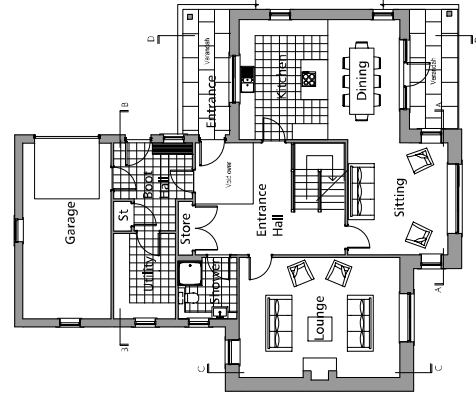
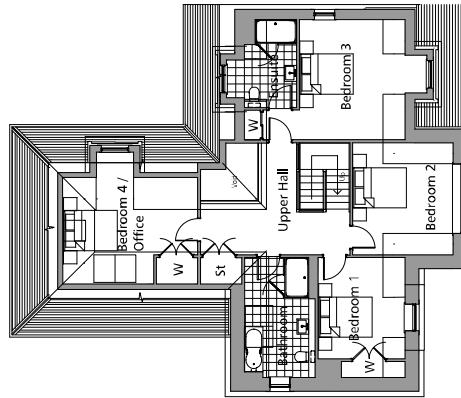
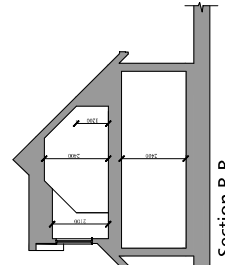
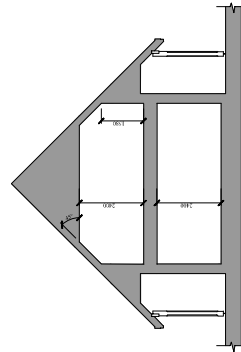
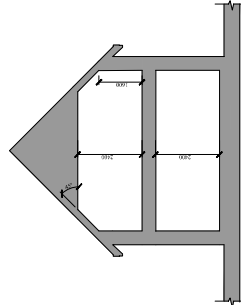
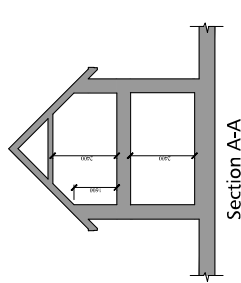
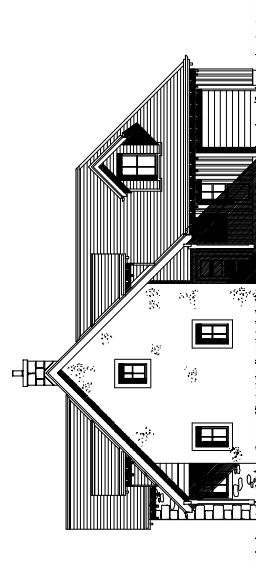
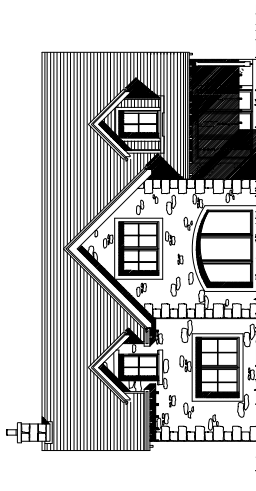
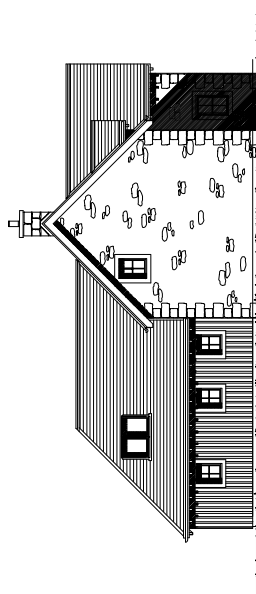
Declare – For Application to Planning Authority

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 Mark Myles

Declaration Date: 07/10/2020

Payment Details



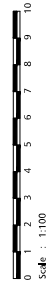
MATERIALS

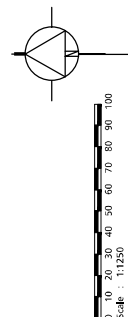
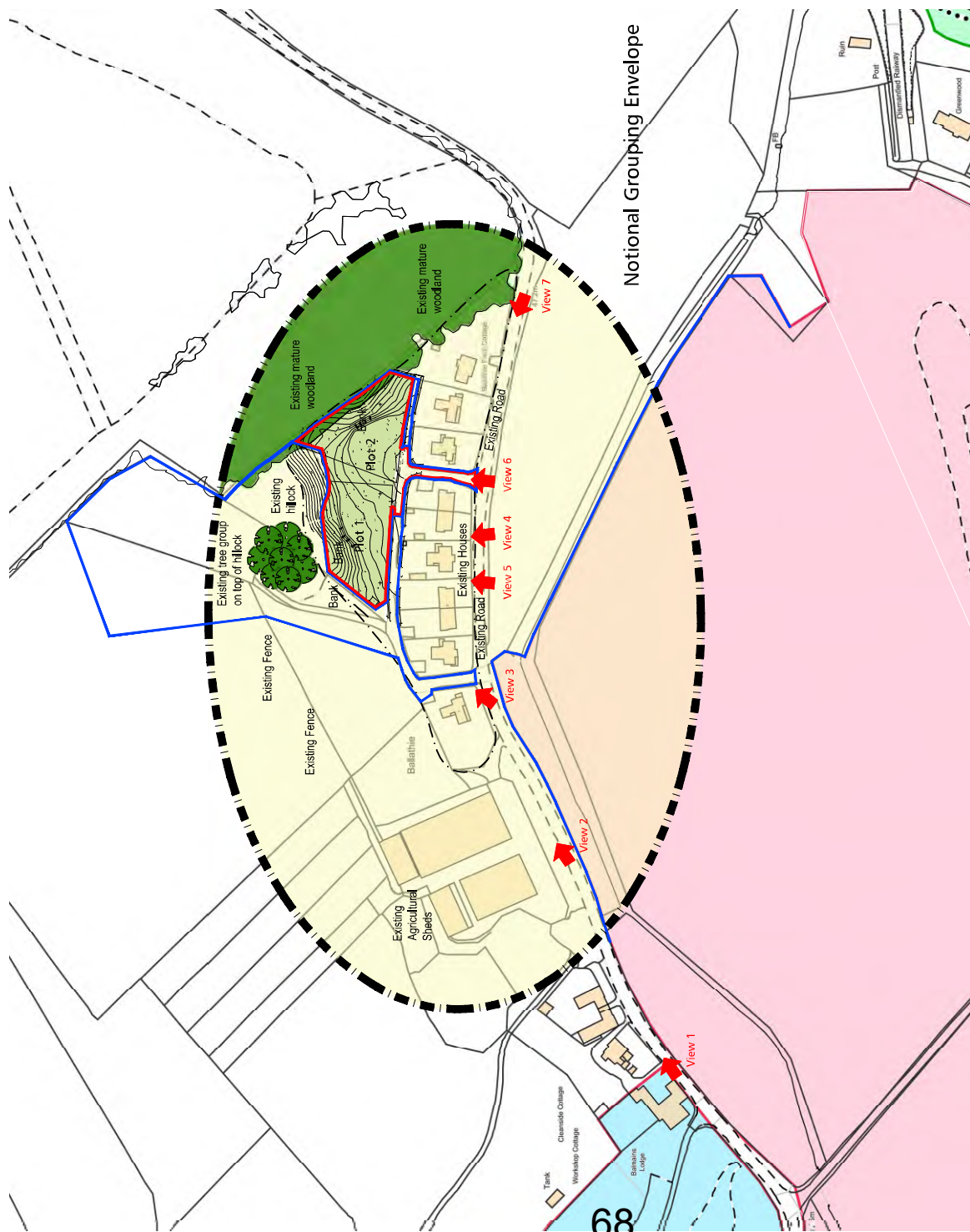
Roofing - Natural slate, colour grey to match existing external walls • Natural stone cladding in coarsest rubble, timber board and batten and weatherboard cladding (colour to be agreed with PKC Planning Department) as shown on elevations.

