

TCP/11/16(324)**Planning Application 14/01083/IPL – Erection of dwellinghouse and detached garage (in principle), land 130 metres south west of Speediehill House, Bankfoot**

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TCP/11/16(324)

Planning Application 14/01083/IPL – Erection of dwellinghouse and detached garage (in principle), land 130 metres south west of Speediehill House, Bankfoot

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MR + MRS SMITH

Address SPEEDIEHILL HOUSE
BANKFOOT

Postcode PH1 4BY

Contact Telephone 1 —

Contact Telephone 2 —

Fax No —

E-mail* —

Agent (if any)

Name MCKENZIE STRICKLAND

Address 23 BANK STREET
ABERFELDY

Postcode PH15 2BB

Contact Telephone 1 01887 829 228

Contact Telephone 2 —

Fax No —

E-mail* info@msa-architects.com

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

14/01083/1PL

Site address

LAND 130M SW OF SPEEDIEHILL HOUSE, BANKFOOT PH1 4BY

Description of proposed development

ERECTION OF DWELLING HOUSE &
DETACHED GARAGE (IN PRINCIPLE)

Date of application

16 JUNE 2014

Date of decision (if any)

6 AUGUST 2014

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

KEY OBJECTIVE IS TO ASCERTAIN THAT SITE IS IDENTIFIABLE & FITS WITHIN POLICY. THIS IS A JUDGEMENTAL ISSUE & OPINION RELATED MATTER.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

NONE KNOWN.

Statement

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

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

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

REFER TO ACCOMPANYING DOCUMENTATION.

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

Yes ☐ No ☒

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

List of documents and evidence

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

NOTICE OF REVIEW SUPPORTING STATEMENT.
PLANNING SUBMISSION INFORMATION INCLUDING
DRAWINGS: 911 / PLAN / 101 TO 103 INCLUSIVE

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

Checklist

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

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

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

Declaration

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

Signed



Date

10 OCTOBER 2014.

NOTICE OF REVIEW: SUPPORTING STATEMENT

AUGUST 2014

**ERECTION OF DWELLING HOUSE AND DETACHED GARAGE (IN PRINCIPLE)
LAND 130 METRES SOUTH WEST OF
SPEEDIEHILL HOUSE, BANKFOOT, PERTSHIRE, PH1 4BY**

For Mr & Mrs Smith



Prepared by McKenzie Strickland Associates

23 Bank Street, ABERFELDY, PH15 2BB

t: 01887 829228

e: info@msa-architects.com



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- Introduction
- Applicant and Application background
- Reasons for requiring a review and justification for contesting the delegated decision
- Statement of appeal
- Concluding Statement

INTRODUCTION

McKenzie Strickland Associates (MSA) were appointed by Mr & Mrs Smith, to ascertain the feasibility for developing a small disused area of ancillary land within the periphery of their garden ground. It was agreed that in the first instance the feasibility of the proposal should be established with the Local Authority resulting in the submission of an application for Planning in Principal in September 2013 with intention that a further submission for a more detailed planning application would be carried out at some point in the future

This Planning in Principal application, reference: 13/01653/IPL, was refused on the 5th September 2013 by a delegated decision by the Planning Officer. In mid 2014 MSA were instructed by our Clients to submit a new Planning in Principal application for a comparable proposal for a single house with detached garage, reference: 14/01083/IPL, with reinforced site boundaries and this was again refused by a delegated decision on the 6th of August 2014

Our Client, the Applicant wishes to contest this latter decision by way of local review for the reasons stated later in this statement. This document should be read in conjunction with the drawings and supporting statement that were submitted with the original application.

APPLICANT and APPLICATION BACKGROUND

Mr & Mrs Smith, purchased Speediehill House and associated lands a number of years ago with the intention of using it as a family Home. The surrounding lands comprise garden, orchard and woodland areas with a small area of grazing land to the south east of the house

The original brief was to secure consent for a house with separate garaging near the family home order to serve as a base for the applicant's son. The applicant was keen to establish that the proposed plot will be approved, in principal, before investing additional time and money required to develop detailed designs for the site.

As recommended by Perth and Kinross Council a pre planning application consultation was instigated in June 2013 with Joanne Fergusson in the planning department. Feedback was received on the 27th June 2013 and the information contained within the response was Non committal highlighting Policy and key issues which should be considered further particularly in relation to Policy 32 of the Perth Area Local Plan 1995 and with which Ms Ferguson inferred the proposal was contrary to as the "site is not located within an established building group"

Given this feedback Planning in Principle application was submitted to Perth and Kinross Council on the 5th September 2014 (ref: 13/01653/IPL) along with supporting documents and further justification information. Although no detail of the dwelling was submitted a block plan arrangement was proposed illustrating an indicative layout of how the site may be developed by way of assisting the Planning officer,

David Niven in his vetting of the application. Confirmation that this application was to be refused was received in a short e-mail of 28th October 2013 citing "that the site cannot be accepted as an extension to an existing building group, nor does it comply with any other part of the policy" (Housing in the Countryside Guide 2012)

Following receipt of the formal refusal documentation dated 30th October, further discussion with the planning officers followed.

Thereafter a second formal receipt of a Planning in Principle application was submitted to Perth and Kinross Council and registered on the 19th June 2014 (ref 14/01083/PL). This submission took on board comment from the previous delegated report however this second application was also refused by the delegated decision on the 6th August 2014.

