

**TCP/11/16(363)**

**Planning Application 15/00502/FLL - Demolition of 2 existing dwellings and the erection of a replacement dwelling, former Binn Farm Cottages, Kinfauns**

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**TCP/11/16(363)**

**Planning Application 15/00502/FLL - Demolition of 2  
existing dwellings and the erection of a replacement  
dwelling, former Binn Farm Cottages, Kinfauns**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 000120428-001

The online ref number 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:	Houghton Planning
Ref. Number:	
First Name: *	Paul
Last Name: *	Houghton
Telephone Number: *	01786 825575
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	<a href="mailto:paul@houghtonplanning.co.uk">paul@houghtonplanning.co.uk</a>

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	102
Address 1 (Street): *	High Street
Address 2:	
Town/City: *	Dunblane
Country: *	UK
Postcode: *	FK15 0ER

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both:*	
Other Title: *	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="K"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Knox"/>	Address 1 (Street): *	<input type="text" value="Durley Dene Crescent"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Bridge of Earn"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 9RU"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		
Please identify/describe the location of the site or sites.			
<input type="text" value="Former Binn Farm Cottages Kinfauns"/>			
Northing	<input type="text"/>	Easting	<input type="text"/>

## Description of the Proposal

Please provide a description of the 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)

<input type="text" value="Demolition of 2 existing dwellings and the erection of a replacement dwelling"/>
------------------------------------------------------------------------------------------------------------

## 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 of 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 attached Local Review Statement.

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

☐ Yes ☒ No

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 as submitted.  
Report of handling.  
Decision Notice.  
Local Review Statement.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00502/FLL

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

24/03/15

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

13/05/15

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare - Notice of Review

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

Declaration Name: Paul Houghton

Declaration Date: 18/05/2015

Submission Date: 18/05/2015

## Local Review Statement

This planning application is for the demolition of a pair of cottages (Former Binn Farm Cottages) and the erection of a single new dwelling.

The same proposal has previously been considered by the Local Review Body on 29<sup>th</sup> April 2015 (ref: 14/01494/FLL) following a site visit, along with other ancillary developments comprising a horse arena, garage and shed. However, that local review was dismissed, due to concerns in relation to those ancillary developments rather than the replacement dwelling itself. The formal decision notice for that review is attached and states that:

### *“Findings and Conclusions*

*4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused for the following reasons:*

*(1) The proposal is contrary to Policy PM1A - Placemaking of the Perth and Kinross Council Local Development Plan 2014 as it does not respect the character and amenity of the place, notably, the cumulative impact of the development would adversely affect this locality within the Green Belt.*

*(2) The proposal is contrary to Policy NE5 – Green Belt of the Perth and Kinross Council Local Development Plan 2014 as it does not meet the permitted categories, specifically the horse arena, garage and shed.*

*4.2 The Review Application was accordingly dismissed. Notwithstanding this decision, the members present indicated that, in practice, the sole replacement of the existing cottages with a house of similar dimensions and design may be acceptable as a departure from Local Development Plan Policy NE5. These views were expressed without prejudice to the consideration of any future planning application by the Council.”*

This current application represents a direct response to the LRB decision by simply applying for the replacement dwelling, which is considered to be of similar dimensions and design to the current cottages, and the details of which are acceptable to the case officer (see the Report of Handling). It has, as expected, been refused under delegated powers on the basis that a replacement dwelling is not currently acceptable in a Green Belt in the context of Policy NE5 in the Local Development Plan.

Advice received both before the application went in, and in the consultation response from the Development Plans Team, indicates officer sympathy for the position that Mrs Knox finds herself in, but make clear that the only options open to her, at this stage, are either to convert and extend the existing cottages, or wait until the Local Development Plan is reviewed, when Policy NE5 might be amended to allow for replacement dwellings in the Green Belt. Neither of these represent an option that Mrs Knox wishes to consider at this stage, the latter

because it might delay her ability to occupy the site for upwards of two years, and perhaps longer, and the first because it will be harder and more expensive to develop a house that is suitable for her. She would rather start from scratch so that she can be sure that everything from the foundations upwards is compliant with modern building standards. She has also designed the house to be suitable throughout for wheelchair access, which would be difficult to achieve with converting the existing cottages. Furthermore, a new build is less expensive than a conversion due to the ability to reclaim VAT.

In conclusion, this is a proposal that has only been refused because of the wording of Policy NE5, even though everyone seems to accept that no harm to the Green Belt will result, and the form and design proposed are acceptable. As importantly, the LRB has previously suggested that a replacement dwelling may be acceptable as a departure from policy, and the applicant hopes that, in considering this local review, the LRB will follow that advice and grant her planning permission. Mrs Knox is desperate to get on and move to the site, so she can be close to her horses and livestock, and hopes that the LRB will support her in that.

## **REVIEW DECISION NOTICE**

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Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Former Binn Farm Cottages, Kinfauns

Application for Review by Mr and Mrs Knox against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 14/01494/FLL

Application Drawings:	14/01494/1	14/01494/2	14/01494/3	14/01494/4
	14/01494/5	14/01494/6	14/01494/7	14/01494/8

**Date of Review Decision Notice – 29 April 2015**

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### **Decision**

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

### **1 Introduction**

- 1.1 The above application for review was first considered by the PKLRB at a meeting held on 27 January 2015. The Review Body resolved by unanimous decision that:
- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure;
  - (ii) an accompanied site visit be carried out; and
  - (iii) following the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.
- 1.2 Following an accompanied site visit being carried out on 23 February 2015, the PKLRB convened on 3 March. The Review Body comprised Councillor M Lyle, Councillor I Campbell and Councillor D Cuthbert.
- 1.3 The following persons were also present at the meeting:  
C Elliott, Legal Adviser, D Harrison, Planning Adviser and Y Oliver, Committee Officer.

Also attending:

C Brien (The Environment Service); H Rheinalt (Chief Executive's Service); members of the public, including agents and applicants.

### **2 Proposal**

- 2.1 The proposal is for the change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse,

ancillary garage and shed and formation of an outdoor horse arena, at former Binn Farm Cottages, Kinfauns. The application was refused consent in terms of a decision letter dated 4 November 2014.

### **3 Preliminaries**

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
- (ii) the Appointed Officer's Report of Handling;
- (iii) the refusal notice dated 4 November 2014;
- (iv) the Notice of Review and supporting documents; and
- (v) consultation responses and representations received to the planning application.

3.2 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

### **4 Findings and Conclusions**

4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused for the following reasons:

- (1) The proposal is contrary to Policy PM1A - Placemaking of the Perth and Kinross Council Local Development Plan 2014 as it does not respect the character and amenity of the place, notably, the cumulative impact of the development would adversely affect this locality within the Green Belt.
- (2) The proposal is contrary to Policy NE5 – Green Belt of the Perth and Kinross Council Local Development Plan 2014 as it does not meet the permitted categories, specifically the horse arena, garage and shed.

4.2 The Review Application was accordingly dismissed. Notwithstanding this decision, the members present indicated that, in practice, the sole replacement of the existing cottages with a house of similar dimensions and design may be acceptable as a departure from Local Development Plan Policy NE5. These views were expressed without prejudice to the consideration of any future planning application by the Council.

**Gillian Taylor**  
**Clerk to the Local Review Body**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
  
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.



# PERTH AND KINROSS COUNCIL

Mr And Mrs K Knox  
c/o Craig McDowall Architectural Services  
Craig McDowall  
7 Poplar Crescent  
Perth  
PH1 1HR

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 13th May 2015

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00502/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 31st March 2015 for permission for **Demolition of 2 existing dwellings and the erection of a replacement dwelling Former Binn Farm Cottages Kinfauns** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the proposal includes the erection of a replacement dwelling, the proposal is contrary to Policy NE5 (Green Belt) of the adopted Perth and Kinross Local Development Plan 2014 which explicitly states that the Council's Housing in the Countryside Policy does not apply within the Green Belt, and that the Green Belt policy does not allow for any new residential development within the Green Belt area to occur - except for the conversions of existing buildings.

### Justification

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

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

**Plan Reference**

**15/00502/1**

**15/00502/2**

**15/00502/3**

**15/00502/4**

**15/00502/5**

**15/00502/6**

**15/00502/7**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	15/00502/FLL	
Ward No	1 - Carse	
Due Determination Date	30.05.2015	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Demolition of 2 existing dwellings and the erection of a replacement dwelling

**LOCATION:** Former Binn Farm Cottages, Kinfauns

### SUMMARY:

This report recommends **refusal** of a detailed planning application for the demolition of a pair of semi-detached dwellings and the erection of a single, new dwelling within the Green Belt area that surrounds Perth as the application 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 April 2015

### SITE PHOTOGRAPHS



*Pictures of the existing building*

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This planning application seeks the demolition of a pair of existing, single storey semi-detached properties and the erection of a new single dwelling on a rural site on Kinnoull Hill – within the Green Belt which surrounds the city of Perth.

The replacement dwelling will be slightly larger in footprint than the existing cottages, but will remain single storey in its appearance with in a linear form – which is not too dissimilar to the existing cottages. The replacement dwelling will be located in a similar location on the plot to that of the existing cottages.

The external finishes of the new dwelling are to be slates (on the roof), with external wall finishes of a mix of wet dash and timber features.

## **PROCEDURAL MATTER**

### **Description Change**

The planning application was registered by the Council as *‘Erection of a replacement dwellinghouse and associated works’* – which implies that the proposal is for replacement of one dwelling (with a new one). However, the applicant has indicated on the application form that the application is for the *‘Demolition of two semi-detached bungalow cottages and erection of replacement bungalow dwellinghouse with associated private drainage system and localised adjustments to site levels’* – and this position has been confirmed on site.

As the proposal is for the demolition of 2 existing dwellings and the erection of a replacement dwelling, I consider it appropriate to change the description to *‘Demolition of 2 existing dwellings and the erection of a replacement dwelling’*.

## **SITE HISTORY**

A detailed planning application (14/01494/FLL) for the Change of use of agricultural ground to residential, demolition of 2no. dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena was refused under delegated powers last year.

A subsequent review of that decision made to the Council’s Local Review Body and was subsequently dismissed.

## **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 proposal is,

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

The Scottish Planning Policy (SPP) was published on June 23 2014. 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 this application are Paragraphs 74 - 83, which relate to Promoting Rural Development and Paragraphs 109 - 134, which relates to enabling the Delivery of New Homes.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The lies within the landward area of the Local Development Plan 2014, and

within the Green Belt which surrounds the city of Perth where the following policies are applicable.

### **Policy NE5 - Green Belt**

Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. Policy NE5 explicitly states that the Housing in the Countryside Policy RD3 does not apply in the Green Belt.

### **Policy PM1A - Placemaking**

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

## **OTHER COUNCIL POLICIES**

### **Developer Contributions 2014**

This supplementary guidance seeks to secure financial contributions for both A9 junction improvements and for primary education in certain circumstances. This supplementary guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

### **Developer Contributions, Transport Infrastructure 2014**

This Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

## **EXTERNAL CONSULTATION RESPONSES**

**BP Consultations** commented on the previous planning application and raised no concerns.

**Shell UK Exploration And Production** commented on the previous planning application and raised no concerns.

**HSE** commented on the previous planning application and raises no concerns.

## INTERNAL CONSULTATION RESPONSES

**Transport Planning** have commented on the planning application and raised no objections, subject to conditions.

**Contributions Officer** has commented on the planning application and indicated that there are no Developer Contributions applicable to this proposal in terms of Primary Education or Transport Contributions.