Windows - high performance double glazed timber colour white

Rainwater goods - Black uPVC 110mm square hardwood poles to entrance porches.

Doors - high performance timber

[illegible]



DESIGN STATEMENT

**Proposed New Houses at
Kinclaven
Ballathie, Stanley**

SITE AND LOCATION

The site lies within group of buildings at Kinclaven some 3.5 miles north east of Stanley along the B9099 from Stanley to Blairgowrie. The grouping at Kinclaven comprises a number of domestic properties and agricultural buildings. The domestic buildings are a mixture of semi detached single storey houses and 1½ storey detached and room in roof houses whilst the agricultural buildings are large metal sheds with blockwork base courses. The proposed site is triangular in shape and is very clearly defined by the houses and road to the south and the existing natural boundaries of the woodland to the north east and the topography of the tree topped hillock to the north west whilst the grouping is defined by the agricultural buildings on the western side. The existing setting is ideal for the proposed new houses which will be tucked into and sheltered by the rising ground to the northern side whilst taking full advantage of the good light from the east, south and west and affording views both east and west away from the existing properties. The nature of the existing site boundaries also means that the proposed development will be inconspicuous and there is no potential for any expansion of development beyond the site boundaries. Access to the site is via an existing lane that runs parallel to the B9099 with 2 separate connections to the road.

THE PROPOSAL

The proposal is to subdivide the site into 2 separate plots to create sites for 2 new room in roof / 1½ storey dwelling houses similar in size and scale to the existing more recent detached dwellings within the grouping. The new houses have been designed to allay concerns from nearby dwellings of overlooking and will face east / west to take advantage of the views.

Although 3 houses on the site would more accurately reflect the plot ratio and size on plan of most houses within the grouping, the nature of the existing topography (rising ground to the north) reduces the usable area of the site considerably which would compromise any such proposal. Evidence from previous Planning Applications also indicates that a lower density would definitely be preferable to the neighbours and therefore, the approach chosen was to respect the neighbours' concerns and form 2 plots and to base plot sizes on the larger plots within the grouping.

The proposed new houses are both of the same design to reflect the repetitive nature of other houses within the grouping and are both 3 Bedroom houses with open plan sitting / dining kitchen areas with separate lounge and a 'home office' / fourth bedroom to reflect the change in working practices that are becoming prevalent. The proposals also incorporate integrated garages and utility / boot areas consistent with the rural setting. By providing a downstairs shower room adjacent to the lounge area, the houses will effectively be future proofed by allowing elderly or disabled to make use of the lounge as a bedroom if ever needed.

Although the layouts, interiors and facilities in the houses are contemporary in nature and the large glazed areas to the west elevations will make the spaces light and airy, the exterior of the

buildings are more conservative as befits the setting within a grouping of more traditional buildings and the more general character of the locality. Traditional and natural materials have been used for external finishes comprising natural stone slate to roofs, natural stone, white roughcast render and stained timber external wall finishes. Timber doors and windows together with the subdivisions of glazed areas also reflect this more traditional character. The use of room in roof dormers as well as a wall head dormer and gable features help to break up the mass of the building whilst picking up on local features.

Landscaping will be minimal and low impact to reflect the rural setting and will comprise of beech hedging to define boundaries, turf to lawn areas and indigenous tree planting to give some containment, structure and form to the garden areas. Natural stone slabs to paths and terraces and a whin dust driveway and parking are the only hard landscape features proposed.

The proposed use of natural materials and a natural palate of colours (to be agreed with Perth and Kinross Planning Department) will ensure that the house will nestle into the existing grouping and the broader landscape in an unobtrusive and natural way.

ERECTION OF 2 HOUSES AT KINCLAVEN, BALLATHIE PLANNING POLICY STATEMENT

Table of Contents

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4.0	Development Plan	3
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1.0 Introduction

- 1.1 This supporting planning statement should be read in conjunction with the planning permission application for the erection of two dwellinghouses submitted to Perth & Kinross Council on behalf of Ballathie Estates Ltd.
- 1.2 The application site is located to the north of 10 residential properties and to the east of the large agricultural sheds at Ballathie, all of which are located on the northern side of the public road. The two proposed houses would utilise the same access as the existing residential properties.
- 1.3 This planning application has been submitted as a 'local application' under the Town & Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 1.4 In addition to this planning policy statement, the application is supported by drawings and a design statement prepared by Denholm Partnership.

2.0 Background to the Proposal & Previous History

- 2.1 The proposal involves the erection of two dwellings on an area of ground that forms part of the existing grouping at Kinclaven Green, Ballathie.
- 2.2 A previous planning permission in principle application to erect three dwellinghouses (19/01055/IPL) was refused permission in September 2019 as the proposal was not considered to respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group. The proposal was therefore considered to be contrary to specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Local Development Plan 2014. Both of those previous policy documents have now been superseded.
- 2.3 A subsequent amended application to erect two dwellings in principle on the site (19/01693/IPL) was withdrawn on 5 November 2019 prior to its determination.
- 2.4 This current application differs from the previous in that it is for a detailed proposal that identifies existing boundaries, landscaping, topography, layout, design, access and parking and how the proposal can be considered to fit within the existing established building group and meet with the terms of the now updated LDP2 and associated Supplementary Guidance.

3.0 Planning Policy Context

National Policy and Guidance

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

National Planning Framework

- 3.2 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 3.3 Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.
- 3.4 The following sections of the SPP are of importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74-83
- 3.5 SPP is an important material consideration as Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.6 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that *'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*
- 3.7 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

4.0 Development Plan

- 4.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan (adopted November 2019).
- 4.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy – March 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application and these are set out in more detail in chapters 3 and 5.
- 4.4 The principle of erecting housing on this site is required to be considered under the terms of Policy 19 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan 2. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.
- 4.5 This proposal can be considered under the terms of category 1 of Policy 19 which corresponds to 'building groups' and the further guidance on the interpretation of this policy is set out in the Supplementary Guidance, Section 1 on 'building groups.'
- 4.6 Policy 1 Placemaking of the Perth & Kinross Local Development Plan 2 also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place.
- 4.7 The scale, layout and design of the proposal references that of other residential properties in the locality. It demonstrates a traditional architectural design and quality external finish which carefully integrates the house within its setting whilst appreciating the wider environmental context which has a good fit with the surrounding landscape character.

5.0 Other Material Considerations

- 5.1 In addition to the policy framework set out in Sections 3 and 4 above, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;

Perth & Kinross Council Housing in the Countryside Supplementary Guidance – March 2020

- 5.2 This supplementary guidance contains detailed criteria for assessing this type of proposal and importantly it postdates the previous withdrawn and refused PPP applications in 2019. The guidance lists the following categories where housing in the countryside proposals may be considered acceptable (building group, infill sites, new houses in the open countryside, replacement houses, conversion or replacement of non-domestic buildings, rural brownfield land).
- 5.3 Of these categories the proposal requires to be assessed further under the terms of (1) building groups. It states that permission will be granted for houses within building groups providing it can be demonstrated that;
- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
 - New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
 - A high standard of residential amenity will be provided for both existing and new housing.