In both instances the reasons for refusal of the application are based on the principle that the Planning Department cite that the proposed site fails to comply with any of the accepted categories of development Policy RD3: Housing in the Countryside

REASONS FOR REQUIRING A REVIEW and JUSTIFICATION FOR CONTESTING THE DELEGATED DECISION

The Applicant strongly disagrees with the decision for refusal of the application and the following outlines the original points raised in the delegated report for the refused PiP application referenced 14/01083/IPL . The Applicant's justification for a review of the decision and the reasons why the decision should be overturned following a local review of the application are outlined in the following statement of appeal

STATEMENT OF APPEAL

The application was for the planning in principle for a single dwelling house and detached garage. A supporting statement was provided to the Local Authority outlining the justification in terms of planning policy. The Local Authority refuted the justification primarily on the basis that the proposal didn't meet any of the criterion set out in the Housing in the Countryside policy 2012. It is our continuing belief that the proposal does meet with the criterion in terms of HitCP: 1. Building

Groups as follows

a. The property will not detract from the "residential and visual amenity of the group" through good design and the woodland screening. The former item will be outlined further through a full more comprehensive submission while the latter is natural and existing and forms screening to both this and the adjacent properties for privacy to and from neighbouring properties

b. The existing site extents is recognisable in terms of topography, landscaping and fencing and is a natural extension of the existing arrangement of features which form the adjacent grouping. It is a definable site despite its extended 'teardrop' shape. The existing topography and cleared area bounded by the existing wooded areas form an identifiable setting from which to locate a dwelling without fear of potential flooding from the lower level burn. A topographical survey would be carried out and submitted along with a full planning application however was not deemed necessary for a PIP application. This survey would indeed demonstrate the low risk of flooding to the site

c. As noted in the supporting statement submitted as part of the PIP application the "character, layout and building pattern of the group" is a distant mix of styles and

arrangements such as Speediehill House (large modern timber house with distinct large separate garage / annex) and adjacent Milton Farm house (more traditional forms). The shared accessing arrangement and boundaries do still form an identifiable site.

d. The existing building group comprises a minimum of three residential buildings (2 at Speediehill including the annex and main house and one at the farm). This development would not form a ribbon development instead maintain the existing loose arrangement as seen on the block plan submitted with the application. The development would not lead to an extension of an existing group or any intrusion into agricultural ground. The site was historically a quarry – and is therefore brownfield.

In terms of HltCP: 6. Rural Brownfield Land

It is agreed that the customary definition of a brown field site in Britain is one that is described as "previously developed land" and has potential for "redevelopment". However "It is often (but not always) land that has been used for industrial and commercial purposes and is now derelict and possibly contaminated": Ref: <http://www.sustainablebuild.co.uk/brownfieldsites.html>

Utilising this definition the use of the land historically as part of the old Speediehill Quarry, most likely the spoil heap would warrant the site's description as 'Brownfield' through its industrial usage in the past

Development on brown field land is also encouraged as it means that natural 'greenland' is left undeveloped. In addition the site would be for a single property and the site is not currently used for either "business or tourism"

Analysis of the ground conditions through site investigations would be carried out at the appropriate period to ascertain ground bearing and porosity testing required as the basis of more technical development. Identifying hazardous compounds or materials would naturally be carried out at the same time and should the environmental assessments prove positive suitable remediation measures would be put in place to ensure the site was safe for development

The planning officer refers to a number of policies in his report and we would note that many of them refer to the requirements of a more fully designed proposal. This application was for a planning in principle proposal and no detail of the actual development was submitted to the Local Authority at that time. Guidance within the supporting statement was provided outlining the potential appearance, massing materiality and sustainability which may be incorporated in the design. It is with a full application that detail in accordance with the Proposed Local Development Plan: PM1A & B: Placemaking would come into effect along with the Housing in the Country side criterion A through to M.

CONCLUSION

We believe this statement demonstrates that the application for planning in principle meets the requirements of the Local Plan, and that the proposal would be suitable in terms of building grouping and the visual impact of a sensitively designed development which would not be detrimental to the surrounding amenity

Once planning has been established, the applicant's aspiration is to construct a house with a family home modern design which draws on local proportion, materials and detailing that will respect the site topography and character of the area

The applicant feels aggrieved that the council has effectively dismissed an application for a single family orientated design which would contribute to the local amenity and refutes the delegated decision to refuse the application

