

LRB-2022-57**22/00899/FLL - Erection of a dwellinghouse and garage,
land 60 metres north west of Killieard House, Killiecrankie,
PH16 5LN****INDEX**

(a) Papers submitted by the Applicant (***Pages 11-30***)

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(c) Representations (***Pages 43-64***)

LRB-2022-57
22/00899/FLL - Erection of a dwellinghouse and garage,
land 60 metres north west of Killieard House, Killiecrankie,
PH16 5LN

**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 B PARKINS

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KILLIEKRANKIE

Postcode PH16 5LN

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Contact Telephone 2

Fax No

E-mail* jakki@jmlsips.co.uk

Agent (if any)

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THE ARNS, AUCHTERARDER

Postcode PH3 1ES

Contact Telephone 1 01764 663271

Contact Telephone 2 07525 134509

Fax No

E-mail* jakki@jmlsips.co.uk

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

22/00899/FLL

Site address

KILLIEARD HOUSE, KILLIEKRANKIE, PH16 5LN

Description of proposed
development

ERECTION OF DWELLINGHOUSE AND GARAGE

Date of application

12-05-22

Date of decision (if any)

27-07-22

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:

A BETTER UNDERSTANDING OF THE SETTING WOULD BE BENEFIT OF SITE VISIT

Site inspection

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

- | | | |
|--|-------------------------------------|--|
| 1. Can the site be viewed entirely from public land? | Yes <input type="checkbox"/> | No <input checked="" 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:

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.

PLEASE SEE ATTACHED DOCUMENT

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 - SITE PLAN
 DOCUMENT 2 - LOCATION PLAN
 DOCUMENT 3 - EXISTING SITE
 DOCUMENT 4 - ELEVATIONS
 DOCUMENT 5 - PLAN
 DOCUMENT 6 - VISUAL
 DOCUMENT 7 - DESIGN STATEMENT
 DOCUMENT 8 - APPEAL STATEMENT

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

07/10/22

Appeal Statement (06/10/22)

22/00899/FLL – Erection of dwellinghouse and garage – land 60m north west of Killieard House, Killiecrankie

We wish to appeal the refusal of this planning application on 27 July 2022. The grounds of the appeal are that:

- The reason for refusal is unclear and based on an incorrectly defined document;
- The Report of Handling contains factual errors and mistakes, which gives no confidence that it has come to the correct conclusion;
- The relevant Planning policy has been wrongly interpreted and applied;
- The application should have been approved as being in accordance with the Development Plan.

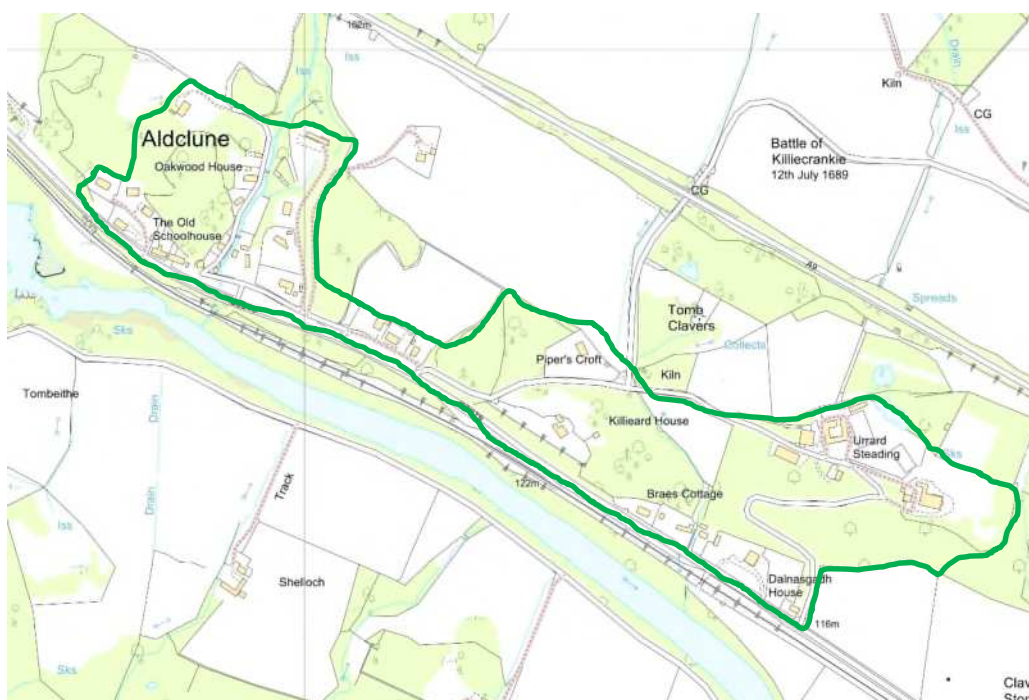
The reason for refusal starts *'The proposal is contrary to Policy 1 New housing development of the Cairngorms National Park Local Development Plan 2020 as the development **does form** part of an existing rural group as defined in the policy 1.2.'* This statement makes the reason for refusal unclear. If the officer considers that the proposed site **does form** part of an existing rural group, then the application should have been approved. If this reason is an error, then it indicates a lack of care on the part of the officer. The reason for refusal also refers to the Cairngorms Local Development Plan **2020**, when in fact this LDP is dated **2021**.

The Report of Handling notes that *'The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties. This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.'* It is submitted that the failure to undertake a site visit in this case has resulted in a failure to understand the site, its setting and the wider building group within which the site sits. It should be noted that Streetview does not allow you to see the site which is hidden from the public road, so it is not clear how the officer has viewed the site and its wider setting. It is significant that the Report of Handling does not contain any photographs of the site or its setting nor are any publicly available from interested parties as suggested.

There are other errors within the Report of Handling: page 6 notes that *'mapping indicates that the site is occupied by railway land'*, but the railway line is across the public road to the south of the site. The report also makes reference: *'in addition to a historic cement, lime and plaster works immediately north of the site'* but this is much further north than suggested and is not even within the boundary of the applicants' land.

The site lies just within the boundaries of the Cairngorms National Park and therefore the Cairngorms LDP 2021 is the relevant Local Development Plan. The key policy applicable to this application is Policy 1 – Housing, 1.2 ‘Housing Development in Existing Rural Groups’. This differs subtly in emphasis from the Council’s own policy on housing in the countryside which Officers and Members will be more familiar with. It is clear from the Report of Handling that the key issue with this proposal is the interpretation of Cairngorms LDP Policy 1 – Housing – 1.2 *‘housing developments in existing rural groups’*. All other matters connected with this proposal are either satisfactory as submitted (such as design and siting) or can be covered by condition (such as archaeological investigation). It should be noted that the Cairngorms National Park Authority had no objection to the proposal and there were no objections from neighbouring properties or the Community Council.