Planning Advice Note 72 – Housing in the Countryside

- 5.4 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 5.5 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *‘overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.’* The PAN concludes by stating that *‘there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.’*
- 5.6 The council’s supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

Advice from Chief Planner (November 2011) and Circular 3/2012

- 5.7 The letter issued to Local Authorities by the Chief Planner in November 2011 reiterated that the Scottish Government’s Planning Policy is to promote a positive approach to rural housing and to

support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. The Scottish Government's approach is not to promote the use of occupancy conditions and the guidance clearly states that 'the Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided. So where a planning authority is satisfied that an adequate case has been made for a house in a rural area then it should not be necessary to use formal mechanisms to restrict the occupancy.

- 5.8 This advice was then taken forward and adopted into Scottish Government Circular 3/2012 on Planning Obligations and Good Neighbour Agreements and paragraphs 49 – 51 provide further support to this application. These paragraphs state;

'49. While the most common use of planning obligations is to ensure the provision of infrastructure to make a development acceptable in planning terms, there is a limited role for obligations in restricting the use of land or buildings.

50. Such restrictions have historically been used particularly in respect of housing in rural areas. Imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. In determining an application, it may be appropriate for the planning authority to consider the need for the development in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification against the potential impacts, for example on road safety, landscape quality or natural heritage, and in such circumstances, it may be appropriate for applicants to be asked to make a land management or other business case.

51. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use a planning obligation as a formal mechanism to restrict occupancy or use.'

6.0 Planning Assessment & Conclusions

- 6.1 This planning application seeks detailed permission to erect two dwellinghouses on a site forming part of an existing compact building grouping which also forms part of the wider dispersed building group at Kinclaven, Ballathie.
- 6.2 When assessing the relevant planning policies, the policy that deals with the principle of the development (Policy 19 of LDP2) allows for new dwellings in the countryside where they fall into certain categories. In this case the proposal requires to be considered against category 1 of Policy 19 and the associated section 1 of the Supplementary Guidance.
- 6.3 For the reasons are set out below the proposed dwellinghouses are considered to meet with the terms of the policy criteria:
- They are well sited within the long established, natural, identifiable boundaries and the defined limits of the 'compact building group' and also the 'wider dispersed building group'. This is illustrated on the Site Plan and also on the Location Plan that has been prepared by Denholm Partnership in support of this application;
 - The proposed house design is of a traditional building style which is sympathetic with the scale, external finish, massing and heights of the surrounding traditional house types;
 - Protects the visual amenity of the building group when viewed from the wider landscape. The architectural design has sought to carefully integrate the houses within their setting and wider environmental context;
 - The siting of the houses utilising the existing access from the public road that serves the rear of the existing properties, creates the opportunity for the dwellinghouses to round off and complete the compact building group within a comfortable environment and which would not disturb any agricultural or related rural activities. There is no loss of prime agricultural land proposed so there is also no conflict with Policy 50 in the LDP2.
 - The site is not seen in isolation within the landscape and would be read as forming part of the overall building group from the public road due to being set against the rising ground to the rear (north). The existing trees and vegetation located on the rising ground would be further enhanced with additional landscaping and hedge planting around the boundaries of the two plots. This will also further enhance the areas local biodiversity and create a net biodiversity gain.
 - The proposed site is also a logical addition to the wider dispersed building group which extends further along the northern side of the public road up to and including Ballathie Farm, including the very large modern agricultural storage buildings situated on the northern side of the road. The wider dispersed grouping therefore comprises residential and farm buildings of mixed size and typology including new build. The farm buildings extend a considerable distance back from the public road as evidenced on the location plan. The proposed application site has a definable boundary to the north which is framed by the existing topography and well establishing planting and will not extend any further to the north than the nearby farm buildings already situated to the west. The proposal therefore fully compliments the character, layout and building pattern of the existing building group.
- 6.4 In terms of the principle of the development, the proposal is therefore considered to meet the terms of Policy 19 (1) from LDP2 and also category, 1 of the supplementary guidance in that the new houses are justified and supported by the detailed criteria set out in the policy. There are

also no uses in the vicinity of the site that would prevent an adequate standard of amenity for the proposed houses.

- 6.5 When assessing the criteria listed in Policy 1 of LDP2, the proposed houses are to be located on a site that is set against and located within a mature landscape framework on all boundaries which with the additional planting proposed, is perfectly capable of absorbing the development. The submission of this detailed planning application also specifically addresses the detailed concerns that were previously raised by objectors to the previous PPP applications in respect of the queries about the scale, massing, height, orientation, access, garden sizes, in order to provide confirmation that there would be no issues of overlooking or loss of privacy on any of the adjacent properties.
- 6.6 There are no issues raised with regards to transportation and no alterations are proposed to the existing long standing access arrangements for the site. There is also adequate space within the site to accommodate the required parking and turning areas for the proposed two-house development. The council's transportation department had raised no concerns or objections to the previous proposals.
- 6.7 Based on the above, it is therefore considered that the proposals can be supported as being in accordance with the existing Development Plan and the other material considerations, subject to any conditions and developer contributions that may be considered necessary and appropriate by the council.

<p>LRB-2021-21 20/01443/FLL – Erection of 2 dwellinghouses, land 40 metres north of 7 Kinclaven Green, Kinclaven</p>
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PLANNING DECISION NOTICE *(included in applicant's submission, pages 31-32)*

REPORT OF HANDLING *(included in applicant's submission, pages 33-42)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 63-82)*

LRB-2021-21
20/01443/FLL – Erection of 2 dwellinghouses, land 40
metres north of 7 Kinclaven Green, Kinclaven

REPRESENTATIONS

Thursday, 29 October 2020



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

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

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

Dear Sir/Madam

SITE: Land 40 Metres North Of 7 Kinclaven Green, , Kinclaven, PH1 4QA
PLANNING REF: 20/01443/FLL
OUR REF: DSCAS-0025364-3MP
PROPOSAL: Erection of 2 dwellinghouses

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

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



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



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Please Note

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

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



So, how are we doing?

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To:	Andrew Baxter, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	5 th November 2020

20/01443/FLL | Erection of 2 dwellinghouses | Land 40 Metres North Of 7 Kinclaven Green Kinclaven

Thank you for consulting PKHT on the above application.

In respect to archaeology and the planning process, as outlined by Scottish Planning Policy, the proposed development does not raise any significant issues. No further archaeological mitigation is required in this instance.

Tracy McManamon

From: David Henderson [REDACTED]
Sent: 10 November 2020 14:19
To: Development Management - Generic Email Account
Subject: Planning application reference 20/01443/FLL. Land 40 metres north of 7 Kinclaven Green

Development Quality Manager
Perth and Kinross Council
Planning Department
Pullar House
Kinnoul Street
Perth
PH1 5GD

Planning application 20/01443/FLL

Dear Sir,

We wish to object to the application for erection of two houses on land 40 metres north of 7 Kinclaven Green for the following reasons.

The agent for the applicant states in the support statement that the proposal will be part of or extend an existing compact group and is in accordance with the policy Housing in the Countryside Guidance 2020. This states that:- Permission will be granted for houses within building groups provided it can be demonstrated that:- New housing will respect the character, scale and form of the existing group and will be integrated into the existing layout and building pattern.

The Housing and Countryside Guidance 2020 also states new housing will not detract from the visual amenity of the group when viewed from the wider landscape.

We would argue that existing pattern of development is not compact but is linear in character and was augmented previously by infill development when the five single properties were built on land in between the existing semi detached cottages.

Therefore the current proposal is not acceptable in principle because the proposal does not respect the form of the existing group and will not be integrated into the existing layout and building pattern. The proposal is not infill but more back land development which is contrary to and does not fit the existing build pattern.