Appendix - Documents referred to in formulation of this statement

PKC: report of handling: delegated report: 14/01083/IPL

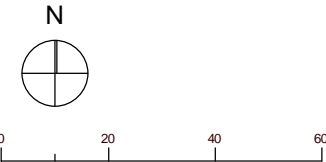
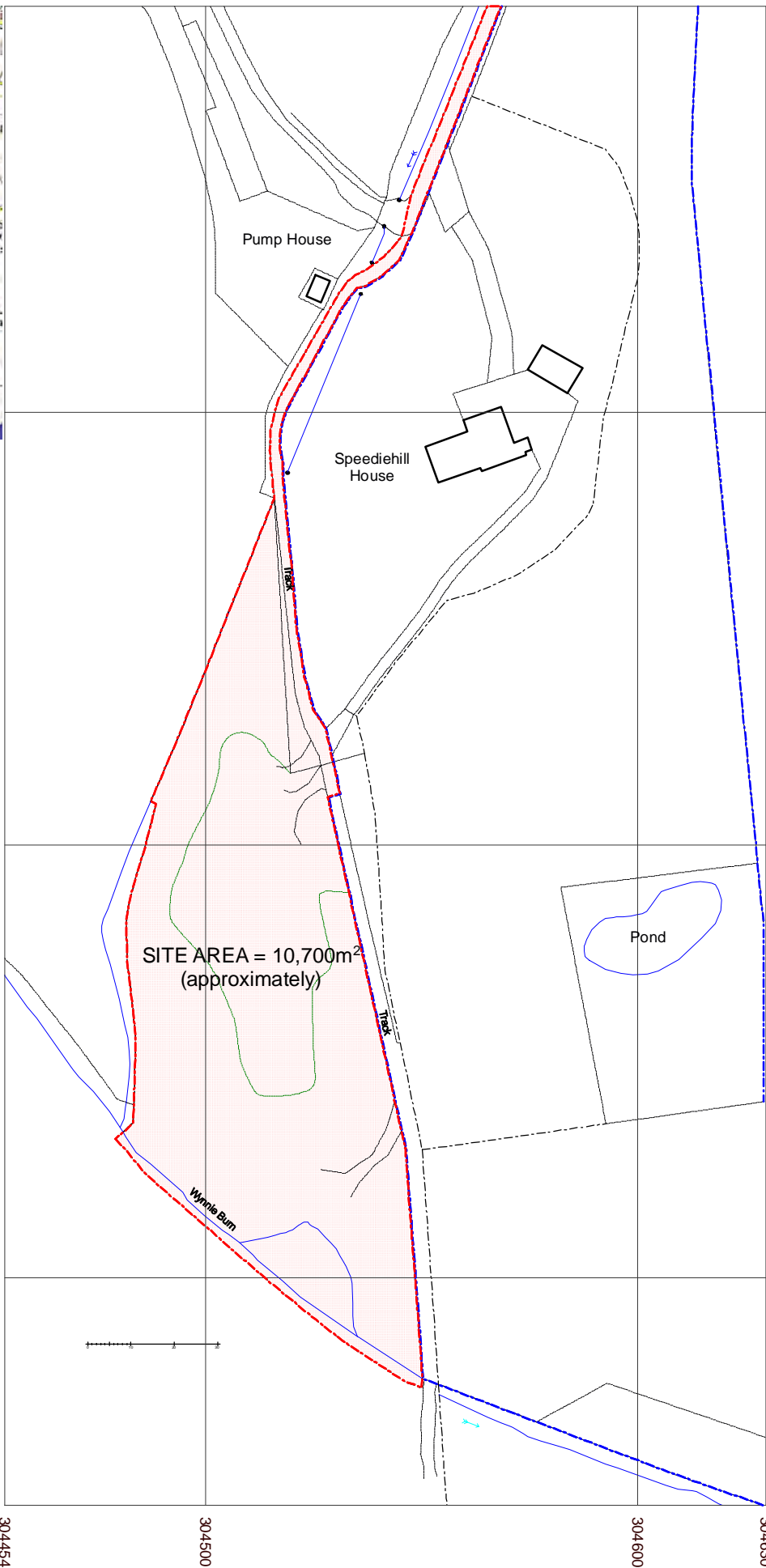
Developer contributions guide November 2012

Housing in the countryside guide: Perth & Kinross Council: November 2012

Local Development Plan - as modified: December 2013



Location plan, NTS



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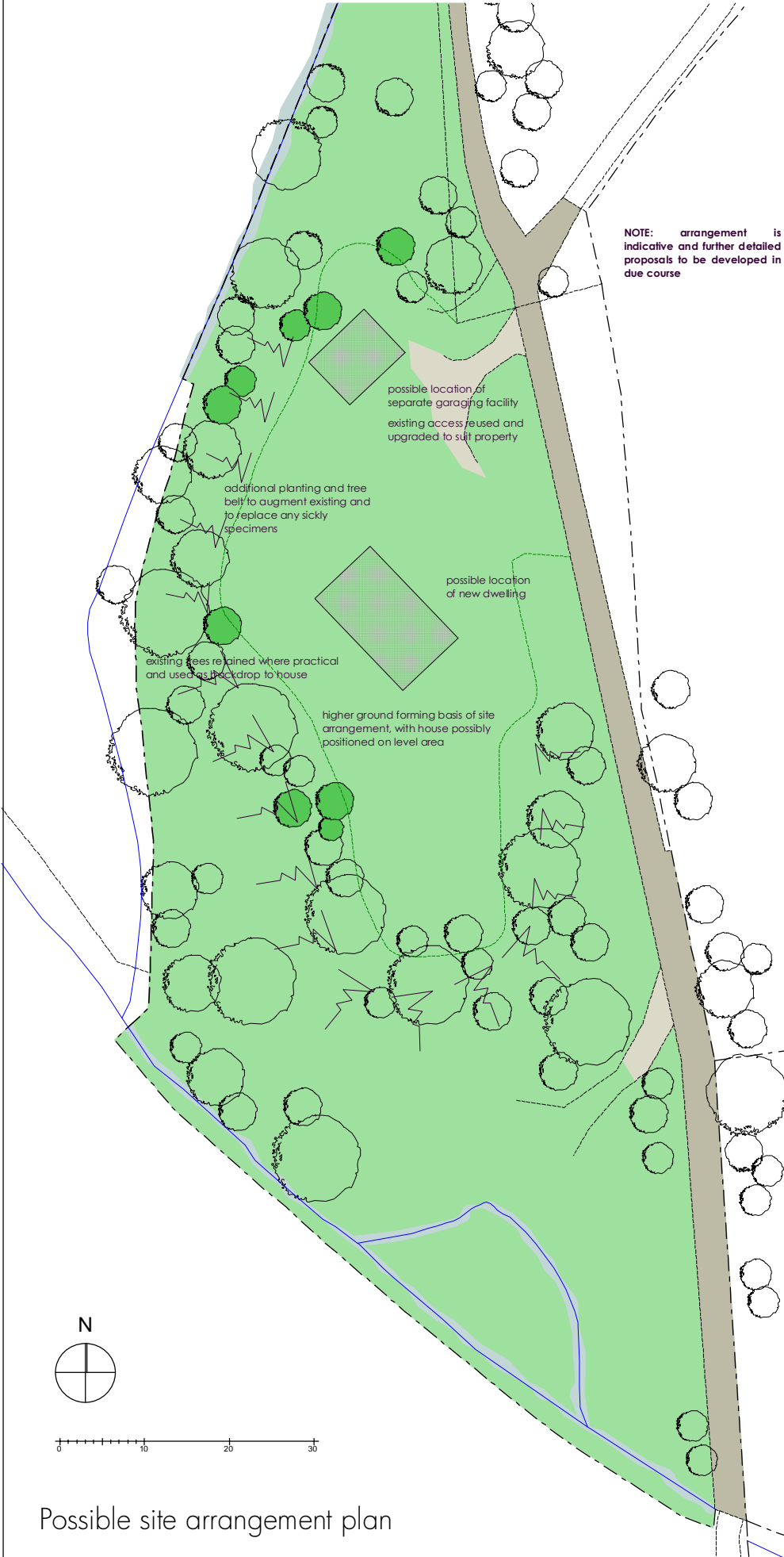
Site location plan