Policy 1 – Housing – 1.2 ‘housing developments in existing rural groups’ is supportive of *‘proposals for new housing development which adds to an existing rural group’* (of 3 or more buildings, at least one being a house) where *‘they connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development’* and *‘do not add more than one third to the existing number of buildings within the group within the Plan period.’* We submit that the Report of Handling and the reason for refusal has misapplied this policy to this site and has not assessed the nature of the building pattern within the Pass of Killiecrankie correctly or sensitively enough. In particular, the Report only tests the policy by trying to identify a building group of 3 buildings, ie trying to find a **minimum** size of group, rather than looking more widely at how the site fits within the much broader, scattered, historic development pattern within this area. It is part of an extended building group which stretches from Aldclune to Killiecrankie village itself, where there is a significant concentration of houses which should be seen as a larger, dispersed building group made up of individual houses in generous plots, and small clusters of housing, interspersed with paddocks and small woodlands.



Killieard House lies within the Pass of Killiecrankie, a steep sided gorge where the Garry flows from the pastoral, designed landscapes of Blair Atholl to join the Tummel just above Pitlochry. This area lies within the Cairngorms 'Lower Glen Garry and Blair Atholl Landscape Character Area'. The assessment of landscape in the Pass notes that *'north of the river [Garry] there is a network of narrow roads on gravel terraces linking the tiny historic settlements and winding between small scale topographical features'*. It also notes that *'the complex geomorphology is reflected in the diverse vegetation and land use, as well as a long history of settlement which has taken advantage of the south facing aspect'*. It should be noted that the long history of tiny settlements in this area is identified as a key landscape characteristic which the application of Policy 1.2 should reflect and is the context for the approval of this application. It should also be noted that further housing development is not identified as a particular threat to this landscape.

In other words, the appropriate building group, within which this site lies, is the extended one between Aldclune and the settlement of Killiecrankie itself. The site lies within a much wider, larger building group within the Pass of Killiecrankie which includes, running west to east: the close-knit hamlet of Aldclune; a ribbon of 3 roadside houses; Killieard House and Piper's Croft, which sit above the road; another ribbon of 5 roadside houses; and, finally Urrard House and estate buildings, which again sit in an elevated position (see building group boundary marked in green). Within this wider building group, the pattern of development, which this application would re-enforce and enhance, is of individual houses set in generous grounds, small clusters of housing – either in ribbons or groups – separated by woodland or pasture. An additional building in the garden here would reflect and enhance this pattern of development on a site not readily visible from the B8079 and not seen from the A9. Equally, the site is not readily visible from across the river, but in any event has a good landscape setting with any views into the site framed by the wooded hillside beyond.

To merely look at the immediate site has missed the point about the nature of the settlement pattern in this area. It is also suggested that the Perth and Kinross Housing in the Countryside supplementary guidance is quite specific about dispersed building groups, but the Cairngorms policy on dispersed groups is more generous in its approach, with more emphasis on how *'they connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development'*.

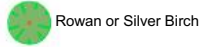
The Report of Handling also makes passing reference to Supplementary Guidance on this subject but does not refer to this guidance in any useful detail. For the record, the adopted Cairngorms Supplementary Guidance on New Housing Development relates to the previous 2015 LDP and therefore is not up to date and is of limited relevance. The revised housing Supplementary Guidance has not yet been adopted and, again, is therefore of limited statutory value, but it is worth noting that on page 17 of the draft there are the helpful observations that each building group has its own identity; that natural boundaries should take precedence over man-made ones and the requirement that any new development *'adds to the cohesive pattern of built form within its landscape setting'*. It is within this larger landscape unit that this application should be assessed and approved.

It should also be noted that the proposal is for a retirement home to allow immediate family to move into Killieard House and provide long term support for the current occupiers, including their semi-dependent son, who is reliant on the countryside for his continued employment. The family have lived in the village for over 50 years and in Killieard House itself since 1986, raising their family and contributing to the local community. The family home is now too big for an ageing couple and does not facilitate their essential requirement for living and sleeping accommodation on the same level, along with a wet room allowing full accessibility for changing needs. By facilitating family within the main house, a protective environment will also remain in place for a younger sibling who, whilst working and contributing to the local community, requires a familiar environment and support network to allow him to retain and enhance his level of independence (this proposed annex is the subject of a separate current planning application).

In summary, this proposal for a considered, carefully designed retirement home for a local family should be approved in accordance with the Development Plan as forming an appropriate addition to the Pass of Killiecrankie extended building group.



new hedge planting to be a mix of
20% blackthorn
40% hawthorn
20% hazel
remainder to be a mix of holly
and dog rose all planted 6 per metre
in two offset rows