These points should be considered by planning as reasons for refusing this application as being contrary to policy 19 of Perth & Kinross Local Development Plan 2019 and the Housing and the Countryside Guidance of 2020 for these reasons. The application proposed is contrary to all planning policy including the updated version because it disrupts the distinctive layout of the existing houses.

A previous application 19/01055/IPL was refused last year.

In the Delegated Report from Planning (page 8) clearly and unequivocally states:- "The existing dwellings are all along the roadside. This proposed development will result in distinct change in the appearance and character of the existing group from a linear group to a more substantial group with development in more than just a linear form. Paragraph 3 on page 8 also states:- "however whilst the site may have a good landscape and containment this alone does not justify support as there remains concerns that the character of the existing group would be adversely affected by new development at the rear whether that be for three or more or two units.

After consideration of the area and the character of the group there is no doubt that development which would erode the distinct character of the existing group which would be to the detriment to the rural area. To this end it is not considered that the proposal would be an acceptable extension of existing building group".

The planning recommendation for refusal on page 10 clearly states:- “ The proposal would result in a development which would not respect the character layout and building patterns of the existing building group by materially affecting the linear character of the existing group.”

Due to the linear group of housing at Kinclaven Green being in close proximity to the C419 Kinclaven to Stanley Road we and our neighbours utilise our rear garden space to socialise and enjoy our properties. We have built a patio and decking to sit out on and our usage and leisure enjoyment would be severely curtailed as the siting of the house in plot 2 would have a visual impact.

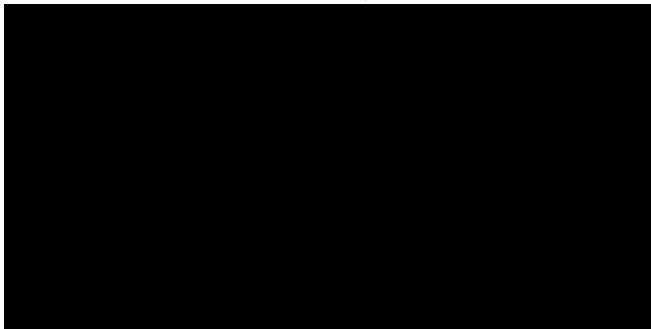
This proposal for two properties has plot 2 directly to the rear of our house at No.8 and will be positioned south facing and plans show 6 windows facing our garden .This will impact on our use and enjoyment of our garden and have an adverse effect by reasons of overlooking and loss of privacy. As to the other house at plot 1 ,again, the south facing aspect of the property would cause issues by overlooking our garden and also the east facing aspect of plot 1 shows 5 windows facing our property with visual intrusion of our personal private space.

Kinclaven Green is built in a line and attempting to place two properties to the rear does not respect the character of the neighbourhood and therefore is contrary to updated planning policy. The current proposal is not acceptable in principle because the proposal does not respect the form of the existing group and will not be integrated into the existing layout and building pattern.

We hope our objections to this proposal on the above considerations will be taken into account by the Planning Authority.

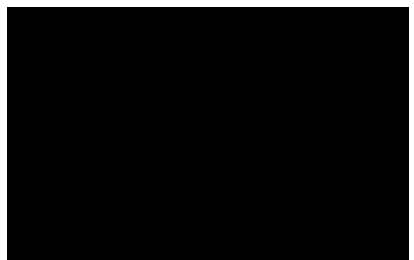
Yours Faithfully

David and Susan Henderson,



Sent from my iPad

"OBJECTION"



10th November 2020

**Development Management
Planning & Development Dept.,
Perth & Kinross Council
Pullar House. 35, Kinnoull Street,
Perth PH1 5GD**

Dear Sirs,

Reference 20/01443/FLL

Residential New Development (3rd Application) at rear of Kinclaven Green.

Please accept this letter showing my strong OBJECTION to the above application and consider my comments as follows:

Whilst I understand that there has been a change of guidance on Housing in the Countryside policies since March 2020, this does not detract from the facts that the intended site has already been refused (twice) for development such as being applied for yet again.

The existing row of houses are in a LINEAR group. Any development behind will not respect the character of the present group, and will impact greatly on the standard of country living experienced for many years by the present residents.

Whether the application be for 2 or more dwelling houses, changing the house sizes and layout, adding landscaping, screen hedging or other, will not take away the fact that the privacy, quietness and open outlook would be greatly impacted on the present properties. The access road, which is maintained by the present residents is not suitable for any further traffic.

2)

This plot is open ground, with mature shrubbery, trees, and lots of wildlife and should remain as such. It is not suitable for any housing development however small it may appear on the latest plans.

The previous refusals (Ref: 19/01055/IPL) by the Countryside Planning Dept stated that "it is not considered to respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group"

You did determine previously that the existing line of houses cannot be disturbed by any development at the rear of Kinclaven Green.

Nothing has changed in these facts and I feel that the Applicant is yet again, showing total disregard to the views of the present residents, and most importantly, the decisions of the Planning Department.

I trust you will note my Objection comments and I ask that you uphold your previous decisions and again REFUSE this application.

I remain,

Yours faithfully,

Carolyn Kulik (Mrs)



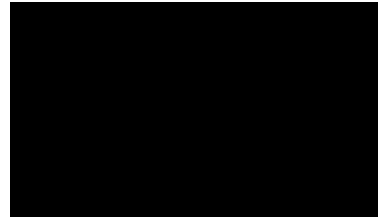
10/11/2020



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/01443/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner
Description of Proposal	Erection of 2 dwellinghouses		
Address of site	Land 40 Metres North Of 7 Kinclaven Green Kinclaven		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Stanley Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0 <u>Total: £0</u></p>		
Recommended informative(s) for applicant			
Date comments returned	12 November 2020		

14 November 2020



Dear Sirs

Ref: 20/01443/FLL – Residential development

On land 40 metres North of 7 Kinclaven Green.

Please accept this letter as a strong OBJECTION to the above proposed development (3rd application).

We were quite taken by surprise that another application has been submitted so soon after the councils decision dated 4th September 2019, that the proposed development (19/01055/IPL (1st application) was **REFUSED** due to it not keeping in character to the existing linear group of houses and a second application was **Withdrawn** in 5th November 2019. The reason for the refusal was, please refer to Page 8 of Delegated Report 4th September 2019:-

“The existing dwellings are all along the roadside. This proposed development will result in distinct change in the appearance and character of the existing group, from a linear group to more substantial group with development in more than just linear form. The visual impact of any new development to the rear would be relevantly low (if appropriate house types are advanced) so the sole impact would be on the general character of the group as perceived by the existing residents.

As the agent of the application states that the Councils Housing in the Countryside Guide 2012 and policy RD3 of Perth and Kinross Local Development Plan 2014, both policies superseded by Housing in the Countryside Supplementary Guidance March 2020 and Placemaking Supplementary Guidance SPP June 2014.

Looking through these policies I am still of the understanding that the above application does not meet any of the criteria they state and they definitely state that that any added on property to the outside line of a linear already established would not be granted. Please refer to Page 6 – Page 12 of The Housing in the Countryside Supplementary Guidance March 2020 and Page 21 ,22, 68 of Placemaking Supplementary Guidance Adopted March 2020.

One of the attended properties would overlook into our property and have a window looking directly into a bedroom/bathroom which is not acceptable by our standards or of Placemaking Supplementary Guidance Policy. Also a new road would have to be made for access opposite our property and the gradient would allow excess water to run down our property which we already have an issue with when there is high amount of rainfall.

To this end, it is **not considered that the proposal would be an acceptable extension of the existing building group**".