**Development Plans Team** have commented on the planning application and made the following detailed comments,

*"This is a resubmission of the earlier application 14/01494/FLL which was refused and then dismissed by the LRB.*

*It is noted that the reference to the ancillary garage / sheds and a horse arena have been removed and that this application is just for a replacement dwellinghouse. Much of my comments made on the earlier application however remain the same. The scope for new housing within the Green Belt is extremely limited and is generally restricted to situations where a new house is essential for agriculture, horticulture or forestry operations under part (a) of the policy. In this case no evidence appears to have been submitted that the proposed dwellinghouse is essential under this part of the policy. Part (d) of the policy allows for alterations, extensions and changes of use to existing buildings providing these do not detract from the character of the Green Belt. However in the case of change of use to residential property, these will only be permitted where the building is of suitable architectural quality. Unlike the Housing in the Countryside policy (RD3) there is no scope within policy NE5 for the demolition and replacement of residential buildings. It is understood however that some dissatisfaction was expressed during the LRB's consideration of the previous proposal that the current policy NE5 did not permit replacement dwellinghouses within the Green Belt.*

*The existing buildings are not of any particular architectural merit but they are fairly traditional in style and whilst it would not be strictly in line with part (d) of the policy they could perhaps be converted to create a single unit. In my comments on the previous application I suggested that if the condition of the existing houses is such that conversion is not possible then, although it would not be in line with policy NE5, some form of replacement may offer a practical solution providing that the replacement is 'like for like' in terms of size, scale and position whilst allowing for modest extension in line with what would be permissible under permitted development rights. It is noted from the Case Officers previous report however that the existing buildings are in fact in a habitable condition.*

*Whilst I acknowledge the LRB's views and accept that these may be given some weight in the consideration of this revised application the fact remains that the replacement of an existing house is not in line with policy NE5. In policy terms therefore I would suggest that the most appropriate approach is either the consideration of this issue through the review of the LDP which is currently underway, or, that some consideration is given to the scope for converting the existing buildings"*

## REPRESENTATIONS

None have been received.

## ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted.
Report on Impact or Potential Impact	Bat report submitted.

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material consideration, this includes a consideration of the approved policy on developer contributions, in relation to both Primary Education and also Transport Infrastructure.

### Policy Appraisal

In terms of land use, policy issues the key issue for this proposal is the fact that it is located within the Green Belt area which surrounds the city of Perth where *Policy NE5* of the Local Development Plan is applicable.

*Policy NE5* allows for alterations, extensions and changes of use to existing buildings providing these do not detract from the character of the Green Belt and in the case of change of use to residential property, these will only be permitted where the building is of suitable architectural quality. However, unlike the Housing in the Countryside Guide (RD3) there is no scope within *Policy NE5* for the demolition and replacement of residential buildings.

*Policy RD3* of the Local Development Plan also clearly states that the Housing in the Countryside Policy does not apply within the Green Belt area.

Whilst I accept that some elements of the proposal have been amended to try and address the concerns of the Local Review Body, the fact remains that this proposal essentially is for the replacement of existing housing (with a new house) which is contrary to *Policy NE5* of the Local Development Plan.

## **Land Use**

As stated previously, within the Green Belt area *Policy NE5* only allows for alterations, extensions and changes of use to existing buildings providing that the proposal would do not detract from the character of the Green Belt, and in the case of change of use to a residential property, these will only be permitted where the building is of suitable architectural quality. However, unlike the Housing in the Countryside Policy (RD3) there is no scope within *Policy NE5* for the demolition and replacement of existing residential buildings – either for mainstream housing or operational / economic need.

This position is clearly stated within *Policy RD3* of the Local Development Plan which states that the Housing in the Countryside Policy does not apply within the Green Belt area.

To this end, whilst the proposal in design terms is perfectly acceptable in land use terms - only a residential proposal for the conversion (which may include an extension) of an existing building would be fully inline with the requirement of *Policy NE5* of the Local Development Plan.

## **Residential Amenity**

The proposed site is extremely isolated and will not affect the existing residential amenity of any other residential property. In terms of the level of private amenity space which will be available to future occupiers, the proposed layout meets with the Councils standards and will offer the new occupiers an adequate level of residential amenity.

## **Visual Amenity**

The proposed replacement dwelling is of a good design, which will have a positive impact on the existing visual amenity of the area.

## **Roads and Access**

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

## **Drainage and Flooding**

The proposal raises no issues in terms of drainage or flooding matters.

## **Pipeline Issues**

In terms of issues with adjacent pipelines, both the operators who have an interest in the pipeline as well as HSE have raised no concerns over the proposal and I have no reason to offer a different view.

## **Impact on the Historic Character of the area**

Whilst there is a Historic Garden and Designed Landscape within the vicinity of the application site, this proposal will have little impact (either negatively or positively) on the integrity of the HGDL.

## **Developer Contributions**

### Primary Education

As the proposal is not creating any new residential units, there is not any requirement for a financial contribution in relation to Primary Education.

### Transport Infrastructure

In terms of Transport Infrastructure as this application is reducing the total number of housing units on the site there is no requirement for any contribution in relation to Transport Infrastructure.

## **Impact on Bats**

The Council's Bio-diversity Officer has commented on the planning application and raised no objections to the proposal, subject to the recommendations contained with the submitted Bat Survey being implemented.

## **Views of the LRB in relation to Previous Application**

I'm fully conscious of the views offered by the members of the Local Review Body during the consideration of the previous planning application (and its subsequent review). However, the fact remains that there is no scope within the terms of Policy NE5 of the Local Development Plan, to support replacement dwellings - as outlined in the comments received from the Council's Policy team. I'm also not convinced that previous views offered from the Local Review Body that replacement housing within the Green Belt should be allowed is a valid material reason for supporting this planning application contrary to the Development Plan.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Local Development Plan 2014 and there are no material considerations which would justify overriding the Development Plan.

On that basis the application is recommended for a refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application for the following reason,**

As the proposal includes the erection of a replacement dwelling, the proposal is contrary to Policy NE5 (Green Belt) of the adopted Perth and Kinross Local Development Plan 2014 which explicitly states that the Council's Housing in the Countryside Policy does not apply within the Green Belt, and that the Green Belt policy does not allow for any new residential development within the Green Belt area to occur - except for the conversions of existing buildings.

## **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**

15/00502/1 - 15/00502/7 (*inclusive*)

**Date of Report 12.05.2015**

# Craig McDowall Architectural Services

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Our Ref: 030-PA-230315

Date: 23<sup>rd</sup> March 2015

The Development Quality Manager  
The Environment Service  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5DG

Dear Sir/ Madam

## **Demolition of Two Dwellinghouses and Erection of Replacement Dwellinghouse**

Further to our online planning application, please find attached a detailed planning application for the demolition of two dwellinghouses and erection of replacement dwellinghouse at Former Binn Cottages, Kinfauns.

The application is accompanied by the following:

- Drawing nos: 15-030-PL01, 15-030-PL02, 15-030-S01
- OS-based site location plan
- Topographical survey drawing
- Supplementary site photographs
- bat survey report

The bat survey report has been produced in response to information that became available late on in the determination of the previous application in relation to the site (ref: 14/01494/FLL) that bats use the cottages as a roost. This has now been confirmed and the bat survey report explains the background to this and proposes mitigation measures.

This application is being submitted following the recent dismissal of a local review for the development proposed here in conjunction with other elements, comprising a change of use of agricultural land to residential, a shed, further ancillary building and a horse arena (ref: 14/01494/FLL). The Local Review Body (LRB) decided to uphold the decision reached by the case officer, but the councillors present at the meeting on 3rd March 2015 appeared to raise different concerns to the case officer, as to why they could not support it in the form submitted. The decision reached by the LRB, and comments made by councillors therein, which

will hopefully be minuted, are considered to be a material consideration helping to suggest that a departure from green belt policy is justifiable in this case.

Planning application (ref: 14/01494/FLL) was refused for a single reason, on 4th November 2014, and relating to the fact that a replacement dwelling, as opposed to conversion, is not permitted in the green belt by virtue of Policy NE5 in the adopted Perth and Kinross Local Development Plan. The other elements of that application were not of concern to the case officer, with him concluding that they would be considered consistent with Policy NE5.

The LRB, in reviewing this decision, decided to hold an accompanied site visit and then determined the local review on 3rd March 2015. The three councillors present (Councillors Campbell, Cuthbert and Lyle) all commented individually on the proposals, with a consistency in their view that it was the totality of what was being proposed that would have a detrimental impact upon the character of the green belt, and that they had no issue with a replacement dwelling per se. It is hoped that this will find expression in the minutes of the meeting, when they are published, and which will be forwarded when available.

It is those comments made by the councillors, that a replacement dwelling would be acceptable in the green belt in this particular case, which are considered to represent a material consideration supporting a departure from green belt policy in the particular circumstances of this case.

That material consideration can then be added to the additional ones that were raised in response to the reason for refusal by the applicant's planning consultant at the local review and, which taken together, suggest that a departure is justifiable in this instance.

1. The applicants were not aware that this area was green belt when they bought the land. It is appreciated that this is not a reason in itself for a departure, but perhaps suggests that a more flexible approach could be taken in this instance.
2. The proposals do not cause any harm to the purposes for which the Green Belt was designated in the first place in terms of paragraph 49 of Scottish Planning Policy.
3. The development can be replicated by extending the existing cottages and then converting them from two dwellings to one. Such conversion and extensions that are required may well be permitted development, but are anyway supported by Policy NE5. This is generally referred to as a fall-back position, when considered as a material consideration. It merits further consideration in this context because, in effect, what we are saying is that what is proposed could be achieved using permitted development rights and, even were this not the case, would be policy compliant with NE5 criterion (d).

We trust this is in order and look forward to receiving confirmation of registration.

Yours faithfully

Craig S McDowall



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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000114780-001

The online ref number 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: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☒ 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)

Demolition of two semi-detached bungalow cottages and erection of replacement bungalow dwellinghouse with associated private drainage system and localised adjustments to site levels.

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

Have the works already been started 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:

Craig McDowall Architectural  
Services

Ref. Number:

First Name: \*

Craig

Last Name: \*

McDowall

Telephone Number: \*

01738 560537

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

info@craigmcdowall.co.uk

You must enter a Building Name or Number, or both:\*

Building Name:

Building Number:

7

Address 1 (Street): \*

Poplar Crescent

Address 2:

Town/City: \*

Perth

Country: \*

UK

Postcode: \*

PH1 1HR

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



Individual



Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: \*

Other

Other Title: \*

Mr & Mrs

First Name: \*

K

Last Name: \*

Knox

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:\*

Building Name:

16

Building Number:

Address 1 (Street): \*

Durley Dene Crescent

Address 2:

Bridge Of Earn

Town/City: \*

Perth

Country: \*

United Kingdom

Postcode: \*

PH2 9RD

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

1 Binn Farm Cottage

Address 5:

Address 2:

Kinfauns

Town/City/Settlement:

Perth

Address 3:

Post Code:

PH2 7LJ

Address 4:

Please identify/describe the location of the site or sites.