Rowan or Silver Birch

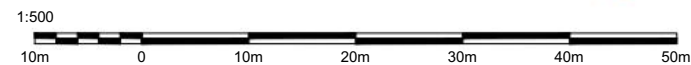


SITE SECTION

Scale 1:500

SITE PLAN

Scale 1:500



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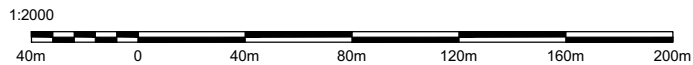
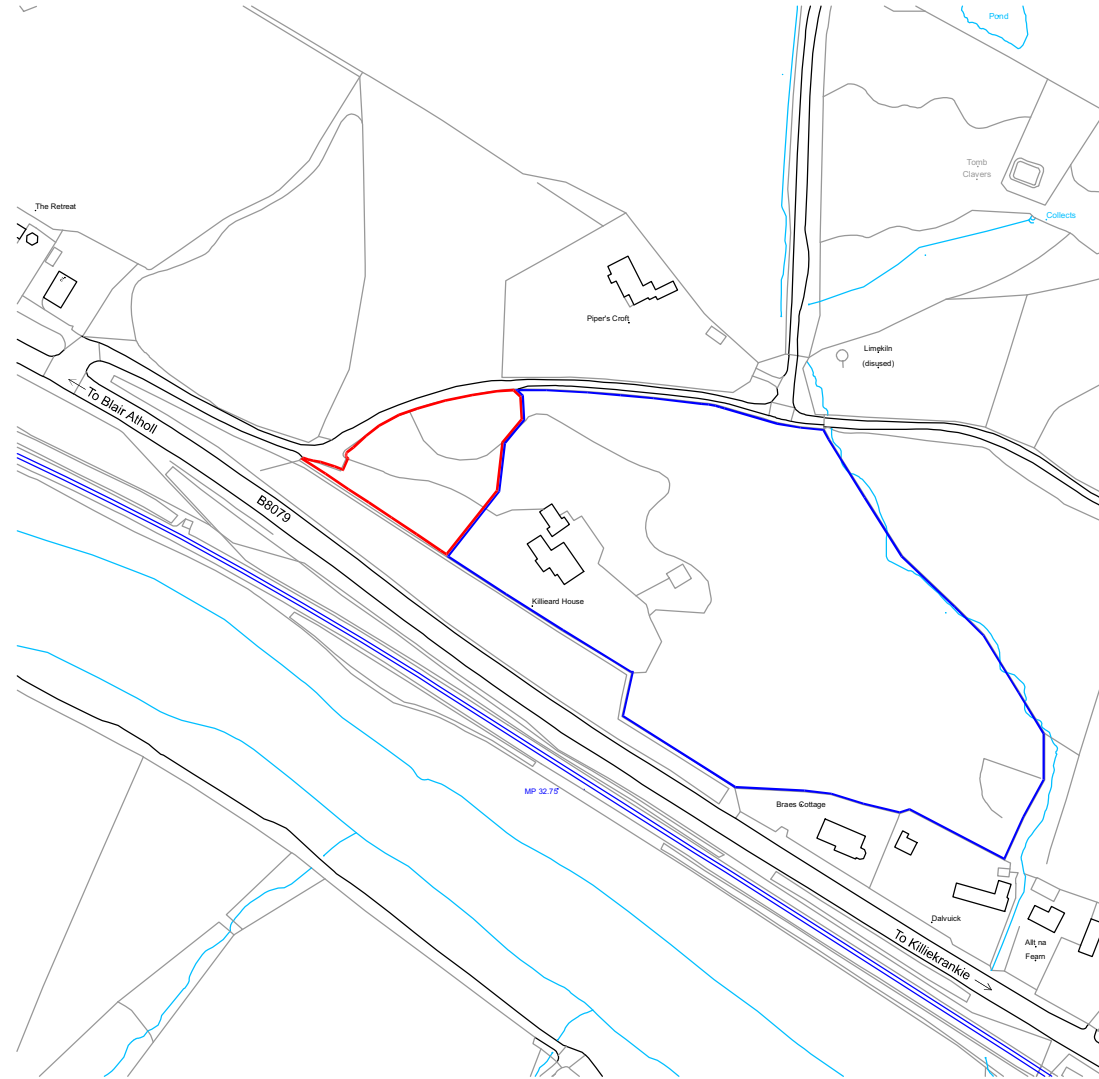
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Rev.	Date	Description	App'd

Project Title	Proposed Dwelling House & Garage at Killieard House Killiecrankie for Mr & Mrs B Parkins		
Drawing Title	House Site Plan		

Drawn By JAC		Checked By -	
Drawing Sheet Size A3		Scale APD	Date MAY '22
Project Number JMLSIP-21-203-PARKINS			
Drawing Number PL_001		Revision	
PLANNING			



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22

Rev.	Date	Description	App'd

Project Title

Proposed Dwelling House & Garage at Killeard House Killiekrankie for Mr & Mrs B Parkins

Drawing Title

House Location Plan

Drawn By

JAC

Checked By

-

Drawing Sheet Size

A3

Scale

APD

Date

MAY '22

Project Number

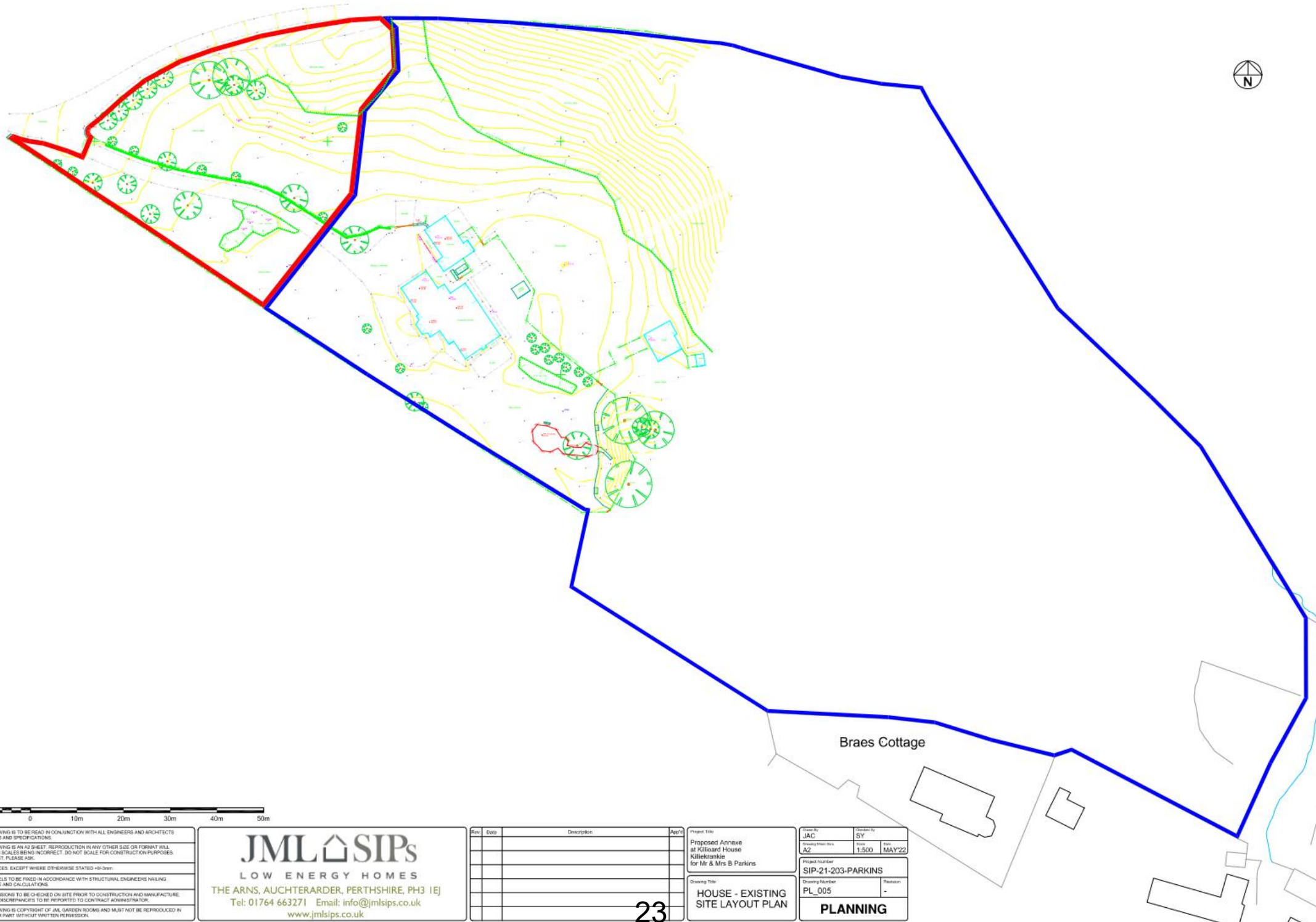
JMLSIP-21-203-PARKINS

Drawing Number

PL_002

Revision

PLANNING



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Rev	Date	Description	App'd

Project Title:
Proposed Annexe
at Killisland House
Kiltebrannick
for Mr & Mrs B Parkins