The Applicants Agent in his first supporting letter gave the impression that the council 'may' give permission after some talks back in 2015, so with this information we and our neighbours Objected to the proposed development but if it was granted we all put suggestions forward so as **to reduce the negative impact** on our hamlet. In the Applicants Agents 2nd supporting letter which he has no regards to the councils already '**REFUSED**' decision or the residents of Kinclaven Green treating us if we are 'stupid'. He said – "The majority of local residents are relaxed about the new development" – this is not a true account of our thoughts and to also say "The case officer has been heavily influenced by the number of representations" this I feel is **VERY DISREPECTFUL** to all concerned.

Again, we would like to state the we **OBJECT** to any new development build on the proposed site which has already been classed as 'unsuitable', behind our house.

Kinclaven Green is a linear group of houses with a single track road for access from the main road and building new houses behind is definitely not in character to existing dwellings, as per the councils Housing in the Countryside Guide 2020 and of Perth and Kinross Local Development Plan 2019, both of which require new development which extend existing buildings to respect the character layout and building pattern of the group

Other concerns are the loss of wildlife habitat, Scots Pine trees being affected by the impact of any excavations and more importantly the safety of the residents.

We respectfully ask that you consider our objections and again refuse this application.

Yours faithfully

Alistair and Karen Borthwick

Comments for Planning Application 20/01443/FLL

Application Summary

Application Number: 20/01443/FLL

Address: Land 40 Metres North Of 7 Kinclaven Green Kinclaven

Proposal: Erection of 2 dwellinghouses

Case Officer: Andrew Baxter

Customer Details

Name: Dr Roberta Hewitt

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Out of Character with the Area
- Over Looking

Comment: I am concerned to be commenting on a proposed development to the rear of the properties at Kinclaven Green for the third time in less than 18 months. The first application was rejected in the main on the basis that it would "materially affect...the linear layout of the existing group". These repeated applications waste the time of the Planning Department, of myself and of my neighbours and makes a mockery of the application process.

The proposed development will detract from the "visual amenity of the group when viewed from the wider landscape". The houses will be visible from the road, particularly from view 6 on the proposed plans, and possibly from view 4 and 7. There are a smattering of houses on the north side of the C406, all of them linearly located. A group of houses (such as proposed) would not be in keeping with existing dwellings on the C406, nor indeed on the C419 to the east.

The view for several of the properties (particularly 5-9) would be affected by development behind the existing properties. Currently there is an enviable view of a small paddock with woodland rising behind that. The current residents use the rear garden for relaxation due to the noise of the road at the front, as evidenced by the presence of conservatories at the rear of two of the properties. The new properties would overlook those properties, with the windows of the dining rooms and 3 of the bedrooms of both properties facing directly onto the back garden of existing houses. The proposed hedge will take some years to grow, but will surely overshadow existing properties.

The proposed two storey properties are large and will take over the group. Currently there are 10

properties - half are the original 3 bedroom/1 reception houses of one or one and a half storeys, interspersed with an equal number of modern 4 bedroom houses. The layout of the newer houses are configured as such that they form a mirror image around the central property no 5 and there is a pleasing symmetry to the layout. The proposed houses are of a height, size and character to disrupt this balance.

There are environmental concerns to this development. The Kinclaven Bluebell woods have been extended and planted to include Court Hill and the boundary is close to the proposed development, as well as abutting the mature oak and pine woodland belonging to the Meikleour Estate. Both these woodlands are havens for the protected red squirrels and pinemartin, as well as roe deer and a variety of birds. Furthermore, there are steep contour lines against the existing mature woodland in both plots, and building there may compromise this bank.

Thank you for considering my objections once again, and I hope that this application will be refused.

Dr. Roberta Hewitt

MBChB BMedSci MRCP(UK) MCEM DTMH MRCGP(2017) DFSRH



15 November 2020

Development Quality Manager
Perth & Kinross Council
Planning & Development
Pullar House, Kinnoull Street
Perth, PH1 5GD

Dear Sir/Madam

Your Ref: 20/01443/FLL

Proposed Development Kinclaven Green, Ballathie, Perthshire

We wish to make a **strong objection** to this proposed development on the following grounds:

In principle, we would refer to the Delegated Report on the previous application (Number 19/01055/IPL) for Planning Permission in principle for the same site as is the subject of this current Application and, in particular, to page 8 which states:

“The existing buildings are all along the roadside. This proposed development will result in distinct change in the appearance and character of the existing group, from a linear group to a more substantial group with development in more than just a linear form. The visual impact of any new development to the rear would be relevantly low (if appropriate house types are advanced) so the sole impact would be on the general character of the group as perceived by the existing residents.

It is however noted that within some of the representations they have suggested that a smaller number than the three indicatively shown would potentially have a less of an impact on character of the existing group and a less number of units may respect the character and amenity of the existing group.

This planning application is only in principle so no specific numbers are under consideration at this stage, however whilst the site may have a good landscape and containment, this alone does not justify support as there remains concerns that the character of the existing group would be adversely affected by new development at the rear – whether that be for three (or more) or two units. After consideration of the area and the character of the group, there is no doubt that development which would erode the distinct character of the existing group which would be to the detriment to the local area.

To this end, it is not considered that the proposal would be an acceptable extension of existing building group.”

There have been no substantial changes from the last application in this current proposal which is for two very substantial houses which are much larger than any of the existing homes in the Kinclaven Green development and would, without doubt, totally destroy the existing character of the community, to the permanent detriment of all local residents.

Quite apart from the destruction of the ethos of the existing group, there is the vexatious question of the access to the proposed development. The current plan shows two access points, both of which have very restricted visibility when joining the road to the front of the existing properties to which none has direct access. This is a very busy road carrying many lorries and tractors in addition to cars and motor bikes, many of which travel at excessive speeds. There is a recent history of accidents on the stretch adjacent to Kinclaven Green.

The access road is not made up and is subject to heavy wear and tear with the existing level of traffic. The corner to the north-west is very badly suffering from potholes as things stand, never mind with additional units requiring regular access and with the considerable damage which would be caused by construction traffic. If this application is to be approved, it really should only be with a strict condition that the **whole** access road is to be brought up to local authority standard with proper surfacing on safety grounds alone. There is no doubt that residents heading towards Perth, A9 north and south and all points west will use this access route rather than the one to the east.

There is also concern for the stand of Scots Pines on the boundary of the proposed development. While the trees are outwith the proposed boundary, their ancient root system is not! It defies belief that, should **any** development take place on the proposed site, necessary earthworks and underbuilding will not fail seriously to undermine these lovely old trees. Furthermore, there are red squirrels, pine martens, red deer and other wildlife present in, or frequent visitors to, the proposed development area.

In conclusion, we believe that the case officer for the previous application hit the nail on the head when he said "there is no doubt that development would erode the distinct character of the existing group which would be to the detriment to the rural area".

As this is the third time we have had to object to proposals to develop the site behind Kinclaven Green, we would be grateful if you could please reject this application, once and for all.

Thank you for considering this objection.

Yours faithfully

pp. RG and Mrs CDS Muir

Development Quality Manager
Perth and Kinross Council
Planning Department
Puller House
Kinnoul Street
Perth
PH1 5GD

15 November 2020

RE: Planning Application – 20/01443/FLL

Dear Sirs,

I refer to the above application number

We **strongly object**, yet again, to the planning request to build 2 properties North of 7 Kinclaven Green for the following reasons:-

1. Privacy

- My Husband & I moved to 5, Kinclaven Green 6 years ago with our 6 month old son and my mother. We chose the house because we felt it was an incredibly private, quiet, safe haven for our family and the type of life we wanted. We had moved out of a busy Perth housing area so we could have this quality of life. We've since welcomed a daughter. Having two houses built onto the back of our house would severely disturb this. The access road will have increased traffic, increased noise and distinct lack of privacy that would impact greatly on our living standards.
- One of the houses would be directly behind our property with numerous windows overlooking our garden which would vastly decrease our privacy. We have recently built a lovely new decking area outside our summer house which we enjoy using and would now feel an intrusion on our personal space. One of our top priorities when purchasing this house was the seclusion of the garden and the peaceful nature of the neighbourhood.