Northing

722970

Easting

316058

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

1157.00

Please state the measurement type used:

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

## Existing Use

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

2no. semi-detached bungalow dwellinghouses.

## Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

2

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)? \*

2

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, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

The existing septic tank will be replaced with a new septic tank and soakaway, to be located within the adjacent client-owned pasture field.

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

Waste/ recycling storage to be stored on site adjacent to site access, as indicated on plan.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development - Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## 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 2013

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.

Signed: Craig McDowall

On behalf of: Mr & Mrs K Knox

Date: 24/03/2015

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County 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 developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. \*

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☒ Yes ☐ N/A

A Processing Agreement \*

☐ Yes ☒ N/A

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

## Declare - For Application to Planning Authority

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

Declaration Name: Craig McDowall

Declaration Date: 24/03/2015

Submission Date: 24/03/2015

## Payment Details

Cheque: S J KNOX, 100446

Created: 24/03/2015 20:43



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## **BAT SURVEY REPORT**

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### **BINN FARM COTTAGES**

**KINFAUN, PERTH AND KINROSS**

---

**02.03.2015 (VERSION 1.0)**

---

# PREFACE

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This document is a report of ecological services carried out by the company.

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## REVISION AND SIGN OFF

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ISSUE DATE	AUTHORS	CHECKED BY	SIGNED OFF	VERSION	CHANGE REFERENCE
21.02.15	Lacey Urquhart, Callum McNeill- Ritchie and Beccy Osborn	Beccy Osborn	Beccy Osborn	DRAFT	To client for comment
02.03.15			Beccy Osborn	1	

## EXECUTIVE SUMMARY

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In February 2015, Direct Ecology Ltd was commissioned by Houghton Planning on behalf of Susie Knox to carry out a daytime bat assessment at Binn Farm Cottages, by Kinfauns. The building is scheduled for demolition, they are currently unoccupied, and are in a state of disrepair. A new building of similar proportions is planned for the site along with a farm outbuilding. Thus, this survey was commissioned to ascertain the status of the building, with regard to roosting bats. An objection letter had been lodged to the Council stating that a colony of bats had been using the loft space of the cottages for the 16 years the former tenant had been in the house.

The cottages are situated close to farmland and with mature woodland and watercourses nearby providing excellent potential bat foraging habitat. The building is a single storey pair of joined brick built cottages, with harled walls and a slate roof.

The cottages were surveyed externally and internally and a bat roost was confirmed. DNA analysis has confirmed that both common and soprano pipistrelle bats are using the loft area with droppings in a number of areas of the loft. The west loft droppings were confirmed to be from soprano pipistrelle bats and this is likely a maternity roost. The east loft droppings from common pipistrelle bats.

The day survey identified a number of suitable features that would allow for access for bats. These included:

- Gaps between the barge boards and under the slates.
- Edges of boards worn away at the outside of the wall head;
- Gaps in the barge board ends and the roof where it meets the bases of the central chimney and the east and west end chimney.
- A few lifted slates and areas of lead flashing.

A licence from Scottish Natural Heritage will be required prior to demolition works. As the roost is thought to be a maternity roost, demolition will not be possible between mid-May and end August if breeding is taking place in 2015. In addition, to comply with Bat Conservation Trust Guidelines (Hundt, 2012), it would be appropriate to undertake dusk and dawn bat surveys to fully ascertain the status of the roost.

Proposed outline mitigation measures are made within the report. A bat box should be provided on the farm shed (assuming it is built prior to the cottages being demolished). Mitigation should be built into the new house. This should include species specific mitigation suitable for pipistrelle bats would be appropriate including for example: roost crevice units; and/or a boxed off area of the loft; and/or contained integral boxes in the walls. Details of the mitigation would be finalised following further survey and in agreement with the Client.

The demolition of bat roost areas in the building would have to be supervised by a licensed bat worker and part undertaken by hand. Depending on the time of year of demolition and the location and extent of bat roost exit points, some one way flaps may require to be installed. The bat worker would need to check bat roost provision in the new build as part of the licence conditions.

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# 1 PROJECT INFORMATION

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## 1.1 SCOPE

This report presents the results of bat survey work undertaken in February 2015 at a pair of attached single storey cottages at the former, Binns farm cottages, Kinfauns (Grid Reference NO 16073 22980). The survey work was undertaken on behalf of Houghton Planning on behalf of Susie Knox. It is planned that the building will be demolished in order to erect a new building of similar proportions on the site along with an agricultural building. The current building is unoccupied and in a state of disrepair. As these works have the potential to destroy any bat roosts present, a bat survey was commissioned to ascertain the status of the structures with regard to roosting bats. This report outlines the findings of a day survey on the building. No nocturnal surveys have been undertaken.

## 1.2 SITE LOCATION, DESCRIPTION AND PROPOSALS

The cottages are no longer lived in and are planned for demolition in order to erect a new building on the site. It is thought that the cottage to the west, No.1 Binns cottage, became unoccupied in June 2013, it is not known when the cottage to the east was last lived in. They are situated within agricultural land. The cottages are 120m northeast from residential houses and under 1km northwest of Kinfauns village. There is a large forest block 350m to the west which is part of Kinnoull Woodland Park, this is mainly coniferous trees but is interspersed with broadleaf trees. The Langley burn is approximately 200 m to the west and the River Tay is approximately 1.2 km to the south.

## 1.3 RELEVANT LEGISLATION

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under 'The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)'. Details of this legislation and the subsequent protection afforded to bat species can be found in Appendix 1.

## 2 SURVEY METHODS

---

### 2.1 GENERAL SURVEY METHODS

Survey methods were based on best practice guidelines including the Bat Conservation Trust (BCT) Good Practice Guidelines (Hundt, 2012). Survey work was carried out during 2015 and included:

- A desk study;
- A day building survey for bats; and
- DNA analysis of droppings (see Appendix 5).

### 2.2 DESK STUDY

The following were consulted for records for the site and surrounding area, up to 5km from the site boundary for bats.

- SNHi – protected species records; and
- Any Direct Ecology Ltd records from the surrounding area.

### 2.3 BUILDING SURVEY

In line with guidance from Scottish Natural Heritage (SNH) and the BCT (Hundt, 2012), a daytime survey of the site was conducted. The building was surveyed externally and internally during the day. The external survey looked for any signs of potential or actual roosting sites (e.g. under tiles/slates, behind soffits, gaps in stonework, etc.), as well as for signs indicating use by bats (e.g. bats, droppings, staining, worn entrances). Potential roost sites were investigated with the aid of a ladder, an endoscope and a powerful torch. Binoculars were used to assess potential external roost sites which were considered to be beyond the safe reach of a ladder. This was carried out from the ground with all points of interest recorded and photographed. All internal areas of the building were investigated where access was possible and it was deemed safe to do so with the aid of a ladder, an endoscope and a powerful torch. Any points of note were photographed. Survey also included an assessment of the surrounding habitat for bat roosting and foraging potential.

Time and weather data for the survey visit is given in Table 1 below.

#### 2.3.1 BAT SURVEY LIMITATIONS

All parts of the building were accessed. Areas of the roof that provided bat roost potential or access were too high to access with the ladder, although these areas were inspected with binoculars it is possible that signs may have been missed.

Small bat roosts with one or two non-breeding bats that can be transitional can be virtually impossible to identify at any time in the year and therefore precautionary recommendations are made where appropriate.

The survey was restricted to a day time inspection in the winter months. External droppings from summer roosting may have washed off.

No nocturnal watches were undertaken due to the time of year of the survey.

### 2.3.2 SURVEY PERSONNEL

The survey work and reporting was managed and overseen by Beccy Osborn (Company Director, MCIEEM); experienced bat surveyor, and SNH licensed bat worker (SNH licence number 26913). The daytime building assessment was carried out by Callum McNeill-Ritchie (MCIEEM Ecologist, SNH bat licence number 15944) and Lacey Urquhart (GradCIEEM Assistant Ecologist).

### 2.3.3 BAT SURVEY TIMES AND DETAIL

Table 1: Bat Survey Times and Detail

DATE	SURVEYORS	SURVEY TYPE	SUNSET / SUNRISE	START / FINISH	WEATHER
05.02.2015	Callum McNeill- Ritchie and Lacy Urquhart	Day building survey	n/a	11.00-13.00	Rain: 0 Temp: 5 WS: 1 C/C: 2/8

KEY TO WEATHER CONDITIONS SUMMARY:

Temp = Temperature (°C)      WS = Wind speed - 0 (calm) – 12 (hurricane)  
Rain = 0-4 (0 = dry)      CC = Cloud cover (in eighths)

## 2.4 BAT ROOST TYPES AND EVALUATION ASSESSMENT

An assessment of the impacts of the proposed works is outlined. Chartered Institute of Ecology and Environmental Management (CIEEM) guidance (2006) defines an ecologically significant impact as an impact (negative or positive) on the integrity of a defined site or ecosystem and/or the conservation status of habitats or species within a given geographical area. If there is evidence of a bat roost, the proposed demolition could negatively impact upon the conservation status of the species. For species, conservation status is determined by the sum of influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within a given geographical area. Impacts upon maternity roosts would likely have longer term implications for local bat populations than the loss of non-breeding roosts.

Significant impacts on any species should be mitigated (or compensated for), in accordance with the scale relevant to the value of the feature or resource. Any significant impacts remaining after mitigation (the residual impacts) will be outlined following all survey. Recommendations in line with best practice guidance have also been made, including advice on the timings of the demolition work, to reduce any potential impacts to roosting individuals. For example, if a building is suitable for non-hibernation roost purposes only, the demolition should be scheduled for winter and if the building has a maternity roost it should not be demolished in the summer.

An evaluation of a roost where present in a building, is given. A roost of < 5 bats would generally be of only local value. SNH classes the following roosts as exceptional (i.e. regional value – Scotland):

- Any roost comprising noctules, Leisler's bats, whiskered/Brandt's bats or Nathusius' pipistrelles;
- Exceptionally large roosts of any of the other five widespread species:
  - Soprano pipistrelle >800
  - Common pipistrelle >200
  - Daubenton's bat >80

- Brown long-eared bat >50
  - Natterer's bat >50; or
- Roosts of any species at the edge of its UK or European distribution.

For any building with a roost, mitigation is proposed, in line with the value of the roost and the species present.

## 3 SURVEY RESULTS AND EVALUATION

### 3.1 DESK STUDY

Within Central Scotland the following bat species are known to be present (Richardson, 2000; Harris and Yalden, 2008; Osborn, 2013, pers. obs.):

- Common pipistrelle *Pipistrellus pipistrellus*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Nathusius' pipistrelle *Pipistrellus nathusii* (rarely)
- Daubenton's bat *Myotis daubentonii*
- Natterer's bat *Myotis nattereri*
- Whiskered bat *Myotis mystacinus* (rarely)
- Brown long-eared bat *Plecotus auritus*
- Leisler's *Nyctalus leisleri* (rarely)
- Noctule bat *Nyctalus noctula* (rarely)

Any of these species could therefore be present on the site or within the nearby surrounding area. All the above are Scottish Biodiversity list species with the exception of Leisler's bats.

