



Perth and Kinross Local Review Body

Council Building
2 High Street
Perth
PH1 5PH

23 February 2018

A Meeting of the **Local Review Body** will be held in the **Council Chamber, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Tuesday 6 March 2018** at **10.30am**.

If you have any queries please contact Committee Services on (01738) 475000.

GILLIAN A TAYLOR
Clerk to the Local Review Body

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.

Members

Councillor W Wilson
Councillor B Brawn
Councillor R McCall
Councillor L Simpson (Reserve)

Advisers

Clerk
Legal Adviser
Planning Adviser

Applicant

PERTH AND KINROSS LOCAL REVIEW BODY

6 MARCH 2018

AGENDA

1. Welcome
2. Declarations of Interest
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4. Applications for Review
 - (i) TCP/11/16(506)
Planning Application – 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank – Review Papers Attached **(Pages 7-100)**
 - (a) Notice of Review and supporting documents **(Pages 9-46)**
 - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 47-52)**
 - (c) Representations **(Pages 53-100)**
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 - (a) Notice of Review and supporting documents **(Pages 103-110)**
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- (iv) TCP/11/16(512)
Planning Application – 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour – Review Papers Attached
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- (a) Notice of Review and supporting documents **(Pages 255-386)**
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- (c) Representations **(Pages 391-412)**
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Planning Application – 17/01699/FLL – Formation of decking, Café Tabou, 4 St John’s Place, Perth, PH1 5SZ – Review Papers Attached
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- (a) Notice of Review and supporting documents **(Pages 415-432)**
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- (a) Notice of Review and supporting documents **(Pages 457-484)**
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Planning Application – 17/01447/FLL – Alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE – Review Papers Attached
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- (a) Notice of Review and supporting documents **(Pages 501-512)**
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- (c) Representations **(Pages 527-530)**

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Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 6 February 2018 at 10.30am.

Present: Councillors W Wilson, I James and L Simpson.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: S Panton and G Peebles (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

55. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

56. MINUTE

The minute of meeting of the Local Review Body of 9 January 2018 was submitted and noted.

57. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(503) - Planning Application – 17/01363/FLL – Alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU – Mr & Mrs Paesano**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU, be refused for the following reason:
 - 1. The proposed extension, by virtue of its unsympathetic scale, design and massing, would have a detrimental impact on the character and external appearance of the Listed Building. Approval would therefore be contrary Paragraph 141 of Scottish Planning Policy 2014, Policies PM1A, PM1B(c) and HE2 of the Perth and Kinross Local Development Plan 2014, all of which seek to safeguard listed buildings from inappropriate development.

Justification

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

(ii) TCP/11/16(505) - Planning Application – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth – Mr M Guild

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
 - 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as

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- the proposal for a dwellinghouse and garage on a prominent piece of land fails to create a sense of identity and erodes the character of the surroundings.
3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of the dwellinghouse and garage on this prominent piece of land would erode and dilute the areas landscape character.
 4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposal for a dwellinghouse and garage on a prominent piece of land does not contribute positively to the surrounding area.
 5. The proposal is contrary to Policy ER6 (a) of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities and the quality of landscape experience through the siting of the dwellinghouse and garage on this prominent piece of land.

Justification

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

(iii) TCP/11/16(507) – Planning application - 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy – Miss H McAllister

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy, be granted

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subject to suitable conditions, including a condition controlling noise from any plant, terms and informatives, including an informative regarding advertisement consent.

Justification

Whilst accepting that this change of use would represent a departure from the Development Plan, the Local Review Body considered that a combination of the small scale of the unit, the presence of other uses outwith Use Classes 4, 5 and 6 within the Aberfeldy Business Park, the employment provided by the proposal and the proximity to housing justified a departure from the Development Plan.

(iv) TCP/11/16(508) – Planning application - 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Mr D S McFadzean

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) Defer for the Applicant to submit an updated report from SAC on the justification of need, reflective of the additional land referred to in the Notice of Review;
- (iii) following receipt of the updated report, the Interim Development Quality Manager be invited to comment on the report;
- (iv) following the receipt of all further information, the application be brought back to the Local Review Body.

THERE FOLLOWED A TWENTY MINUTE RECESS

(v) TCP/11/16(509) – Planning application - 17/01524/FLL – Erection of dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder – K Laver & D Malcolm

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection

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of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

58. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(500) – Planning application - 17/01074/IPL – Erection of dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus – L Watt & M Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 5 December 2017, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 30 January 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, and having carried out a site visit on 30 January 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), land 40 metres north west of Kinnochtry House, Kinnochtry, Coupar Angus, be refused for the following reasons:

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1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2012, as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in the location.
3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape experience through the siting of the development within this area of Perth and Kinross by virtue of its location.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
5. The proposal is contrary to policy PM1B, criterion (a), of the Perth and Kinross Local Development Plan 2014 as the proposal, by virtue of its location, fails to create a sense of identity and erodes the character of the countryside.

Justification

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

Note: Councillor James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse (in principle) should be granted. The proposed erection of a dwellinghouse would form part of a building group and create a sense of identity in the surrounding area, thereby meeting the criteria of the Perth and Kinross Local Development Plan 2014.

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**TCP/11/16(506) – 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 9-46***)
- (b) Decision Notice (***Pages 49-50***)
  - Report of Handling (***Pages 35-45***)
  - Reference Documents (***Pages 22-34 and 51-52***)
- (c) Representations (***Pages 53-100***)



**TCP/11/16(506) – 17/01339/FLL – Erection of a  
dwellinghouse on land 40 metres north of The Stables,  
Main Street, Almondbank**

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

**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:

The reason for refusal relates to access only. There is clearly a difference of opinion between the respective parties, although the facts are the same. This difference of opinion needs to be aired orally and robustly tested in order to fully understand what the actual issue is.

**Site inspection**

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

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

None.

**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.

The physical land use principle of developing a dwellinghouse on the site is not an issue. There is also no issue with the design and layout of the proposed dwelling, or water and drainage arrangements. The reason for refusal relates solely to transport/access issues.

The separate statement and associated appendices attached to this form prepared by ECS Transport Planning, specifically address these issues as articulated in the Council's reason for refusal.

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.

At the time the planning application was formally submitted to Perth and Kinross Council for consideration, the applicant's Transportation Consultants produced documentation including a Speed Survey and Road Safety Audit that suggested the required setback distance from the edge of the public road to accommodate the required visibility splay was less than 2.4m. In the Transportation Officer's consultation response, there is a suggestion of a required set back distance of 2.4m to accommodate the required visibility splay. The applicant and his consultants were never given the opportunity of addressing this particular comment prior to the application being refused under delegated powers by the Planning Officer. In summary, the reason why this issue is being raised now is that the applicant was never given the opportunity to address it as part of the application, prior to the decision being made.

**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.

- 17-19-02B – Plans and Elevations
- 17-19-04A – Proposed Site Plan
- 17015-002 Rev B – Layout
- Existing Junction Visibility Splay
- Supporting documentation from ECS Transport Ltd including a Speed Survey and Road Safety Audit.
- Planning Officer's Report of Handling
- Appeal Statement and Appendices from ECS Transport Planning.

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

06.12.17



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# PROPOSED DWELLING ON LAND BETWEEN WOODEND COTTAGE AND THE STABLES, MAIN STREET, ALMONDBANK PLANNING APPLICATION REFERENCE NO: 17/01339/FLL

## 1.0 Introduction

- 1.1 ECS Transport Planning (ECS) were commissioned by Mr John Jenkins, the applicant, to consider vehicular access to a plot for a single dwelling off a private road which links to Main Street, Almondbank.
- 1.2 As part of the planning application's supporting information, ECS provided a statement detailing a review of the existing access junction with Main Street and a plan demonstrating an appropriate visibility splay that could be achieved. This supporting information is included in **Appendix A** attached.
- 1.3 The planning application was refused by Perth & Kinross Council (P&KC) under delegated powers with transportation issues/access detailed as the only reason for refusal. Neither ECS or the applicant's agent Farningham Planning Ltd were contacted by P&KC in advance of the refusal decision to request further information to try and address the concerns of officers. This statement considers the transportation reason for refusal and provides comment on the applicant's behalf.

## 2.0 Background

- 2.1 The proposed plot is located adjacent to a private road which connects with Main Street some 90m to the south of the bridge over the River Almond. From pre-application discussions with P&KC, it was understood that the private road was not a concern in itself, but that the access junction with Main Street needed to be considered in detail.
- 2.2 An independent survey company was commissioned to undertake a speed survey on Main Street adjacent to the junction to determine actual vehicle speeds. The survey identified that the northbound and southbound 85%ile speeds were 25mph and 25.7mph respectively.
- 2.3 P&KC use the SCOTS National Roads Development Guide for road design criteria. SCOTS utilises the visibility splay criteria from the National Policy document 'Designing Streets' which indicates a 'Y' distance of 33m for a 25mph road. In addition, Designing Streets indicates that an 'X' distance of 2m is appropriate for lightly trafficked routes which was considered to be consistent with the private road.
- 2.4 On the basis of the above survey information and relevant guidance, a plan demonstrating that the required visibility splay could be achieved was lodged with the Council in support of the planning application. See **Appendix A**.
- 2.5 It is understood that a stone pillar was previously located on the corner of the private road which impeded visibility to the left on exit. If this pillar was relocated within the identified visibility splay, it would be reasonable to expect P&KC to prevent reinstatement of the pillar under the powers granted to them within the Roads (Scotland) Act 1984, as it would obstruct the splay of an existing junction which is required to maintain road safety for existing users of the road.

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2.6 P&KC refused the application detailing the following reason for refusal:

*"1 The proposal will intensify the use of an existing sub standard access and junction which has poor geometry and poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan which seeks to ensure the safety of all users."*

2.7 As the reason for refusal is solely transport related, it is considered that the justification for the refusal has been taken from the consultation response provided by P&KC Transportation which states the following:

*"I note that this site has a history of planning applications that have all been refused due to the substandard private road which serves several properties and the poor geometry of the access junction which has severely restricted visibility."*

*Whilst I note the information supplied by the applicant's transport consultants, the road is subject to a 30mph speed limit and as such the visibility requirements would be 2.4m x 43.0m, which cannot be achieved at this location. Even allowing for the lower speeds of 25mph and 25.7mph indicated in the speed survey provided by the applicant's transport consultants, I am not satisfied that the minimum visibility splay as recommended by the applicant's transport consultants of 2m x 33m would be achievable or desirable at this location. Certainly, I would expect the set-back distance (X distance) to be 2.4m at this location."*

*Therefore for the reasons stated above, I recommend REFUSAL of this application on the grounds of pedestrian and traffic safety."*

### 3.0 Response to Reason for Refusal

- 3.1 At no time was the access road to the proposed plot raised as a concern by P&KC which is why the supporting information does not comment on the route. As stated in Paragraph 1.3 above, following submission of the application, there was no request for additional information or concerns raised regarding the access road.
- 3.2 The access road has been deemed suitable for residential access by P&KC given the existing properties which take access from the route. The minor increase in traffic associated with a single plot (5 vehicle movements in a 24hr period as taken from the TRICS database) will not result in a material adverse impact on existing residents who utilise the route and, as such, it is not considered that the access route is a valid reason to withhold support for the proposed dwelling.
- 3.3 The Officer states that the poor geometry of the access junction is a concern. P&KC rely on the SCOTS National Roads Development Guide and Designing Streets policy when considering infrastructure associated with planning applications.
- 3.4 Within the 'Junction Types and Arrangement' section of Designing Streets, it states that various junction forms should be considered rather than conventional junction types. A 'Y junction' is clearly listed as an appropriate junction form and the diagram specifically details a junction with an acute angled minor arm similar to the junction under consideration. Given the junction is currently in operation; there is no recorded accident history as evidenced by the submitted Road Safety Audit; and, the layout conforms with current policy, it is not considered that the geometry of the junction is a valid reason for refusal.
- 3.5 With respect to junction visibility, it is accepted standard practice that the visibility is based on measured 85<sup>th</sup>ile speeds, if this information is available. Clearly, this can result in a greater or lesser visibility requirement based on the results.

- 3.6 The submitted Speed Survey undertaken by an independent survey company over a 7 day period provides a robust assessment of vehicle speeds. As previously stated, the vehicle speeds resulted in the need for a Y distance of 33m.

- 3.7 Designing Streets states the following on X distance:

*“A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.”*

- 3.8 Given the very small traffic volumes and that traffic approaching the junction from the minor arm will be travelling at a very low speed due to the geometry, it was considered that the junction was an ideal location to employ a 2m X distance.

- 3.9 Clearly, the Officer does not agree with the above approach and has requested that a 2.4m X distance be provided. ECS drawing 17015\_002 Rev B contained within **Appendix B** attached, highlights that an X distance of 2.4m can be achieved at the junction and that the required splay is currently available.

- 3.10 As the X distance of 2.4m can be provided, it is considered that all of the points raised by P&KC Transportation have been satisfactorily addressed as per the requirements of current guidance, policies and the Roads (Scotland) Act 1984. On the basis of the above, it is considered that the sole reason for refusal is not valid.

- 3.11 Furthermore, the applicant commissioned Wyllie Lodge Road Safety Consultants to undertake an independent review of the access junction and whether it would be appropriate to accommodate the proposed additional dwelling. The conclusion of the safety review indicated that the junction in its current form, could satisfactorily accommodate the proposed dwelling but suggested that the vegetation be managed. As the junction is existing, the vegetation should be managed in any event.

- 3.12 It must be stressed that the additional information referred to above would have been supplied to P&KC if Council Officers had made the applicant's agent aware that further information was required or that there were concerns with transport related matters.

#### **4.0 Conclusions**

- 4.1 P&KC has refused the application for a single dwelling based on transportation concerns associated with the access from Main Street. The existing access has visibility splays consistent with the required guidance and currently accommodates residential traffic with no record of accidents.

- 4.2 The development proposals represent a minimal increase in traffic which can be safely accommodated by the existing road layout.



Head of Planning,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull St,  
Perth,  
PH1 5GD.

Direct Tel:  
Direct Email:

Our Ref: 17015\_001  
Your Ref:

Date: 21<sup>st</sup> June 2017

**(Email Only)**

Dear Sirs,

**PROPOSED DWELLING, LAND BETWEEN WOODEND COTTAGE AND THE STABLES, MAIN STREET, ALMONDBANK**

ECS Transport Planning (ECS) has been commissioned by Mr John Jenkins to consider access to a plot for a single dwelling from a private road which links to Main Street, Almondbank.

The plot is located adjacent to a private road which connects with Main Street some 90m to the south of the bridge over the River Almond. From previous discussions with Perth and Kinross Council (P&KC) we understand that the private road is not a concern but the access junction with Main Street should be considered in detail.

ECS commissioned Transurveys, an independent survey company, to undertake a speed survey of Main Street adjacent to the private access road junction. The survey identified that the northbound and southbound 85<sup>th</sup>ile speeds were 25mph and 25.7mph, respectively. The speed survey is enclosed for review.

P&KC refer to the SCOTS National Roads Development Guide for road design criteria. SCOTS utilises the visibility splay criteria from the National Policy document 'Designing Streets' which indicates a 'Y' distance of 33m for a 25mph road. In addition, Designing Streets indicates that an 'X' distance of 2m is appropriate for lightly trafficked routes which we consider is consistent with the private road.