JOB TITLE: Speediehill House, Bankfoot, Perthshire			
DRAWING TITLE: site location plan	SCALE: 1:1000 @A3	DRAWING STATUS: PLANNING	DRAWN BY: SCJ
DRAWING NUMBER: 911/PLAN/101		REVISION:	CHECKED BY: RKDJ
			DATE: June 2014

[illegible]

The diagram shows a circular field with a vertical line passing through its center. Above the circle is the letter 'N'. To the right of the circle is the text 'existing field'. Below the circle is a scale bar labeled 'metres' with markings at 0, 10, 20, and 30.



NOTE: arrangement is indicative and further detailed proposals to be developed in due course



photo location 4



photo location 5



photo location 6

Possible site arrangement plan



JOB TITLE: Speediehill House, Bankfoot, Perthshire			
DRAWING TITLE: Possible site arrangement	SCALE: 1:500 @A3	DRAWING STATUS: PLANNING	DRAWN BY: SCJ
DRAWING NUMBER: 911/PLAN/103	27	REVISION:	CHECKED BY: RKDJ
			DATE: June 2014

TCP/11/16(324)
Planning Application 14/01083/IPL – Erection of dwellinghouse and detached garage (in principle), land 130 metres south west of Speediehill House, Bankfoot

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 25-27)*

PERTH AND KINROSS COUNCIL

Mr Roy Smith
c/o McKenzie Strickland
23 Bank Street
Aberfeldy
PH15 2BB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 6th August 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01083/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 16th June 2014 for permission for **Erection of dwellinghouse and detached garage (in principle) Land 130 Metres South West Of Speediehill House Bankfoot** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the proposed site is isolated and does not form a viable extension to the existing building group formed by Milton Farm, its built structures and Speediehill House. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

Justification

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

Notes

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

Plan Reference

14/01083/1

14/01083/2

14/01083/3

14/01083/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/01083/IPL	
Ward No	N5- Strathtay	
Due Determination Date	15.08.2014	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of dwellinghouse and detached garage (in principle)

LOCATION: Speediehill House Bankfoot Perth PH1 4BY

SUMMARY:

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

DATE OF SITE VISIT: 1 July 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application relates to a secluded area of land measuring 0.77 hectares located to the south west of Speediehill House, 1.5 miles west of Bankfoot. The site is presently accessible via an existing track that continues on from the main access to the properties at Milton Farm and Speediehill, and affords access to the small water pump house. The site itself is a large tear drop shaped area overgrown land with a raised area of ground within the centre of the site that is surrounded by mature self-seeded woodland and dense foliage. It appears from the historical mapping the site formed some part of the old Speediehill Quarry that was located to the north of where Speediehill House now stands and the raised area of ground could possibly have been formed with the spoils from the quarry.

A pre-application enquiry was submitted in 2013 in order to establish whether an application for the development of a house on the site would be supported. The applicant was advised that the site failed to comply with the Council's Housing in the Countryside Guide, November 2012 as it could not satisfy any of the accepted categories of development. Regardless of this advice the applicant subsequently submitted an application for planning permission in principle which was refused on the grounds that it failed to comply with the HICG 2012. The applicant did not submit any appeal to the LRB following this decision and the timescales for making an appeal have since lapsed.

Planning permission in principle is again being sought for the erection of dwellinghouse within the site. The applicant has essentially re-submitted the exact same proposals and supporting information with the application. As per the previous submission an indicative site plan has been submitted illustrating a house and detached garage block located centrally within the site on the area of raised ground. The applicant has again not submitted any indicative design for the proposed house but the same supporting statement has been submitted that suggests the scale of the house would be similar to the nearby built development and be of a traditional design using appropriate high quality materials. The proposed access to the site also remains unchanged, with access taken via the existing track albeit upgraded to a suitable standard.

SITE HISTORY

13/01653/IPL Erection of dwellinghouse and detached garage, Land 130 Metres South West Of Speediehill House, Bankfoot – Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: 13/00431/PREAPP

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning

Advice Notes (PAN), Creating Places, Designing Streets, and a series of Circulars.

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 principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD3 - Housing in the Countryside

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

OTHER POLICIES

Housing in the Countryside Guide (2012)

Developer Contributions Guide (November 2012)

Transport Infrastructure Developer Contributions Guide 2014

CONSULTATION RESPONSES

Environmental Health

The proposed development is immediately south of an area of land that was once an old quarry. The nature and volume of material used to infill the quarry is unknown. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built close by.

There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing.

Education And Children's Services

As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Scottish Water

No comments received

REPRESENTATIONS

No representations 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 eg Flood Risk Assessment	Not Required

APPRAISAL

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

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

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

Policy Appraisal

As the site lies within the landward area within the adopted Local Development Plan 2014, the proposal falls to be principally considered against *Policy RD3: Housing in the Countryside* and its associated SPG on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside.

In this particular instance, it is considered that the proposed site fails to comply with any of the accepted categories of development (1) Building Groups (2) Infill Sites (3) New Houses in the Open Countryside (4) Renovation of Replacement of Houses (5) Conversion of Replacement of Redundant Non-Domestic Buildings or (6) Rural Brownfield Land.