Drawing Title:
**HOUSE - EXISTING
SITE LAYOUT PLAN**

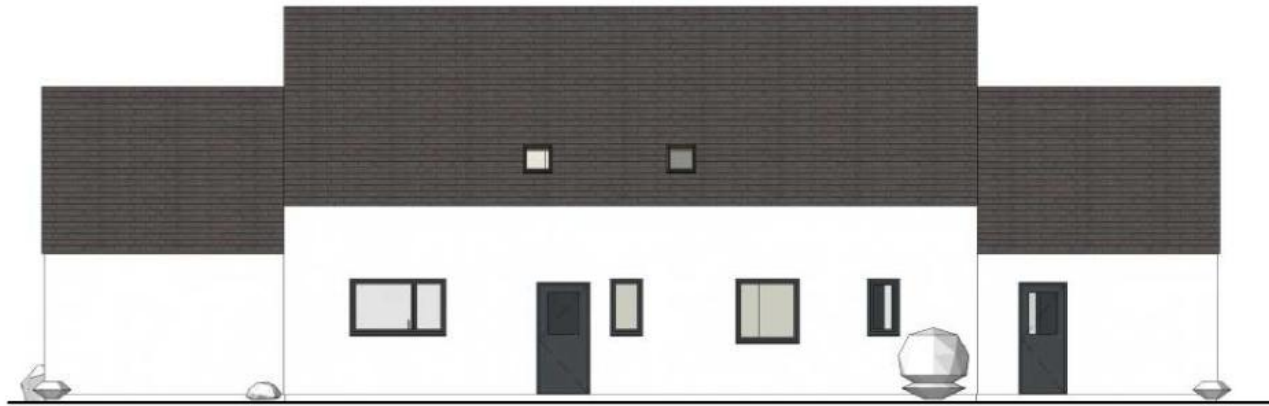
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Drawing Date: A2	Scale: 1:500
Date: MAY'22	
Project Number: SIP-21-203-PARKINS	
Drawing Number: PL_005	Revision: -
PLANNING	



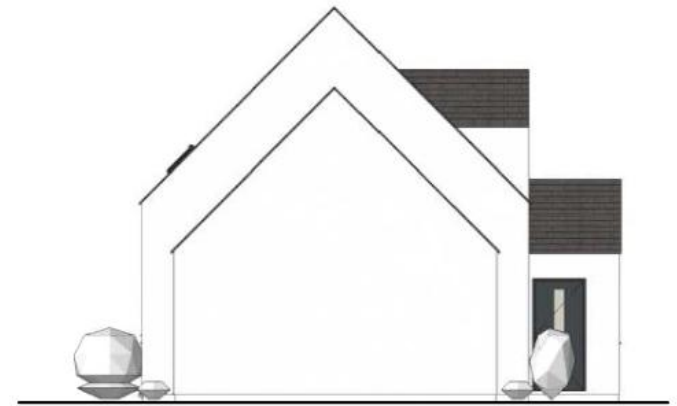
SOUTH-WEST ELEVATION



SOUTH-EAST ELEVATION



NORTH-EAST ELEVATION



NORTH-WEST ELEVATION

Materials

Roof: Natural Slate
Walls: Off White Render
Doors : Alucad Anthracite Grey
Windows: Alucad Anthracite Grey

PROPOSED HOUSE FOR:
PARKINS

SITE ADDRESS:
Killeard House
Killecrankie
Pitlochry
PH16 5LN

REV. DATE AMENDMENT



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DRAWING SET PLANNING APPLICATION		CLIENT JML_SIP-21-203_PARKINS	
SCALE @ ISO A3 1:100	DATE MAY'22	DRAWN BY SV	CHECKED BY JC
DRAWING TITLE ELEVATIONS			
STATUS S2		PURPOSE FOR ISSUE For Information	
DRAWING NO. SIP-21-203-JML-D5001		REVISION	



FIRST FLOOR PLAN



GROUND FLOOR PLAN

PROPOSED HOUSE FOR:
PARKINS

SITE ADDRESS:
Killeard House
Killecrankie
Pitlochry
PH16 5LN

REV. DATE AMENDMENT



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DRAWING SET PLANNING APPLICATION		CLIENT JML_SIP-21-203_PARKINS	
SCALE @ ISO A3 1:100	DATE MAY'22	DRAWN BY SV	CHECKED BY JC
DRAWING TITLE FLOOR PLANS			
STATUS S2		PURPOSE FOR ISSUE For Information	
DRAWING NO. SIP-21-203-JML-D5002		REVISION	



PROPOSED HOUSE FOR:
PARKINS

SITE ADDRESS:
Killeard House
Killecrankie
Pitlochry
PH16 5LN



REV.	DATE	AMENDMENT

26

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DRAWING SET PLANNING APPLICATION		CLIENT JML_SIP-21-203_PARKINS	
SCALE @ ISO A3 1:50	DATE MAY'22	DRAWN BY SV	CHECKED BY JC
DRAWING TITLE 3D			
STATUS S2		PURPOSE FOR ISSUE For Information	
DRAWING NO, SIP-21-203-JML-DS003		REVISION	

Proposed House at Killieard House, Killiecrankie

Planning and Design Statement

Background

This application is for the erection of a house in grounds of Killieard House, Killiecrankie. It relates to a separate application to build a self-contained annexe at Killieard House and a new access to serve these two properties.

Together, these applications seek to rationalise accommodation for the family who have lived in the village for over 50 years and in Killieard House itself since 1986, raising their family and contributing to the local community. The family home is now too big for an ageing couple whose needs have changed, a ground floor bedroom with accessible wet-room along with access to the public spaces within the house on the same level are a minimum requirement.

This application is to build a new highly energy efficient home designed to suit the needs of an elderly couple. The related application is for a modest annexe to facilitate independent, affordable living for their son which would remain ancillary to the existing country house whilst still maintaining a degree of privacy and a feeling of independence.

The existing driveway will provide access to the new house whilst a new drive would be formed further up the hill to facilitate access to the existing house and annexe, this would also offer a new passing place serving houses further up the hill.

Planning Context

Killieard House is a substantial house in large landscaped grounds forming a secluded site above the B8079 and not readily visible from that road. The house is accessed off the minor road leading to Lettoch.