ECS drawing 17015\_001 is enclosed which highlights the required visibility splay and demonstrates that it has very little impact on land outwith the carriageway. From our site visit it would appear that the required visibility splay is currently available, therefore, the access junction is appropriate for the minor increase in traffic associated with a single house.

We understand that a stone pillar was previously located on the corner of the private road which could impede visibility to the left on exit. If this pillar was located within the identified visibility splay we would expect P&KC to prevent reinstatement of the pillar under the powers granted to them within the Roads (Scotland) Act 1984 as it would obstruct the splay of an existing junction which is required to maintain road safety for existing users of the road.

Based on the visibility splay available at present, the speed of vehicles on Main Street and the minor increase in traffic associated with the proposed development, we do not consider there is any transportation reason to withhold support for the development.

Yours Sincerely,



**Michael Summers**  
Director

Encls



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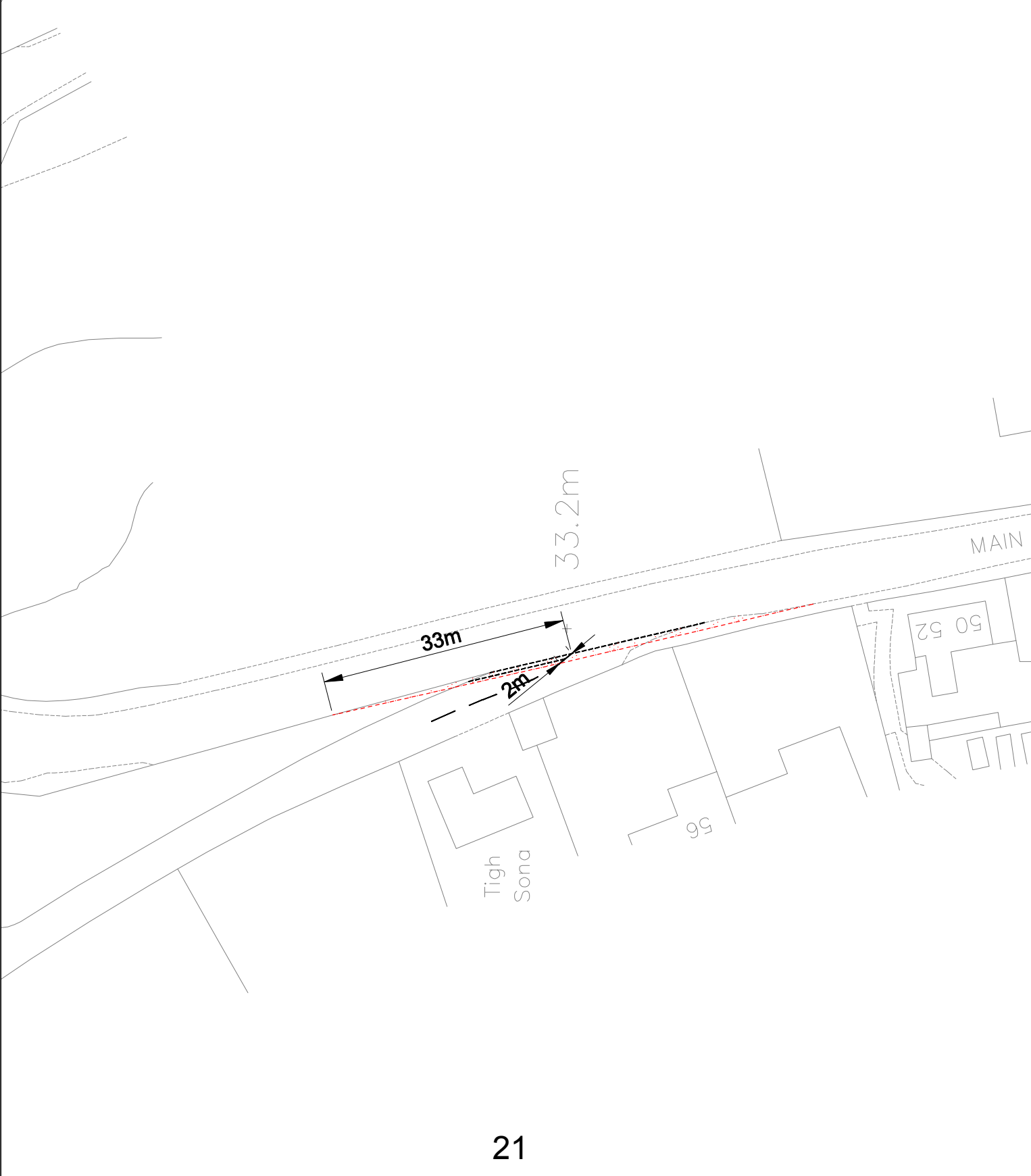
Key



2m x 33m Junction Visibility

Notes

1. Road markings are not currently present on street and have only been shown to demonstrate accurate visibility splays.
2. The X visibility distance has been measured at an angle along the centreline of the carriageway as the vehicles will not be positioned at right angles at the gateway line.



| DATE                                                                                  | AMENDMENTS | DRAWN | CHK | APP |
|---------------------------------------------------------------------------------------|------------|-------|-----|-----|
| ECS Transport Planning Ltd<br>Centrium Office<br>38 Queen Street<br>Glasgow<br>G1 3DX |            |       |     |     |
|                                                                                       |            |       |     |     |
| Telephone: 0844 443 0934<br>Email: info@ecstransport.co.uk                            |            |       |     |     |

Client

MR JOHN JENKINS

Project

ALMONDBANK

EXISTING JUNCTION  
VISIBILITY SPLAY

|      |       |         |          |
|------|-------|---------|----------|
| Team | Drawn | Checked | Approved |
| -    | SS    | MS      | MS       |

|            |            |
|------------|------------|
| Scale @ A3 | Date       |
| 1:500      | 14.06.2017 |

|             |             |     |
|-------------|-------------|-----|
| Project No. | Drawing No. | Rev |
| 17015       | 17015_001   | -   |

|                  |                                                     |                                       |                                           |
|------------------|-----------------------------------------------------|---------------------------------------|-------------------------------------------|
| Purpose of Issue | <input type="checkbox"/> Preliminary                | <input type="checkbox"/> For Tender   | <input type="checkbox"/> For Construction |
|                  | <input checked="" type="checkbox"/> For Information | <input type="checkbox"/> For Approval | <input type="checkbox"/> As Built         |

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**Key**

2.4m x 33m Junction Visibility

**Notes**

1. Road markings are not currently present on street and have only been shown to demonstrate accurate visibility splays.

2. The X visibility distance has been measured at an angle along the centreline of the carriageway as the vehicles will not be positioned at right angles at the gateway line.

|     |          |  |                    |       |     |     |
|-----|----------|--|--------------------|-------|-----|-----|
| B   | 25.08.17 |  | PLAYS AMENDED      | SS    | MS  | MS  |
| A   | 16.08.17 |  | SCALE BAR INCLUDED | SS    | MS  | MS  |
| REV | DATE     |  | AMENDMENTS         | DRAWN | CHK | APP |

ECS

TRANSPORT PLANNING LIMITED

ECS Transport Planning Ltd

Centurion Offices

38 Queen Street

Glasgow

G1 3DX

Telephone: 0844 443 0634

Email: info@ecstransport.co.uk

Client

MR JOHN JENKINS

Project

ALMONDBANK

Title

EXISTING JUNCTION  
VISIBILITY SPLAY

|      |       |         |          |
|------|-------|---------|----------|
| Team | Drawn | Checked | Approved |
| -    | SS    | MS      | MS       |

Scale @ A3

1:500

Date

14.06.2017

Project No.

17015

Drawing No.

17015\_002

Rev

B

Purpose of Issue

☐ Preliminary

☐ For Tender

☐ For Construction

☒ For Information

☐ For Approval

☐ As Built

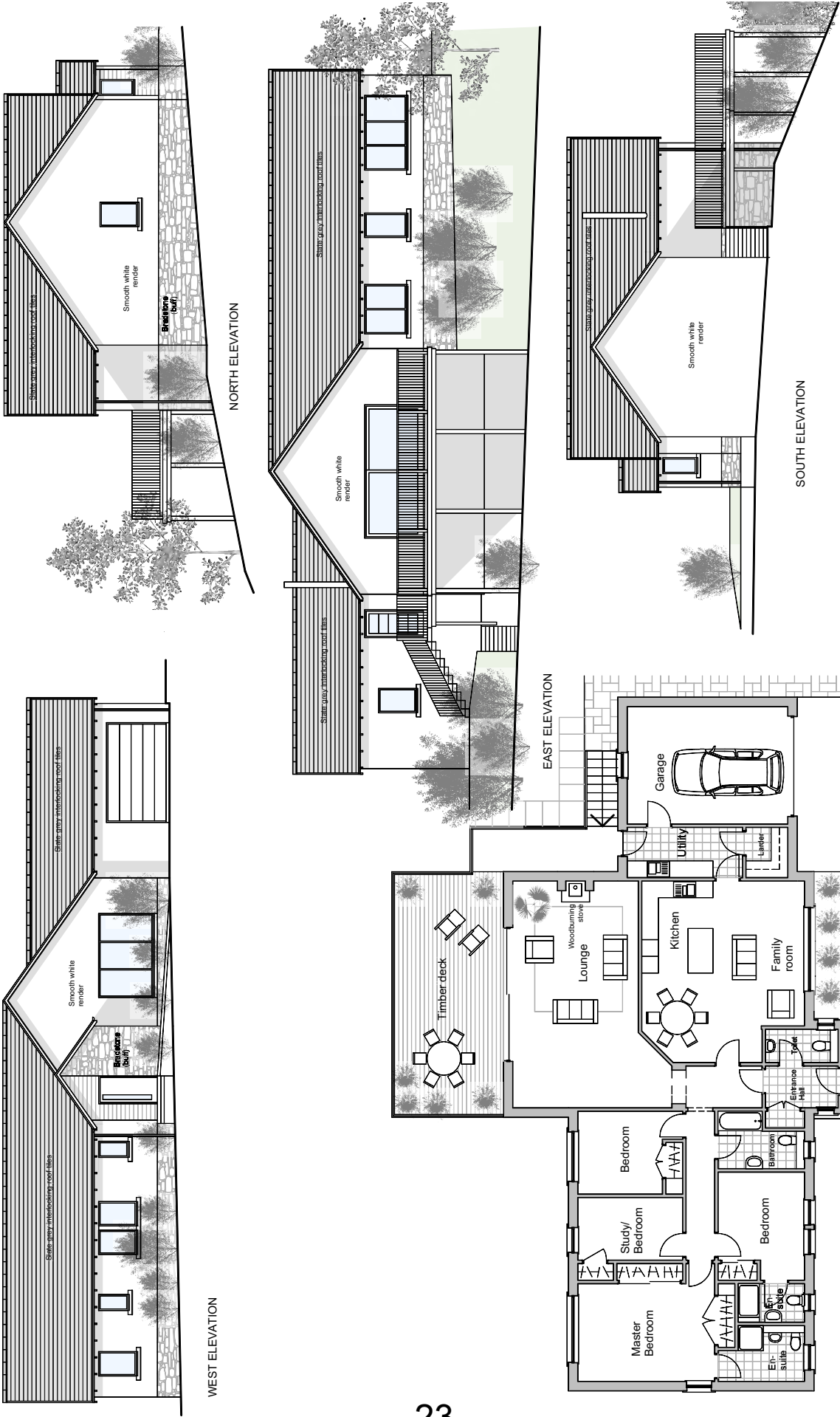
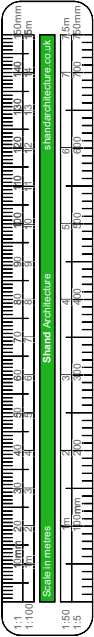
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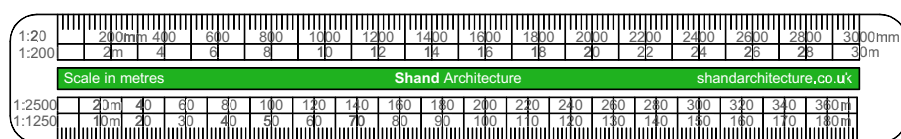
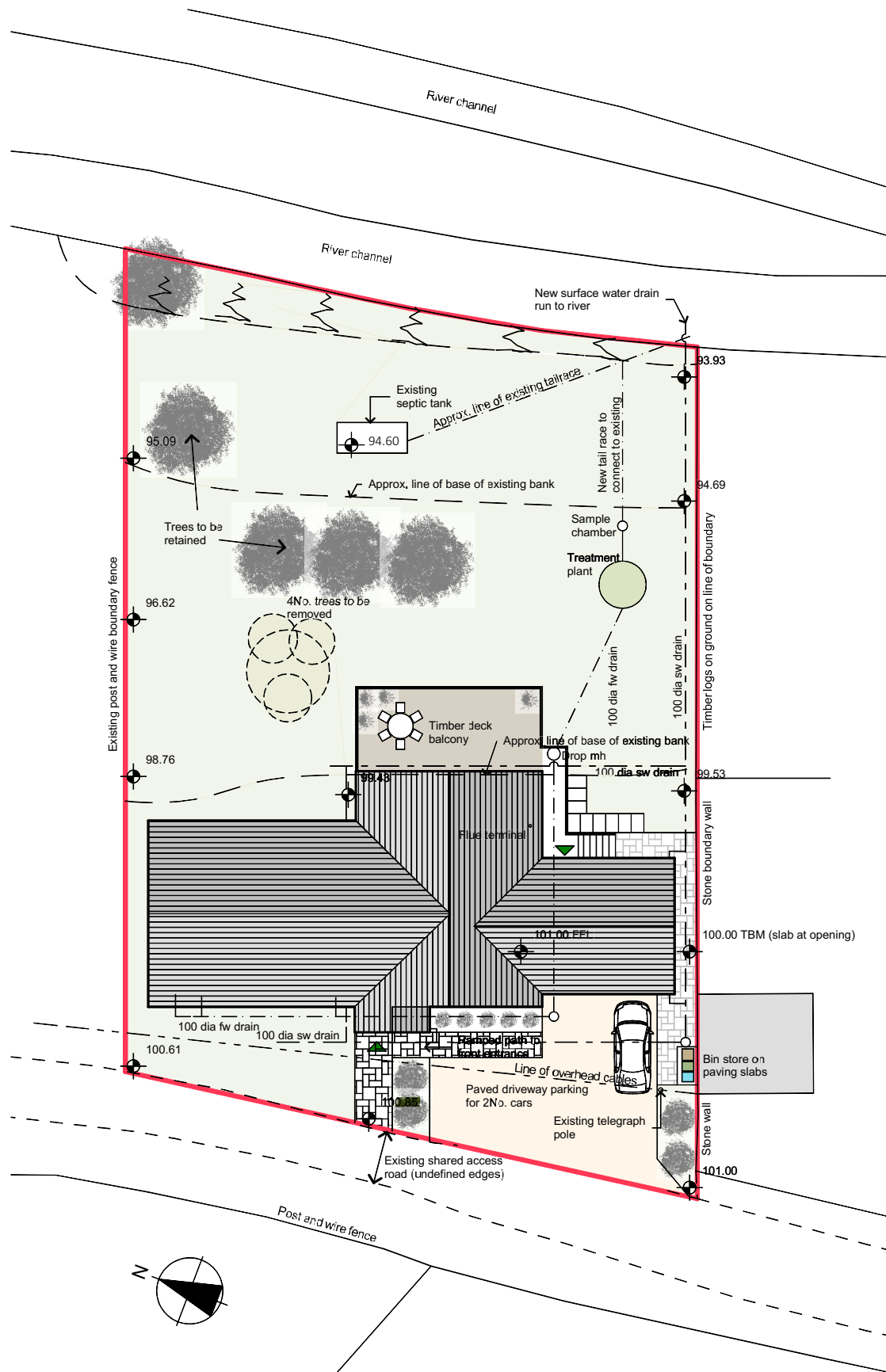
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22



|                                              |                      |                             |
|----------------------------------------------|----------------------|-----------------------------|
| Project No.                                  | 17-19                |                             |
|                                              | PLANS AND ELEVATIONS |                             |
|                                              | Title                |                             |
| Scale                                        | 1:100                | Project                     |
| Date                                         | 14/07/2017           | Proposed House at Redcliff, |
| Stage                                        | Planning             | Almondbank, Perth           |
| Revisions                                    |                      |                             |
| A                                            | dd/mm/yyyy           | Layout amended              |
| B                                            | 27/7/2017            | Minor revisions             |
| C                                            |                      |                             |
| D                                            |                      |                             |
| E                                            |                      |                             |
| Notes                                        |                      |                             |
| Shand Architecture                           |                      |                             |
| Studio One, Crook of Devon, Kinross KY13 0UL |                      |                             |
| Tel: 01517 840 202                           |                      |                             |
| shand@shandarchitecture.co.uk                |                      |                             |
| www.shandarchitecture.co.uk                  |                      |                             |