It is therefore considered that, in principle, the proposed site fails to comply with the requirements of Policy RD3 and the associated Housing in the Countryside Guide 2012.

- *Building Group*

The applicants supporting statement makes reference to the proposed site providing a natural extension of the existing building group formed by Milton Farm, its built structures and Speediehill House. However having again visited the site I still do not agree with this assessment. Whilst the site is well contained by existing woodland and dense foliage, it is isolated from the main cluster of buildings at Milton Farm which I would argue forms the main definable building group. The development of this site would therefore result in result in an individual house that would not visually form any link to the existing built development in the immediate vicinity.

It is therefore considered that the proposed site does not form a viable extension to the building group and therefore cannot comply with category (1) 'Building Groups'.

- *Rural Brownfield Land*

In addition to the above, it is also noted that the historical mapping indicates that the site may have formed some part of the old Speediehill Quarry that was located to the north of where Speediehill House now stands and the raised area of ground could possibly have been formed with the spoils from the quarry. However I do not consider that the site forms a brownfield development site in terms of Category 6 'Rural Brownfield Land'. This category outlines that consent may be granted for small scale residential

development on brownfield land which was formerly occupied by buildings where it would remove dereliction or result in a significant environmental improvement. In this instance the site is an overgrown area of ground surrounded by dense foliage and whilst over 100 years ago the site may have been associated with the old quarry workings there is no historical or physical evidence of any built development within the site.

Flood Risk

The Councils Structures and Flooding Team has been consulted as the site lies adjacent to a watercourse and part of the site lies within an area that is identified on the SEPA flood map as being at risk to a 1 in 200 year flood event. In response to the consultation the Flood Engineer has advised against the approval of the application and recommended that the applicant submits a topographical survey of the site in order to assess whether the development site is at risk to flooding.

Contamination

Environmental Health has been consulted and the EHO has advised that the site is located immediately south of an area of land that was once an old quarry. As the nature and volume of material used to infill the quarry is unknown there is the potential for localised ground gas production that could possibly impact on any residential properties being built close by. There is also the possibility of contaminants being present in the fill. The EHO has therefore recommended that a condition requiring a full ground risk assessment to be carried out prior to building work commencing.

Developer Contributions

In terms of the approved Developer Contributions Guide 2012 and the Transport Infrastructure Developer Contributions Guide 2014, as this application is only “in principle” it is not possible to apply these contribution guidance documents at this stage. However conditions have been applied to ensure that any future application for the detailed proposals fully complies with the requirements of both the SPG’s.

Economic Impact

The approval of this application would be of limited economic benefit but it may help support a locally based construction firm and potentially provide work for local contractors.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal does not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014, specifically in regards to *Policy RD3: Housing in the Countryside* and its associated SPG on Housing in

the Countryside. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the proposed site is isolated and does not form a viable extension to the existing building group formed by Milton Farm, its built structures and Speediehill House. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

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

14/01083/1

14/01083/2

14/01083/3

14/01083/4

Date of Report 30.07.2014

PROPOSED RESIDENTIAL SITE TO SOUTH OF
SPEEDIEHILL HOUSE, BANKFOOT, PERTSHIRE, PH1 4BY
For Mr & Mrs Smith

PLANNING IN PRINCIPLE APPLICATION
ARCHITECTURAL SUPPORTING STATEMENT TO ACCOMPANY SUBMISSION

JUNE 2014

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01083/4

Prepared by McKenzie Strickland Associates
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INTRODUCTION

- **Background to the application**

This report, to be read in conjunction with relevant site location drawings forms the basis of our planning in principle for a single dwelling house on a plot located within the boundaries and to the south of an existing house (Speediehill) on the outskirts of Bankfoot, Perthshire.

The applicants Mr & Mrs Smith, approached McKenzie Strickland Associates to ascertain the feasibility for developing a small disused area of ancillary land within the periphery of their garden ground to provide a modest family home for their son. It was agreed that in the first instance the feasibility of the proposal should be established with the Local Authority and thereafter the further submission of a detailed planning application for an architect designed house for further approval.

This document outlines the principle behind the proposals in outline, discussing the context of the site, the relationship of the development proposals within the site and also briefly looks at the architectural treatment of any proposed design.

