TCP/11/16(481) – 17/00252/IPL – Residential development (in principle) on land 40 metres north of 1 Netherhall Steadings, Milnathort

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TCP/11/16(481) – 17/00252/IPL – Residential development (in principle) on land 40 metres north of 1 Netherhall Steadings, Milnathort

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)

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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	17/00252/IPL
Site address	LAND 40 METRES NORTH OF 1 NETHERHALL STEADINGS MILNATHORT, KINROSS, KY13 ORL
Description of proposed development	RESIDENTIAL DEVELOPMENT IN PRINCIPLE
Date of application	27/02/2017
Date of decision (if any)	18/04/2017

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

	Yes	No
1. Can the site be viewed entirely from public land?	☐	☑
2 Is it possible for the site to be accessed safely, and without barriers to entry?	☑	☐

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

Statement

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

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

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

SEE ATTACHED STATEMENT

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

Yes ☐ No ☑

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

List of documents and evidence

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

Document 1. Decision Notice 17/00252/IPL.
Document 2. Indicative Site Layout
Document 3. Phosphorus Mitigation Calculations.

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

Checklist

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

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

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

Declaration

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

Signed [redacted] Date 11/07/2017

Statement

Notice of Review

Residential development (in principle) on land 40 Metres north of 1 Netherhall Steadings, Milnathort - 17/00252/IPL

Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 18 April 2017 for residential development (in principle) on land 40 Metres north of 1 Netherhall Steadings, Milnathort. (Doc 1) The 2 reasons for refusal are outlined below relating to Housing in the Countryside policy and guidance and phosphorus mitigation in the Loch Leven Catchment Area:-

1. *The proposal is contrary to Policy RD3 of the Perth & Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to comply with category (1) Building Groups as the site does not have a defined landscape or topographical boundary to the north and therefore does not result in an extension to the existing building group into a definable site. 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.*

2. *The proposal is contrary to Policy EP7 of the Perth and Kinross Council Local Development Plan 2014 due to the lack of information submitted relating to phosphorus mitigation in the Loch Leven Catchment Area. No detailed calculations for phosphorus mitigation have been submitted with the application to demonstrate compliance with Policy EP7*

Background to the proposal

This is an application in principle for the erection of 2 dwellinghouses on land adjacent to an existing grouping of dwellinghouses at the former Netherhall Farm, Kinross. The review site is a 0.3ha area of ground situated 1.5km to the west of Milnathort. The review site is low lying in relation to the surrounding topography, bounded by an access road and a tree belt to the west, existing housing to the south, an existing post and wire fence to the east and by the topography of rising ground to the north and north east.

Planning consent was granted in 2005 for the erection of 5 dwellings at the former Netherhall Farm steading and a further 3 dwellings were consented, with 2 consented in 2007 and a further dwelling consented in 2008, with 8 dwellings in total.

Current Planning Policy Context

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 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:-

Policy PM1A - Placemaking
Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking
All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions
Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside
The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy EP3C - Water, Environment and Drainage
All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP7A - Drainage within the Loch Leven Catchment
Total phosphorus from development must not exceed the current level permitted by

the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment
Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment
Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy TA1B - Transport Standards and Accessibility Requirements
Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

OTHER POLICIES

Perth and Kinross Council Housing in the Countryside Guide 2012

Perth and Kinross Council Developer Contributions and Affordable Housing Supplementary Guidance September 2016 including guidance on education provision and transport infrastructure.

Reasons for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reasons for refusal, which state that the proposal is contrary to the local plan policy RD3 and the Council's guidance on housing in the countryside and the local plan policy on phosphorus mitigation within the Loch Leven Catchment Area.

The reasons for refusal are re-stated below and are then followed by the applicant's statement and argument against these reasons in support of the review.

1. *The proposal is contrary to Policy RD3 of the Perth & Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to comply with category (1) Building Groups as the site does not have a defined landscape or topographical boundary to the north and therefore does not result in an extension to the existing building group into a definable site. 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.*

2. *The proposal is contrary to Policy EP7 of the Perth and Kinross Council Local Development Plan 2014 due to the lack of information submitted relating to phosphorus mitigation in the Loch Leven Catchment Area. No detailed calculations for phosphorus mitigation have been submitted with the application to demonstrate compliance with Policy EP7*

Housing in the Countryside

The review application in an application in principle for the erection of 2 dwellinghouses on land adjacent to an existing grouping of dwellinghouses at the former Netherhall Farm, Kinross on a 0.3ha area of ground situated 1.5km to the west of Milnathort. The review site is bounded by an access road and a tree belt to the west, existing housing to the south, an existing post and wire fence to the east and by the topography of rising ground to the north and north east. The review site is not in a prominent location due to existing screening and being in a low lying position in relation to the public road.

The review site is within the designated countryside of the adopted Perth and Kinross Local Development Plan 2014 where any proposed residential development would fall to be assessed under the Local Plan and the Council's Housing in the Countryside Policy Guidance.