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|  |                     |                                                  |                         |       |            |       |       |                          |   |   |   |   |
|--|---------------------|--------------------------------------------------|-------------------------|-------|------------|-------|-------|--------------------------|---|---|---|---|
|  | Chartered Architect | Project                                          | Drg. Title              | Date  | 14/07/2017 | Scale | 1:200 | Drg. No.<br><br>17-19-04 |   |   |   |   |
|  | Shand Architecture  | Proposed House at Redcliff,<br>Almondbank, Perth | PROPOSED SITE PLAN (A3) | Stage | Planning   |       |       |                          |   |   |   |   |
|  | Revision            |                                                  |                         | A     | B          | C     | D     |                          | E | F | G | H |
|  |                     |                                                  |                         |       |            |       |       |                          |   |   |   |   |



# TRAFFIC SURVEY REPORT

**ALMONDBANK, PERTHSHIRE**

**TRANSURVEYS LIMITED**

BLUE SQUARE OFFICES, 272 BATH STRET, GLASGOW, G2 4JR

TRAFFIC SURVEY REPORT

QUALITY MANAGEMENT

CLIENT ECS Transport Planning Limited  
PROJECT Almondbank, Perthshire ATC  
REFERENCE TS-17-028  
REVISION 001

| Revision | Date       | Prepared by  | Signed | Checked by   | Signed |
|----------|------------|--------------|--------|--------------|--------|
| 001      | 05/05/2017 | Neil Dempsey |        | Neil Dempsey |        |

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## SURVEYED NETWORK

1. Main Street, south / west of River Almond Bridge (Automatic Traffic Counter)





## **ATC LINK & SPEED SURVEYS**

TRAFFIC SURVEY REPORT

**A10 CLASSIFIED LINK 1 SPEED SURVEY**

**Project:** Almondbank, Perthshire  
**Client:** ECS Transport Planning Limited.  
**Job No.** TS-17-028  
**Site 1:** Main Street, southwest of River Almond Bridge.  
**Movement:** Northbound

| Time                | Total | Vehicle Classifications |             |            | Speed Categories |         |          |          |          |          |          |          |          |          |          |          |          |          |          | Speed    |          |          |          |           |      |          |         |         |  |  |
|---------------------|-------|-------------------------|-------------|------------|------------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|------|----------|---------|---------|--|--|
|                     |       | 1<br>LIGHT              | 2<br>MEDIUM | 3<br>HEAVY | 0-5mph           | 5-10mph | 10-15mph | 15-20mph | 20-25mph | 25-30mph | 30-35mph | 35-40mph | 40-45mph | 45-50mph | 50-55mph | 55-60mph | 60-65mph | 65-70mph | 70-75mph | 75-80mph | 80-85mph | 85-90mph | 90-95mph | 95-100mph | Mean | 88th/ile | Minimum | Maximum |  |  |
|                     |       | Date: 21 April 2017     |             |            |                  |         |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |      |          |         |         |  |  |
| 00:00               | 01:00 | 0                       | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 01:00               | 02:00 | 0                       | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 02:00               | 03:00 | 2                       | 2           | 0          | 0                | 0       | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.8     | 19.9    | 25.8    |  |  |
| 03:00               | 04:00 | 2                       | 1           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 23.2     | 22.2    | 24.2    |  |  |
| 04:00               | 05:00 | 1                       | 1           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.5     | -       | 21.5    |  |  |
| 05:00               | 06:00 | 6                       | 4           | 2          | 0                | 0       | 0        | 0        | 0        | 2        | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.8     | -       | 19.7    |  |  |
| 06:00               | 07:00 | 20                      | 19          | 1          | 0                | 0       | 0        | 1        | 3        | 12       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.1     | 13.1    | 27.1    |  |  |
| 07:00               | 08:00 | 69                      | 60          | 9          | 0                | 0       | 0        | 2        | 13       | 46       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.7     | 24.4    | 28.5    |  |  |
| 08:00               | 09:00 | 71                      | 67          | 4          | 0                | 0       | 0        | 4        | 21       | 34       | 12       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.4     | 25.3    | 31.7    |  |  |
| 09:00               | 10:00 | 37                      | 30          | 7          | 0                | 0       | 0        | 5        | 17       | 6        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.0     | 24.8    | 30.7    |  |  |
| 10:00               | 11:00 | 33                      | 25          | 8          | 0                | 0       | 0        | 2        | 5        | 24       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.3     | 20.0    | 33.4    |  |  |
| 11:00               | 12:00 | 41                      | 33          | 8          | 0                | 0       | 0        | 1        | 12       | 23       | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.3     | 24.2    | 35.0    |  |  |
| 12:00               | 13:00 | 107                     | 94          | 13         | 0                | 0       | 0        | 25       | 66       | 11       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.0     | 26.0    | 32.0    |  |  |
| 13:00               | 14:00 | 53                      | 46          | 6          | 1                | 0       | 1        | 2        | 7        | 32       | 11       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.0     | 25.3    | 33.0    |  |  |
| 14:00               | 15:00 | 67                      | 62          | 5          | 0                | 0       | 0        | 3        | 10       | 40       | 13       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.8     | 26.1    | 30.9    |  |  |
| 15:00               | 16:00 | 46                      | 41          | 5          | 0                | 0       | 0        | 0        | 0        | 13       | 27       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.6     | 23.9    | 30.2    |  |  |
| 16:00               | 17:00 | 40                      | 36          | 1          | 0                | 0       | 0        | 0        | 0        | 10       | 23       | 5        | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.1     | 24.8    | 31.1    |  |  |
| 17:00               | 18:00 | 36                      | 28          | 8          | 0                | 0       | 0        | 2        | 11       | 19       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.4     | 24.8    | 34.4    |  |  |
| 18:00               | 19:00 | 26                      | 28          | 1          | 0                | 0       | 0        | 0        | 3        | 7        | 18       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.9     | 23.0    | 30.0    |  |  |
| 19:00               | 20:00 | 29                      | 27          | 2          | 0                | 0       | 0        | 0        | 0        | 17       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.5     | 24.4    | 32.1    |  |  |
| 20:00               | 21:00 | 17                      | 15          | 2          | 0                | 0       | 0        | 0        | 2        | 5        | 10       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 19.4     | 21.9    | 33.8    |  |  |
| 21:00               | 22:00 | 12                      | 12          | 0          | 0                | 0       | 0        | 0        | 0        | 3        | 7        | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.5     | 24.2    | 34.5    |  |  |
| 22:00               | 23:00 | 16                      | 9           | 1          | 0                | 0       | 0        | 0        | 1        | 2        | 6        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.3     | -       | 11.9    |  |  |
| 23:00               | 00:00 | 5                       | 4           | 1          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.6     | -       | 17.1    |  |  |
| 01:00               | 02:00 | 629                     | 533         | 75         | 1                | 8       | 3        | 24       | 142      | 373      | 81       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.7     | 24.8    | 33.0    |  |  |
| 02:00               | 03:00 | 907                     | 628         | 80         | 1                | 8       | 3        | 28       | 162      | 419      | 86       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.7     | 24.8    | 33.0    |  |  |
| 03:00               | 04:00 | 722                     | 639         | 82         | 1                | 8       | 3        | 29       | 166      | 427      | 90       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.6     | 24.8    | 33.0    |  |  |
| 04:00               | 05:00 | 647                     | 567         | 85         | 1                | 8       | 3        | 29       | 169      | 432      | 93       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.6     | 24.8    | 33.0    |  |  |
| Date: 22 April 2017 |       |                         |             |            |                  |         |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |      |          |         |         |  |  |
| 00:00               | 01:00 | 0                       | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 01:00               | 02:00 | 2                       | 2           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 19.0     | 19.9    | 27.6    |  |  |
| 02:00               | 03:00 | 1                       | 1           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 24.4     | -       | 24.4    |  |  |
| 03:00               | 04:00 | 0                       | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 04:00               | 05:00 | 1                       | 1           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 19.5     | -       | 19.5    |  |  |
| 05:00               | 06:00 | 2                       | 1           | 1          | 0                | 0       | 0        | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.3     | -       | 19.1    |  |  |
| 06:00               | 07:00 | 11                      | 8           | 3          | 0                | 0       | 0        | 2        | 3        | 4        | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.4     | 23.3    | 27.5    |  |  |
| 07:00               | 08:00 | 17                      | 15          | 2          | 0                | 0       | 0        | 3        | 4        | 7        | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.4     | 23.9    | 33.0    |  |  |
| 08:00               | 09:00 | 36                      | 32          | 4          | 0                | 0       | 0        | 2        | 12       | 17       | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.8     | 24.4    | 30.3    |  |  |
| 09:00               | 10:00 | 43                      | 41          | 2          | 0                | 0       | 0        | 2        | 14       | 23       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.9     | 24.2    | 30.3    |  |  |
| 10:00               | 11:00 | 46                      | 43          | 3          | 0                | 0       | 0        | 2        | 7        | 23       | 14       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.3     | 25.9    | 33.6    |  |  |
| 11:00               | 12:00 | 36                      | 32          | 4          | 0                | 0       | 0        | 0        | 13       | 17       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.7     | 25.7    | 30.0    |  |  |
| 12:00               | 13:00 | 31                      | 29          | 2          | 0                | 0       | 0        | 0        | 9        | 18       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.7     | 25.7    | 30.0    |  |  |
| 13:00               | 14:00 | 40                      | 39          | 1          | 0                | 0       | 0        | 0        | 8        | 25       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 22.2     | 24.6    | 34.4    |  |  |
| 14:00               | 15:00 | 35                      | 33          | 2          | 0                | 0       | 0        | 0        | 2        | 9        | 19       | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.4     | 24.8    | 33.5    |  |  |
| 15:00               | 16:00 | 28                      | 25          | 3          | 0                | 0       | 0        | 0        | 5        | 21       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.8     | 23.9    | 35.9    |  |  |
| 16:00               | 17:00 | 30                      | 29          | 1          | 0                | 0       | 0        | 0        | 1        | 9        | 17       | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.8     | 24.6    | 33.7    |  |  |
| 17:00               | 18:00 | 27                      | 24          | 3          | 0                | 0       | 0        | 0        | 7        | 16       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.9     | 24.4    | 35.0    |  |  |
| 18:00               | 19:00 | 25                      | 24          | 1          | 0                | 0       | 0        | 0        | 5        | 17       | 2        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 21.9     | 23.9    | 30.5    |  |  |
| 19:00               | 20:00 | 16                      | 14          | 2          | 0                | 0       | 0        | 0        | 4        | 10       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.3     | 23.5    | 34.4    |  |  |
| 20:00               | 21:00 | 13                      | 12          | 1          | 0                | 0       | 0        | 0        | 3        | 6        | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 23.1     | 26.5    | 39.5    |  |  |
| 21:00               | 22:00 | 10                      | 9           | 1          | 0                | 0       | 0        | 0        | 0        | 6        | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 19.7     | -       | 19.3    |  |  |
| 22:00               | 23:00 | 4                       | 3           | 1          | 0                | 0       | 0        | 0        | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 18.6     | -       | 17.5    |  |  |
| 01:00               | 02:00 | 6                       | 6           | 0          | 0                | 0       | 0        | 0        | 1        | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 20.8     | -       | 14.3    |  |  |
| 02:00               | 03:00 | 394                     | 386         | 28         | 0                | 0       | 1        | 12       | 102      | 220      | 58       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 21.6    |         |  |  |







**A10 CLASSIFIED LINK 1 SPEED SURVEY**

**Project:** Almondbank, Perthshire  
**Client:** ECS Transport Planning Limited.  
**Job No.** TS-17-028  
**Site 1:** Main Street, southwest of River Almond Bridge.  
**Movement:** Southbound