The site lies just within the boundaries of the Cairngorms National Park and therefore the Cairngorms LDP 2021 is the relevant Local Development Plan. The key policy applicable to this application is Policy 1 – Housing, 1.2 ‘Housing Development in Existing Rural Groups’. This policy is supportive of ‘proposals for new housing development which adds to an existing rural group’ where ‘they connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development’ and ‘do not add more than one third to the existing number of buildings within the group within the Plan period.’

This statutory policy is supported by Supplementary Guidance ‘New Housing Development Non-statutory Guidance’, although with the caveat that this relates to the previous 2015 LDP and therefore is not up to date and hence has limited relevance. In essence, this just provides a little more information on the interpretation of Policy 1.2.

Policy 3.3 – Sustainable Design is also relevant, together with its Non-statutory Guidance – Design and Placemaking.

The site lies within the Cairngorms ‘Lower Glen Garry and Blair Atholl Landscape Character Area’. This assessment does not have a lot to say about the Pass of Killiecrankie, since it focuses on the designed landscapes around Blair Atholl, although the assessment does note that ‘north of the river [Garry] there is a network of narrow roads on gravel terraces linking the tiny historic settlements and winding between small scale topographical features. It also notes that ‘the complex geomorphology is reflected in the diverse vegetation and land use, as well as a long history of settlement which has taken advantage of the south facing aspect’. Further housing development is not identified as a particular threat to this landscape.

The whole of the Pass Killiecrankie is on Historic Environment Scotland’s Inventory of Battlefields. However, there are no cultural or landscape features relating to the battle of Killiecrankie within the application site.

Killieard House lies with the Pass of Killiecrankie, a steep sided gorge where the Garry flows from the pastoral, designed landscapes of Blair Atholl to join the Tummel just above Pitlochry. Between Aldclune and the settlement of Killiecrankie itself, the Pass has a significant concentration of houses which may either be read as a series of individual building groups which conform to the policy, or it could better be seen as a larger, dispersed building group made up of small clusters of housing interspersed with paddocks and small woodlands. From either perspective, Killieard fulfils the criteria as a building group.

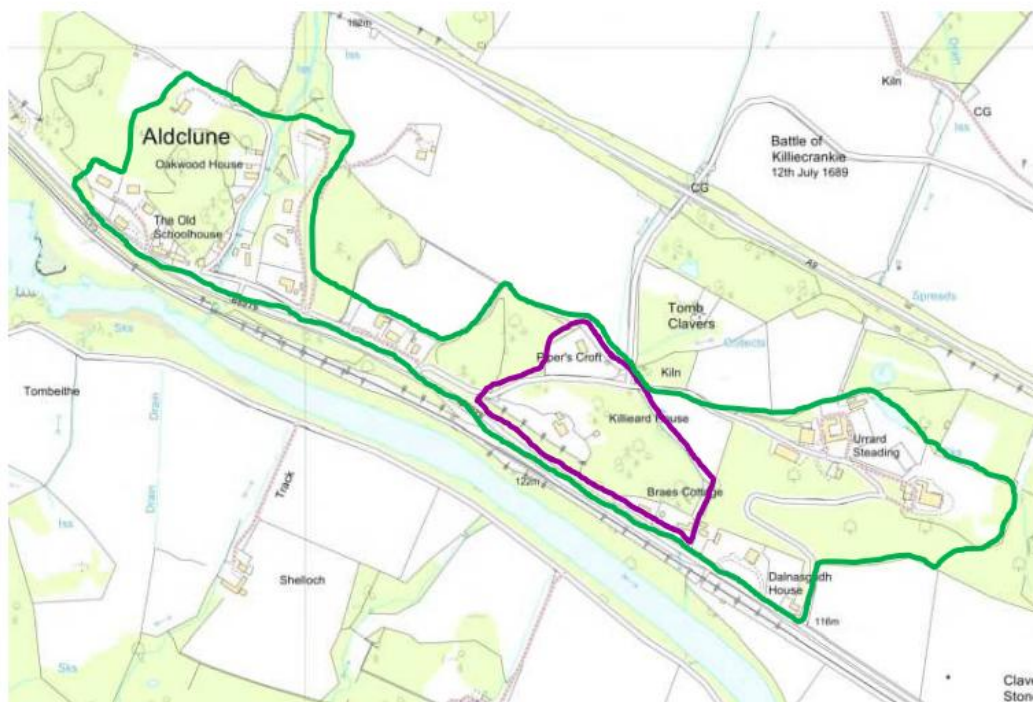
Planning Context cont'd

At the smaller scale, Killieard House is part of a building group of at least 3 houses with Brae's Cottage and other buildings which lie to the south east on the roadside, and with Piper's Croft, which lies to the north of Killieard House on an elevated site. These 3 houses are contained by woodland and the garden ground of Killieard House provides a very suitable, secluded infill site which would help reinforce the existing pattern of development in the Pass, which generally consists of clusters of houses set within woodland. (See building group boundary marked in purple).

However, more appropriately, Killieard House lies within a much wider, larger building group within the Pass of Killiecrankie which includes, running west to east: the close-knit hamlet of Ardclune; a ribbon of 3 roadside houses; Killieard House and Piper's Croft, which sit above the road; another ribbon of 5 roadside houses and finally Urrard House and estate buildings which again sit in an elevated position. (See building group boundary marked in green).

Within this wider building group, the pattern of development, which this application would re-enforce and enhance, is of fairly tight, small clusters of housing – either in ribbons or groups – separated by woodland or pasture and additional building in the garden here would reflect and enhance this pattern of development on a site not readily visible from the B8079 and not seen from the A9. Equally, the site is not readily visible from across the river but in any event has a good landscape setting with any views into the site framed by the wooded hillside beyond.

(It should also be noted that there is a further grouping of houses in a much more prominent location north of the A9 centred on Orchill and Lettoch, accessed from the minor road serving the application site which adds to the



Siting and Sustainability

With regard to Policy 3.3 – Sustainable Design, the topography of the site and existing mature trees provide an established backdrop for the setting of the new house whilst offering protection from the prevailing winds. Passive solar gain will be optimised with the positioning of feature glazing. The house is sited to facilitate views to the south east and south west whilst maintaining privacy for both Killieard House and the annexe on a site not readily visible from the B8079.

A native hedge will be planted to form the new boundary between Killieard House and the new home enhancing the existing biodiversity. The trees will continue to be managed and monitored for their health and for the safety of the surrounding amenity space.

The new house is of traditional, additive building form with a steeply pitched roof, carefully detailed with wallhead dormers and a porch, but with modern detailing and design as encouraged by Policy 3.3. External materials will respect the traditional appearance of the existing house with the use of natural slate on the roof and a wet render finish. Triple glazing with an Alu-clad finish will provide a high energy performance whilst minimising the need for any future maintenance.