Under this guidance consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well-established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

The review site is low lying in relation to the surrounding topography, bounded by an access road and a tree belt to the west, existing housing to the south, an existing post and wire fence to the east and by the topography of rising ground to the north and north east. It is considered that in this case the review site allows the extension of the existing group into a definable site, where the existing topography and landscape features provide an acceptable landscape framework which contain the extension of the group from having any detrimental impact on the character or visual amenity of the wider countryside at Netherhall. As shown in the indicative layout submitted with the application the containment to the north of the review site could be strengthened further with mixed native woodland planting. (Doc 2) The plot size and configuration of the layout is such that it will respect the building pattern of the existing grouping.

Scale and Design

The review application in an application in principle and the scale and design of the proposed dwellings will be considered at the detailed planning stage. The indicative layout however illustrates that the plot sizes and footprint of the dwellings will be similar in scale to the existing. (Doc 2) The design of the proposed dwellinghouses and external materials will be complementary to the existing dwellinghouses to the south and will not be out of character with them.

Residential Amenity

The plot sizes are large enough to accommodate the dwellings, providing large gardens with adequate distances available to neighbouring boundaries to protect neighbouring residential amenity in terms of overlooking and overshadowing. It is considered that the proposed dwellinghouses will be afforded a high standard of residential amenity and they will not compromise the amenity of the existing dwellings.

Access and parking

Access to the proposed dwellings will be via an existing access road from the public road to the north. The indicative layout confirms that there is adequate parking and turning facilities within each of the plots.

Visual Impact and character

New housing in the countryside should not have a detrimental visual impact and should respect it's context and surrounding character. As indicated above the extension of the group into the adjacent site to the north allows sufficient containment of the new dwellings and there will not be any adverse impact on the visual amenity or character of the countryside around Netherhall. Also, the scale and design of the dwellings proposed at the detailed stage will seek to respect the existing residential character and amenity.

Phosphorus Mitigation

The second reason for refusal relates to phosphorus mitigation to the Loch Leven Catchment Area stating that there is no information submitted with the application to indicate appropriate mitigation in accordance with local plan policy EP7.

It is intended that the existing foul treatment apparatus at the remote property Gruinard, Templeton, Cleish KY13 OLS which is within the Loch Leven Catchment Area will be improved to provide a 125% overall reduction in the phosphorus likely to be generated by the review application in accordance with Policy EP7C of the Perth and Kinross Local Development Plan 2014. Detailed phosphorus mitigation calculations have been submitted in support of the review. (Doc 3)

Conclusions

It is considered that the review proposal is in accordance with the Council's Housing in the Countryside Guidance and the Perth and Kinross Local Development Plan 2014 Policy RD3 where it constitutes an appropriate extension of an existing building group into a suitable landscape framework which provides suitable containment to the wider countryside. As a consequence the review proposal will not have any significantly adverse impact on the character or appearance of the countryside at this location, in accordance with the Council's and the adopted local plan's housing in the countryside policy guidance.

It has been demonstrated satisfactorily in accordance with the drainage policies for the Loch Leven Catchment Area that the review development can achieve a satisfactory level of phosphorus reduction to the Loch Leven Catchment Area.

Document 1.

PERTH AND KINROSS COUNCIL

Mr Graeme Sinclair
c/o Shand Architecture
Stuart Shand
Studio One
Crook Of Devon
Kinross
UK
KY13 0UL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 18 April 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00252/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th February 2017 for permission for **Residential development (in principle) Land 40 Metres North Of 1 Netherhall Steadings Milnathort** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth & Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to comply with category (1) Building Groups as the site does not have a defined landscape or topographical boundary to the north and therefore does not result in an extension to the existing building group into a definable site. 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.

2. The proposal is contrary to Policy EP7 of the Perth and Kinross Council Local Development Plan 2014 due to the lack of information submitted relating to phosphorus mitigation in the Loch Leven Catchment Area. No detailed calculations for phosphorus mitigation have been submitted with the application to demonstrate compliance with Policy EP7