| Time                | Vehicle Classifications |             |            | Speed Categories |         |          |          |          |          |          |          |          |          |          |          |          |          |          | Speed    |          |          |          |           |      |          |         |         |      |     |
|---------------------|-------------------------|-------------|------------|------------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|------|----------|---------|---------|------|-----|
|                     | 1<br>LIGHT              | 2<br>MEDIUM | 3<br>HEAVY | 0-5 mph          | 5-10mph | 10-15mph | 15-20mph | 20-25mph | 25-30mph | 30-35mph | 35-40mph | 40-45mph | 45-50mph | 50-55mph | 55-60mph | 60-65mph | 65-70mph | 70-75mph | 75-80mph | 80-85mph | 85-90mph | 90-95mph | 95-100mph | Mean | 85th/ile | Minimum | Maximum |      |     |
| Date: 21 April 2017 |                         |             |            |                  |         |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |      |          |         |         |      |     |
| 00:00               | 01:00                   | 1           | 1          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 222      | -       | 24.2    | 222  |     |
| 01:00               | 02:00                   | 1           | 1          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 242      | -       | 24.2    | 242  |     |
| 02:00               | 03:00                   | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       | 242  |     |
| 03:00               | 04:00                   | 1           | 0          | 1                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 268      | -       | 26.8    | 268  |     |
| 04:00               | 05:00                   | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       | 268  |     |
| 05:00               | 06:00                   | 4           | 2          | 2                | 0       | 0        | 0        | 2        | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 209      | -       | 17.7    | 247  |     |
| 06:00               | 07:00                   | 69          | 56         | 3                | 0       | 0        | 1        | 3        | 37       | 17       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 240      | 26.5    | 13.4    | 305  |     |
| 07:00               | 08:00                   | 80          | 77         | 3                | 0       | 0        | 1        | 9        | 47       | 23       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 237      | 28.4    | 14.2    | 297  |     |
| 08:00               | 09:00                   | 40          | 32         | 8                | 0       | 0        | 2        | 4        | 28       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 225      | 24.8    | 11.8    | 280  |     |
| 09:00               | 10:00                   | 28          | 26         | 2                | 0       | 0        | 0        | 0        | 15       | 11       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 219      | 28.4    | 17.5    | 287  |     |
| 10:00               | 11:00                   | 36          | 27         | 8                | 1       | 0        | 0        | 10       | 23       | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 216      | 24.6    | 16.6    | 271  |     |
| 11:00               | 12:00                   | 24          | 16         | 6                | 2       | 0        | 0        | 4        | 12       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 225      | 28.2    | 13.4    | 306  |     |
| 12:00               | 13:00                   | 59          | 50         | 8                | 0       | 0        | 0        | 6        | 45       | 9        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 230      | 24.8    | 16.2    | 288  |     |
| 13:00               | 14:00                   | 33          | 28         | 5                | 0       | 0        | 0        | 2        | 7        | 20       | 3        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 217      | 24.2    | 15.0    | 304  |     |
| 14:00               | 15:00                   | 40          | 36         | 4                | 0       | 0        | 0        | 5        | 23       | 12       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | 26.7    | 17.6    | 307  |     |
| 15:00               | 16:00                   | 68          | 62         | 3                | 0       | 0        | 0        | 4        | 31       | 19       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | 29.3    | 18.7    | 342  |     |
| 16:00               | 17:00                   | 66          | 60         | 8                | 0       | 0        | 0        | 7        | 43       | 17       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | 29.2    | 18.2    | 307  |     |
| 17:00               | 18:00                   | 63          | 61         | 2                | 0       | 0        | 0        | 3        | 35       | 13       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 230      | 26.6    | 14.0    | 288  |     |
| 18:00               | 19:00                   | 35          | 31         | 4                | 0       | 0        | 0        | 7        | 29       | 8        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 224      | 26.1    | 14.2    | 280  |     |
| 19:00               | 20:00                   | 24          | 23         | 1                | 0       | 0        | 0        | 3        | 14       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 26.3    | 14.5    | 280  |     |
| 20:00               | 21:00                   | 17          | 16         | 1                | 0       | 0        | 0        | 4        | 10       | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 24.8    | 14.5    | 280  |     |
| 21:00               | 22:00                   | 12          | 11         | 1                | 0       | 0        | 0        | 3        | 6        | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 26.1    | 15.2    | 272  |     |
| 22:00               | 23:00                   | 12          | 11         | 1                | 0       | 0        | 0        | 2        | 5        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 26.2    | 15.6    | 285  |     |
| 07:00-18:00         |                         |             |            | 84               | 488     | 63       | 3        | 0        | 10       | 67       | 353      | 129      | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 230     | 26.7    | 11.8 | 342 |
| 18:00-23:00         |                         |             |            | 699              | 524     | 72       | 3        | 0        | 0        | 12       | 84       | 463      | 163      | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 230     | 26.7    | 11.8 | 342 |
| 08:00-23:00         |                         |             |            | 723              | 646     | 74       | 3        | 0        | 0        | 12       | 89       | 449      | 167      | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 230     | 26.7    | 11.8 | 342 |
| 09:00-23:00         |                         |             |            | 680              | 177     | 3        | 0        | 0        | 12       | 91       | 453      | 168      | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 230     | 26.7    | 11.8 | 342 |
| Date: 22 April 2017 |                         |             |            |                  |         |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |      |          |         |         |      |     |
| 00:00               | 01:00                   | 4           | 4          | 0                | 0       | 0        | 0        | 0        | 3        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 243      | -       | 22.3    | 243  |     |
| 01:00               | 02:00                   | 3           | 3          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | -       | 21.7    | 243  |     |
| 02:00               | 03:00                   | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       | 243  |     |
| 03:00               | 04:00                   | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       | 243  |     |
| 04:00               | 05:00                   | 0           | 0          | 0                | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       | 243  |     |
| 05:00               | 06:00                   | 3           | 2          | 1                | 0       | 0        | 0        | 0        | 2        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       | 243  |     |
| 06:00               | 07:00                   | 9           | 6          | 3                | 0       | 0        | 0        | 1        | 2        | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 247      | -       | 24.4    | 255  |     |
| 07:00               | 08:00                   | 11          | 8          | 3                | 0       | 0        | 0        | 8        | 3        | 2        | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 206      | -       | 14.7    | 243  |     |
| 08:00               | 09:00                   | 17          | 13         | 4                | 0       | 0        | 0        | 16       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 26.9    | 15.8    | 282  |     |
| 09:00               | 10:00                   | 15          | 14         | 1                | 0       | 0        | 0        | 8        | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 231      | 24.2    | 20.1    | 263  |     |
| 10:00               | 11:00                   | 25          | 22         | 3                | 0       | 0        | 0        | 3        | 16       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 235      | 26.6    | 16.5    | 278  |     |
| 11:00               | 12:00                   | 24          | 22         | 2                | 0       | 0        | 0        | 6        | 14       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | 25.3    | 18.9    | 270  |     |
| 12:00               | 13:00                   | 42          | 40         | 2                | 0       | 0        | 0        | 28       | 10       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | 26.7    | 16.4    | 288  |     |
| 13:00               | 14:00                   | 30          | 29         | 1                | 0       | 0        | 0        | 3        | 17       | 9        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 234      | 26.2    | 17.7    | 303  |     |
| 14:00               | 15:00                   | 46          | 42         | 4                | 0       | 0        | 0        | 6        | 27       | 13       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 233      | 26.7    | 16.0    | 288  |     |
| 15:00               | 16:00                   | 30          | 28         | 2                | 0       | 0        | 0        | 2        | 23       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 24.8    | 14.5    | 281  |     |
| 16:00               | 17:00                   | 50          | 49         | 1                | 0       | 0        | 0        | 3        | 34       | 12       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 234      | 26.3    | 16.3    | 304  |     |
| 17:00               | 18:00                   | 46          | 44         | 2                | 0       | 0        | 0        | 6        | 33       | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 222      | 24.4    | 15.2    | 280  |     |
| 18:00               | 19:00                   | 34          | 32         | 2                | 0       | 0        | 0        | 4        | 16       | 14       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 238      | 26.9    | 17.4    | 281  |     |
| 19:00               | 20:00                   | 17          | 16         | 1                | 0       | 0        | 0        | 2        | 13       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 233      | 24.2    | 15.4    | 278  |     |
| 20:00               | 21:00                   | 10          | 9          | 1                | 0       | 0        | 0        | 3        | 6        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 214      | -       | 16.9    | 253  |     |
| 21:00               | 22:00                   | 12          | 11         | 1                | 0       | 0        | 0        | 2        | 7        | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 26.1    | 17.2    | 289  |     |
| 22:00               | 23:00                   | 12          | 11         | 1                | 0       | 0        | 0        | 4        | 7        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 213      | 22.1    | 17.3    | 280  |     |
| 23:00               | 00:00                   | 7           | 6          | 1                | 0       | 0        | 0        | 3        | 3        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 217      | -       | 19.2    | 272  |     |
| 07:00-18:00         |                         |             |            | 370              | 343     | 27       | 0        | 0        | 1        | 46       | 234      | 87       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 230     | 26.7    | 14.5 | 304 |
| 18:00-23:00         |                         |             |            | 418              | 385     | 33       | 0        | 0        | 2        | 55       | 266      | 93       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 229     | 26.5    | 14.5 | 304 |
| 08:00-23:00         |                         |             |            | 457              | 402     | 35       | 0        | 0        | 2        | 62       | 276      | 95       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 0        | 229     | 26.5    | 14.5 | 304 |
| 09:00-23:00         |                         |             |            | 414              |         |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |      |          |         |         |      |     |



| Time                            | Total | Vehicle Classifications |             |            | Speed Categories |        |         |          |          |          |          |          |          |          |          |          |           |      |          |         | Speed   |  |  |
|---------------------------------|-------|-------------------------|-------------|------------|------------------|--------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|------|----------|---------|---------|--|--|
|                                 |       | 1<br>LIGHT              | 2<br>MED/SM | 3<br>HEAVY | 0-4mph           | 4-5mph | 5-50mph | 50-55mph | 55-60mph | 60-65mph | 65-70mph | 70-75mph | 75-80mph | 80-85mph | 85-90mph | 90-95mph | 95-100mph | Mean | 85th/ile | Minimum | Maximum |  |  |
| Date: 28 April 2017             |       |                         |             |            |                  |        |         |          |          |          |          |          |          |          |          |          |           |      |          |         |         |  |  |
| 00:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 01:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 02:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 03:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 04:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 05:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 06:00                           | 3     | 2                       | 1           | 0          | 0                | 1      | 1       | 1        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 184      | 110     | 260     |  |  |
| 07:00                           | 63    | 59                      | 4           | 0          | 0                | 1      | 4       | 40       | 17       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 238      | 257     | 137     |  |  |
| 08:00                           | 97    | 95                      | 2           | 0          | 0                | 7      | 62      | 27       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 237      | 262     | 157     |  |  |
| 09:00                           | 44    | 36                      | 8           | 0          | 0                | 1      | 5       | 23       | 15       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 233      | 259     | 142     |  |  |
| 10:00                           | 31    | 24                      | 7           | 0          | 0                | 1      | 7       | 20       | 8        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 222      | 244     | 165     |  |  |
| 11:00                           | 45    | 34                      | 11          | 0          | 0                | 1      | 10      | 25       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 218      | 251     | 88      |  |  |
| 12:00                           | 39    | 24                      | 15          | 0          | 0                | 2      | 9       | 22       | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 214      | 244     | 128     |  |  |
| 13:00                           | 47    | 40                      | 7           | 0          | 0                | 7      | 34      | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 224      | 246     | 175     |  |  |
| 14:00                           | 37    | 31                      | 6           | 0          | 0                | 1      | 9       | 20       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 222      | 257     | 135     |  |  |
| 15:00                           | 36    | 31                      | 5           | 0          | 0                | 1      | 6       | 22       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 225      | 255     | 114     |  |  |
| 16:00                           | 48    | 38                      | 10          | 0          | 0                | 1      | 14      | 31       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 214      | 242     | 122     |  |  |
| 17:00                           | 47    | 41                      | 6           | 0          | 0                | 0      | 7       | 27       | 13       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 231      | 255     | 156     |  |  |
| 18:00                           | 65    | 63                      | 2           | 0          | 0                | 3      | 9       | 37       | 15       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 262     | 125     |  |  |
| 19:00                           | 46    | 43                      | 3           | 0          | 0                | 5      | 33      | 7        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | 259     | 158     |  |  |
| 20:00                           | 22    | 23                      | 2           | 0          | 0                | 2      | 17      | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 235      | 251     | 154     |  |  |
| 21:00                           | 25    | 24                      | 1           | 0          | 0                | 4      | 14      | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 232      | 268     | 150     |  |  |
| 22:00                           | 24    | 1                       | 0           | 0          | 0                | 1      | 4       | 12       | 7        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | -       | 12.8    |  |  |
| 23:00                           | 9     | 8                       | 1           | 0          | 0                | 1      | 3       | 5        | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 215      | 24.6    | 14.3    |  |  |
| 00:00-00:00                     | 582   | 500                     | 82          | 0          | 1                | 10     | 95      | 356      | 117      | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 224      | 25.5    | 8.6     |  |  |
| 00:00-00:00                     | 717   | 628                     | 89          | 0          | 1                | 12     | 109     | 439      | 151      | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | 25.7    | 8.6     |  |  |
| 00:00-00:00                     | 737   | 646                     | 91          | 0          | 1                | 14     | 112     | 449      | 156      | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | 25.7    | 8.6     |  |  |
| 00:00-00:00                     | 740   | 648                     | 92          | 0          | 1                | 15     | 112     | 459      | 157      | 5        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | 25.7    | 8.6     |  |  |
| Date: 27 April 2017             |       |                         |             |            |                  |        |         |          |          |          |          |          |          |          |          |          |           |      |          |         |         |  |  |
| 00:00                           | 1     | 1                       | 0           | 0          | 0                | 0      | 0       | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 248      | -       | 24.6    |  |  |
| 01:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 02:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 03:00                           | 1     | 1                       | 0           | 0          | 0                | 0      | 0       | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 218      | -       | 21.8    |  |  |
| 04:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 05:00                           | 0     | 0                       | 0           | 0          | 0                | 0      | 0       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | -        | -       | -       |  |  |
| 06:00                           | 3     | 2                       | 1           | 0          | 0                | 0      | 1       | 1        | 1        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | -       | 18.0    |  |  |
| 07:00                           | 64    | 62                      | 2           | 0          | 0                | 5      | 36      | 21       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 242      | 25.9    | 16.7    |  |  |
| 08:00                           | 92    | 85                      | 7           | 0          | 0                | 1      | 7       | 53       | 29       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 238      | 26.4    | 14.3    |  |  |
| 09:00                           | 59    | 49                      | 9           | 0          | 0                | 0      | 7       | 42       | 10       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 24.8    | 17.8    |  |  |
| 10:00                           | 36    | 27                      | 9           | 0          | 0                | 0      | 14      | 18       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 215      | 23.7    | 15.6    |  |  |
| 11:00                           | 35    | 26                      | 9           | 0          | 0                | 1      | 6       | 26       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 222      | 23.9    | 14.5    |  |  |
| 12:00                           | 30    | 24                      | 5           | 1          | 0                | 1      | 3       | 18       | 7        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 230      | 26.4    | 14.1    |  |  |
| 13:00                           | 31    | 23                      | 4           | 0          | 0                | 1      | 8       | 18       | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 212      | 24.4    | 13.2    |  |  |
| 14:00                           | 55    | 42                      | 13          | 0          | 0                | 1      | 13      | 33       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 244      | 24.4    | 7.6     |  |  |
| 15:00                           | 32    | 24                      | 7           | 1          | 0                | 0      | 8       | 17       | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 219      | 25.5    | 16.0    |  |  |
| 16:00                           | 50    | 43                      | 7           | 0          | 0                | 0      | 10      | 37       | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 220      | 24.4    | 16.6    |  |  |
| 17:00                           | 65    | 58                      | 7           | 0          | 0                | 0      | 11      | 42       | 12       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | 25.3    | 15.7    |  |  |
| 18:00                           | 77    | 68                      | 9           | 0          | 0                | 0      | 3       | 48       | 26       | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 241      | 26.2    | 16.1    |  |  |
| 19:00                           | 50    | 47                      | 3           | 0          | 0                | 1      | 2       | 37       | 9        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 234      | 25.7    | 12.8    |  |  |
| 20:00                           | 33    | 32                      | 1           | 0          | 0                | 1      | 3       | 20       | 8        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 233      | 26.8    | 13.8    |  |  |
| 21:00                           | 19    | 18                      | 1           | 0          | 0                | 2      | 2       | 9        | 6        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 226      | 25.3    | 12.3    |  |  |
| 22:00                           | 11    | 10                      | 0           | 0          | 0                | 2      | 2       | 7        | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 226      | 24.8    | 16.8    |  |  |
| 23:00                           | 5     | 4                       | 1           | 0          | 0                | 0      | 3       | 2        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 198      | -       | 15.3    |  |  |
| 00:00                           | 7     | 6                       | 1           | 0          | 0                | 0      | 1       | 5        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 221      | -       | 16.2    |  |  |
| 01:00-01:00                     | 612   | 516                     | 89          | 7          | 0                | 6      | 92      | 389      | 126      | 4        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 225      | 26.4    | 7.6     |  |  |
| 01:00-01:00                     | 739   | 638                     | 94          | 7          | 0                | 9      | 104     | 461      | 157      | 7        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 227      | 26.4    | 7.6     |  |  |
| 01:00-01:00                     | 751   | 648                     | 96          | 7          | 0                | 1      | 9       | 108      | 468      | 158      | 7        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 225      | 26.4    | 7.6     |  |  |
| 01:00-01:00                     | 756   | 652                     | 97          | 7          | 0                | 1      | 9       | 109      | 471      | 159      | 7        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 226      | 26.4    | 7.6     |  |  |
| Date: 26 April (Weekly Average) |       |                         |             |            |                  |        |         |          |          |          |          |          |          |          |          |          |           |      |          |         |         |  |  |
| 01:00-01:00                     | 875   | 498                     | 75          | 3          | 0                | 1      | 9       | 84       | 355      | 122      | 4        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 25.3    | 8.9     |  |  |
| 01:00-01:00                     | 710   | 625                     | 83          | 3          | 0                | 1      | 11      | 88       | 415      | 159      | 6        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 229      | 25.8    | 8.9     |  |  |
| 01:00-01:00                     | 728   | 640                     | 85          | 3          | 0                | 1      | 12      | 101      | 444      | 163      | 6        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 26.3    | 8.9     |  |  |
| 01:00-01:00                     | 733   | 644                     | 87          | 3          | 0                | 1      | 12      | 103      | 446      | 165      | 6        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 228      | 26.3    | 8.9     |  |  |
| Date: 25 April (Weekly Average) |       |                         |             |            |                  |        |         |          |          |          |          |          |          |          |          |          |           |      |          |         |         |  |  |
| 01:00-01:00                     | 865   | 445                     | 59          | 2          | 0                | 0      | 7       | 73       | 315      | 107      | 4        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 25.7    | 11.0    |  |  |
| 01:00-01:00                     | 715   | 547                     | 66          | 2          | 0                | 1      | 9       | 86       | 380      | 135      | 5        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 25.7    | 10.3    |  |  |
| 01:00-01:00                     | 632   | 568                     | 68          | 2          | 0                | 1      | 10      | 88       | 389      | 139      | 5        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 25.7    | 10.3    |  |  |
| 01:00-01:00                     | 639   | 568                     | 69          | 2          | 0                | 1      | 10      | 89       | 392      | 144      | 5        | 0        | 0        | 0        | 0        | 0        | 0         | 0    | 223      | 25.7    | 10.3    |  |  |