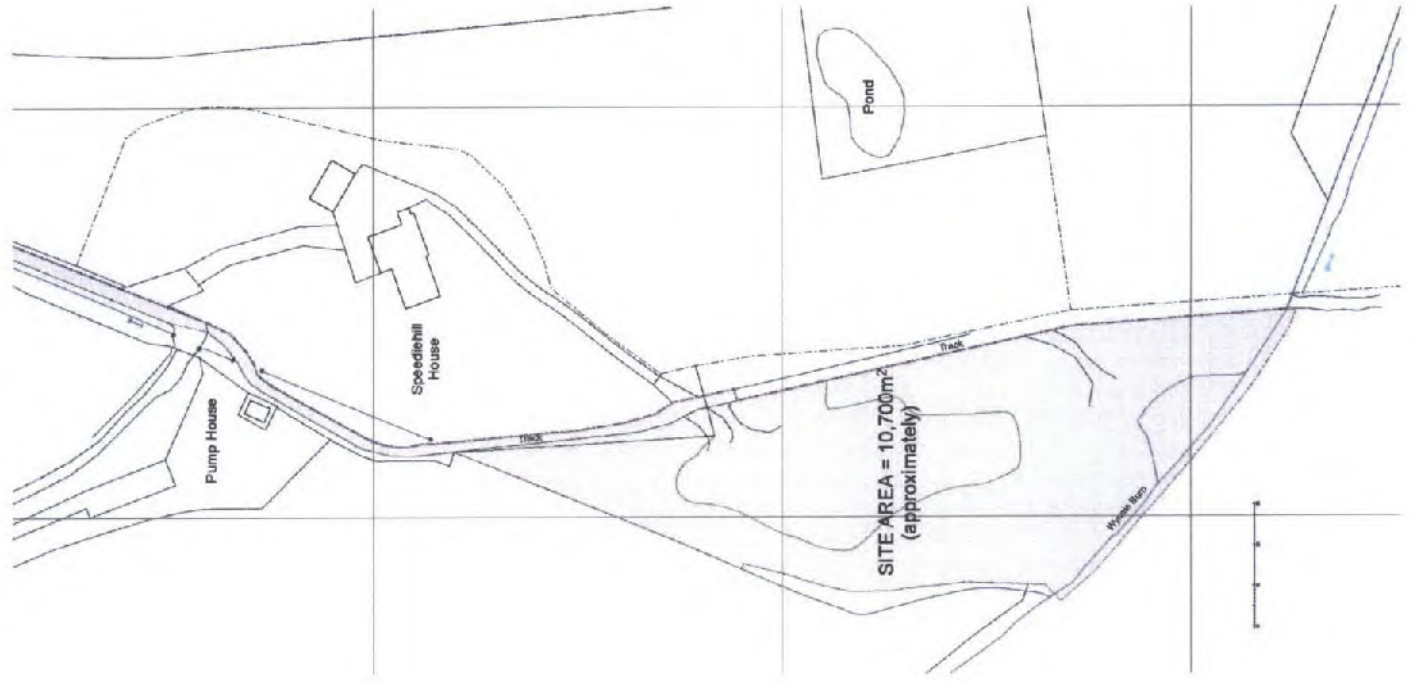
THE SITE

- **Site location**

The site is located 1.5m west of Bankfoot, Perthshire within the historic parish of Auchtergaven and is accessed via the minor road out of the village, the U33 / Tullybelton Road, which serves local farms and small settlements in the vicinity. As a result the general area is secluded and a visit to Speediehill House is only by purpose rather than as a drive past to another location. The property is very private and is neighboured by a sole substantial residential property and fields associated with the nearby Milton Farm. A right hand turn off from the Tullybelton Road gives way to a single track (Zu34) farmaced access to Farkhill and the the previously described properties as well as a newer development at Over Blelock with passing places along its length.

The immediate setting of the area is dominated by agricultural land and rolling wooded hills. The area was once quarried for its green coloured slate and was renowned in the area for its quality. However the exact location of the quarry is out with the plot boundaries of the proposed development site

Bankfoot has a number of public facilities including small shops, bars as well as a Primary School and sporting facilities. Its location makes for a secluded development site within in a popular commuting and accessible part of Perthshire due to the proximity of the A9.



- **Site access**

Current access to the site is by way of the existing track access to Speediehill House. The track is presently laid with road planning however it is likely this will ultimately be tarred providing the two road users can agree costs. At the entrance gate to this property the track continues on to a Scottish Water pump house (seen on the right of the picture behind the trees in the foreground) . Here the track passes over the burn via a culvert. Recent maintenance has been carried out to this culvert and track it is proposed the track and possibly the culvert will be upgraded in more detail as part of a detailed planning application.



Passing the Pump house the track continues via a track to a well maintained wooden pedestrian / vehicular gate - this route leads through the rear of the applicant's site and is used by walkers and horse riders as a rights of way, through to the tracks to the south and to nearby Tullybelton. Access along this track will be maintained and enhanced. The track continues due south and bisects the applicant's ground into two identifiable areas. To the east the maintained immediate garden grounds to Speediehill house and pastureland.

To the west is the proposed development site and access can be gained at various points on the right of way however the logical location is at a larger junction point which also gives maintenance access to the main house and fields. It is evident that this would most likely be utilised as the access to the finished development. However the applicant anticipates that works to further upgrade the track at the pump house would also be necessary as part of the development works.



- **Site Description and Topography**

The location of the actual proposed development site is just west of the original property within its own clearly identifiable property boundaries. The site is set within a raised area of ground which we understand was used previously as a coup associated with the nearby and now disused Speediehill Quarry. The boundaries have been left to naturalise as it is now dominated by shrubs and mature trees around its steeply sloping fringes.

The site has been identifiable on historical Ordnance survey maps from at least 1892. These maps show there have been structures at Speediehill since this date mainly connected with quarrying in the area of the current pump house and Speediehill House. These maps however indicate the development site and right of ways have been maintained since the 19th century at least.

The plot boundaries for the site can be described as well defined though irregular in shape. The plot is bounded to the west and south with post and wire fences which are visibly strengthened with the line of the burn and the topography of the site. The area of roughly leveled ground sits to the north of the plot and though elevated, the overgrown wooded areas form a backdrop to three sides of the site. It is currently used as amenity ground in respect of Speediehill House and extends to approximately 0.77 hectares in area. Speediehill has extensive other amenity ground.

Although bounded by the track to the east and the line of the Applicant's fenced of sheep fields, it is the topography, fencing and surrounding vegetation of the site which identifies the location of the development. This raised area is a significant



feature on the site and its topographical characteristic would provide a more than logical location for future building proposals, subject to detailed site investigations

Hence we believe the extent of the site is clearly defined and bounded as follows: -

North West: an established post and wire fence with various hedge and tree species separates the site from the adjacent field. The Wynnies Burn runs parallel to the line of the boundary at this point

West: there is a small kink in the boundary which returns east, however the post and wire fence continues on and curves round to the south with hedges.

South: the previously mentioned fence crosses the Wynnies Burn which travels parallel and again within the defined post and wire fence line separating this lower overgrown, but more open rough grassed ground and shrubby area from the field. This space forms a 'secret garden' area at the base of the knoll forming the proposed site and could permit.