Justification

The proposal is 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

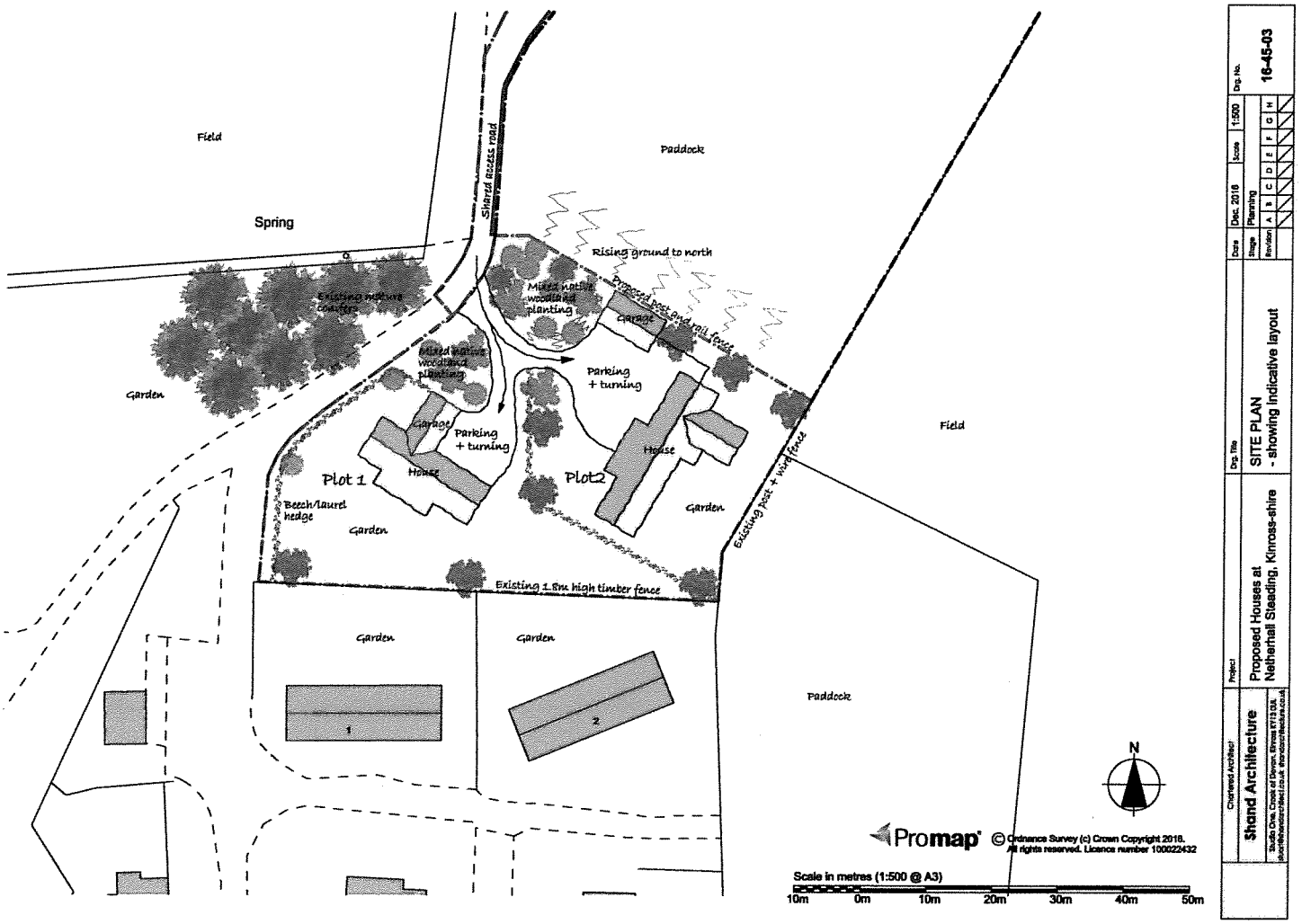
17/00252/1

17/00252/2

17/00252/3

17/00252/4

Document 2.


Field
Spring
Shared access road
Paddock
Rising ground to north
Existing mature conifers
Mixed native woodland planting
Proposed post and rail fence
Garage
Mixed native woodland planting
Parking + turning
Garden
Garage
Parking + turning
House
Plot 1
Plot2
House
Beech/laurel hedge
Garden
Garden
Existing post + wire fence
Field
Existing 1.8m high timber fence
Garden
Garden
1
2
Paddock
N
Promap
© Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432
Scale in metres (1:500 @ A3)
10m 0m 10m 20m 30m 40m 50m
Chartered Architect
Shand Architecture
Studio One, Cross of Devon, Elrose KY13 9JA
Project
Proposed Houses at Netherhall Steading, Kinross-shire
Drg. Title
SITE PLAN - showing indicative layout
Date Dec. 2016
Scale 1:500
Drg. No. 16-45-03
Stage Planning
Revision A B C D E F G H

Document 3.

Phosphorus Mitigation – Netherhall

Background

Average water used per person per day	150 litres
Existing non-phosphate stripping sewage treatment discharge	10mgP/litre
Daily phosphorus discharge per person from STP	1500mgP

Proposed Development

2 @ 3 bedroom = 2 x 5 x 0.8	8 persons
Secondary STP with phosphate stripping to achieve	2mgP/litre
Daily discharge of phosphorus from proposed – 150x8x2	2400mgP/day

Phosphorus Mitigation

Mitigation requires a reduction of 125% of the amount of Phosphorus discharged from the proposed development i.e

125% x 2400mgP/day = **3000mgP/day (required)**

Existing Remote Property

1 @ 4 bedroom = 1x6x0.8		5 persons
Non phosphate stripping discharge - 150x5x10	=	**7500mgP/litre**

Mitigation is proposed by ugrading the existing remote property Gruinard, Templeton, Cleish from non phosphate stripping to a Full secondary treatment plant with phosphate stripping to achieve 2mgP/litre, i.e 150litre x 5 pe x 2mgP/litre = **1500mgP/day**