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                 |      |
|------------------------|-----------------|------|
| Ref No                 | 17/01339/FLL    |      |
| Ward No                | P5- Strathtay   |      |
| Due Determination Date | 17.10.2017      |      |
| Case Officer           | John Williamson |      |
| Report Issued by       |                 | Date |
| Countersigned by       |                 | Date |

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 40 Metres North Of The Stables Main Street  
Almondbank

#### **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:** 24 August 2017

#### **SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is located at the northern end of the Almondbank, a small village which is located to the west of Perth. The site is adjacent to the west bank of the River Almond and slopes down towards the river. The site is sandwiched between two existing residential properties named 'Woodend' to the north and 'The Stables' to the south. The site is approx. 38m in its depth (east to west) and 31m in its width (north to south) and is accessed via a private access. The proposal seeks detailed planning consent for the erection of a detached single storey, three bedroom dwellinghouse. The finishing materials include concrete roof tiles, bradstone and smooth white render. Planning permission in principle was refused on this site in 2013 (13/00910/IPL) due to inadequate access arrangements. A similar planning application (12/01962/IPL) was withdrawn earlier in 2013 after advice from the Council regarding flooding and access issues, which needed to be addressed before the application could be fully considered. In addition to this an earlier 2003 planning application was refused consent on the grounds of inadequate access arrangements and subsequently dismissed on appeal by the Scottish Government.

Following the above an application for the erection of a dwelling was refused in 2015 (15/00524/FLL) as the proposal was considered to intensify the use of an existing substandard access and junction which has poor geometry and visibility onto the public road which would result in pedestrian and traffic safety concerns. This application was also refused on grounds of the lack of a public drainage connection within a settlement.

This submission includes survey information of the proposed junction which has examined speeds northbound and southbound next to the access. The submission also seeks to demonstrate that appropriate visibility from the junction can be achieved.

## **SITE HISTORY**

03/00108/OUT Erection of a dwellinghouse and garage (in outline) on 25 March 2003 Application Refused

12/01962/IPL Erection of a dwellinghouse (in principle) 8 January 2013 Application Withdrawn

13/00910/IPL Erection of a dwellinghouse (in principle) 12 July 2013 Application Refused

15/00524/FLL Erection of a dwellinghouse 11 June 2015 Application Refused

## **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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **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 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.

### **Policy EP2 - New Development and Flooding**

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **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.

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance**



## **CONSULTATION RESPONSES**

### **INTERNAL**

Transport Planning – objection due to concerns with poor visibility and safety of junction

Contributions Officer – contribution towards transport infrastructure required

Local Flood Prevention Authority – no objection subject to condition

Environmental Health – no objection subject to condition

### **EXTERNAL**

Scottish Water – capacity available for drainage connection but subject to separate application

## **REPRESENTATIONS**

The following points were raised in the 4 representation(s) received:

- Traffic and Road Safety
- Residential Amenity
- Neighbour notification
- Drainage
- Flood risk
- History
- Impact on trees

All of the above matters are addressed within the appraisal section below.

### **ADDITIONAL STATEMENTS RECEIVED:**

|                                                 |              |
|-------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)           | Not Required |
| Screening Opinion                               | Not Required |
| EIA Report                                      | Not Required |
| Appropriate Assessment                          | Not Required |
| Design Statement or Design and Access Statement | Not Required |

|                                                                  |                                           |
|------------------------------------------------------------------|-------------------------------------------|
| Report on Impact or Potential Impact<br>eg Flood Risk Assessment | Traffic Survey and Statement<br>submitted |
|------------------------------------------------------------------|-------------------------------------------|

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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 application site is located within the identified settlement of Almondbank, Pitcairngreen and Cromwell Park. Policy RD1 applies which states that infill residential development will be accepted subject to the proposal relating successfully to the amenity and character of the area. To this end, the key test of the acceptability of this proposal is whether or not the proposal will have an adverse impact on the character, density or amenity of the area.

In terms of the impact on the character or density of the area, I consider the proposal to be entirely in keeping with both. The general character of the area is residential so there are no issues regarding compatibility with existing land uses, and in physical terms, the site is perfectly capable of accommodating a family size dwelling whilst not compromising the amenity of either of either the future occupiers or neighbouring properties.

### **Visual Impact**

The scale, proportions and materials of the dwellinghouse in relation to the neighbouring dwellings are considered to be appropriate and the size of the house is also considered to be appropriate in relation to the plot size. As such the proposal is considered to relate successfully to the visual amenity of the area.

### **Access**

As outlined above previous applications for residential development on this site have been refused due to the inadequacy of the access to the site and this was the case for the recent refusal in 2015. The proposal will take vehicular access from an existing sub-standard private access which already serves a number of residential properties, with limited passing opportunities and turning facilities. In addition to this, there has been an ongoing issue in relation to a stone pillar at the access point with the public road which severely restricts visibility to the left as a vehicle leaves the private access and enters the public road. This pillar is not within the control of the applicant but

has recently been removed. I received correspondence during consideration of the previous application and within letters of representation on this application which indicates that the removal of the pillar was carried out by a third party and was not authorised by the party who owns the land. It was indicated that the intention was to re-build the pillar in its original location. Two years later it was noted on my site visit that this pillar had not been re-instated.

The pillar was located on inner apex of the junction point with the public road and restricted visibility to an extent that requires vehicles to protrude onto the public road in order that drivers can obtain a clear view of traffic coming from the north. Whilst the pillar has currently been removed the visibility of the road to the north remains difficult given the apex of the junction onto the public road and my colleagues in Transport Planning have maintained their objection to the proposal on grounds of inadequate access. Furthermore any traffic requiring to turn left out of the junction would have to do so on what is effectively a hairpin bend, potentially requiring them to cross onto the opposite side of the road to complete the manoeuvre. Any traffic serving this proposal would therefore exacerbate existing issues associated with the sub-standard private access and junction to the detriment of other road users. I therefore consider the proposal to be contrary to Policy TA1B of the Local Development Plan which seeks to ensure adequate road safety for a development. This proposal would increase use of the sub-standard access/junction, which would increase the risk to road and pedestrian safety.

Whilst I note that the pillar on the junction has currently been removed, the visibility from the junction and its geometry is still considered to be substandard and my understanding is that this pillar is due to be re-erected in the same location in the near future. Therefore regardless of the presence of this pillar I remain concerned regarding the inadequacy of the access in terms of road safety. Transport Planning have also stated that the road is subject to a 30mph speed limit and as such the visibility requirements would be 2.4m x 43.0m. Visibility splays require to be considered on a worst case scenario. The survey information presented in the submission states that lower speeds of 25mph and 25.7mph are apparent which the applicant's consultant has stated would require a minimum visibility splay of 2m x 33m. Transport Planning have stated that they would seek a minimum set back distance of 2.4m at this location which cannot be achieved at this location.

Furthermore it is also noted that the submitted survey was undertaken between 21st April 2017 and 27th April 2017 when the C407 Lochty Road was closed restricting access to and from the A85 trunk road due to ongoing flood protection measures being undertaken. Traffic and Network Management at PKC have confirmed that the road was closed between 30th March 2017 and 3rd August 2017. This would therefore have limited the number of vehicles on the road as the main route into Perth from Almondbank was restricted. I therefore have doubts as to the outcome of this survey and the associated traffic figures presented within and do not consider them to reflect normal traffic movements in this area.

## **Flooding**

It was noted from my site visit that the proposed house sits well above the River Almond and that the topography of the site helps to negate any flood risk at the site. The Council's Flood Prevention Officer has offered no objection on flood risk grounds but has commented that no land raising should occur within the 1 in 200 year flood level and indicated that whilst there is no specific requirement for SUDS for a single dwelling, surface water discharges should be restricted to greenfield run off rate, particularly given the sites location upstream of a flood protection scheme. They have recommended a condition in this regard.

## **Drainage**

The application form indicates that the house is to connect to a private drainage system. As the site is located within a settlement Policy EP3B dictates that the site should connect the public drainage network. However it also states that where a public system is not available a private connection may be acceptable. The submission indicates that there is no public connection available at this site and that neighbouring properties are served by private drainage systems. In this instance given the lack of a connection in the immediate vicinity and private system could be accepted.

## **Contaminated Land**

Environmental Health have recommended that a watching brief during development would be necessary to establish whether any ground contamination is found on site.

## **Residential Amenity**

I am satisfied that the layout of the house and position of windows will not result in any significant impact on residential amenity. There is a window proposed to serve a bedroom on the north elevation and no windows on the south elevation. The window on the north elevation could be addressed through provision of an appropriate boundary treatment and does not raise any concerns. The height and scale of the house and its position on the plot is not considered to result in any concerns relating to overshadowing of neighbouring property. As such I have no concerns with the proposal in relation to the impact on residential amenity.

Environmental Health have recommended a condition relating to the proposed stove.

## **Developer Contributions**

There are not considered to be any capacity concerns at the Pitcairn Primary School and therefore no education contribution is required in this instance. The Council Transport Infrastructure Developer Contributions Supplementary

Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. In this instance the site falls within the area which requires a contribution and this equates to £3,549 which requires to be paid upfront to allow any planning consent to be granted.

### **Trees**

There are trees located on the application site, some of which are proposed for felling. The trees proposed to be felled are not considered to contribute significantly to the visual amenity of the area and the surrounding area is well established with mature woodland planting as such I am satisfied with the level of felling proposed. It is recommended that should any consent be granted that a condition be added which requires all retained trees to be protected in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction.

### **Septic Tank of Neighbour**

It is noted that a septic tank of a neighbour is located within the plot under consideration for which the neighbour has a right of access. This is not considered to be a planning matter and any legal right of access is a private civil matter between the parties involved.

### **Neighbour Notification**

A letter of representation raises concerns as to whether the neighbour notification has been undertaken correctly. Having reviewed this I can confirm the notification was carried out in accordance with the regulations.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the 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**

- 1 The proposal will intensify the use of an existing sub standard access and junction which has poor geometry and poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan which seeks to ensure the safety of all users.

### **Justification**

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

### **Informatives**

**None**

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01339/1

17/01339/2

17/01339/3

17/01339/4

17/01339/5

17/01339/6

**Date of Report**

19 September 2017





**TCP/11/16(506) – 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank**

## **PLANNING DECISION NOTICE**

**REPORT OF HANDLING** *(included in applicant's submission, see pages 35-45)*

**REFERENCE DOCUMENTS** *(part included in applicant's submission, see pages 22-34)*



# PERTH AND KINROSS COUNCIL

Mr John Jenkins  
c/o Farningham Planning Ltd  
Alan Farningham  
The Bourse  
47 Timber Bush  
Leith  
Edinburgh  
UK  
EH6 6QH

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21st September 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01339/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 18th August 2017 for permission for **Erection of a dwellinghouse** Land 40 Metres North Of The Stables Main Street Almondbank for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

- 1 The proposal will intensify the use of an existing sub standard access and junction which has poor geometry and poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan which seeks to ensure the safety of all users.