Direct Ecology Ltd is aware of number of soprano and common pipistrelle roosts c. 3.3km to the north-west of here.

An objection letter has been lodged with PKC stating that a colony of bats had been using the loft space of the cottages for the 16 years a former tenant had been in the house.

#### 3.1.1 SNHi

Table 2 provides a summary of bat species records within a 5 km radius of the survey area. It should be noted that the absence of records should not be taken as conformation that a species is absent from the search area. The exact locations of some records may be unknown, as only four-figure or tetrad grid references were given. Only records from the past 25 years are included in the table.

Table 2: Summary of Bat Records within 5 km of the site

SPECIES	NO. OF RECORDS	MOST RECENT RECORD	PROXIMITY OF NEAREST RECORD TO STUDY AREA	SCOTTISH BIODIVERSITY LIST	LOCAL BAP?^	LEGISLATION
Pipistrelle sp. <i>Pipistrellus sp.</i>	27	2006	Less than 1km from site	YES	YES	ECH 4, HR
Common pipistrelle <i>Pipistrellus pipistrellus</i>	9	2006	5km from site	YES	YES	ECH 4, HR
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	1	2004	4km east from site	YES	YES	ECH 4, HR

Brown long-eared <i>Plecotus auritus</i>	3	2005	Less than 2km from site	YES	YES	ECH 4, HR
Daubenton's <i>Myotis daubentonii</i>	1	1994	Potentially on site**	YES	YES	ECH 4, HR
<b>Key:</b> ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal HR: Conservation Natural Habitats & C Regulations 1994 as amended. **10km square references given only. ^Local BAP – Tayside Biodiversity Partnership Action Plan. <b>Datasets:</b> Bat Records for Scotland 1970 - 2007						

## 3.2 DAY SURVEY

Details target notes of features with bat roost potential are given in the table in Appendix 2, and are shown on the figure in Appendix 3. Photographs of the building and potential bat roosting features are given in Table 3 below.

### 3.2.1 EXTERNAL INSPECTION

The building is a single storey brick built cottage with loft space, harled walls and a slate roof, the building is judged to have been built in the early 1900s. The building is approximately 20m by 7m and is made up of two houses with four doorways (two to each house). The doors are on the north and south side of the building. There is a chimney set at both gable ends and one in the middle of the building where the houses are joined (photo 1).

The windows and doors are tightly fitting and do not provide any potential access for bats. Along the wall head, on the north and south side of the building, between the wall head and fascia boards, under the gutter, there are gaps which allow access in under the slates (photo 2), these areas were endoscoped and a passage into the roof space could not be seen, however there is potential for access into the roof space if these areas do not allow access into the roof space they will still provide potential as summer roosts. No droppings were found in these areas.

The barge boards on the gable ends of the house are worn at the apex next to the chimney breast and provide access into the roof space (photo 3), this is the case at both the east and west end of the building. The barge boards at the northeast and northwest corners of the building have deteriorated, as has the harled wall creating a crevice into the wall (photo 4) and under slates in these areas which provides bat roost potential and a potential access point.

There are missing slates and raised lead flashing along the ridge of the building which have the potential to provide summer roosts and access into the loft space through gaps in the sarking. The chimney breasts have grouting missing and some cracks which also may present bat roost potential. The chimneys all have wire mesh over them except one of the middle pots which had a cap.

A drip pipe on the north side of the building has gaps around it allowing access into the roof space of the building.

### 3.2.2 INTERNAL INSPECTION

Each house is made up of a kitchen, living room, two bedrooms and a bathroom. The loft hatch is situated at the end of the hallway, which leads in from the front (south) door, in front of the bathroom.

The loft hatches have been open since at least April 2014. No signs of bat droppings were found around the fireplaces. There is a boiler in each kitchen which is not sealed in around the top of the cupboard but no signs were found within these. There is no sign of entrance points into the rooms of the house except from the fire places.

The loft space extends the entire length of the building with a red brick chimney breast dividing the two houses in the loft space, this wall has gaps around the edges allowing access along the entire length of the building. There is insulation on the floor of both loft sections, the loft on the east side of the building has had a new thicker layer of insulation laid in April 2006. The roof is constructed of sarking boards with bitumastic felt lining them and then slates.

The west loft space has a heavy spread of bat droppings along the entire central length of the loft (photo 5) with larger piles at either end around the chimney breasts (photo 6 and 10). The largest pile of droppings is situated at the west chimney breast to the south of the chimney (photo 6). The droppings appear to be relatively old and deteriorated. The droppings were confirmed from DNA Analysis (see Appendix 5) to be from soprano pipistrelle bats. There are a few droppings throughout the loft space which are newer in appearance. All droppings seen appeared to be of a size and shape consistent with pipistrelle sp. droppings. There are gaps around the chimney breasts on either end of the building allowing access into the roof space (photo 7, 8 and 9). It is possible that bats could access at the wallheads although no entry points were noted.

The loft space in the east of the building does not have as large a quantity of droppings, however, this may be due to the insulation that was laid in 2006 both covering up old droppings and altering the temperature in that part of the loft. The droppings in this loft were confirmed to be from common pipistrelle bats (see Appendix).

The area under the eaves appears clear of droppings and no obvious potential bat access points can be seen along the edges of the eaves.

There are some clear areas along the ridge of the loft space which could indicate these areas have been used by roosting bats.

Table 3: Site photographs

Photo 1: Overview of building, south side



Photo 2: Gaps at top of wall head



Photo 3: Deteriorated barge board at chimney



Photo 4: Deterioration at corner of building between wall and barge board



Photo 5: Spread of bat droppings throughout loft space to the west



Photo 6: Large pile of old droppings next to the west chimney



Photo 7: Gap between beams and wall where bats are



Photo 8: Gaps between apex of roof and wall where bats are



accessing roof space at west end of building



Photo 9: Gaps and staining at east end of building allowing access by bats



accessing roof space at west end of building



Photo 10: Large pile of droppings at east end of building next to gable wall/chimney.

### 3.2.3 HABITAT SUITABILITY ASSESSMENT

The former Binn farm cottages are situated close to good quality bat foraging habitat. This includes 300m from Deuchny wood, this is mainly a coniferous woodland with broadleaf trees around the edges. Woodland edges provide good commuting corridors as well as providing a foraging habitat and there will be roosting potential within some of the nearby mature trees. The cottages are situated within agricultural land and are approximately 1.2km from the River Tay. The water provides foraging potential for Daubenton's bats. The cottages are approximately 120 metres from a collection of houses to the southwest which may also present roosting potential.

### 3.3 EVALUATION

Large quantities of bat droppings within the loft space of the, former, Binn farm cottages confirm that the roof space of the cottages is a bat roost. The quantity of bat droppings indicates that in the past at least 50 to 100 bats may have roosted here. The majority of the droppings now appear quite old and it has possibly been less well used since the cottages have been empty and colder. This roost has been a maternity roost in the past but it would appear that since the cottage has been empty since possibly June 2013 and unheated that it may not have been so well used. Bats require warm temperatures for a breeding roost. However, the building is in good condition and there is a south facing slate roof that could provide sufficiently warm temperatures without heating in the building.

The droppings have been confirmed to be from both common and soprano pipistrelle bats in the east and west lofts respectively. The current survey was not able to provide an accurate assessment of the numbers of bats currently using the site or the entrance or exit points. Soprano pipistrelle bats generally have larger roosts than common pipistrelle bats. From the number of droppings it is possible that there could be maternity roosts of both species.

The roost would not be a key hibernation site and no bats were found during the day survey. The temperature within the roof space would be too high for hibernation of most species, which favour cold stable temperatures. However, one or two pipistrelle bats are often found in houses during the winter months. Therefore low numbers of bats could be present in inaccessible areas such as around wall heads.

### 3.4 OTHER SPECIES

There are bird droppings within the loft space and at the small window. There is also evidence of a nest of possibly a starling or house sparrow in the gap between wall and roof at the east end of the building, very little of the nest could be seen to confirm this

## 4 IMPACT ASSESSMENT

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### 4.1 INTRODUCTION

It is understood that the building is scheduled for either demolition or refurbishment.

This section aims to ascertain the likely impact of these works upon bats. Recommendations for further survey, and to reduce any predicted impacts, are given in Section 5.

### 4.2 LOSS OF BAT ROOST SITES

A presumed maternity roost of both soprano pipistrelle bats and common pipistrelle roost will be lost.

Both common and soprano pipistrelle bats are common and widespread in the area. The loss of a common and soprano pipistrelle bat roost will not have any effect on the favourable conservation status of bats in the local area.

### 4.3 DISTURBANCE TO BAT ROOSTS

There are no other buildings or potential bat roost trees within close proximity to the building; therefore it is not considered the proposed works will disturb any other bat roosts.

### 4.4 LOSS OF FORAGING AREAS

There will be no loss of foraging areas within the wider landscape due to the works on the site, therefore no recommendations are made.

## 5 RECOMMENDATIONS

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### 5.1 INTRODUCTION

This section makes recommendations in order to reduce any significant impacts, if present, or to fulfil legal obligations or to provide best practice recommendations.

### 5.2 LICENCE APPLICATION

A licence to destroy a bat roost of common and soprano pipistrelle bats is required before demolition works are undertaken.

All UK bat species are protected under the 'Conservation (Natural Habitats, &c.) Regulations (1994) which make it an offence to damage, destroy or disturb a breeding site or resting place of any such animal (a summary of this legislation is given in Appendix 2). Subsequently, a European Protected Species (EPS) licence will need to be applied for from Scottish Natural Heritage (SNH) before any works that could disturb or destroy a bat roost can go ahead.

A licence application can take up to 40 working days to be assessed and for a licence application to be successful (and a licence granted) all of the following three conditions must be satisfied:

- The development is preserving public health or public safety or there are other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- That there is no satisfactory alternative; and
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Prior to obtaining this licence, no work should be undertaken which will contravene the legislation outlined in Appendix 1.

### 5.3 OUTLINE MITIGATION

The mitigation strategy for the proposed works will ensure that bats are protected during the works and that roosting sites are available at all times. The mitigation measures are appropriate for a maternity roost of common and soprano pipistrelle bats. The mitigation proposed will be finalised following on from results of nocturnal surveys.

A new farm building is being constructed close to the cottages and this will be used for mitigation as well as the new build (as it is assumed that this will be built prior to the new main building).

The strategy includes:

- At least one bat boxes erected on the new farm building that is suitable for breeding and hibernation. A Scwhelger 1WQ or similar will be erected;
- Further survey (in the summer bat active season) including pre-works survey and checks;
- A pre-works 'toolbox' talk for all site operatives, highlighting the bat issues onsite and conditions of the licence (when obtained);
- Exclusion devices on known roost access areas or supervised removal of all key bat roosting features (will depend on time of year of the demolition);
- Hand stripping and demolition of possible roost sites and access sites;
- Demolition of suitable roosting features should be undertaken under the supervision of a licensed bat worker; and

- Internal built in roosting space that will be viable as use as a maternity roost within the new house once constructed.