Mitigation offered by proposed development in excess of required i.e 7500mgP/litre – 1500mgP/litre = **6000mgP/day**

Note: Calculations based on British Water Code of Practice "Flows and Loads – 4"

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PLANNING DECISION NOTICE *(included in applicant's submission, see pages 189-190)*

REPORT OF HANDLING

REFERENCE DOCUMENTS

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**17/00252/IPL**	
Ward No	**N8- Kinross-shire**	
Due Determination Date	**26.04.2017**	
Case Officer	**John Williamson**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Residential development (in principle)

LOCATION: Land 40 Metres North Of 1 Netherhall Steadings Milnathort

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: 23 February 2017

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for residential development on a site which sits to the north of a recently developed residential building group at Netherhall to the west of Milnathort. Netherhall is a former farm which was granted planning permission in 2004 to be replaced by 5 new build dwellinghouses (04/02487/FUL). There have been subsequent consents granted to amend the design and layout of the dwellings and increase the number of consented dwellings at Netherhall to eight. These units are now complete and occupied. The application site sits to the immediate north of the existing grouping and is proposed to utilise the same access to that which serves the existing grouping which extends from the site up the hill to the public road which is located to the north of the site.

The existing building group sits at a lower topography than the public road and the site is located on a similarly level area of the site before the land rises gently northwards towards the public road. There is no defined boundary on the north side of the site. The site is bound by the existing housing to the south, by post and wire fencing to the east and by the existing access road and woodland beyond to the west.

SITE HISTORY

Various

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 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 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking
Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking
All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions
Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside
The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy EP3B - Water, Environment and Drainage
Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage
All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP7A - Drainage within the Loch Leven Catchment
Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment
Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment
Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy TA1B - Transport Standards and Accessibility Requirements
Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

OTHER POLICIES

Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

INTERNAL

Local Flood Prevention Authority – no objection

Environmental Health – no response within statutory period

Contributions Officer – condition relating to education contribution required

Transport Planning – conditions recommended

EXTERNAL

None

REPRESENTATIONS

The following points were raised in the 2 representation(s) received:

- Inaccurate boundaries
- Position of borehole and HGV access
- Flood risk
- Need for Environmental Impact Assessment
- Foul and Surface Water Drainage

The above issues are addressed within the appraisal section below.

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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

Principle

Policy RD3 of the Local Development Plan refers to Housing in the Countryside. It specifically refers to the requirement for all residential development in the countryside to comply with relevant Supplementary Planning Guidance, specifically the Housing in the Countryside Guide 2012. The guide outlines a number of categories upon which development will be assessed against. Policy TA1B in relation to transportation, PM3 infrastructure contributions, PM1A and B placemaking are also relevant in the consideration of this application. In this particular instance, it is considered that the proposed site fails to comply with any of the accepted categories of development within the guidance. These are (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. An assessment of the proposal under category 1 is outlined below as this is the category identified within the submission as being relevant.

The submission indicates that the development site is considered to fall within an established building group. This category allows development within sites which extend an existing building group into definable sites formed by existing topography or landscape features or are located within an existing group. The application site sits to the north of the existing grouping and the land rises up to the public road from approximately the northern site boundary up to the public road. However I am not convinced that the increase in levels up to the road forms a clear definable boundary to the site. The raise in the land is relatively gradual and in my view does not form a clear boundary to the application site and therefore does not form a definable site to allow the building group to be extended. As such I consider the proposal to be contrary to the building groups category of the Housing in the Countryside Guide. I do not consider the site to meet any of the remaining categories outlined above. As such the proposal is contrary to Policy RD3 of the LDP.

Residential Amenity

Policy PM1A and PM1B seeks to ensure that, amongst other criteria, that new development respects the residential amenity of the surrounding area. The Housing in the Countryside Guide also requires new housing not to detract from the residential and visual amenity of the existing group.

Access

There is an existing established access and bellmouth onto the public road which is considered sufficient to cater for additional residential development which has adequate visibility splays. Transport Planning have been consulted on the proposal and offered no objection. The proposal is therefore considered to comply with Policy TA1B of the LDP.

Developer Contributions

The site is located within the Milnathort Primary School catchment area and due to the application being in principle at this stage a condition should be applied to ensure that the development proceeds in accordance with the Council's Developer Contributions and Affordable Housing Supplementary Guidance relating to education infrastructure.

The site is outwith the transportation infrastructure contribution area.

Drainage

The application details that waste water from the proposed development will be dealt with using private treatment and will connect into the existing treatment system. This development lies within the Loch Leven catchment area and therefore, phosphorus mitigation is required in accordance with

Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross Local Development Plan 2014 and the Loch Leven Supplementary Guidance (125% phosphorus removal). No details of the phosphorus calculations have been provided to demonstrate that connection into the existing system is feasible without an increase in phosphorus discharge. As such, without this detail the proposal is contrary to policy EP7 of the LDP.

Surface water drainage could be catered for through an appropriately designed SUDS system in accordance with policies EP3B and C which should be a condition if any consent is granted on this site.