### Justification

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

## Notes

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

### Plan Reference

17/01339/1

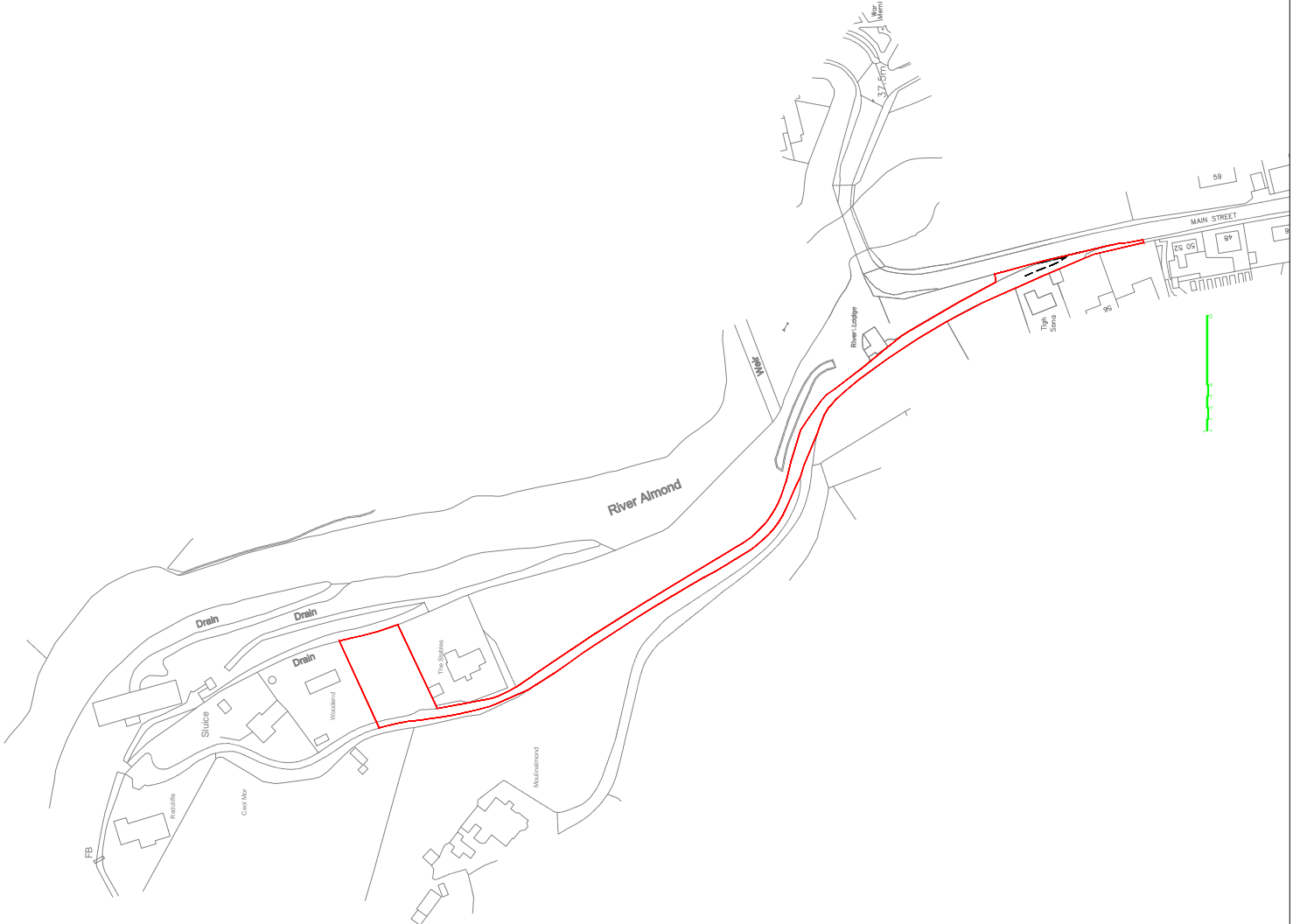
17/01339/2

17/01339/3

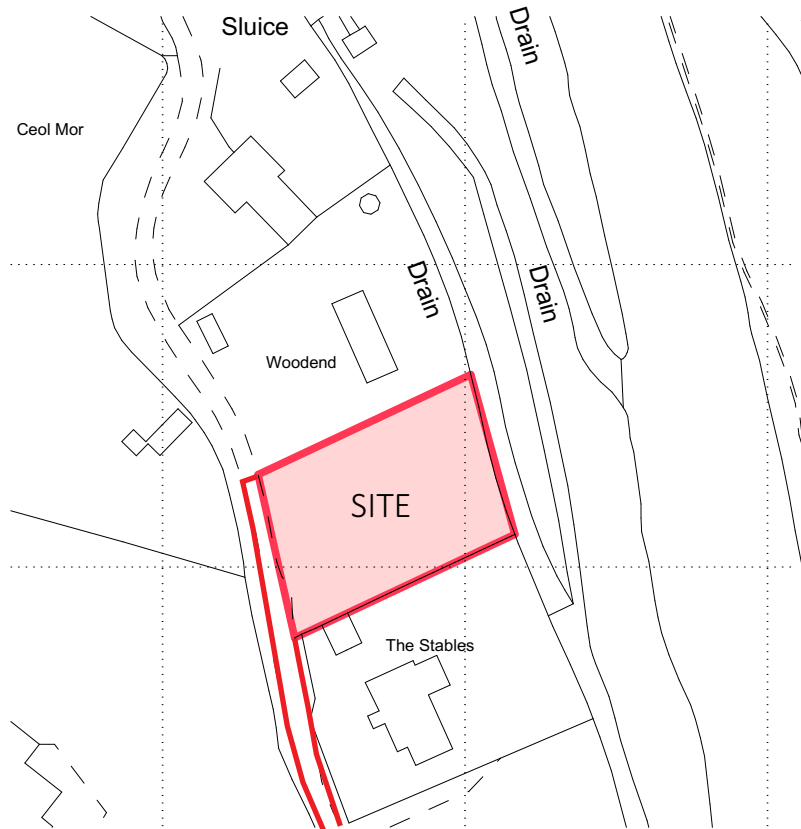
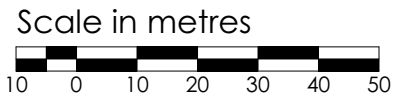
17/01339/4

17/01339/5

17/01339/6



| REV                                                                                                                                               | DATE  | AMENDMENTS | DRAWN   | CHECKED | APP      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|---------|---------|----------|
| ECS Transport Planning Ltd<br>Caledonian Offices<br>38, Queen Street<br>Glasgow<br>G1 3DX                                                         |       |            |         |         |          |
|                                                                                                                                                   |       |            |         |         |          |
| Telephone: 01441 402 000<br>Fax: 01441 402 001<br>Email: info@ecs-tp.co.uk                                                                        |       |            |         |         |          |
| Client<br>MR JOHN JENKINS                                                                                                                         |       |            |         |         |          |
| Project<br>ALMONDBANK                                                                                                                             |       |            |         |         |          |
| Title<br>RED LINE BOUNDARY                                                                                                                        |       |            |         |         |          |
| Team                                                                                                                                              | Drawn | SS         | Checked | MS      | Approved |
| Scale<br>1:1000 @ A1                                                                                                                              |       |            |         |         |          |
| Date<br>15.08.17                                                                                                                                  |       |            |         |         |          |
| Drawing No.<br>17015_003                                                                                                                          |       |            |         |         |          |
| Purpose of Issue<br><input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> For Tender <input type="checkbox"/> For Construction |       |            |         |         |          |
| <input type="checkbox"/> For Information <input type="checkbox"/> For Approval <input type="checkbox"/> As Built                                  |       |            |         |         |          |
| File Name<br>FILE_NAME                                                                                                                            |       |            |         |         |          |
| Comments<br><input type="checkbox"/> Comment                                                                                                      |       |            |         |         |          |



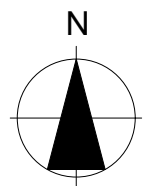
Location Plan



Area Plan



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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 House at Redcliff, Almondbank, Perth  
Drg. Title  
AREA AND LOCATION PLANS

Date  
14/7/2017  
Scale  
1:1250

Drg. No.  
**17-19-03**

**TCP/11/16(506) – 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank**

## **REPRESENTATIONS**





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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/01339/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                                                           |
| <b>Address of site</b>                   | Land 40 Metres North Of The Stables, Main Street, Almondbank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>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><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Pitcairn Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p>Transport Infrastructure: £3,549 (1 x £3,549)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |

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|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p><b><u>Total: £3,549</u></b></p> <p><b>Phasing</b></p> <p>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.</p> <p>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.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>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.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>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.</p> <p><b>NB:</b> 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.</p> <p><b>Other methods of payment</b></p> <p>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> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date</p> |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b><br/> All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b><br/> The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/> To make such a payment please call 01738 475300 in the first instance.<br/> When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Transport Infrastructure</b><br/> For Transport infrastructure contributions please quote the following ledger code:<br/> 1-30-0060-0003-859136</p> <p><b>Indexation</b><br/> All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b><br/> 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> |
| <b>Date comments returned</b> | 28 August 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                    |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------|
| <b>Planning Application ref.</b>                | 17/01339/fll                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Gavin Bissett                      |
| <b>Service/Section</b>                          | TES/Flooding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Contact Details</b>      | ██████████<br>████████████████████ |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                             |                                    |
| <b>Address of site</b>                          | Land 40 Metres North Of The Stables Main Street Almondbank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                    |
| <b>Comments on the proposal</b>                 | <p>We have no objection to this development. We do have the following comments:</p> <ul style="list-style-type: none"> <li>• The SEPA flood hazard maps indicate there is some risk to the site during the 1 in 200 year flood event</li> <li>• This does not appear to impact the proposed location of the property</li> <li>• No land raising should take place on the site, within the 1 in 200 year flood level.</li> <li>• Whilst there is no requirement for SUDS from a single dwelling, surface water discharges should be restricted to greenfield run-off rate, particularly for a development upstream of a flood protection scheme.</li> </ul> |                             |                                    |
| <b>Recommended planning condition(s)</b>        | <b>DR01</b> Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                    |
| <b>Recommended informative(s) for applicant</b> | PKC Flooding and Flood Risk Guidance Document (June 2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                    |
| <b>Date comments returned</b>                   | 30.08.2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                    |



RECEIVED

- 5 SEP 2017

Woodend Cottage  
Almondbank  
Perth  
PH1 3NW

Perth & Kinross Council  
Planning & Development  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD



2nd September 2017

Your ref: 17/01339/FLL  
Our ref: IAG/Planning/1708.1

For the attention of the Development Manager

Dear Sirs

**Planning Application on Neighbouring Land**  
**Application Reference : 17/01339/FLL**

I refer to the Notification under the Town and country Planning (Development Management Procedure) (Scotland) Regulations 2013 received from your office, and wish to raise several objections regarding this proposed development :-

The situation with regards to this plot of land has not changed since my letters of 17th February 2003, 1st December 2012, 9th June 2013 and 4th May 2015 regarding the earlier unsuccessful applications for Planning Permission for Erection of a Dwelling House. These objections were as follows :-

1. Abstracts from my letter of 4th May 2015, ref IAG/Planning/1505

- Due to the width of the Unsurfaced Access Road, the majority of HGV's have to reverse out to the Main street in Almondbank. An entrance with particularly bad sight Lines. The volume and character of the traffic on Main street, Almondbank has increased significantly since 2003 thus exacerbating the entrance problems.
- My understanding is the SEPA have stated that no further Septic tanks will be allowed at Woodend and that no other connection can be made into existing Septic Tanks.
- Subsequent to the 2003 application, a Judgement was issued by the Reporter, Trevor A. Croft, from the Scottish Executive Development Department, Inquiry Reporters Unit, ref P/PPA/340/297, where paragraph 16 stated 'This decision is final, subject to the right of any aggrieved person to apply to the Court of session within 6 weeks of the date of this letter (8th December 2003).
- To the best of my knowledge, as no such application was made the refusal to grant Planning Permission 'in perpetuity' for the development still stands.



- The proposed house is extremely large in comparison to the site itself, being approximately 2 metres from each boundary fence and out of all proportion to the existing properties. As such, it will have an extremely detrimental effect on the light available to my house
- I understand that SEPA have many concerns regarding the discharge of effluent into the Lade and would only grant authorisation if they were satisfied that there was sufficient dilation in the Lade. The same rules would apply to discharges to rivers or to groundwater soakaways. Currently, both adjacent properties discharge into groundwater soakaways and in the case of Woodend Cottage this has worked satisfactorily for many, many decades. it is therefore, extremely unlikely that the sub-surface could cope with additional volumes of discharge. The Lade itself, runs dry for the majority of the year and therefore a direct outfall from a Septic Tank could be extremely detrimental.

2. Abstracts from my letter of 17th February 2003, ref IAG/PKC Plan 303:-

- The proposed development will seriously affect the light availability to my property.
- The condition of the Unsurfaced Access Road - this is clearly unsuitable for the prolonged heavy traffic that would be associated with any development in this area. Particularly as the turning circle at the end of the road is no longer available for general use.
- The current O/H electricity Supply to the existing five properties, including Moulinalmond House, is insufficient to cope with the load requirements of the existing properties, and the fact that it is supplied from an O/H Line would make access to the plot difficult and dangerous.
- The Cess Pit/Septic Tank for Woodend Cottage is situated in the above plot and we have access to it at all times for the purpose of maintenance.
- The water supply to Woodend Cottage and possibly the neighbouring house, Coel Mor, goes across the middle of the plot, but the line of the pipe is unknown.

In addition to all of the above, with regards to the condition of the Unsurfaced Private Access Road at the point just before the Woodend Private Road joins the Moulinalmond Private Road, there is a vertical drop of over 6 metres, then a further more gradual drop across 20 metres to the River Almond. The cliff face is gradually being eroded away by heavy rains and the vertical cliff face in some places is now less than 1.5 metres from the ill-defined road edge. Introducing heavy construction traffic along this road can only shorten the life of this road cutting off all vehicular access to the four properties beyond.

The Pillar which is mentioned in the ECS Traffic Survey, which was at the end of the Drive until it was removed by Vandals is to the best of my knowledge still the subject of a Criminal Investigation by the Police and will be re-erected and will therefore continue to exacerbate the access' sight lines'. The sight line to the Lochty side of the junction is in many instances masked by up to five parked vehicles immediately adjacent to the junction



I would also point out that the ECS Survey as carried out between the 21st and 27th April 2017, is not representative of the normal traffic volumes through the village, as the road through Lochty was closed for 18 weeks from March to August 2017 to through traffic as a result of the Flood Prevention Works. This meant that in addition to the lack of any normal and commuting traffic to and from the A85 there were no heavy vehicles to and from Cromwell Park and elsewhere using the road

Therefore, in view of the above, I wish to register my objection to Planning Application, ref 17/01339/FLL for the Erection of a Dwelling House as described in the Notification dated 22nd August 2017.

Please do not hesitate to contact me should you wish to clarify any of my concerns as stated above.

Your sincerely

A large black rectangular redaction box covers the signature area. Above the box, there is a faint green horizontal line and a small handwritten mark that appears to be the number '0'.

Iain A Grant, FCIHT, BSc (Civil Eng)



HOWARD A DUTHIE  
CEOL MOR, WOODEND  
ALMONDBANK, PH13NW

04/09/2017

DEVELOPMENT QUALITY MANAGER  
PERTH AND KINROSS COUNCIL  
35 KINNOULL STREET, PERTH, PH1 5GD  
YOUR REFERENCE 17/01339/FLL

***ERECTION OF DWELLING HOUSE BETWEEN WOODEND COTTAGE AND THE  
STABLES, MAIN STREET, ALMONDBANK***

For the attention of the Development Manager.

Dear Sir,

I would like once again to object to the proposed development of the land adjoining 'The Stables' [REDACTED] 'Woodend Cottage' [REDACTED] 'Moulinalmond' [REDACTED] and 'Redcliffe' [REDACTED] at Woodend, Almondbank. My own property adjoins Woodend Cottage and Redcliffe to the north, and I am in fact the only property owner in the community who does not actually share a boundary with the land in question but any concerns raised by the neighbours mentioned above would apply equally to me. I would like to emphasise the following factors:

1. History:

Planning permission for this plot of ground was sought by the then owner in 2003, and was turned down by the Council. The case then went to appeal at the Scottish Office, where it was turned down with no further right of appeal - Reference P/PPA/340/297 dated 8 Dec 2003.

When the same owner again applied in 2013 the application was first withdrawn, then re-submitted, and finally again rejected.

In 2015, the land changed hands and the new owner made a further application which was once more refused. The final jurisdiction read as follows: "*The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan*".

In all of this time there has been no material change to the fundamental circumstances and to the grounds for continued refusal, which I set out below, with reference to the current application (August 2017)



## 2. Notification of neighbours:

As noted above, my own property does not directly abut the ground in question and I would not therefore expect to have been directly notified of this application. However, there seems no logical reason to include on the notification list a number of properties on Almondbank Main St whilst omitting particularly Mr Rankin (who owns the private road in question) and Mr House (also owner of adjoining land). It appears that the Planning Authorities are focussing only on public areas and are either unaware of or taking no interest in what is the crux of the matter to those who would be affected by the proposals. This central issue is elaborated on below (paras 3 & 4).