We are fortunate to work with forward-thinking clients with an awareness of sustainability and a keenness to build exemplary homes with low-carbon footprints whilst retaining aesthetically beautiful designs. The new homes will engage a fabric first approach using Structurally Insulated Panels which provide an excellent level of energy performance and air tightness allowing minimal demands for heating which would be provided by either an air source or ground source system. The existing house was built to much higher standards of energy performance than was required by the regulations at the time, again emphasising our clients' awareness to exceed building standard base levels. A mechanical ventilation and heat recovery system will ensure the internal air quality provides a healthy environment while limiting heat loss.

Electric and water main connections pass the frontage of the site allowing for ease of connection. A new treatment plant and SUDs scheme will provide drainage for the house and water efficient fittings will be provided. Rainwater harvesting will be utilised to limit the use of resources. Facilities will be provided for the storage and segregation of recyclable materials and a charging point will be installed for electric vehicles.

In summary, it is proposed to construct a low carbon home designed to the highest standards within a building group which is in accord with the Development Plan in every respect.

LRB-2022-57
22/00899/FLL - Erection of a dwellinghouse and garage,
land 60 metres north west of Killieard House, Killiecrankie,
PH16 5LN

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 21-29)*



Mr B Parkins
c/o JML SIPs Low Energy Homes
Jakki Cosgrove
The Arns
Auchterarder
PH3 1EJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **27th July 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/00899/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 30th May 2022 for Planning Permission for **Erection of a dwellinghouse and garage Land 60 Metres North West Of Killeard House Killiecrankie**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 1 New housing development of the Cairngorms National Park Local Development Plan 2020 as the development does form part of an existing rural group as defined in the policy 1.2 and doesn't meet the categories for development in policy 1.3 Other housing in the countryside as it's not necessary for or to improve operational and economic viability and is not on a brownfield site.

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

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

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

Plan Reference

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00899/FLL	
Ward No	P4- Highland	
Due Determination Date	29th July 2022	
Draft Report Date	26th July 2022	
Report Issued by	JF	Date 26.07.2022

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: Land 60 Metres North West Of Killeard House
Killiecrankie

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.

SITE VISIT:

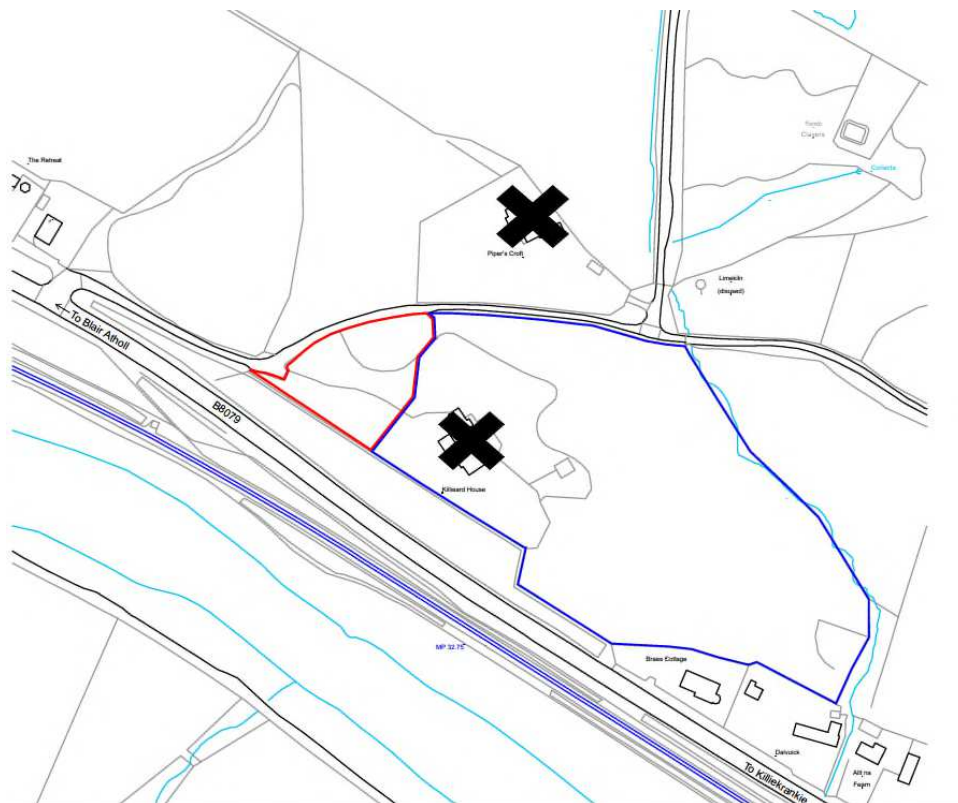
In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

PHOTOGRAPHS



Wider area site bottom cross



Circles in top image denote two distinct building groupings crosses note two dwellings which do not lie within groupings. Site in red not within a group.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The site is located to the west of the applicants dwelling at Killeard House Killiecrankie. The existing dwelling and application site (which forms part of the dwelling curtilage) lies within a rural area characterised by dispersed dwellings and small building groups, The site is also located within Cairngorms Nation Park boundary.

The proposal is to erect a 1 ½ storey dwelling utilising the existing access with the applicant's home to be accessed via an alternative point proposed under another planning application currently under consideration.

SITE HISTORY

22/00897/FLL Erection of ancillary accommodation building

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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 Cairngorms National Park Local Development Plan 2020.

Cairngorms National Park Local Development Plan 2020

The Local Development Plan is the most recent statement of policy and is augmented by Supplementary Guidance.

The principal policies are:

- Policy 1: New housing development
- Policy 3: Design and placemaking
- Policy 4: Natural heritage
- Policy 5: Landscape
- Policy 9: Cultural heritage
- Policy 11: Developer obligations

OTHER POLICIES

<https://cairngorms.co.uk/wp-content/uploads/2022/04/Design-and-Placemaking-Non-Statutory-Guidance.pdf>

<https://cairngorms.co.uk/wp-content/uploads/2015/09/Policy1NewHousingDevelopmentFinal1.pdf>

<https://cairngorms.co.uk/wp-content/uploads/2015/09/Policy11DeveloperContributionsFinal.pdf>

CONSULTATION RESPONSES

Perth And Kinross Heritage Trust	Archaeology condition requested
Environmental Health (Contaminated Land)	Condition requested
Cairngorm National Park	No call in
Historic Environment Scotland	No objection, Archaeology condition requested
Development Contributions Officer	Contribution required
Scottish Water	No objection
Environmental Health (Noise Odour)	No objection, noise condition requested

REPRESENTATIONS

No representations were received:

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA 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 Cairngorms National Park Local Development Plan 2020.