Water Supply

Letters of representation have raised concern relating to the water supply for the site and the potential for the development to impact on existing supplies. The application form indicates that a private water supply is proposed to be utilised but no detail of this is indicated given the application is in principle only.

Economic Impact

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

Position of Borehole and HGV Access

The position of a borehole and associated access to it is considered to be a private civil matter which requires to be addressed with adjacent owners and not a material planning consideration.

Property/Site Boundary

A neighbour has raised concern regarding the accuracy of the boundaries of the site. Given the recommendation of refusal I do not intend to investigate this matter further.

Environmental Impact Assessment (EIA)

There is no requirement for an EIA for a development of this scale as outlined in the EIA Regulations.

Conclusion

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

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

The proposal is contrary to Policy RD3 of the Perth & Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to comply with category (1) Building Groups as the site does not have a defined landscape or topographical boundary to the north and therefore does not result in an extension to the existing building group into a definable site. 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.

The proposal is contrary to Policy EP7 of the Perth and Kinross Council Local Development Plan 2014 due to the lack of information submitted relating to phosphorus mitigation in the Loch Leven Catchment Area. No detailed calculations for phosphorus mitigation have been submitted with the application to demonstrate compliance with Policy EP7

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/00252/1

17/00252/2

17/00252/3

17/00252/4

Date of Report 13.04.2017

149.4m

Spring

SITE

ne

1

8

Netherhall

Netherhall Steadings

9

N

Scale in metres

10 0 10 20 30 40 50

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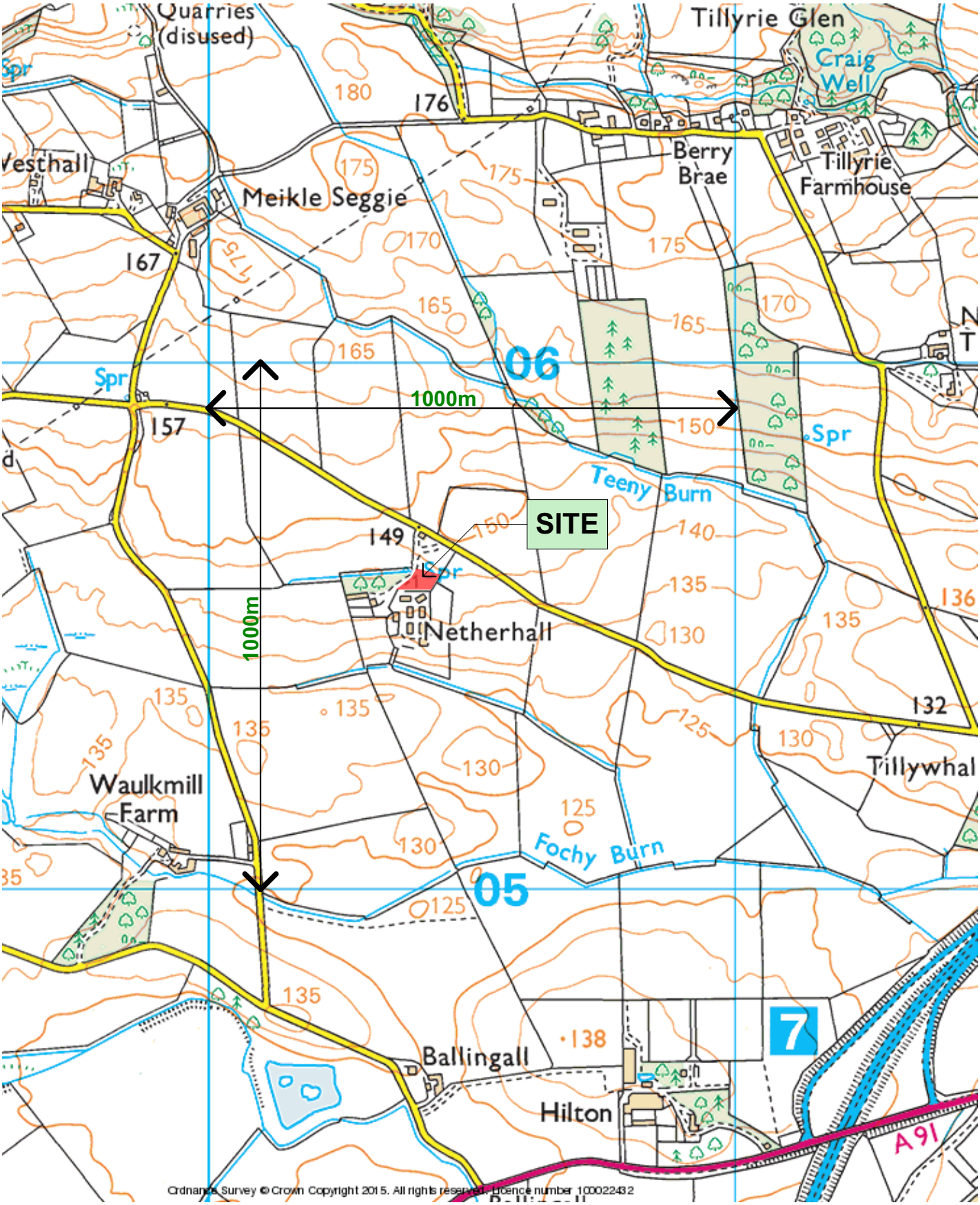
Shand Architecture
www.shandarchitecture.co.uk
Studio One, Crook of Devon, Kinross KY13 0UL
E-mail :- stuart@shandarchitect.co.uk