## 3. Access:

*"The proposal will intensify the use of an existing sub standard access and junction which has poor geometry and poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan which seeks to ensure the safety of all users. (Quote from 2015 Reasons for Refusal)*

Here is the detailed explanation of the above, again quoted directly from the 2015 refusal:

*"As outlined above previous applications for residential development on this site have been refused due to the inadequacy of the access to the site. The proposal will take vehicular access from an existing sub-standard private access which already serves a number of residential properties, with limited passing opportunities and turning facilities. In addition to this, there has been an ongoing issue in relation to a stone pillar at the access point with the public road which severely restricts visibility to the left as a vehicle leaves the private access and enters the public road. This pillar is not within the control of the applicant but has recently been removed and I have received correspondence which indicates that the removal of the pillar was carried out by a third party and was not authorised by the party who owns the land. It is indicated that the intention is to re-build the pillar in its original location but that has yet to happen.*

*The pillar was located on inner apex of the junction point with the public road and restricts visibility to an extent that requires vehicles to protrude onto the public road in order that drivers can obtain a clear view of traffic coming from the north. Whilst the pillar has currently been removed the visibility of the road to the north remains difficult given the apex of the junction onto the public road and my colleagues in Transport Planning have maintained their objection to the proposal on grounds of inadequate access. Furthermore any traffic requiring to turn left out of the junction would have to do so on what is effectively a hairpin bend, potentially requiring them to cross onto the opposite side of the road to complete the manoeuvre. Any traffic serving this proposal would therefore exacerbate existing issues associated with the sub-standard private access and junction to the detriment of other road users. I therefore consider the proposal to be contrary to Policy TA1B of the Local Development Plan which seeks to ensure adequate road safety for a development. This proposal would increase*



*use of the sub-standard access/junction, which would increase the risk to road and pedestrian safety. Whilst I note that the pillar on the junction has currently been removed, the visibility from the junction and its geometry is still considered to be substandard and my understanding is that this pillar is due to be re-erected in the same location in the near future. Therefore regardless of the presence of this pillar I remain concerned regarding the inadequacy of the access in terms of road safety”.*

(and from another part of the same document):

*“The agent was also provided with information regarding my concerns relating to the poor access arrangements and the likelihood of refusal. Despite repeated reminders the application was not withdrawn and therefore I have progressed to a refusal.”*

The current application includes a supporting letter from ECS Transport, which clearly conflicts with the above and appears to run counter to PKC advice. Furthermore, the survey conducted by ECS took place during the period when Almondbank Main St was closed to traffic at Lochty (because of flood defence works) and therefore does not give a true reflection of traffic conditions in the area.

Please note also that the stone pillar in question was pulled down by persons unknown in an act of vandalism and criminal damage on June 12, 2014; the matter was reported to Police Scotland (crime reference no 14485/14) and investigated by them but, to my knowledge the case is still open. I understand that the land which is the subject of this application changed hands at some time in the 2 months prior to the pillar being vandalised and I find it hard to convince myself that there is no link between these two events; in any case this planning application surely cannot receive fair attention in the light of such an ongoing criminal investigation. I believe that the pillar is the property of Mr House of Moulinalmond and presumably the question of its re-instatement would be a matter for him to decide – the present situation is not the status quo but an aberration occasioned by a crime.

#### 4. The access road:

The access road is privately owned by Mr Rankin (of Redcliffe), and all Woodend residents are obliged to contribute to its upkeep. There is a right of access for all residents and the condition of the road is of major concern to the small community which depends on it. Once again I must underline the glaringly obvious and very real possibility of catastrophic landfall on the east (river) side of the road at the point where it branches right from the (surfaced) Moulinalmond drive. It would only need a cursory inspection by a Council official to ascertain that this road could not stand any increase whatsoever in traffic, let alone the kind of regular and sustained wear it would certainly receive from construction and delivery lorries. I have repeatedly raised this point on previous occasions but it seems to have fallen on deaf ears; I would like to know now whether there has been any inspection connected to the current application. The building of a house as envisaged by the present applicant would entail constant and dramatically increased use by large and heavy commercial vehicles over the intended period of construction, yet there is no mention in this application of the consequences of possible damage on whatever scale, or of any compensation in the likely event of such damage; nor has any consideration



apparently been given to the parking of such vehicles in the area of the site for loading/unloading etc. It is a single track road for its entire length, apart from one passing place close to the Moulinalmond fork and, taking into account the proximity of the western elevation of the proposed house to the road, the likelihood of possibly lengthy blockages seems very high. Any significant damage to the road could effectively leave the residents completely cut off, with no means of exit.

I note also the following from the 2015 refusal document (under the heading Developer Contributions):

*"The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. In this instance the site falls within the area which requires a contribution and this equates to £3,549 which requires to be paid upfront to allow any planning consent to be granted."*

I would be interested to know if, in a case such as this, contributions would be directed specifically towards the transport infrastructure directly affected (i.e. the Woodend road).

#### 5. Drainage:

*"The proposal is contrary to Policy EP3B of the Perth and Kinross Local Development Plan which requires all proposals within settlement envelopes to connect to the public sewerage system. The proposal is to connect to a private system." (Quote from 2015 Reasons for Refusal)*

#### **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." (Quote from 2015 Reasons for Refusal)*

*"The application form indicates that the house is to connect to a private drainage system. As the site is located within a settlement Policy EP3B dictates that the site should connect the public drainage network. However it also states that where a public system is not available a private connection may be acceptable. The response from Scottish Water appears to suggest that there is scope to connect the house to the public drainage system and therefore the proposal for a private system is therefore contrary to Policy EP3B." (Quote from 2015 Reasons for Refusal)*

With regard to all of the above, I am not aware of any change since 2015 which might lead to a reversal of the refusal made at that time.

Yours faithfully,

Howard A. Duthie

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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                          |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01339/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Contact Details</b>      | [REDACTED]<br>[REDACTED]                 |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                          |
| <b>Address of site</b>                          | Land 40 Metres North Of The Stables<br>Main Street<br>Almondbank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                          |
| <b>Comments on the proposal</b>                 | <p>I note that this site has a history of planning applications that have all been refused due to the substandard private road which serves several properties and the poor geometry of the access junction which has severely restricted visibility.</p> <p>Whilst I note the information supplied by the applicant's transport consultants, the road is subject to a 30mph speed limit and as such the visibility requirements would be 2.4m x 43.0m, which cannot be achieved at this location. Even allowing for the lower speeds of 25mph and 25.7mph indicated in the speed survey provided by the applicant's transport consultants, I am not satisfied that the minimum visibility splay as recommended by the applicant's transport consultants of 2m x 33m would be achievable or desirable at this location. Certainly, I would expect the set-back distance (X distance) to be 2.4m at this location.</p> <p>Therefore for the reasons stated above, I recommend REFUSAL of this application on the grounds of pedestrian and traffic safety.</p> |                             |                                          |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                          |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                          |
| <b>Date comments returned</b>                   | 04 September 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                          |





# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01339/FLL

Our ref LRE

Date 6 September 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK17/01339/FLL RE: Erection of a dwellinghouse land 40 metres North of The Stables Main Street Almondbank for Mr John Jenkins.**

I refer to your letter dated 30 August 2017 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –06/09/17)

### **Recommendation**

**I have no objection in principle to the application but recommend that the under noted condition be included on any given consent.**

### **Comments**

This Service made comment with regards to contaminated land, memo dated 29 April 2015, for refused application 15/00524/FLL for the erection of a dwelling.

This application is also for the erection a dwelling house at an infill site between two existing residential properties.

The plans submitted with this application indicates that the applicant proposes to install a wood burning stove within the lounge area of the dwelling house.

The agent confirmed in an email dated 6 September 2017 that the proposed stove will have a nominal heat output 5kW heat output min/max 3.5-6.5kW.

### **Air Quality**

The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical Guidance LAQM.TG (16) which accompanies this act advises that biomass boilers within the range of 50kW to 20MW should be assessed in terms of nitrogen dioxide and particulate matter. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

As the proposed stove to be installed is well below the range to be assessed I have no adverse comments to make with regards to local air quality.

### **Nuisance**

This Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of

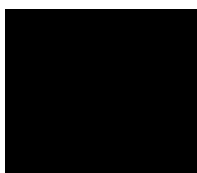
emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

The flue exhaust for the stove is through the roof, however the plans indicates that the flue is below the roof ridge of the tallest part of the building. This could at times cause down wash conditions, due to smoke /odour not dispersing adequately.

There is one letter of representation at the time of writing this memorandum raising issues with regards to road access and drainage.

### **Condition**

**EH50** The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority



Tracy McManamon

From: Syd house [REDACTED]  
Sent: 07 September 2017 22:31  
To: Development Management - Generic Email Account  
Subject: Planning Application 17/01339/FLL dated 22/8/17

ENTERED IN COMPUTER

8 SEP 2017

Dear Sir/Madam,

***Planning Application 17/01339/FLL dated 22/8/17 for the erection of a dwelling house at Redcliff, Woodend, Almondbank***

I have been informed by my neighbours that the above planning application has been submitted. We wish to object to this latest planning application.

For some reason I and my wife, who own land immediately adjacent to and bordering the plot at Redcliff and whose house at Moulinalmond is some 50 metres hence, were not notified nor do we appear on the list of neighbours notified (yet some residents of main street, Almondbank, more than 200 metres away have been formally notified which does seem perverse). I would therefore query the competence of the application in failing to follow this rather straightforward procedure correctly. We have additional interests as we also own the *solum* of the entrance road from the main public road up to the road junction to the houses at Woodend (which we also use to access our field at Woodend). Finally, we own the land at the road-end on which a large Victorian stone pillar was located. This stone pillar was pulled down in an act of criminal vandalism in June 2015, shortly before purchase of the property at Redcliff by the current owner and applicant. This pulling down of the pillar was subject to a criminal investigation by the police though no-one was ever charged with the crime. It remains our intention to reinstate the pillar in the near future.

There have been several applications to build a house at Redcliff over the years (NB we were always formally notified of each previous application). We have objected to each of these on the same grounds each time viz:

- The road junction where the private road meets the main public road has been consistently stated by PKC roads officials as to be not safe to accommodate further traffic. There does not appear to be a substantial change to the previous circumstances to change that assessment and the applicant's agents' assertions otherwise are not competent in our opinion.
- It remains our intention to reinstate the road pillar so the situation at the entrance has not changed. I have read the comments of the applicants agent and find it difficult to understand the logic stated there which is that the Council should prevent us re-instating a stone pillar which was pulled down by a criminal act. To acknowledge such an act as changing the circumstances would be to reward a criminal act.
- The location of the proposed house is extremely close to our grounds and policy woodlands where there are a number of very large and historic specimen trees. Whilst we always seek to discharge our responsibilities towards our neighbours re tree safety,



a house immediately adjacent to our ground would immediately impact on the *relative* safety of trees which currently do not represent a hazard to existing householders at Woodend. We have had no discussions with the applicant on this.

- The private road from the junction of our road down to Woodend, and which we have a right of access to our field at Woodend, is fragile and unlikely to accommodate further significant heavy traffic without a significant improvement to its status. I see no mention of this in the application and any adverse impact on this road would impact on our ability to access and utilise our field.

Re this current application, I must point out that the traffic survey was conducted during a period when the main road through Almondbank from the A85 was *closed* to all traffic to help facilitate the substantial flood prevention scheme currently being established in the village. I would strongly point out that this survey is simply not representative of the 'normal' traffic flow through Almondbank Main Street once the public road is fully open and it is disingenuous to have submitted such a survey purporting to represent 'normal' traffic flow.

In summary, we believe the situation at Redcliff has not changed and that the reasons for previous refusals remains. We also assert that the current application has failed to properly inform us as neighbours and as required and has also failed to address those reasons given for previous refusals. We wish to register our objection on the same basis as our objections to previous applications and as outlined above.

Yours faithfully

Syd & Katie House

Moulinalmond

Almondbank

PH1 3NW

7<sup>th</sup> September 2017

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



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

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

Dear Sir/Madam

**SITE: PH1 Perth Main Street Land 40 Metres Nth Of Stable**  
**PLANNING REF: 17/01339/FLL**  
**OUR REF: 749771**  
**PROPOSAL: Erection of a dwellinghouse**

**Please quote our reference in all future correspondence**

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

**Water**

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

**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 normally 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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

**For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example**

rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)



Mrs Chris Bain and Mr Gary Horne  
The Stables, Woodend,  
Almondbank  
Perth and Kinross  
PH1 3NW

11<sup>th</sup> September 2017

Dear Sir/Madam

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

**PLANNING APPLICATION: 17/01339/FLL**

We wish to object to the above-mentioned planning application for the erection of a single dwelling house between Woodend Cottage and The Stables, Woodend, Almondbank, by John Jenkins of Reliable Building Services Limited, Glenrothes.

This land has been subject to three previous applications for planning permission, to which the most recent, we objected.

Due to the fact that there has been no material, environmental or policy changes which make this most recent application differ from the previous one, all of our previous reasons for objection, which were made on the 3<sup>rd</sup> May 2015, and are recorded by Perth and Kinross Council (PKC), still apply.

In particular, we believe our objections regarding 'Sewerage Arrangements' are compelling in that the proposals are contrary to the specific requirements of the Perth and Kinross Council Local Development Plan, adopted on 3<sup>rd</sup> of February 2014.

We would also like to make reference to the following matters:

**Road Safety and Amenity**

We have reviewed the letter and accompanying documentation from ECS, submitted by John Jenkins as part of his application, and we have the following observations:

**Planning Reference 1701339/FLL**

Planning application reference 1701339/FLL is for a single house which would take vehicular access from a private access which forms a junction with the Main Street. The applicant has included a letter from ECS Transport Planning Ltd dated 21<sup>st</sup> June 2017 which comments on vehicular access proposals and concludes that the existing access can sufficiently accommodate the proposed house. For a number of reasons the conclusion reached by ECS Transport Planning is wrong. The access does not conform to design standards so cannot be deemed to be sufficient. The inaccuracies in the ECS report are discussed below.

**Private Access**

The ECS letter dated 21<sup>st</sup> June 2017 describes the access which serves the plot as being a 'private road'. This terminology is wrong, and the implication is important. A 'Private Road' is one which is not on the List of Public Roads held by the Road Authority. The public, however, still have a right of passage over these roads and the owner(s) of a private road cannot restrict or prevent the public's right of passage over the road. In terms of the Roads (Scotland) Act 1984, a 'Private Road' therefore simply means 'Privately Maintained Road', and traffic laws still apply to them.

The access which serves the application site is not a private road. Instead it is a private access. It does not have a public right of passage, and indeed it may have been gated at one point as there



used to be a gatepost at the junction with Main Street. Council refuse lorries do not travel up the access, which is often a good indicator that an access is private, with no public right of access.

Given the private status of the access, the applicant would need to receive permission from the access owners to drive over it. This permission has not been granted, and no public right exists which would otherwise allow the applicant to use the private access.

Perth & Kinross Council (PKC) Road Design Standards are contained within the National Roads Development Guide (NRDG). For the private access to be promoted as a private road (giving it a public right of access), the NRDG confirms at Section 2.1.2 that an application for Roads Construction Consent (RCC) would need to be made to Perth & Kinross Council under Section 21 of the Roads (Scotland) Act 1984 by the access owners. Section 2.1.4 of the NRDG goes on to note that *'Construction Consent should only be granted where proposals for the layout and construction of the roads, structures, road drainage and lighting meet the guidance as detailed in this document and any variations permitted by the Local Authority'*. For the access to meet NRDG standards for a road, significant improvements would need to be made in terms of geometry and structure, at considerable cost. An RCC application has not been made, and will not be made, by the access owners. Hence the access will remain private, with no public right of passage, and no right of use by new residents. On this basis, the application site cannot be accessed by vehicle or on foot.