A complete list of proposed mitigation must be provided with the licence application, for any application to be passed successfully.

## **TIMING AND SCOPE OF WORKS**

As it is thought this was and still may be used as a maternity roost, works must not be undertaken between mid-May and end-August (inclusive), in case there are young, non-flying bats present within the roost.

Depending on the location of roost entrance/exit points, one-way flaps may need to be fitted to allow any bats still using the roost to exit, and must be in place for a minimum of seven days to allow any bats present to leave the roost. This should ideally take place in April/early May 2015, or September/October 2015 when bats would be active but not breeding. Works in April/May 2015 would not allow the recommended further survey to take place as recommended in 5.4.

A 'toolbox' talk should be held with any site workers before works to the building are undertaken. This will ensure that the contractors are aware of the bat issues associated with the building. This will also cover the adoption of appropriate methodologies to remove the features around the structure to ensure that no harm to bats occurs.

The building should be demolished under the supervision of a licensed bat worker, with the slates removed by hand and other areas (e.g. fascias) removed until the bat worker is happy that all areas with bat roost potential have been made unsuitable. Any bats that are found during works should be safely moved to the bat box erected near the site (see below).

In the unlikely event that a bat becomes injured, the bats will be immediately taken into care (as directed by the Bat Workers Manual, Mitchell-Jones and McLeish, 2004). Details of a local experienced bat carer are known.

## **BAT BOXES**

Mitigation for loss of the roost must be implemented for a licence application to SNH to be successful. This should include:

One 1WQ Schwegler Summer and Winter Bat Box placed on the external wall of the new farm building – this type of box is suitable for both summer and winter roosting. If the building is not built prior to the demolition of the cottage, an alternative location of the bat box should be found. There must be a bat box available during demolition to put any bats into.

BCT guidelines (Hundt, 2012) recommend that any bat boxes are positioned 3m or higher from the ground, so that the roosts cannot be easily interfered with. The optimal aspect for a summer roost site is an un-shaded wall facing southwards (either southeast, south or southwest), where the roost will be warmed by the sun. Roosts with cooler aspects will be more likely utilised year round by male bats, or for hibernation during the winter period.

## **BUILT IN ROOST SPACE**

Where possible a 'like for like' maternity roost space should be created in the new house, to be erected on the site of the current Binns cottage, to compensate for the destruction of the presumed maternity roost(s) in the cottages.

As the roost is from pipistrelle bats, the space could be enclosed to try and control the space used by bats and remove any potential issues of bat droppings in the loft. The area should be of an appropriate size and have 2-7m of drop below the entry points. Crevice dwelling bats such as

pipistrelles can enter through very small gaps from 20-50mm, holes between these dimensions should be left in the wood sarking below bat vent slates which should be used as alternative to normal slates in these locations. Roofing felt rather than breathable roofing membrane (BRM) should be used in these locations. Bats can get entangled in BRMs. In addition, gaps could be created at the wall head.

The roost should be constructed of rough material such as rough wood to allow the bats to gain grip, crevices within the roost should be available for the bats to roost within, Appendix 4 for shows an example drawing representation of a roof crevice unit. A roof tent unit may also be possible or a boxed off area of the loft.

In addition, integral contained bat boxes in the walls (e.g. the Schwegler 1FR) may also be possible.

The temperature of the roost is important and materials should be used that will minimise temperature fluctuations and maximise thermal gain during the summer. The roost should be situated with a southerly aspect. Creation of the roost above living dwellings will help to maximise temperatures in the summer, insulation between the living quarters and the roost should be kept to a minimum to help with this.

The final design of the mitigation will be agreed with the client following the recommended further survey.

## 5.4 FURTHER SURVEY

The building has been found to contain a bat roost thus further surveys are required to support a licence application to follow SNH guidance (Hundt, 2012), see Table 4).

Up to three nocturnal surveys should be undertaken, to confirm the roost size within the building to provide sufficient information to allow SNH to assess the licence application (as per BCT guidance. .. These surveys should be undertaken in the main bat active season, generally considered to be between May and September (weather dependent). Surveys should extend until at least mid June to confirm if a maternity roost is present. The DNA analysis in combination with for example a further internal loft survey in June 2015 may mean that two surveys would be sufficient to provide the appropriate information.

No demolition or refurbishment works should be undertaken on the building that could destroy or disturb a bat roost, which would contravene UK legislation (see Appendix 1).

*Table 4: Recommended survey guidance*

High roost potential	Low to moderate roost potential	Low roost potential
3 dusk emergence and/or pre-dawn re-entry surveys during May to September	2 dusk emergence and/or pre-dawn re-entry surveys during May to September	1 dusk emergence and/or pre-dawn re-entry survey during May to September
Optimum period May – August	Optimum period May – August.	Optimum period May – August

## 5.5 NESTING BIRDS

It is recommended that any works to the building are done outside the bird breeding season (generally considered to be March to September (inclusive)). If this is not possible, a check for any nesting birds must be carried out prior to works starting, and if any active nests are discovered the nest must not be disturbed until all young have naturally fledged and left the site.

## 6 REFERENCES

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**Chartered Institute for Ecology and Environmental Management (2006)** *Guidelines for Ecological Impact Assessment in the United Kingdom*. CIEEM: Hampshire.

**Eaton, M.A., Brown, A.F., Noble, D.G., Musgrove, A.J., Hearn, R., Aebischer, N.J., Gibbons, D.W., Evans, A. and Gregory, R.D. (2009)** Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man. *British Birds* 102, pp296–341.

**Harris, S., and Yalden, D (2008)** *Mammals of the British Isles, Handbook 4<sup>th</sup> Edition*. Mammal Society, Southampton.

**Harris, S., Morris, P., Wray, S., and Yalden, D (1995)** *A review of British mammals: population estimates and conservation status of British mammals other than cetaceans*. JNCC, Peterborough.

**Hundt, L. (2012)** *Bat Surveys – Good Practice Guidelines (2<sup>nd</sup> edition)*. Bat Conservation Trust, London.

**Mitchell-Jones, A.J. & McLeish, A.P. (2004).** *The Bat Workers' Manual (3<sup>rd</sup> edition.)*. JNCC: Peterborough.

**Mitchell-Jones, A.J. (2004)** *Bat Mitigation Guidelines*. English Nature: Peterborough.

**Richardson, P (2000)** *Distribution Atlas of Bats in Britain and Ireland 1980-1999*. Bat Conservation Trust, London.

**SNH** interactive map. Available: <http://www.snh.gov.uk/publications-data-and-research/snhi-information-service/map/> (accessed January 2015).

## 7 APPENDIX 1 – LEGAL FRAMEWORK

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### 7.1 EUROPEAN PROTECTED SPECIES

All bat species found in the UK are European Protected Species. European protected species are those that are protected by the EC Habitats and Species Directive 92/43/EEC. The Conservation (Natural Habitats, &c.) Regulations 1994 translates this European legislation into UK law. This has been amended in Scotland by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 and 2007 and the Conservation (Natural Habitats, &c.) Amendment (No. 2) (Scotland) Regulations 2008. EPS includes bats (all species), otter, wildcat and great crested newt. These Regulations make it an offence to deliberately or recklessly:

- Capture, injure or kill an EPS
- Harass a wild animal or group of wild animals of EPS
- To disturb such an EPS while it is occupying a structure or place it uses for shelter or protection
- To disturb an EPS while it is rearing or otherwise caring for its young
- To obstruct access to a breeding site or resting place of an EPS or to otherwise deny an EPS use of a breeding site or resting place
- To disturb an EPS in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs
- To disturb an EPS in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- To disturb such an animal while it is migrating or hibernating

It is also an offence to:

- Damage or destroy a breeding site or resting place of such an animal
- Keep transport, sell or exchange or offer for sale or exchange any wild animal or plant EPS or any part or derivative of one

In relation to protected species of animal, licences can be issued under Regulation 44 to permit, for specific purposes, certain actions that would otherwise be against the law. Scottish Natural Heritage (SNH) is responsible for all EPS licensing under the Habitats Regulations (with the exception of some areas of licensing for whales and dolphins).

There is no provision for development licences as such, however, under Regulation 44 (2e) of the Conservation (Natural Habitats, &c.) Regulations 1994 licences may be granted for:

- Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

However a licence will not be granted unless, importantly under 44 (3), the appropriate licensing authority is satisfied:

- That there is no satisfactory alternative; and

That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

## **7.2 WILDLIFE AND COUNTRYSIDE ACT 1981**

The Wildlife and Countryside Act 1981 provides protection to species and habitats. The Nature Conservation (Scotland) Act 2004 amends the Wildlife and Countryside Act 1981 in Scotland. In April 2012 the Wildlife and Natural Environments (Scotland) Act 2011 (WANE) has further amended the 1981 Act. This is in particular relation to the prevention of release and control of non-native species of animal and plant.

### **7.2.1 BIRDS**

All wild birds receive general protection to their nest and eggs under the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Some species receive enhanced statutory protection due to their listing in schedule 1 of the Wildlife and Countryside Act 1981. It is an offence to disturb a Schedule 1 species while it is building a nest or is in, on, or near a nest containing eggs or young.

There are obligations within the Birds Directive 1979 relating both to protection of species and maintenance of habitats. Birds on Annex 1 to the Birds Directive, regularly occurring migratory species, and birds on Schedule 1 to the Wildlife & Countryside Act are recognised in statute as requiring special conservation measures.

A number of bird species have been highlighted in non-statutory lists as priorities of Conservation Concern in the United Kingdom. This includes those listed in Birds of Conservation Concern 3: and *Priority Species* listed in the UK *Biodiversity Action Plan*. Eaton *et al.* (2009) assigns all birds according to three categories:

- Red List Species - those birds whose populations or range is rapidly declining (recently or historically), and those of global conservation concern;
- Amber List Species - those birds whose populations are in moderate decline, rare breeders, internationally important and localised species and those of an unfavourable conservation status in Europe; and,
- Green List Species - those other birds occurring in the United Kingdom not included in the Red or Amber Lists above. Further details of the appraisal can be found in Eaton *et al.* (2009).