Project	Proposed Houses at Netherhall Steading Milnathort, Kinross-shire	Date	14.12.2016	Scale	1:1250
Drg. Title	AREA LOCATION PLAN	Drg. No.	16-45-02		



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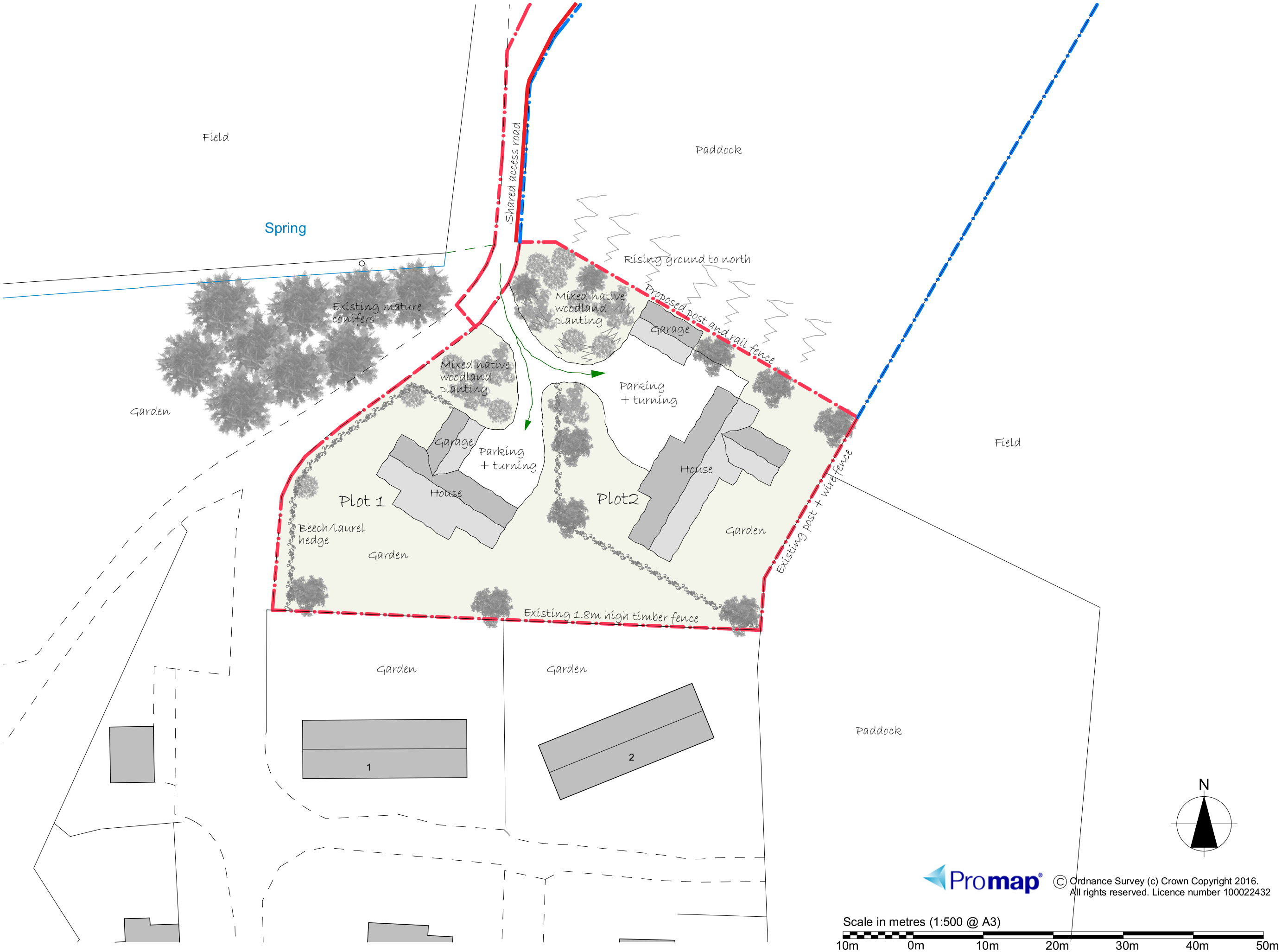
	Shand Architecture www.shandarchitecture.co.uk Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- stuart@shandarchitect.co.uk	Project: Proposed Houses at Netherhall Steading Milnathort, Kinross-shire	Date: 14.12.2016	Scale: 1:10000
		Drg. Title: AREA LOCATION PLAN	Drg. No.: 16-45-01	



Drg. No. 16-45-03

Scale 1:500

Date Dec. 2016

Stage Planning

Revision A B C D E F G H

Drg. Title
SITE PLAN
- showing indicative layout

Project
Proposed Houses at
Netherhall Steading, Kinross-shire

Chartered Architect
Shand Architecture
Studio One, Crook of Devon, Kinross KY13 0UL
stuart@shandarchitect.co.uk shandarchitecture.co.uk

Supporting Statement

Erection of 2 dwellinghouses in principle on land at Netherhall, Kinross.