We would urge you to consider the above points and the responsibilities the council has under the Human Rights Act in particular, protocol 1, article 1 which states a person has the right to peaceful enjoyment of their possessions which includes home and other land. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

2. Property Development

- The plot of ground has already been refused planning permission (19/01055/IPL) and has been deemed as being unsuitable for any further development as the present housing is in a LINEAR group and any further housing would be out with

this. Your department has already stated that ***“it is not considered that the proposal would be an acceptable extension to the existing building group”***

- The proposal for the 2 houses are far bigger than the current row and are of completely different character and design and do not respect the current houses.

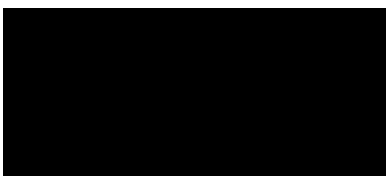
3. Access and Land

- We also have concerns over the land proposed. This is a wide open space with numerous shrubs, trees and lots of wildlife – which will be greatly affected by any development.
- The current access road is not tarmacked or serviced by Perth and Kinross Council and is instead maintained by the residents. Therefore would not cope with the excess traffic of lorry site deliveries and works vehicles.
- Flooding and drainage of the area is a concern. I refer to the Scottish Water letter, reference – DSCAS-0025364-3MP – which states “there is no Scottish Water Waste Infrastructure within the vicinity of this proposed development.” If the development of these properties go ahead this could cause major flooding issues for the existing houses due to the land gradient and lack of drainage.

The applicant has recently made a personal visit to all of the neighbours with a copy of the proposed plans – with an aim it would appear to try to “sway” us from lodging an objection. We found this totally unacceptable.

This is the third time we have had to go through this process and hopefully the last. We ask that you, again, REFUSE this planning application.

Kind regards
Gemma and Jason Stewart



Development Management - Generic Email Account

From: Morag Nicholson [REDACTED]
Sent: 16 November 2020 11:54
To: Development Management - Generic Email Account
Subject: Objection to planning application 20/01443/FLL

Dear Sir/Madam

Planning Application on Neighbouring Land: 20/01443/FLL

I live next to the proposed development site and wish to make the following objection:

This application, like the previously refused application 19/01055/IPL, is founded on the proposition that the 2 proposed houses are infill development within a building group.

In my view this is not the case and the council's reasons for refusal of 19/01055/IPL in September 2019 are equally valid today. Specifically, the principal reason for the previous refusal was that the proposal was "not considered to respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group."

The council correctly concluded that the essential character of Kinclaven Green arises from its linear, rather than nucleated, form. The policy in the new Local Plan does not, as claimed by the applicants, incorporate new provisions that would alter the council's previous assessment.

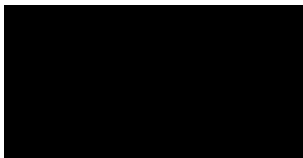
A reduction in house numbers from 3 to 2 is not a material consideration when, as in this case, the proposal fails to meet the basic parameters of the relevant policy, as made clear on page 8 of the delegated report relating to 19/01055/IPL.

Finally, as I pointed out in my objection last year, it is not good planning practice to approve this form of backland development which inevitably compromises the privacy and amenity of the existing houses.

I respectfully ask that you take on board the points raised above when appraising the application.

Yours faithfully

Morag Nicholson



Sent from [Mail](#) for Windows 10

Comments for Planning Application 20/01443/FLL

Application Summary

Application Number: 20/01443/FLL

Address: Land 40 Metres North Of 7 Kinclaven Green Kinclaven

Proposal: Erection of 2 dwellinghouses

Case Officer: Andrew Baxter

Customer Details

Name: Ms Victoria Reid

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area
- Over Looking

Comment: Ms V Reid

3 Kinclaven Green

Ballathie

PH1 4QA

13th November 2020

Dear Sir/Madam

20/01443/FLL - Erection of 2 dwellinghouses, Land 40 Metres North Of 7 Kinclaven Green Kinclaven.

Please accept this letter as my strong OBJECTION to the above, and consider my comments as follows.

The agent representing the applicant states in the supporting statement that the proposal will be part of or an extension of an existing compact group and is in accordance with the policy housing in the Countryside Guidance 2020. This states that permission will be granted for houses within building groups provided it can be demonstrated that the new housing will respect the character, scale and form of the existing group and will be integrated into the existing layout and building pattern. It also states that new housing will not detract from the visual amenity of the group when

viewed from the wider landscape.

As has been stated in two of my previous objection letters, the current housing group is of LINEAR design not compact in anyway. Therefore, the developments of any number of houses to the rear of the current housing group would not respect the form of the existing group.

Having read the Planning Departments reasons for refusing the first two applications in the Delegated Report it is clear that the site is not suitable for any number of houses. Page 8 of the Delegated reported states:

"The key issue for this proposal is the impact that potential development of the existing space would have on the amenity and character of the existing group, and this has been raised as a specific issue in a number of the representations.

The existing dwellings are all along the roadside. This proposed development will result in distinct change in the appearance and character of the existing group, from a linear group to more substantial group with development in more than just a linear form. The visual impact of any new development to the rear would be relevantly low (if appropriate house types are advanced) so the sole impact would be on the general character of the group as perceived by the existing residents.

It is however noted that within some of the representations they have suggested that a smaller number than the three indicatively shown would potentially have a less of an impact on character of the existing group, and a less number of units may respect the character and amenity of the existing group.

This planning application is only in principle so no specific numbers are under consideration at this stage, however whilst the site may have a good landscape and containment, this alone does not justify support as there remains concerns that the character of the existing group would be adversely affected by new development at the rear - whether that be for three (or more) or two units. After consideration of the area, and the character of the group, there is no doubt that development which would erode the distinct character of the existing group which would be to the detriment to the rural area.

To this end, it is not considered that the proposal would be an acceptable extension of existing building group."

The existing houses are a balanced mix of original farm cottages and larger newer built houses, inset between the original buildings in a ribbon development. The erection of two additional large buildings would detract from the respectful balance of the linear development and would look out of place with the current mix of houses. No amount of hedging, fencing or trees would detract from the negative impact the new houses would make. It has been made clear in the Delegated Report that any building on the site would have a negative effect on the distinct character of the existing building group.

Finally, I have great concerns that this will not be the last application for planning permission, by the applicant, if these two houses are approved. The applicant owns the fields behind Kinclaven Green and there is enormous concern that further applications will be made for further houses in these fields. Kinclaven Green is not a village it is a hamlet of linear houses with beautiful unrestricted views both to the front and rear of the properties. Further housing would put massive strains on drainage, road safety, conservation, and the right to privacy to residents in their own gardens.

This third application is totally unacceptable re-Policy RD3 of Perth and Kinross Local Development Plan of 2014, and in accordance with the Housing and Countryside Guide of 2012.

Yours Sincerely,

Vicky Reid

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/01443/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of 2 dwellinghouses		
Address of site	Land 40 Metres North Of 7 Kinclaven Green, Kinclaven		
Comments on the proposal	Insofar as the Roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	16 November 2020		

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 20/01443/FLL

Our ref LRE

Date 25 November 2020

Tel No

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

20/01443/FLLRE: Erection of 2 dwellinghouses Land 40 Metres North Of 7 Kinclaven Green Kinclaven for Ballathie Estates Ltd

I refer to your letter dated 4 November 2020 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no adverse comments to make in relation to the application.