East: Existing post and wire fence along the line of the Applicants sheep fields with the Right of way track skirting the inner edge of the site.

North east: The track from the site access is lined with a post and chicken wire fence and heavily overgrown with various species of tree and hedge planting.

The topography of the site (not surveyed at current time) results in an elevated and level area to the north, which is closest to the existing access and track. Here the site is provided with views over the surrounding fields, without detriment to the area or the adjacent houses. On this basis, we believe the site is highly identifiable in terms of Housing in the Countryside policies.



- **Adjacent properties**

In the main the adjoining sites are agricultural fields associated with Milton Farm to the North. A traditional stone built property to the north is also accessed by the main route to the site as well as Speediehill House itself which was built in 2003. The site is therefore a natural extension of the existing building group formed by Milton Farm, its built structures and Speediehill. The development will not lead to urban sprawl or other development.



PROPOSED SCHEME

Development of proposals and objectives

The Applicant's brief is to provide a home for a small to medium sized family based on traditional materiality and built forms. It is anticipated this would be for their own son and his family. The applicants son works in the family business and home working facilities will be integral to the overall design. This will be developed at the detailed design stage.

The context of the site and adjacent properties contribute towards the final design proposals, however in this case the latter is a mix of styles and materials and hence we would look to unify the surrounding environs within the design development in a more holistic manner than may currently be perceived.

Using the site to develop proposals will ensure that the design and setting of the new property has little impact upon the surrounding environs and minimise any alteration to the existing topography or landscape. Hence the principles of the proposals are

- To maintain the amenity of the existing Speediehill House.
- Retain the nature of the site taking cognisance of native species of flora and fauna to the periphery of the site, predominantly around the knoll.
- Retain and enhance the existing right of way to the east of the site.
- Upgrading and improvement of existing access to facilitate entry to the development site without detriment to walkers or Scottish Water who need access to the pump house.
- Ensure that design proposals enhance the locality and not detract from it.



- Design of new proposals to be in keeping with the Housing in the Countryside policy.

Site, setting and context

In all projects it is the site itself which provides the designer with the most logical location for any proposed property. Through this site analysis it is logical to deduce the position of the development to be located in the elevated north area of the site. Here the property would benefit from the views to the east and gain from morning and evening sun, particularly in the winter due to its elevation.

Historically the lands in the area have been described as "loam, intermixed with sand and pebbles, and, in some of the farms, with large boulders of stone" (from Topographical Dictionary of Scotland: Comprising the Several Counties, by Samuel Lewis) however a more comprehensive site analysis will be carried out in advance of any design development to ascertain the most appropriate location for internal habitable spaces within the property, and further detail on this will be developed further to a full topographical survey.

Currently the only access would be as existing and this would be maintained and enhanced to meet with current technical regulations for vehicular and pedestrian accessibility requirements.



Architectural treatment and response to built environment

As the site is located out with the settlement boundary of Bankfoot, map 4 of the Perth Area Local Plan. It is therefore assumed that the Housing in the Countryside policy, November 2012 would therefore be applied in this instance.

The full architectural response for the property should be an appropriate response to its setting and context and reflect the architecture of the surrounding area. This in turn provides design precedents in terms of scale form and materiality which will be adopted in a full design response. Proposals for the new dwelling will reflect the footprint form of existing structures in the area and compliment the scale, layout and proportion of nearby properties.

Styling and form with regular fenestration and masonry chimneys would form the basic traditional external styling but translated into 21st century internal spatial flexibility and modern day construction techniques to ensure the building meets with all technical standards for building construction ensuring a high standard of design and constructional finish is achieved.

It is anticipated that the proposed development would 'touch the earth lightly' being a highly ecological and sustainable design. Water saving measures will be incorporated and the use of renewable energy will be fully integrated. Internally the spatial arrangement will be a manifestation of modern living and current legislation, incorporating home working facilities including servicing connections to facilitate this. All future design development will also follow principles raised in this planning documentation specific to materiality, architectural design and sustainability issues to ensure a well designed proposal which does not detract from its surroundings.



Materiality

Traditional design will be the basis of the conceptual core of the proposals.

Traditional massing and vernacular materiality such as stone and slate are evident in the farm buildings however the more contemporary developments of Speediehill House and Over Blelock there are a variety of forms and materials used with varying degrees of success but it is apparent that the palette of proposed materials here should be limited to natural, preferably locally sourced materials however it cannot be ascertained a yet if there are any materials on site which can be reused in the construction of the house.

The colour palette will need to be selective: slate grey, natural stone and white are logical colour scheme, but the natural elements that compose the landscaping could suggest russets, yellows and greens to reflect the precedent of woodland, gorse and mosses evident in the landscape. In this way the natural environment can influence applied colour:

The basis of this palette dictates the appearance of the dwelling and ensures the form is again in keeping with Local Authority design requirements.



Relationship to skyline

Though this development proposal is not fully advanced in terms of design, the proposed location for the dwelling, as described in siting / context section, would sit quietly on the site. The visual hollow formed by the bounding tree line could be enhanced to encapsulate the site forming a natural enclosure. All trees are to be retained and new planting to enhance the soft edge will be included.

Techniques will be incorporated to minimise the effect of the house so that it would not dominate the skyline such as single storey design or digging into the site marginally to utilise the background tree canopy framing the development minimising any impact on the existing skyline

Site servicing

Prior to any detailed applications pertaining to the site, a course of investigations will be carried out to further clarify the soil conditions on the site area with respect to foundation requirements and site drainage.

Sewage treatment: There is no mains drainage in the area. Following site investigations and porosity tests a suitably designed septic tank / treatment installation will be provided and contained within the site ensuring no pollutions will be discharged into the adjacent watercourses and in accordance with relevant SEPA Guidelines. A reed bed system will also be included to offer local environmental and fauna enhancements.