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

Policy Appraisal

The site is located within a rural area and Policy 1 New Housing Development applies; this policy supports rural housing where it meets criteria outlined within applicable categories.

Category 1.2 supports housing development in existing rural groups. Existing rural group are defined as three or more buildings where at least one of which is a dwellinghouse. Development will be considered favourably where: a) they connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development; and b) do not add more than one third to the existing number of buildings in the group within the Plan period (based on the size of the group on the date of Plan adoption).

The application site forms part of a large dwelling plot which due to topography and separating distances does not read as being part of an existing building group. In the wider location it could be considered that there are two small existing groupings but the site does not relate to either of these and cannot meet the policy criteria as the site is not within an existing group.

The remaining category is 1.3 - other housing in the countryside however this category is not applicable as the proposal is not a) necessary for the operational and economic viability of an active business and b) is not on a rural brownfield site.

The principle of development on the site does not comply with Policy 1 and the supplementary guidance.

Design and Layout

The site is large enough to accommodate a dwelling and adequate parking, turning and access have been provided. The dwelling proposed is 1 ½ with wallhead dormers and has traditional proportions/finishes but contemporary detailing.

The design, finishes and layout are considered acceptable but as above the principle of development does not comply.

Residential Amenity

The site is large enough so that the dwelling can be positioned to have adequate private amenity space with no impact on the neighbouring properties residential amenity in terms of overlooking or loss of daylight/overshadowing.

Environmental Health have commented in relation to noise given that the location of the proposed dwelling is approximately 70m from the railway line there is the potential for noise from rail traffic to affect occupiers of the property. However it is noted that the existing house and neighbouring properties are located closer to the line. They also note that whilst there was no noise impact assessment submitted with the application, the design statement refers to triple glazing and structurally insulated panels. EH consider that the applicant could ensure the noise impacts are fully considered in the detailed design.

There is reference to an air or ground source heat pump being installed although there is no indication of this on the plans. If the application had been supported, more information would have been sought in this regard.

Contaminated Land

Mapping indicates that the site is occupied by railway land, in addition to a historic cement, lime and plaster works immediately north of the site. There is the potential for the site to be impacted by contamination as a result of these land uses. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use.

Roads and Access

The site will utilise the existing access to the public road and adequate turning and parking are shown within the site.

Drainage and Flooding

There is no flood risk associated with the site. The septic tank and drainage soakaway is shown within the site.

Conservation Considerations

The area around Killeard House, Killiecrankie is considered to be of high historic significance being located close to the likely position of the government lines for the Battle of Killiecrankie (1689) as defined by the national Inventory of Historic Battlefield (BTL12). If the proposal was acceptable and archaeological evaluation would have been required.

Historic Environment Scotland consider that given the relatively secluded nature of the proposed development site, they would not have significant concerns about the impacts on the key characteristics of the battlefield landscape.

Natural Heritage and Biodiversity

No implications.

Developer Contributions

Affordable Housing

The CNPA Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 4 units, for which planning consent is being sought is to be in the form of affordable housing. For proposals less than 4 units, a contribution towards affordable housing will be required.

The site is within the Cairngorms National Park Area. Cairngorms National Park Local Development Plan Non-statutory Planning Guidance (Policy 1 New Housing Development) sets an Affordable Housing contribution requirement of £1,250 for one unit.

Primary Education

This proposal is within the catchment of Pitlochry Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Summary of Requirements

Affordable Housing: 1 x £1,250

Education: £0

Total: £1,250

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, 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 Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Conditions and Reasons

The proposal is contrary to Policy 1 New housing development of the Cairngorms National Park Local Development Plan 2020 as the development does form part of an existing rural group as defined in the policy 1.2 and doesn't meet the categories for development in policy 1.3 Other housing in the countryside as it's not necessary for or to improve operational and economic viability and is not on a brownfield site.

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

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05

06

07

LRB-2022-57
22/00899/FLL - Erection of a dwellinghouse and garage,
land 60 metres north west of Killieard House, Killiecrankie,
PH16 5LN

REPRESENTATIONS

Perth and Kinross Council
35 Kinnoull Street
Perth
PH1 5DG

14 June 2022

Dear Sir or Madam

Application Number: 2022/0197/DET
Your Ref: 22/00899/FLL
Development Proposed: Erection of dwellinghouse and garage
Location: Land 60 Meters North West Of Killeard House,
Killiecrankie,

The Cairngorms National Park Authority were notified of the above planning application by Perth and Kinross Council on 7 June 2022. The application was considered by the Cairngorms National Park Authority under their Call-in powers on 13 June 2022.

The decision of the Cairngorms National Park Authority is that the above planning application does not raise any planning issues of general significance to the park aims and as such No Call-in is necessary in this case.

Should you require any further information, please do not hesitate to contact us using the details below.

Yours faithfully

Planning Support Team

Email: planning@cairngorms.co.uk
Website: www.cairngorms.co.uk

Tuesday, 14 June 2022



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

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

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



Dear Customer,

Land 60 Metres North West Of Killeard House, Killiecrankie, PH16 5LN
Planning Ref: 22/00899/FLL
Our Ref: DSCAS-0066787-Q7L
Proposal: Erection of a dwellinghouse and garage

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

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

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

General notes:

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

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

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non-Domestic Property:

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

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

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

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

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/00899/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email:
Description of Proposal	Erection of a dwellinghouse and garage		
Address of site	Land 60 Metres North West Of Killeard House Killiecrankie		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Affordable Housing</p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p>The site is within the Cairngorms National Park Area. Cairngorms National Park Local Development Plan Non-statutory Planning Guidance (Policy 1 New Housing Development) sets an Affordable Housing contribution requirement of £1,250 for one unit.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.</p>		

Recommended planning condition(s)	Summary of Requirements Affordable Housing: 1 x £1,250 Education: £0 <u>Total: £1,250</u> Phasing It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant. The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete. If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.
Recommended informative(s) for applicant	Payment Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice. Methods of Payment On no account should cash or cheques be remitted. Scheduled within a legal agreement This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice. NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue. Other methods of payment Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

	<p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Affordable Housing For Affordable Housing contributions please quote the following ledger code: 1-30-0060-0000-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	16 June 2022



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:

Developmentmanagement@pkc.gov.uk

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300058989
Your ref: 22/00899/FLL
20 June 2022

Dear Perth and Kinross Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land 60 Metres North West Of Killeard House, Killiecrankie - Erection of a dwellinghouse and garage.

Thank you for your consultation which we received on 07 June 2022. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
BTL12	Battle of Killiecrankie	Battlefield

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

The proposal is for the construction of a new dwellinghouse within the existing grounds of Killeard House.