Comments

This application is for the erection of two 1 ½ storey dwellinghouses within a rural location, to the south of the site are 10 existing residential properties and to the east agricultural buildings.

It is my contention that future residents will at times be aware of noise and odours from agricultural activities associated within a rural location however, this should not adversely affect the residential amenity of the proposed properties.

Therefore, I have no adverse comments to make in relation to the application.

Memorandum

To Head of Development Management From Regulatory Services Manager

Your ref 20/01443/FLL

Our ref LJA

Date 27 November 2020

Tel No

Housing and Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK20/01443/FLL RE: Erection of 2 dwellinghouses Land 40 Metres North Of 7 Kinclaven Green Kinclaven for Ballathie Estates Ltd

I refer to your letter dated 27 October 2020 in connection with the above application and have the following comments to make.

Contaminated Land

Comments

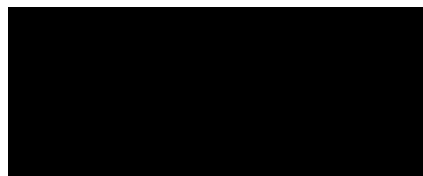
A search of the historical mapping has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination. However, it shall be the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development for which planning consent has been granted.

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.

FTAO Lisa Simpson

**Clerk to the Local Review Body
CDS Planning Department
Perth & Kinross Council
2 High Street
Perth PH1 5PH**



18th June 2021

Subject LRB-2021-21 (Ref: 20/01443/FLL)

Dear Sirs/Madam,

With regard to your correspondence received today, I find myself having to put pen to paper yet again in connection with the above subject, and trust you will consider my comments.

Whilst disappointment is somewhat understated, I am not completely surprised by the actions of the Applicant (Mr John Milligan) in that he has now lodged a review appeal.

I again state, that I find the Applicant repeatedly continuing to show his utter contempt towards the present residents of Kinclaven Green despite the valid objections submitted on 3 separate occasions when his planning applications were refused, and also his continued denial to accept the sensible and correct decisions reached on each occasion by the Planning Department.

I wish to advise, that a somewhat general remark was made to me after the 2nd refusal, by the son of J.Milligan (Mark Milligan) in which he stated " its not a problem, my father WILL get permission the next time – he always does"

This remark alone, shows the contemptuous nature of the Applicant in that, one way or another, he appears to think he is above the decisions of the Countryside Planning Department, which I feel undermines the correct decisions for refusal by the Planning Committee and continues to treat the present residents as poor imbeciles.

My previous objections will not alter, and I ask that, yet again, you consider my comments and adhere to the Reasons for refusal and the Justification of such (decision reached on 17-March -2021 and previously) and finally put an end to this whole matter, once and for all.

Yours faithfully,

A black rectangular redaction box covering the signature of Carolyn Kulik.

Carolyn Kulik (Mrs)

CDS Planning Local Review Body

From: David Henderson <[REDACTED]>
Sent: 24 June 2021 16:15
To: CDS Planning Local Review Body
Subject: Application 20/01443/PPL Erection of 2 dwelling houses on land 40 metres north of 7 Kinclaven Green, Kinclaven

Follow Up Flag: Follow up
Flag Status: Completed

LRB-2021-21

Lisa Simpson,
Clerk to Local Review Body,
Perth & Kinross Council,
Pullar House,
Perth .
PH1 5PH

[REDACTED]
24/6/21

Dear Madam,

In response to your email regarding the above application we wish to make further representation in relation to the review of the original decision.

We stand by our previous objections to this development and ask that the Local Review Body examine and consider our comments in relation to this proposal.

This will be the fourth time we have been asked to comment on development plans for this site - firstly for three houses Ref 19/01055/IPL then for two houses.

An application for two houses Ref 19/01693/IPL was withdrawn at the eleventh hour by the applicant before it went to planning for a decision but we (the Kinclaven Green Residents) had already stated our objections to the proposal.

It truly beggars belief the sheer arrogance of the applicant and the contempt and disdain in which he holds the status of the Planning Officer and associated Committee

He has complete disregard for the Planning Officer and the time spent reviewing and examining our comments before reaching the decision to refuse, not to mention the stress and anxiety the residents have been subject to during the process.

Its as if the Planning Committee aren't allowed to say NO to the proposer as he has the audacity and temerity to question the decision as he persists in exhausting all avenues to attempt to force this development through Planning.

Justification for refusal states:

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

The decision was made by Planning to refuse and we trust the Review Body will uphold their decision.

Yours Faithfully,
David and Susan Henderson

CDS Planning Local Review Body

From: Morag Nicholson <[REDACTED]>
Sent: 24 June 2021 17:53
To: CDS Planning Local Review Body
Subject: LRB-2021-21 Review of application 20/01443/FLL

Follow Up Flag: Follow up
Flag Status: Completed

Further to your email of June 18, I wish to make the following representation in respect of the applicant's challenge to Perth & Kinross Council's decision to refuse planning permission for application 20/01443/FLL.

Dear Sir/Madam

Planning Application on Neighbouring Land: 20/01443/FLL

This application, like the previously refused application 19/01055/IPL, is founded on the proposition that the 2 proposed houses are infill development within a building group.

In my view this is not the case and the council's reasons for refusal of 19/01055/IPL in September 2019 and 20/01442/FLL in March 2021 are entirely fair and accurate when considered against the council's Housing in the Countryside Guide and the Perth and Kinross Local Development Plan.

Specifically, the principal reason for refusal is that the proposal "would result in a development which would not respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group."

The council has correctly concluded that the essential character of Kinclaven Green arises from its linear, rather than nucleated, form. The policy in the new Local Plan does not, as claimed by the applicants, incorporate new provisions that would permit their proposal.

Finally, as I pointed out in my previous objections, it is not good planning practice to approve this form of backland development which inevitably compromises the privacy and amenity of the existing houses.

I respectfully ask that you take on board the points raised above when reviewing the decision of the planning authority.

Yours faithfully

Morag Nicholson

CDS Planning Local Review Body

From: Roberta Hewitt <[REDACTED]>
Sent: 27 June 2021 19:28
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-21

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Simpson,
Thank you for advising me of the application for review of the decision of the Perth and Kinross Local Review Body regarding

Application Ref: 20/01443/FLL – Erection of 2 dwellinghouses, land 40 metres north of 7 Kinclaven Green, Kinclaven – Ballathie Estates Ltd

I reside at 10 Kinclaven Green, PH1 4QA

I will not waste any more of the committee's valuable time regarding this matter by repeating my comments made previously. My previous comments are still applicable. This is now the fourth time that I have made representation, and twice the committee has had to adjudicate on this, or very similar application. The committee has already stated the development would not respect the character, layout and building pattern of the existing group in contravention of PKC policy. It is obviously correct that there is an appeals process, but this is making a mockery of the process.

The land in question is serving a beneficial use by being part of the countryside adjacent to the Meikleour woods and the Kinclaven Bluebell woods, both of which are wildlife havens, and a paddock which has recently been used for grazing sheep.

I trust that this appeal will be refused.

Yours sincerely

Dr. Roberta Hewitt

CDS Planning Local Review Body

From: Vicky Reid <[REDACTED]>
Sent: 29 June 2021 16:12
To: CDS Planning Local Review Body
Subject: Application 20/01443/PPL Erection of 2 dwelling houses on land 40 metres north of 7 Kinclaven Green, Kinclaven

Follow Up Flag: Follow up
Flag Status: Completed

29th June 2021

Lisa Simpson
Clerk to Local Review Body
Perth and Kinross Council
2 High Street
Perth PH1 5PH

Subject LRB-2021-21 (Ref: 20/01443/FLL)

Dear Madam,

I would first like to state that I have not received a letter/email of notification in regards to the above request for review. I only found out about this request through neighbours informing me that they had received emails. Thankfully I now been made aware and am able to comment before closing date on the 1st July 2021.