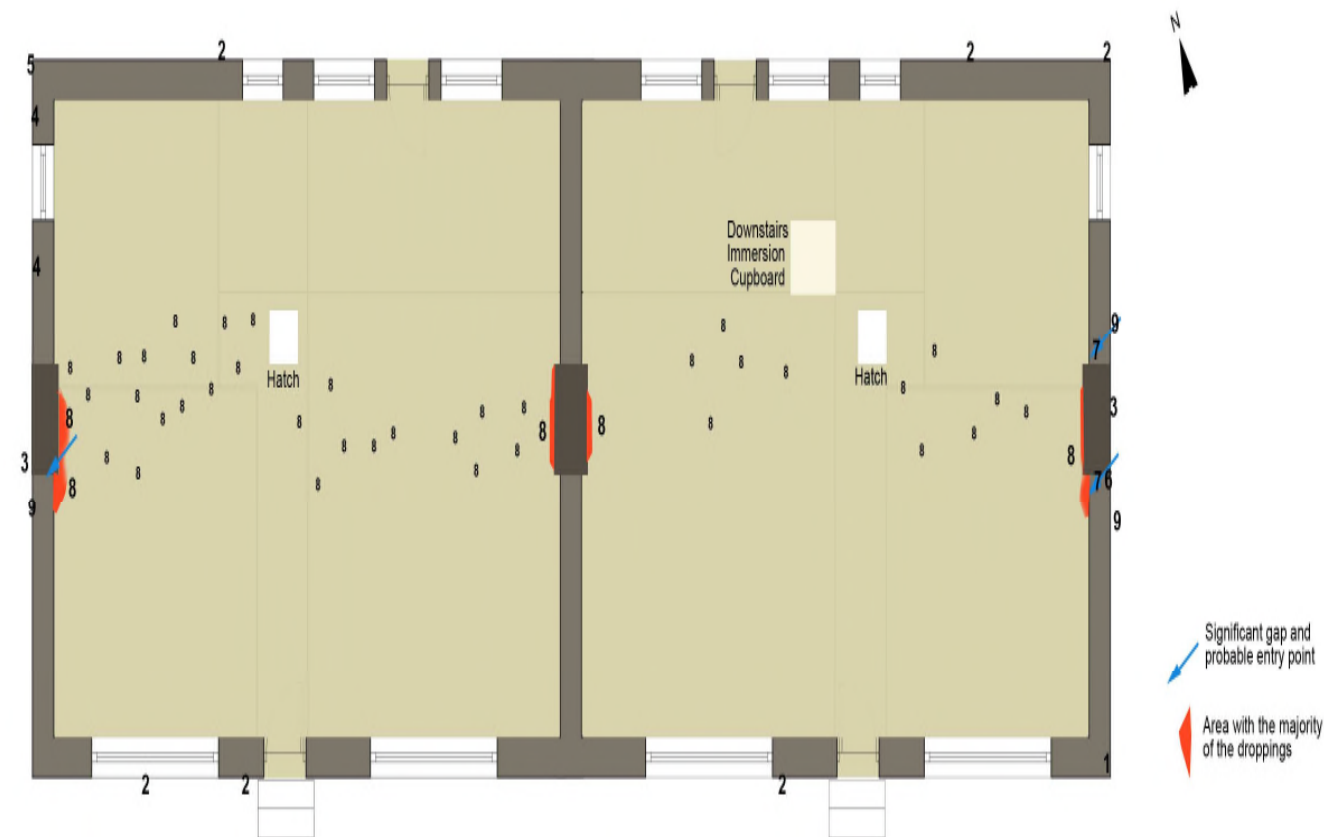
## 8 APPENDIX 2- TARGET NOTES

Table 5: Target notes

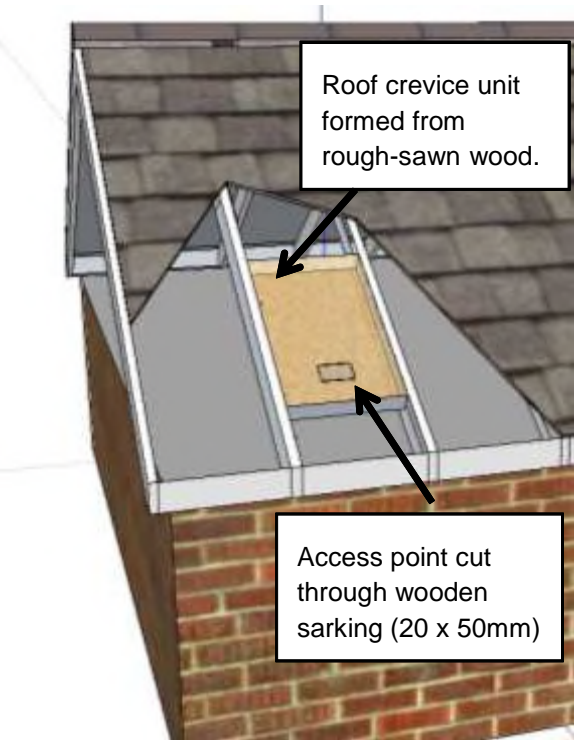
Target note	Feature	Notes
1	Access to roosting potential	Slates have pulled away from boards in the southeast corner allowing access under surrounding slates
2	Access to roosting potential	Gaps under gutter at various points around the building allowing access under slates for summer roosts
3	Roosting potential	Cracks and grout missing in chimney breasts creating possible roosting locations
4	Access to roosting potential	On the west gable end of house slates have pulled away from the barge board creating roosting potential
5	Roosting potential	In the northwest corner of the building there is a gap between the barge board and wall creating roosting potential
6	Roosting potential	Flashing pulled away from ridge creating roosting potential
7	Roost access	The barge boards have pulled away and deteriorated from the chimney breasts creating access to the internal roof space.
8	Droppings	Droppings throughout roof space with larger quantities around the base of the chimney breasts.
9	Roost	Gaps between boards and chimney/ wall around each chimney where bats have been roosting and entering roof space

# 9 APPENDIX 3 – SITE MAP AND TARGET NOTES

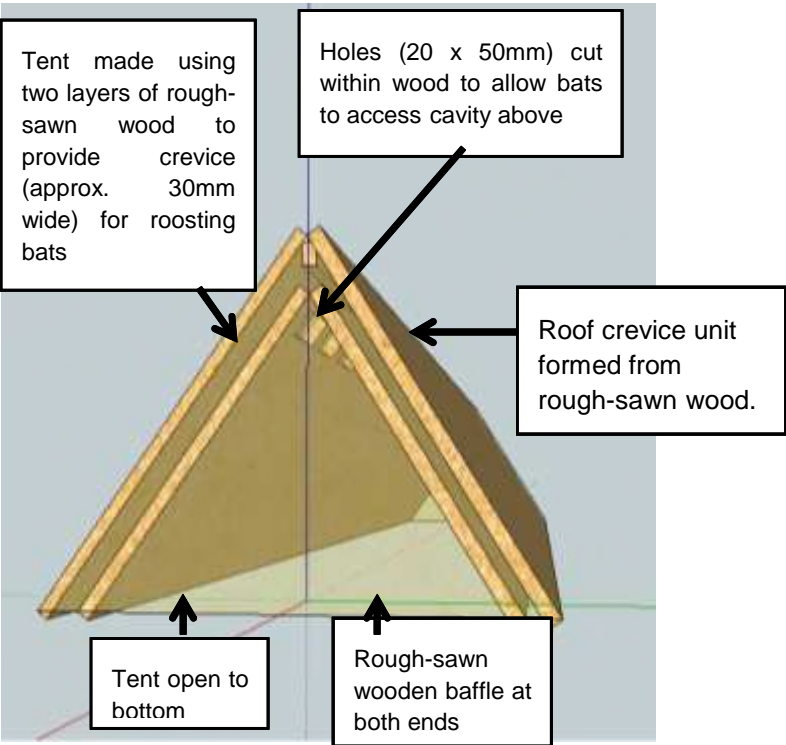
Figure 1: Plan of building



# 10 APPENDIX 4 – POTENTIAL MITIGATION OPTIONS



Drawing 1: Roof crevice unit. Access point to be placed directly below bat vent slates.



Drawing 2: Tent unit example

## 11 Appendix 5 – DNA results

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2<sup>nd</sup> March 2015

Re: Bat Identification Results for Lacey Urquhart, Direct Ecology.

Ref:

Bat job number 004908 received 16/02/2015

Sample labelled: Kinfauns Binns Cottage Chimney East

PCR amplification successful. DNA sequence:

GATGCCTAGTAGGGACCCAAAATTTTCATCATGCTGAAATGTTTGATGGAGCTGGTAG  
ATCAATGAATGAGTTATTGATGATTTTGATCAGGGGGTGGGATTTTCGAATGTTTGTC  
AT

Phylogenetic analysis identification: *Pipistrellus pipistrellus*

Bat job number 004909 received 16/02/2015

Sample labelled: Kinfauns Binns Cottage Chimney West

PCR amplification successful. DNA sequence:

AAATTCATCATGCTGAGATGTTTGATGGAGCTGGTAGGTCAATGAATGAGCTGTTA  
ATAATTTTGATTAGGGGATGGGACTTTTCGAATGTTTGTCAT

Phylogenetic analysis identification: *Pipistrellus pygmaeus*

Confirmed by maximum likelihood, maximum parsimony, bootstrap 100%.

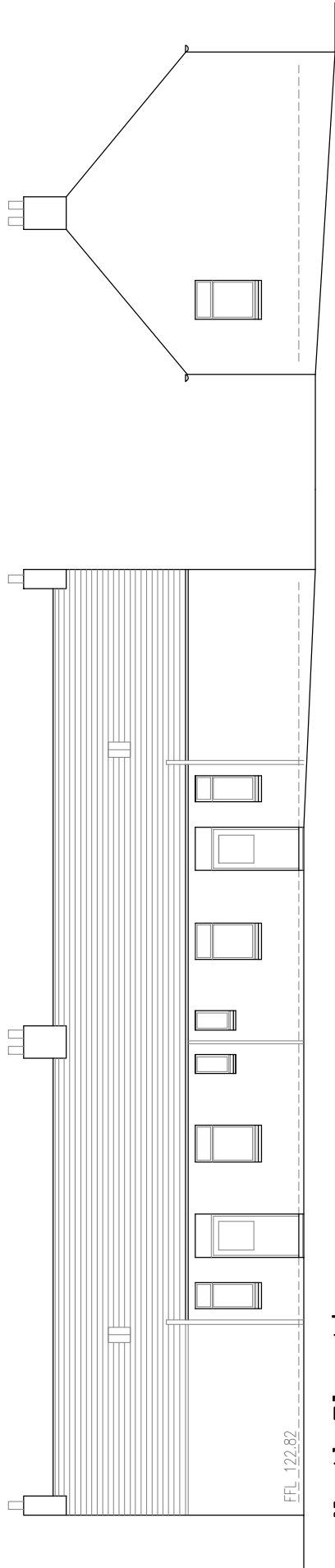
Best regards,

Robin Allaby  
Associate Professor.

The results and conclusions in this report are based on an investigation of mtDNA sequence analysis. The results obtained have been reported with accuracy. The interpretation represents the most probable conclusion for the DNA sequence obtained rather than the sample provided given current levels of species data. It should be borne in mind that different circumstances might produce different results. Therefore, care must be taken with interpretation of the results especially if they are used as the basis for commercial recommendations.