Introduction

This is an application in principle for the erection of 2 dwellinghouses on land adjacent to an existing grouping of dwellinghouses at the former Netherhall Farm, Kinross. The application site is a 0.3ha area of ground situated 1.5km to the west of Milnathort. The proposed site is bounded by an access road and a tree belt to the west, existing housing to the south, an existing post and wire fence to the east and by the topography of rising ground to the north and north east.

Planning consent was granted in 2005 for the erection of 5 dwellings at the former Netherhall Farm steading and a further 3 dwellings were consented, with 2 consented in 2007 and a further dwelling consented in 2008, 8 dwellings in total.

Development Plan Policy

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

The application site falls within the designated countryside and the Loch Leven Catchment Area of the adopted Perth and Kinross Local Development Plan 2014 where the relevant policies are :-

Policy RD3: Housing in the Countryside

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs.

Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.

Policy PM1A: Placemaking.

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably

related to the scale and nature of the proposed development are secured.

Policy EP7A - Drainage within the Loch Leven Catchment

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Other policies

Housing in the Countryside Guide 2014

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

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

Developer Contributions and Affordable Housing Supplementary Guidance September 2016

Along with affordable housing guidance this includes guidance on education provision and transport infrastructure.

Principle of Development

The proposed site is within the designated countryside of the adopted Perth and Kinross Local Development Plan 2014 where any proposed residential development would fall to be assessed under the Local Plan and the Council's Housing in the Countryside Policy Guidance.

Under this guidance consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

In this case it is considered that the proposed site allows the extension of the existing group into a definable site, where the existing topography and landscape features provide an acceptable landscape framework which contain the extension of the group from having any detrimental impact on the character or visual amenity of the wider countryside at Netherhall. The plot size and configuration of the layout is such that it will respect the building pattern of the existing grouping.

Scale and Design

This is an application in principle and the scale and design of the proposed dwellings will be considered at the detailed planning stage. The indicative layout however illustrates that the plot sizes and footprint of the dwellings will be similar in scale to the existing. The design of the proposed dwellinghouses and external materials will be complementary to the existing dwellinghouses to the south.

Residential Amenity

The plot sizes are large enough to accommodate the dwellings, providing large gardens with adequate distances available to neighbouring boundaries to protect neighbouring residential amenity in terms of overlooking and overshadowing. It is considered that the proposed dwellinghouses will be afforded a high standard of residential amenity and they will not compromise the amenity of the existing dwellings.

Access and parking

Access to the proposed dwellings will be via an existing access road from the public road to the north. The indicative layout confirms that there is adequate parking and turning facilities within each of the plots.

Visual Impact and character

New housing in the countryside should not have a detrimental visual impact and should respect it's context and surrounding character. As indicated above the extension of the group into the adjacent site to the north allows sufficient containment of the new dwellings and there will not be any adverse impact on the visual amenity or character of the countryside around Netherhall. Also, the scale and design of the dwellings proposed at the detailed stage will seek to respect the existing residential character and amenity.

Loch Leven Catchment Area

The proposed site is within the Loch Leven Catchment Area and the proposal will need to demonstrate that there is no adverse impact on the catchment area in terms of phosphorus discharge. The foul drainage will be connected to an existing communal treatment plant capable of mitigated phosphorus discharge to the catchment. This can be dealt with will be dealt with by condition on any consent at the detailed stage.

Conclusions

The proposal is considered to be in accordance with the Council's Housing in the Countryside Policy Guidance where the siting of 2 dwellinghouses to the north of the existing dwellings constitutes an acceptable extension of the grouping within a suitable landscape framework which allows containment to the wider countryside. The principle of development is considered to be acceptable.

The scale of the development is in keeping with the existing housing at Netherhall and the design will look to complement the existing appearance and character of development. Along with a complementary design and the visual containment at the proposed site the extension of the grouping will not have any detrimental impact on the landscape character around Netherhall.

The proposal will not have any detrimental impact on existing residential amenity and there is satisfactory access and parking arrangements proposed. The proposed dwellinghouses will not have any detrimental impact on the Loch Leven Catchment Area.

For the above reasons it is requested that the proposal is approved in principle.