Surface Water: A SUDS type drainage systems into soakaways from any hard standing areas will be incorporated. The potential for rainwater harvesting from roofed areas will also be investigated.



Power: Requests for electricity connection to the existing mains will be requested at an early stage. Alternative energies will be considered. Due to the 'rural' nature of the site the noise effects from an air sourced heat pump would not be an issue and could also be investigated. It is expected a ground source heat pump will form primary heating and hot water needs with wood burning stoves for occasional heating as demanded.

Water supply: It is assumed that there is mains water in the areas of the site but prior to the development of the proposals contact will be made with Scottish Water to ascertain availability

Provision and routes for all services to the site will be made in conjunction with the service provider.

- **Vehicular access**

The existing turn off from the main road is highly identifiable and the existing access quite tight but visibility is good and passing places are available. The existing 'plot driveway' track is currently accessible by all vehicles. As previously mentioned the access may require a degree of refurbishment to permit vehicular access to a residential property and at the applicant's expense.



- **Landscaping response**

A detailed landscaping response will consolidate and enhance the existing setting with minimal impact on the surrounding backdrop and further detail would be provided to the Planning Authority as part of a detailed planning submission or through the approval of reserved matters. Thus any ecology evident on the site will be surveyed, recorded and any mitigation requirements addressed in due course. There is no significant wetland areas on the site and hence no observed amphibian or other activity. There are no structures on the site and hence bat roosts would not be affected. It is also anticipated that there will be no significant down takings with regard to mature trees, unless identified as diseased or of poor quality

It is evident that the existing landscaping is not of significant quality or historical merit, however it is evident that immediate garden ground associated with a dwelling should be considered in relation to the feel of the environs of the site should augment the existing landscape.

Hard landscaping would be kept to a minimum required in terms of technical and planning standards and finished in materials to permit access to the dwelling, but in keeping with the materiality of the proposed dwelling.

Existing boundary enclosure treatments will be retained as existing and repaired or up graded on a like for like basis. Any new or replacement fencing or perimeter walling will be of a style to match with the existing.

Parking standards and turning facilities in accordance with current legislation will be provided and integrated into the existing topography to minimise its impact.

- **Flooding**

Through consultation with SEPA flood maps it can be seen that there is a risk of flooding from the adjacent Wynnies Burn, but the development on this site is topographically significantly higher than the burn there should be no risk from this source at the house location. There would therefore be no danger to the inhabitants. A full FRA would be submitted if required or at detailed planning application stage.

Although there has been no Engineering consultation sought to verify the ground conditions, there are no significant boggy areas or visible water erosion apparent in the proposed site area which would highlight any prolonged surface water issues.



CONCLUSION

From the reasoning outlined within this document, it is believed that the proposed residential site at has been demonstrated on the following basis-

- The site is clearly identifiable with fencing, gates, burn line, trees, hedges and existing rights of way tracks providing definition to the site.
- There is an existing gated access from the main road into to the site which can be utilised for access to the proposed dwelling but would require to be upgraded.
- Subject to approval of this application further, more detailed submissions would follow to ensure the proposed residential development will meet and exceed the quality of design as required in Local Authority Planning Policy
- The proposed detailed design will take cognisance of the existing environment, landscape and residential precedent in the area.
- A sensitive palette of materials an colour will be used taking highlights from the natural Environment.
- It can be demonstrated that the proposals can be made to meet with relevant siting criterion with respect to enclosure and backdrop.
- There is no apparent risk to the location of the dwelling from flooding.

Appendix 1: Location details

Site address : Site West of Speediehill House
Speediehill
BANKFOOT
Perthshire
PH1 4BY

Closest UPRN ref : 124065328

Map reference : NO 045 347 GB Grid

Local Authority : Perth and Kinross

Ward : Strathtay

Parish : Auchtergaven

Approximate distance to major habitable areas

Perth : 10 miles

Edinburgh airport : 51 miles

Glasgow airport : 76 miles

TCP/11/16(324)

Planning Application 14/01083/IPL – Erection of dwellinghouse and detached garage (in principle), land 130 metres south west of Speediehill House, Bankfoot

REPRESENTATIONS

- Representation from Contributions, dated 26 June 2014
- Representation from Education and Children's Services, dated 2 July 2014
- Representation from Regulatory Services Manager, dated 2 July 2014

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin
Date: 26 June 2014
Planning Reference: 14/01083/IPL

Description of Proposal: Erection of dwellinghouse and detached garage (in principle) Speediehill House Bankfoot Perth PH1 4BY for Mr Roy Smith

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.

Primary Education

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increase primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Auchtergaven Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Transport Infrastructure

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

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

Contacts

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin
Tel: 01738 475381
Email: emclaughlin@pkc.gov.uk

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren
Tel: 01738 476405
Email: sjmclaren@pkc.gov.uk

Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	14/01083/FLL	Our ref	GR/WI
Date	02 July 2014	Tel No	476395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/01083/FLL

This development falls within the Auchtergaven Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	150
Highest projected 7 year roll	129
Potential additional children from this and previously approved/yet to be determined applications	15.93
Possible roll	144.93
Potential % capacity	96%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

Memorandum

To Development Quality Manager From Regulatory Service Manager

Your ref PK14/01083/IPL

Our ref LJ

Date 2 July 2014

Tel No (4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK14/01083/IPL RE: Erection of dwellinghouse and detached garage (in principle) Speediehill House Bankfoot Perth PH1 4BY for Mr Roy Smith

I refer to your letter dated 24 June 2014 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 02/07/2014)

Recommendation

The proposed development is immediately south of an area of land that was once an old quarry. The nature and volume of material used to infill the quarry is unknown. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built close by.

There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing.

I therefore recommend the following condition be applied to the application.

Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