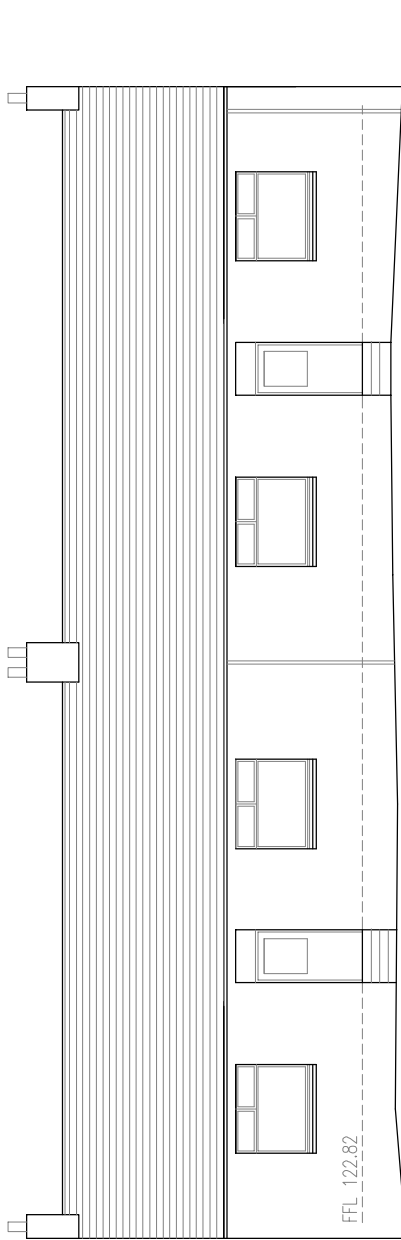
**Dr Robin Allaby**  
School of Life Sciences,  
Gibbet Hill Campus,  
University of Warwick,  
Coventry CV4 7AL  
Tel: 02476575009  
Fax: 02476574500  
Email: r.g.allaby@warwick.ac.uk



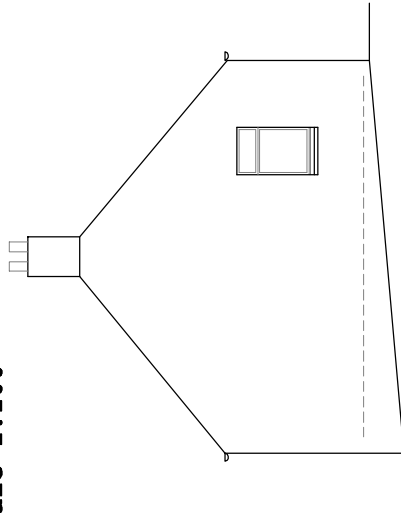


North Elevation  
Scale 1:100

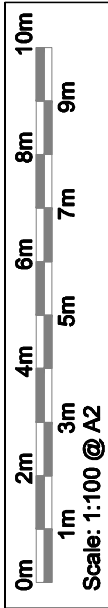
West Elevation  
Scale 1:100



South Elevation  
Scale 1:100



East Elevation  
Scale 1:100



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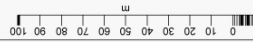
NEW-BUILD REPLACEMENT DWELLING AT  
BINN COTTAGES, KINFAUNS  
PERTSHIRE

Client AGB DEVELOPMENTS  
Purpose PLANNING APPLICATION  
Drawing EXISTING ELEVATIONS  
Drawing No. S01  
Revision  
Scale 1:100 @ A2  
Project Ref.  
Date Aug 2014  
Drawn CSM

I CERTIFY THAT THIS IS A TRUE COPY  
OF THE PLAN(S) REFERRED TO IN THE  
PLANNING / WARRANT APPLICATION

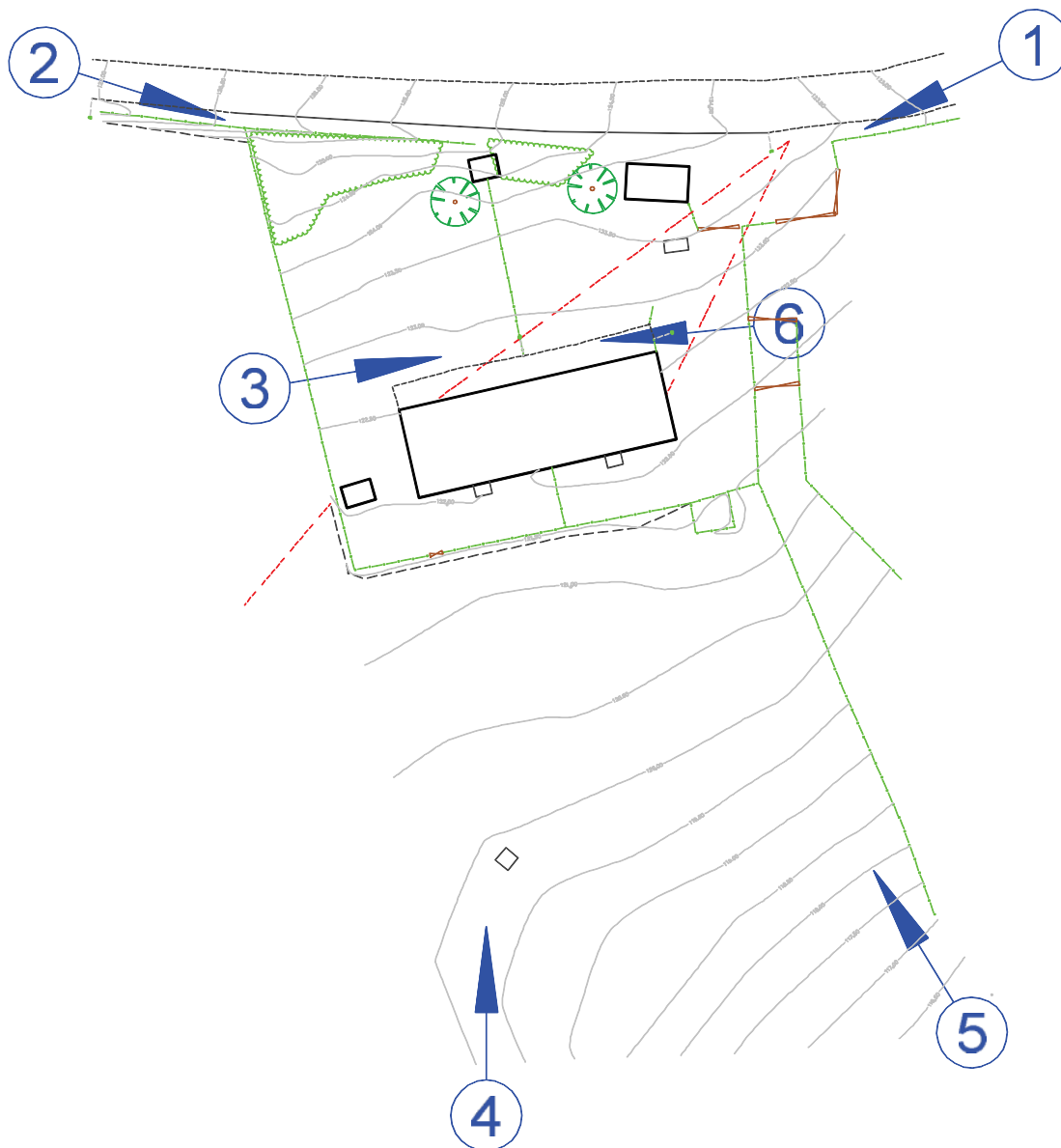
SIGNED.....DATED.....

NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers written instructions, relevant Codes of Practice and Building Regulations. All dimensions, bearings and levels to be site verified by contractor prior to construction. Report any discrepancies to CA/PHM.  
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Subject

**Photo Location Diagram for  
Binn Cottages,  
Kinfauns.**

Drawn by

**S.WILSON**

Page

**1 of 1**

Dwg No

**21414/01**

Date

**19/07/2014**

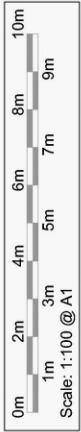


Project Reference : Binn Cottages, Perthshire

Dwg. No : 21414/01

Date : 21<sup>st</sup> July 2014

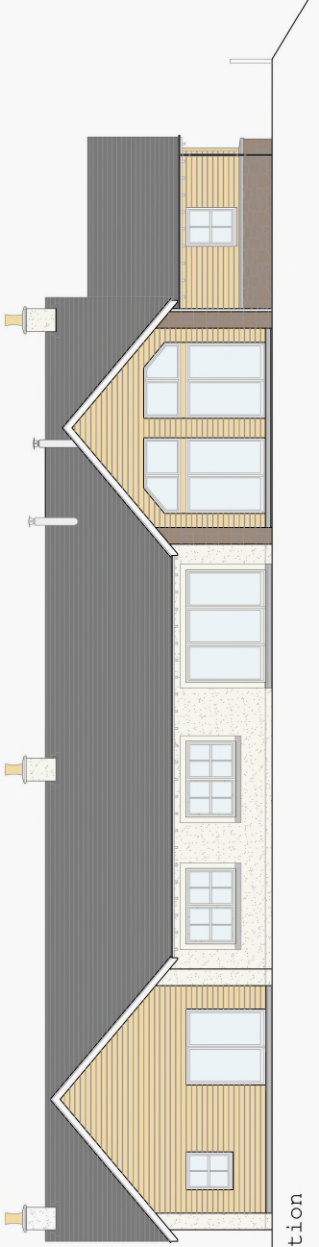




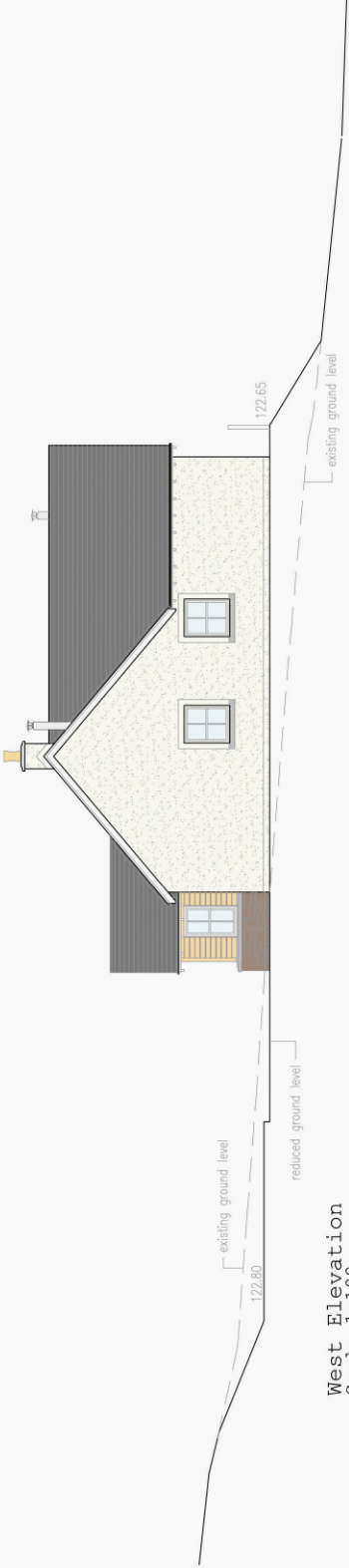
North Elevation  
Scale 1:100



East Elevation  
Scale 1:100



South Elevation  
Scale 1:100



West Elevation  
Scale 1:100

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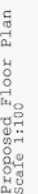
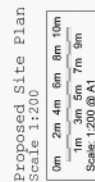
NEW-BUILD REPLACEMENT DWELLING AT  
BINN COTTAGES, KINFAUNS  
PERTHSHIRE