The Battle of Killiecrankie (BTL12) is significant as it is the opening battle of the first Jacobite Rising in Scotland. In later years their success at Killiecrankie would be a continual inspiration to Jacobites in Scotland, even though the loss of the Viscount Dundee in the battle fatally undermined their cause. It also highlights the devastating effect a well-executed Highland charge could have on an enemy and displays the first of numerous technological and tactical developments by the fledgling British Army in this period.

The area of proposed development is not within the core of the Battlefield but sits approximately 200m south of the left-flank of the government lines.

We do not have significant concerns about the potential of the development to impact negatively on archaeological material critical to the understanding of the Battle. However, we do recommend that appropriate archaeological mitigation is applied to the site prior to

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

construction, such as metal detecting and a watching brief of any ground-breaking works. Your own archaeological advisors will be able to provide detailed advice regarding such mitigation works.

Given the relatively secluded nature of the proposed development site, we would not have significant concerns about the impacts on the key characteristics of the battlefield landscape.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Tom Parnell who can be contacted by phone on 0131 668 8662 or by email on tom.parnell@hes.scot.

Yours faithfully

Historic Environment Scotland



To:	Joanne Ferguson, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	30 th June 2022

22/00899/FLL | Erection of a dwellinghouse and garage | Land 60 Metres North West Of Killeard House Killiecrankie

Thank you for consulting PKHT on the above application.

As outlined in the neighbouring application 22/00897/FLL the area around Killeard House, Killiecrankie is considered to be of high historic significance being located close to the likely position of the government lines for the Battle of Killiecrankie (1689) as defined by the national Inventory of Historic Battlefield (BTL12).

Recent work undertaken as part of information gathering for the A9 Dualling Scheme managed by Jacobs on behalf of Transport Scotland has provided some more evidence to date on the potential for remains in the battlefield area north of the site. Metal detecting undertaken in 2003 and then as part of the A9 works in 2018 revealed several munitions including a musket shot, which are likely to be battlefield artefacts.

Therefore, given the outlined sensitivities and the potential wide spread of activity from the battlefield should this application be approved we recommend that that all ground-breaking works are subject to a programme of archaeological works condition, the scope of which will need agreed in a WSI before works commence. These are likely to include metal detecting and an archaeological evaluation/ archaeological monitoring in spits of the development area.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 149-150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

HE25 *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

Notes:

1. Should consent be given, it is important that the developer, or their agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00899/FLL

Our ref DAT

Date 1 July 2022

Tel No

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

22/00899/FLL RE: Erection of a dwellinghouse and garage Land 60 Metres Northwest Of Killeard House Killiecrankie

I refer to your letter dated 14 June 2022 in connection with the above application and have the following comments to make.

Recommendation

I have no objections to the application but recommend the undernoted condition and informative be included in any given consent.

Comments

The applicant is proposing the erection of a dwellinghouse in the grounds of the existing Killeard House to allow family members to occupy the existing property. Given that the location of the proposed dwelling is approximately 70m from the railway line there is the potential for noise from rail traffic to affect occupiers of the property however I note that the existing house and neighbouring properties are located closer to the line.

Noise

WHO – Environmental Noise Guidelines (2018) recommends that an internal target noise level of 30dB $L_{Aeq,8hr}$ and 45 dB L_{AFmax} to protect residents.

BS8233:2014 – Guidance on the Sound Insulation and Noise Reduction for Buildings, provides indoor ambient target noise levels for dwellings during the daytime of 35 dB $L_{Aeq(16hr)}$ in living rooms/bedrooms and a night-time target noise level of 30 dB $L_{Aeq(8hr)}$ for bedrooms. It also states that regular individual noise events (e.g., passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL or L_{AFmax} , depending on the character and number of events per night. The guidance also indicates that at an outdoor, daytime level of 50dB $L_{Aeq(16h)}$ is desirable, whilst an upper limit of 55dB $L_{Aeq,16h}$ will be acceptable in noisier environments.

Therefore, levels predicted to be above 55 dB $L_{Aeq(16h)}$ are likely to have a major impact.

External target noise levels of 55 dB L_{Aeq} for daytime and 45 dB L_{Aeq} for night-time which is provided in para 3.7 of Technical Advice Note – Assessment of Noise (TAN) 2011, which are used by the guidance for illustrative purposes only.

Whilst there was no noise impact assessment submitted with the application, I note from the design statement that the sustainability section refers to triple glazing and structurally insulated panels. I would recommend that the applicant take into consideration the above target levels to ensure that occupiers of the property are not adversely affected by noise from rail traffic and if necessary, consider mechanical ventilation as an alternative to open windows in habitable rooms facing the line.

I also note reference to an air or ground source heat pump being installed although there is no indication of this on the plans. The World Health Organisation (WHO) issued guidance in 1999 in relation to noise, at which time it was recommended that the following sound levels should be maintained: $Leq50-55dB(A)$ in outdoor living areas, $Leq35dB(A)$ in internal living areas and $Leq30dB(A)$ in bedrooms. This guidance is consistent with BS8233:2014 which recommends the following sound level ranges: $Leq30-40dB(A)$ in living areas and $Leq30-35dB(A)$ in bedrooms.

Given the distance attenuation to neighbouring properties these levels should be achievable for airborne noise allowing for 10-15dB reduction by a partially open window.

The sound levels recommended in the guidance does not take into account the relative noise level at octave frequency bands. Fixed plant of this type can create noise which has characteristics that are not adequately quantified by means of a Leq limit. I therefore recommend that an additional condition, based on Noise Rating, be included on any given consent to protect residential amenity.

Odour

I note from the floor plans there is a stove indicated in the lounge area although the elevation plans do not show a flue or chimney. Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. As the stove is likely to be domestic sized, I have no adverse comments to make with regards to air quality.

Another matter pertaining to stoves which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings. Given the distance to neighbouring residential properties, I do not foresee smoke and/or odour affecting residential amenity of neighbouring properties however I would recommend that the standard informative be added to any given consent.

Therefore, whilst I have no objection to the application, I would recommend that the following condition and informative be applied to any given consent

Condition

EH10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours

daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Informative

- The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 22/00899/FLL

Our ref CHF

Date 06/07/2022

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission 22/00899/FLL RE: Erection of a dwellinghouse and garage at Land 60 Metres North West Of Killeard House Killiecrankie for Mr B Parkins

I refer to your letter dated 15 June 2022 in connection with the above application and have the following comments to make.

Contaminated Land

Recommendation

I refer to the above application and have the following comments to make in respect of the proposed development.

Mapping indicates that the site is occupied by railway land, in addition to a historic cement, lime and plaster works immediately north of the site. There is the potential for the site to be impacted by contamination as a result of these land uses. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use.

Therefore if planning permission is granted in respect of this development I would recommend that the following condition is applied within the consent.

Condition

EH41

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.