I stand by my previous objections to this development and ask that the Local Review Body take into consideration my comments in relation to this proposal.

This will be the fourth time we, as residents, have been asked to comment on proposed development plans for firstly three houses, then two houses (first of said applications was withdrawn by applicant right before closing date).

The final decision was made by the planning committee to refuse the application on the 17 March 2021. Reason for refusal states:

“The proposal would result in a development which would not respect the character, layout and building pattern of the existing building group by materially affecting the linear character of the existing group. The proposal is therefore contrary to specific requirements of the building groups section of the Council's

Housing in the Countryside Guide 2020 and Policy 19 of Perth and Kinross Local Development Plan 2 (2019), both of which require new developments which extend existing buildings to respect the character, layout and building pattern of the group.”

And the justification for refusal states:

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

I feel the applicant has shown complete disregard to all the planning officers who have spent a lot of time thoroughly reviewing these applications and our comments before coming to a final decision to refuse these applications. The applicant believes he is above any decision made by the Countryside Planning Department and is arrogant to believe that the planning committee cannot say no to him as he boasts of having overcome the planning department in the past to obtain planning permission for questionable other sites across the Ballathie Estate.

My final comment is to say this has caused myself, and the other residents of Kinclaven Green, a lot of stress and anxiety as it feels this will never be put to bed until the applicant achieves what he wants at the cost of others mental health.

My previous objections will not be altered and I ask that you consider my comments.

Thank you for your time.

Yours Sincerely,

Vicky Reid

FAO: Lisa Simpson

Clerk to the Local Review Body
CDS Planning Department
Perth & Kinross Council
2 High Street
Perth
PH1 5PH



30 June 2021

Dear Sir/Madam

Ref: 20/01443/FLL – Residential development

On land 40 metres North of 7 Kinclaven Green.

I am replying to your e-mail stating that the applicants of the above application are putting an appeal into the Local Review Body and asked if we would like to add any other comments to our letters of OBJECTION already submitted.

We were pleased when we received a copy of the letter stating that the planning department had refused the above application on the grounds of a new build would not respect the character, layout and building pattern of an already existing linear group and not in accordance with Perth and Kinross Local Development Plan 2 (2019).

Unfortunately, this is now the fourth time we have had to write to state that we OBJECT to the above application and feel that the applicant will try to push and push against an already respectful decision from the Planning Department. The Town and Country Planning (Scotland) Acts are there to protect residents against bad builds like this one.

Our previous letters of Objection still stand and respectfully ask the Local Review Body to take our and our neighbour's opinions into account at the Review meeting and hopefully put an end to this matter once and for all.

Yours faithfully

Alistair and Karen Borthwick

CDS Planning Local Review Body

From: [REDACTED]
Sent: 01 July 2021 15:40
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-21

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon

Further to our previous objection to Application ref: 20/01443/FLL, I write to confirm our continuing objection to this proposed development of two large houses behind the linear community of Kinclaven Green. Of particular concern remains the state of the road behind the existing houses and the effect construction vehicles and the additional traffic to/from any additional dwellings will create on the current poor condition of the surface. Of equal, related concern continues to be the poor access to this feeder road at either end and the safety thereof bearing in mind the very bad accident record of this short part of the road from Stanley to Blairgowrie. We are also concerned about the habitat for red squirrels, red deer, foxes and other wildlife which all frequent the proposed development area, not to mention the stand of Scots Pines which would surely be undermined by earthworks etc so nearby. We believe that the points made by the planning officer regarding the rural, linear nature of the existing properties at Kinclaven was entirely correct and that this should not be treated lightly. We hope that the Planning Local Review Panel will reject this appeal and that this saga can be put to bed once and for all. Thank you for your consideration of this representation.

RG and Mrs CDS Muir
[REDACTED]

CDS Planning Local Review Body

From: Gemma Stewart <[REDACTED]>
Sent: 01 July 2021 22:46
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-21

Follow Up Flag: Follow up
Flag Status: Completed

Good evening,

Thank you for your email regarding the land at Kinclaven Green.

My family and I, along with our neighbours, have on numerous occasions, detailed the reasons why we object to this land being used for property development. Our objections still stand. The proposed development would not respect the character of the existing linear pattern of houses.

I have also been advised that the land directly behind the space they wish to destroy was reported to SEPA prior to lockdown in 2020. This land has been used to dump and burn inappropriate waste for years. The smell that comes of this waste is horrific. I now have 2 young children and worry about the fumes they could breath in from this. I have attached pictures of this land. Perhaps a better use of the applicants time would be cleaning up the mess they have left behind, rather than trying to destroy a lovely piece of land full of natural habit and big, old, gorgeous trees for two big out of place houses.

I trust we should NOT have to do this again.

Kind regards,
Mr & Mrs Stewart

[REDACTED]





CDS Planning Local Review Body

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 20 July 2021 11:20
To: CDS Planning Local Review Body
Subject: LRB-2021-21

Dear Audrey

Thank you for your letter of 8th July 2021 in respect of the above Notice of Review and allowing us the opportunity to respond to the further representations received from the neighbours to the proposed development. I would comment as follows.

The majority of the further objections contain what can only be described as personal, unfounded, erroneous or non-planning related comments.

The vast majority of the objectors also seem to believe that an applicant should have no right of appeal against the refusal of a planning application by the planning authority or indeed that the views expressed by a residents group should be regarded as the final say on the matter. There are also objectors who have made factually incorrect statements e.g. *'twice the committee has had to adjudicate on this proposal'*. To clarify no council committee has previously considered this proposal and this is the first appeal that the LRB have had to consider in respect of this site.

From our grounds of appeal statement the LRB will also see that on the basis of the supporting information and plans that we had provided to illustrate our wider building group arguments, we had initially received a very real expectation that this application was going to be reported to the Planning & Development Management Committee with a recommendation for approval, until the planning department then did a late U-turn in their assessment and decision.

Our view that the proposal can be interpreted positively against the planning policy context is also further supported by the fact that at the pre-application enquiry stage even the planning officer had also initially advised that he would be able to support the principle of development on this site as forming part of the wider building group.

By definition this is not back land development as it would served from the same access road that serves the existing properties and which connects to the main public road. The surfacing and condition of the access road can be conditioned as part of any approval of the development. Construction traffic is temporary and not a valid planning reason for refusal.

The character of the grouping would not be materially affected as the principal view of the existing line of properties from the public road would be completely unaffected by the proposed 2 houses.

Somewhat ironically the 5 new infill houses at Kinclaven that were approved in 2003 and which then created the line of 10 properties along the road frontage would now be contrary to policy as the current Housing in the Countryside Policy Supplementary Guidance only allows for development of up to 2 houses on gaps or infill sites between existing properties. The guidance further states that a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported.

The *'two big out of place houses'* as has been alleged by one of the objectors are clearly shown on the proposed site plans as being of the same scale and footprint as many of the objectors own houses. The proposed 2 houses would not compromise the privacy and amenity of the existing houses as confirmed in the officer's Report of Handling and by the fact that this did not constitute any part of the single reason for refusal of the application.

There would be no impact on trees or to wildlife from the development and again these are not valid reasons for refusal.

We trust that the LRB will therefore consider this case on its planning merits and view this site as being contained within the wider building group as has been set out in our grounds of appeal statement and supporting documents.

Many thanks

Kind regards
Mark



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA

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