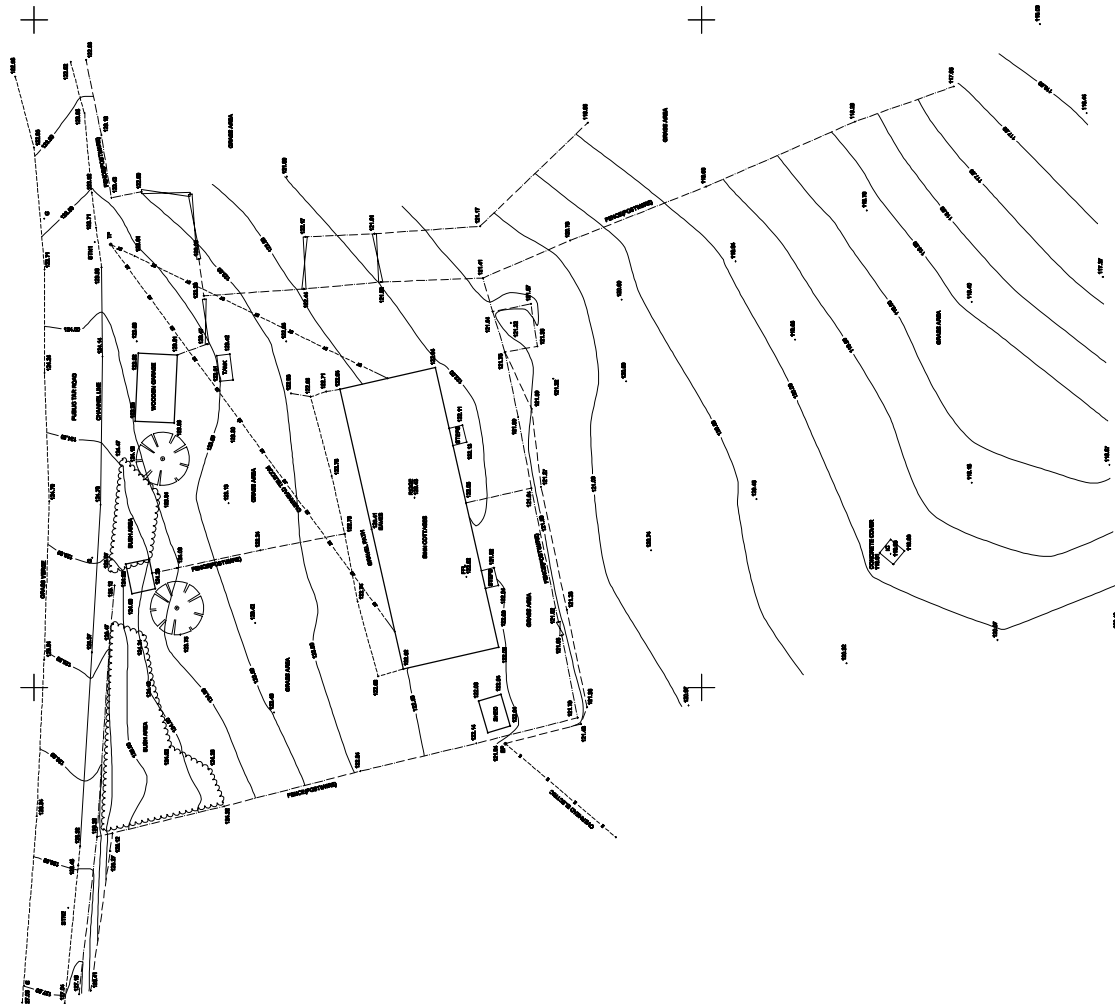
Client	MR & MRS KNOX
Purpose	PLANNING APPLICATION
Drawing	PROPOSED ELEVATIONS
Drawing No.	15-030-PL01
Revision	
Scale	1:100 @ A2
Project Ref.	
Date	Mar 2015
Drawn	CSM

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## LEGEND

[illegible]

## ABBREVIATIONS

[illegible]

## NOTES

- [illegible]

## CONTROL STATIONS

CONTROL STATIONS				
Station No.	Description	Easting	Northing	Level
STW1	NAL	316033.359	722995.654	128.491
STW2	NAL	316033.559	722997.450	128.595

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SCOTLAND**

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F: 01382 - 84 1860  
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**BINN COTTAGES,**

Drawn By: S. WILSON	Scale: 1/200	Date: 10/07/2014
Drawing number: 21414		Revision: 01



North East view



South East view

**TCP/11/16(363)**

**Planning Application 15/00502/FLL - Demolition of 2 existing dwellings and the erection of a replacement dwelling, former Binn Farm Cottages, Kinfauns**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 387-388)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 389-398)*

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 437-444)*



**TCP/11/16(363)**

**Planning Application 15/00502/FLL - Demolition of 2 existing dwellings and the erection of a replacement dwelling, former Binn Farm Cottages, Kinfauns**

## **REPRESENTATIONS**

- Representation from Shell UK Limited, dated 21 April 2015
- Representation from Development Negotiations Officer, dated 23 April 2015
- Representation from Transport Planning, dated 4 May 2015
- Representation from Development Plans Team, dated 5 May 2015





AMB.

RECEIVED

24 APR 2015

Mr N Brian  
Development Quality Manager  
Perth & Kinross Council  
The Environment Service  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Shell U.K. Limited  
Onshore Pipelines  
Orchardbank Industrial Estate  
Forfar  
Angus DD8 1TD  
United Kingdom  
Switchboard +44 (0) 1307 462225  
Tel +44 (0) 1307 475351  
Fax +44 (0) 1307 468522  
Internet <http://www.shell.com/eandp>

21<sup>st</sup> April 2015

Your ref: 15/00502/FLL  
Our ref: UIO/W/PSP/CB/kc

Dear Sir

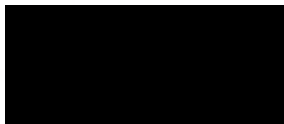
**The Town and Country Planning (Scotland) Act 1997  
as Amended by Planning etc (Scotland) Act 2006  
Consultation on an Application  
Erection of a Replacement Dwellinghouse and Associated Works  
Former Binn Farm Cottages, Kinfauns for Mr and Mrs K Knox**

Thank you for your recent consultation regarding the above planning application. From the information provided on your website, there is no reason why the development and associated construction works would directly affect our pipeline servitude strip or the safety and integrity of our pipeline. However the developer should be made aware that we should be consulted prior to the laying of any services, associated with the development, that would need to cross our pipeline.

I expect that as the development is within the consultation zone for the pipeline, that you may also be seeking advice from the HSE. Should this be so I would be pleased if you will provide a copy of such advice to me.

Yours faithfully  
Shell U.K. Limited

AP



Colin Ballantine  
Pipeline Engineer Onshore (South)





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

<b>Planning Application ref.</b>	15/00502/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: 01738 475381 Email: <a href="mailto:emclaughlin@pkc.gov.uk">emclaughlin@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of a replacement dwellinghouse and associated works		
<b>Address of site</b>	Former Binn Farm Cottages Kinfauns for Mr And Mrs K Knox		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinnoull Primary School.</p> <p>The site presently consists of two semi-detached dwellings. This proposal seeks to replace them with a single dwelling. This proposal will not create a net increase in the total number of dwellinghouses on the site. The Developer Contributions Supplementary Guidance will not apply.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The site presently consists of two semi-detached dwellings. This proposal seeks to replace them with a single dwelling. This proposal will not create a net increase in the total number of dwellinghouses on the site. The Transport Infrastructure Supplementary Guidance will not apply.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: N/A</p>		

	Transport Infrastructure: N/A  <u><b>Total:</b></u> N/A
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	23 April 2015

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

<b>Planning Application ref.</b>	15/00502/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	75329 amaric@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a replacement dwellinghouse and associated works		
<b>Address of site</b>	Former Binn Farm Cottages Kinfauns		
<b>Comments on the proposal</b>	<p><b>I note that the applicant has shown adequate turning and parking facilities on the submitted plans. The location of the proposed access is adequate although the access will be required to be constructed to the satisfaction of the Council as Roads Authority.</b></p> <p><b>Therefore I do not object to the proposal, provided the condition indicated below is applied in the interests of pedestrian and traffic safety.</b></p>		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>• Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.</li> </ul>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	04 May 2015		



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

<b>Planning Application ref.</b>	15/00502/FLL	<b>Comments provided by</b>	Katrina Walker
<b>Service/Section</b>	Development Plans Team	<b>Contact Details</b>	76509
<b>Description of Proposal</b>	Erection of a replacement dwellinghouse and associated works		
<b>Address of site</b>	Former Binn Farm Cottages Kinfauns		
<b>Comments on the proposal</b>	<p><u>TAYplan</u> Policy 3: Managing TAYplan's Assets requires the LDP to designate a Green Belt boundary at Perth to preserve its setting, views and special character; assist in safeguarding the countryside from encroachment; to manage long term planned growth; and define appropriate forms of development within the Green Belt.</p> <p><u>Local Development Plan</u> The site to which this application refers is within the designated Green Belt where policy NE5: Green Belt applies. There is a general presumption against built development in the Green Belt; policy NE5 only allows development to be permitted in a limited number of circumstances. The Housing in the Countryside policy (RD3) does not apply within the Green Belt.</p> <p><u>Comments</u> This is a resubmission of the earlier application 14/01494/FLL which was refused and then dismissed by the LRB.</p> <p>It is noted that the reference to the ancillary garage / sheds and a horse arena have been removed and that this application is just for a replacement dwellinghouse. Much of my comments made on the earlier application however remain the same. The scope for new housing within the Green Belt is extremely limited and is generally restricted to situations where a new house is essential for agriculture, horticulture or forestry operations under part (a) of the policy. In this case no evidence appears to have been submitted that the proposed dwellinghouse is essential under this part of the policy. Part (d) of the policy allows for alterations, extensions and changes of use to existing buildings providing these do not detract from the character of the Green Belt. However in the case of change of use to residential property, these will only be permitted where the building is of suitable architectural quality. Unlike the Housing in the Countryside policy (RD3) there is no scope within policy NE5 for the demolition and replacement of residential buildings. It is understood however that some dissatisfaction was expressed during the LRB's consideration of the previous proposal that the current policy NE5 did</p>		

	<p>not permit replacement dwellinghouses within the Green Belt.</p> <p>The existing buildings are not of any particular architectural merit but they are fairly traditional in style and whilst it would not be strictly in line with part (d) of the policy they could perhaps be converted to create a single unit. In my comments on the previous application I suggested that if the condition of the existing houses is such that conversion is not possible then, although it would not be in line with policy NE5, some form of replacement may offer a practical solution providing that the replacement is 'like for like' in terms of size, scale and position whilst allowing for modest extension in line with what would be permissible under permitted development rights. It is noted from the Case Officers previous report however that the existing buildings are in fact in a habitable condition. Whilst I acknowledge the LRB's views and accept that these may be given some weight in the consideration of this revised application the fact remains that the replacement of an existing house is not in line with policy NE5. In policy terms therefore I would suggest that the most appropriate approach is either the consideration of this issue through the review of the LDP which is currently underway, or, that some consideration is given to the scope for converting the existing buildings.</p>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	5/5/15