TCP/11/16(481) – 17/00252/IPL – Residential development (in principle) on land 40 metres north of 1 Netherhall Steadings, Milnathort

REPRESENTATIONS

Comments for Planning Application 17/00252/IPL

Application Summary
Application Number: 17/00252/IPL
Address: Land 40 Metres North Of 1 Netherhall Steadings Milnathort
Proposal: Residential development (in principle)
Case Officer: John Williamson

Customer Details
Name: Mr Keith Cuthbert
Address: 1 Netherhall Steadings, Milnathort, Kinross KY13 0RL

Comment Details
Commenter Type: Neighbour
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
Comment:13th March 2017

Ref - 17/00252/IPL

I would like to submit the comments and feedback below to the Perth & Kinross planning application - 17/00252/IPL, Residential development (in principle), Land 40 Metres North Of 1 Netherhall Steadings Milnathort.

I have 3 questions / points relating to this application.

1) Water supply / bore hole considerations
I note in the supporting documents the main application for planning permission there was no reference to anything needing considered for water supply and drainage requirements. I feel this needs further clarification relating to my questions below.

The Netherhall site has a private water supply which has a bore hole and pump in the area of land highlighted in this application. I would like to seek confirmation what the minimum distance the property line should be from the bore hole utilised for the Netherhall site as the drinking Water Well. It is important that this water supply is not compromised as a result of any development of the land it is located on.

2) Drainage requirements
I note there is no reference to new or altered drainage requirements. The land north of 1 Netherhall steadings regularly gets a significant amount of water draining onto it from the fields which takes some time to then drain from that area and there would need to be careful

consideration as to how best design the drainage requirements without compromising the drainage of the rest of the site. I would like to understand how this will be achieved.

3) Water supply and sewage capacity
I want to seek confirmation that the existing water supply and sewage facilities can accommodate the extra 2 houses requirements in this planning proposal.

Keith Cuthbert
1 Netherhall Farm,
Milnathort,
KY13 0RL

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00252/IPL	**Comments provided by**	D.Lynn
Service/Section	TES - Flooding	**Contact Details**	[redacted]
Description of Proposal	Residential development (in principle)		
Address of site	Land 40 Metres North Of 1 Netherhall Steadings Milnathort for Mr Graeme Sinclair		
Comments on the proposal	No Objection. It is noted that plot 2 currently falls within the SEPA indicative 1 in 200 year surface water maps. It's advised that consideration is taken in to account because of this and adequate drainage implemented and details showing that this will not present a risk to the property flooding.		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)		
Date comments returned	13/03/2017		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00252/IPL	**Comments provided by**	Katrina Walker
Service/Section	Strategy & Policy	**Contact Details**	**Planning Officer:** Katrina Walker [redacted]
Description of Proposal	Residential development (in principle)		
Address of site	Land 40 Metres North Of 1 Netherhall Steadings, Milnathort		
Comments on the proposal	**Primary Education** With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Milnathort Primary School.		
Recommended planning condition(s)	**Primary Education** **CO01** The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority. **RCO00** Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.		
Recommended informative(s) for applicant	N/A		
Date comments returned	16 March 2017		

General

Tracy McManamon

From: Robert Packham <[redacted]
Sent: 20 March 2017 23:27
To: Development Management - Generic Email Account
Subject: Planning application 17/00252/IPL

Dear Sir/Madam

Further to your notification letter dated 28th February 2017, may I draw a number of issues to your attention

- I am in possession a plan drawing that demonstrates the fence to the rear of my property has been inaccurately sited - part of the land referred to in this application should be included within the boundary of my property at 2 Netherhall Steading. Any future development should acknowledgement a right to re-site the fence to match this drawing.
- The land to the north of Number 1 Netherhall Steading is the site of the well-head for the development. This is missing from the drawings filed on the PKC website. I understand that HGV access to the area around the well head is required in the event the borehole should become dysfunctional. There is also a large concrete plinth that stands above ground level that supports an inspection hatch for drainage.
- Finally the land behind 1 and 2 Netherhall Steading is subject to flooding from water running off the fields to the north of the development. This accumulates to the north side of the copse of trees labelled "spring" north of the westerly plot. At times of extreme weather, water floods the road and tracks down towards the south of the site. The sunken area behind Number 2 Netherhall Steading is also subject to flooding and at the most extreme, tracks into the field to East of the development and then garden at the rear of my property. If planning permission were to be granted, may I request that a condition should include a requirement to address the land drainage for the two proposed sites to protect neighbouring property from any detrimental impact further construction works may have on the current patterns of land drainage. For these reasons, I would be grateful if you would advise whether an environmental impact assessment is required at this stage. Please see image attached below

Kind regards

Robert Packham
2 Netherhall Steading
Kinross
KY13 0RL
[redacted]

ENTERED IN COMPUTER
21 MAR 2017

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00252/IPL	**Comments provided by**	Niall Moran
Service/Section	Transport Planning	**Contact Details**	[redacted]
Description of Proposal	Residential development (in principle)		
Address of site	Land 40 Metres North Of 1 Netherhall Steadings Milnathort		
Comments on the proposal	I have no objections to the proposed development provided the condition below is applied.		
Recommended planning condition(s)	PP00 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision. RPP00 Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.		
Recommended informative(s) for applicant			
Date comments returned	21 March 2017		