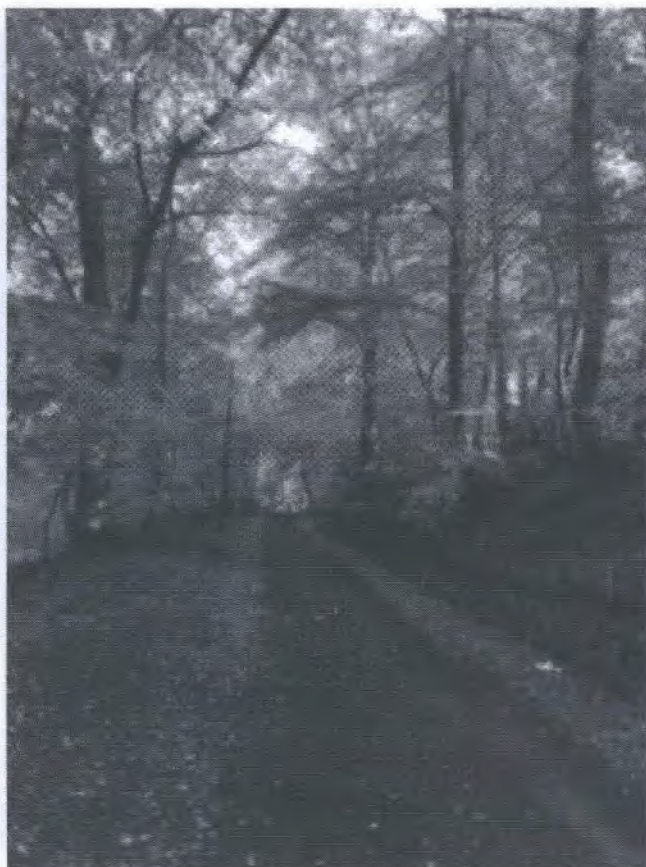
Furthermore, the NRDG comments at Section 2.1.4 that *'6 or more individual dwellings should normally be served by a 'road' which will require Construction Consent... Generally, 5 or fewer dwellings (more if a 'brownfield site', e.g. redeveloped farm steadings) will be served by a 'private access' which, as there is no right of public access, will not require Construction Consent and will not be available for adoption'*.

It is here that the distinction between a private access and a private road is important. PKC note that a private access may only serve up to 5 houses, and that more than 5 houses should be served by a road. The private access already serves 8 dwellings, which is a historical position. In accordance with Council standards, a private access cannot serve any more houses. A road would be required, but none is proposed.

#### Access Geometry

In the context of private accesses, the NRDG also comments within Section 2.1.4 that *'Such layouts should provide adequate turning facilities and a satisfactory junction with a public road'*. The ECS letter in support of the application focuses on available visibility at the junction formed between Main Street and the private access, though their commentary on visibility is flawed. ECS have not commented on the geometry of the private access, other than to note that it is not a concern. Photograph 1 below shows the nature of the private access, being unsurfaced and narrow with no passing opportunities. There is a steep drop on one side of the access. As a historical position, it gives access to 8 houses, but it is simply not suitable to accommodate any additional traffic.





**Photograph 1 – Existing Private Access**

The NRDG requires private accesses to form a satisfactory junction with a public road. The existing junction formed between Main Street and the private access cannot in any way be described as satisfactory. As a historical position, it serves 8 houses, but it does not meet with Council design standards and cannot safely accommodate any further traffic. Photograph 2 shows the existing junction.



**Photograph 2 – Existing Main Street / Private Access junction**



The private access meets Main Street at a very acute angle (12 degrees). In addition, there is a garage located immediately on the junction, and as can be seen from the photograph cars reverse out of the garage. Good design practice is for junctions to be formed at 90 degrees. This gives drivers exiting the minor road the best opportunity to see oncoming vehicles in both directions from their driver position. It also makes turning manoeuvres easier. The existing junction at a 12-degree angle makes visibility difficult for drivers exiting the private access. Photograph 3 below shows the driver view to the north when exiting the private access.



**Photograph 3 – View to the North When Exiting the Private Access onto Main Street**

The junction angle is so acute that a driver needs to look out of the nearside rear passenger window, which is far from satisfactory. Indeed, not all vehicles even allow such visibility to the nearside rear.

The NRDG comments at Section 3.1.1 that *'The functionality of a junction design should be demonstrated by swept path (or tracking) analysis based on the defined user needs appropriate to that junction. The swept path defines the minimum road space required to serve that junction's needs but is not considered necessarily the required kerb boundary line. It merely demonstrates the junction's ability to accommodate the intended traffic use'*. This clause identifies the needs to present swept path analysis as a means of showing that a junction is satisfactory for the traffic movements that it will support. The ECS letter in support of the application has not provided that evidence.

We have commissioned swept path analysis using Autotrack software (attached) which shows car movements using the junction. The enclosed drawing shows the swept path of a car, with movements to and from the north being particularly difficult. In order to exit the private access heading north, a car needs to swing completely over the southbound half of the Main Street



carriageway. Swept path analysis also shows that in order to enter the private access from the north a large car would need to make two cuts as they cannot do so in one movement without colliding with the garage shown in Photograph 2.

Swept path analysis shows that the junction cannot easily accommodate intended traffic movements, so the layout cannot be considered as satisfactory, which is a basic requirement. Whilst it is a historic junction with a historic right of use for the 8 houses that it serves, there is no justification for allowing an intensification of its use even by only one additional dwelling.

### Junction Visibility

The ECS letter written in support of the application refers to a visibility splay of 2m x 33m as being appropriate for the junction, and includes drawing number 17015\_001 which seeks to demonstrate that this visibility splay can be achieved. Both the visibility splay referenced and the drawing produced are flawed.

ECS have made reference to Designing Streets policy with respect to visibility requirements. They contend that a 2m 'X' distance is appropriate and accords with Designing Streets guidance. Designing Streets does make provision for applying a 2m 'X' distance, but only *'in some very lightly-trafficked and slow-speed situations'*. Page 34 of Designing Streets does also warn that *'but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the main arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered'*. Clearly there is considerable warning that use of a 2m 'X' distance to establish appropriate visibility will involve some vehicles protruding into the main road carriageway. Hence this should only be permitted in *'very lightly-trafficked'* scenarios. Whilst the private access does not generate a high volume of car movements over the course of a day, the traffic surveys commissioned by ECS show almost 1,500 two-way movements on Main Road on weekdays. This is a conservative estimate of daily traffic flow on Main Street because road closures at the time of the survey would have reduced flow on Main Street. Traffic flow of at least 1,500 vehicles per day cannot be considered as being *'very lightly-trafficked'*.

Given the context of the existing junction having poor geometry which causes difficulty for drivers to see oncoming vehicles and make manoeuvres, and features such as an adjacent garage, relaxing the 'X' distance to 2m in this circumstance would add further difficulty to drivers and would not be appropriate. Instead Designing Streets comments on page 34 that *'An 'X' distance of 2.4m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye'*. The available visibility for drivers exiting the private access should be considered from a 2.4m 'X' distance, and not the 2m 'X' distance erroneously used by ECS.

Drawing 17015\_001 prepared by ECS also wrongly represents the 2m x 33m visibility splay as a result of how the 2m 'X' distance has been measured. Normally the 'X' distance would be measured back from the major road channel at 90 degrees. In this case the existing junction has a very acute angle, to the extent that a car does not sit at 90 degrees when waiting to exit the private access. So, it is accepted that the 'X' distance measurement should realistically be angled. However, the ECS drawing does not accurately reflect the position of a driver when waiting to exit the private access, unless a significant proportion of the car was to protrude into the Main Street carriageway.

A drawing is enclosed which is based on a 2.4m x 33m visibility splay, measured from a more appropriate location on the private access, which reflects driver position. This is also demonstrated by Photograph 3. The drawing and photograph show that visibility to the north is hampered by a private wall. There used to be a pillar on the end of the wall which was vandalised, but if replaced it will further hinder available visibility. From a 2.4m 'X' distance drivers should be able to see the



whole carriageway for the entire 33m 'Y' distance, between a height range of 600mm to 2m above the carriageway channel. This visibility requirement cannot be achieved without crossing private land, and topography also restricts visibility in the vertical plane, as shown in Photograph 3. The applicant does not have control over private walls so cannot provide necessary improvements.

#### Summary

In summary, in addition to the comments made in our response to the previous application, in particular those referring to sewerage, there are a number of road related reasons why this application has to be refused. These are:

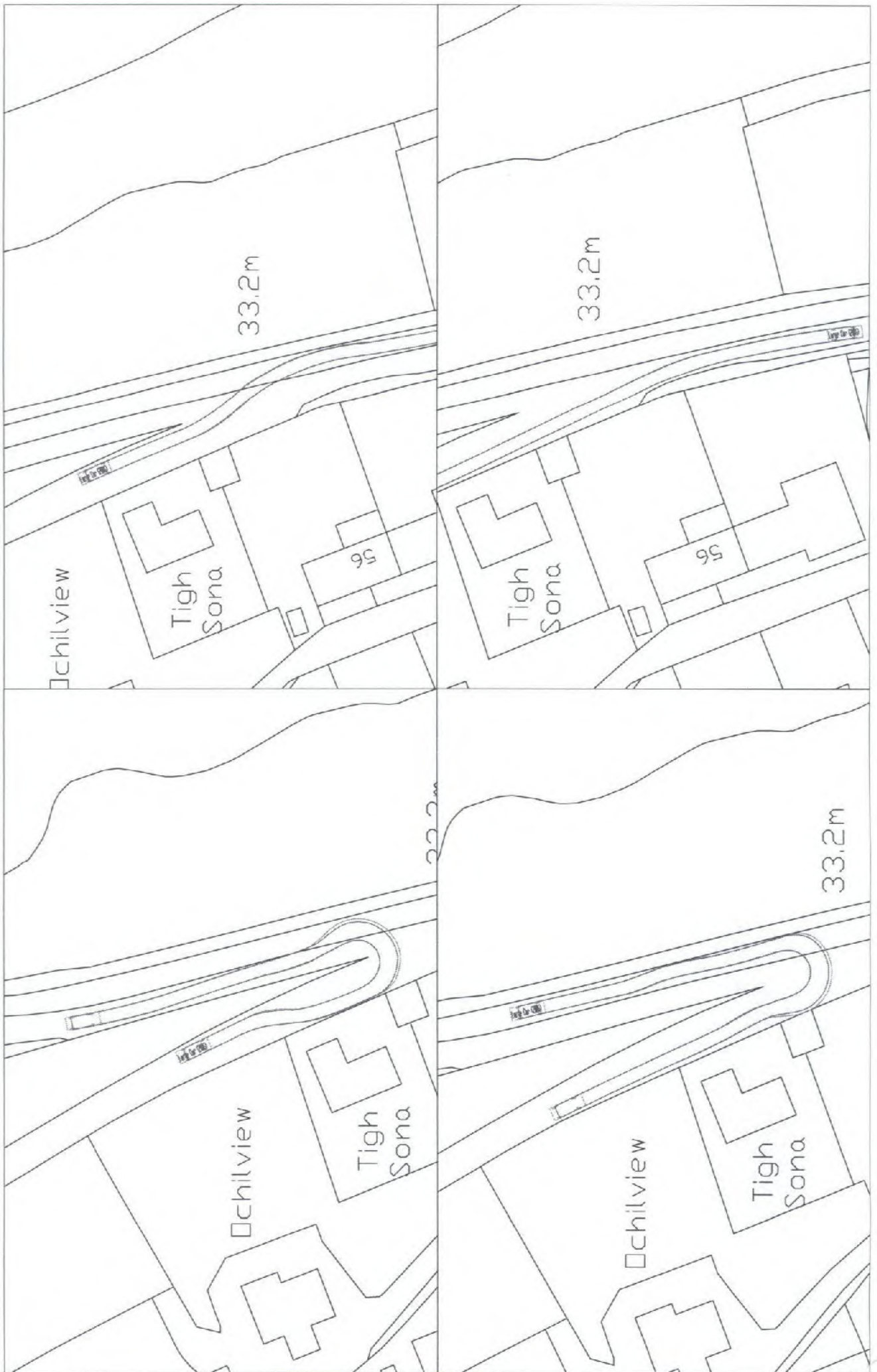
- The application site is served by a private access which already serves 8 houses. Council standards do not allow an additional house to be served by a private access. There is no proposal to make the private access a private road, and no support from the access owners for that.
- The private access does not have a public right of passage. The applicant has no right of use over private land, so the application site does not have vehicular or pedestrian access which is required for a new dwelling.
- The private access does not have appropriate geometry to accommodate intensified traffic use.
- The junction formed by Main Street and the existing private access is not 'satisfactory' as a junction, which is a basic requirement. Whilst it supports existing traffic movements as a historical situation, its use should not be intensified. Its geometry makes it difficult for cars to manoeuvre in one movement.
- The junction does not provide the required visibility in accordance with policy found within Designing Streets, so cannot safely accommodate additional traffic.

Your sincerely

Mrs Chris Bain & Mr Gary Horne









Woodend Cottage  
Almondbank  
Perth  
PH1 3NW

Perth & Kinross Council  
Perth & Kinross Local Review Body  
Council Building  
2 High Street  
PERTH  
PH1 5PH

5th January 2018

Your ref: TCP/11/16(506)  
Our ref: IAG/Planning/1801

For the attention of the Gillian Taylor, Clerk to the Local Review Body

Dear Sirs

**Town & Country Planning (Scotland) Act 1997**  
**The Town & Country Planning (Schemes of Delegation & Local Review Procedure)**  
**(Scotland) Regulations 2013**  
**Application Ref: 17/01339/FLL - Erection of a dwellinghouse on land 40 metres north**  
**of The Stables, Main Street, Almondbank - Mr J Jenkins**

I refer to your letter of 18th December 2017 relating to the above application and wish to raise several objections regarding this proposed development :-

The situation with regards to this plot of land has not changed since my letters of 17th February 2003, 1st December 2012, 9th June 2013, 4th May 2015 and most recently 2nd September 2017 regarding the earlier unsuccessful applications for Planning Permission for Erection of a Dwelling House. These objections were as follows :-

1. Abstracts from my letter of 17th February 2003, ref IAG/PKC Plan 303:-

- The proposed development will seriously affect the light availability to my property.
- The condition of the Unsurfaced Access Road - this is clearly unsuitable for the prolonged heavy traffic that would be associated with any development in this area. Particularly as the turning circle at the end of the road is no longer available for general use.
- The current O/H electricity Supply to the existing five properties, including Moulinalmond House, is insufficient to cope with the load requirements of the existing properties, and the fact that it is supplied from an O/H Line would make access to the plot difficult and dangerous.
- The Cess Pit/Septic Tank for Woodend Cottage is situated in the above plot and we have access to it at all times for the purpose of maintenance.
- The water supply to Woodend Cottage and possibly the neighbouring house, Coel Mor, goes across the middle of the plot, but the line of the pipe is unknown.

2. Abstracts from my letter of 4th May 2015, ref IAG/Planning/1505

- Due to the width of the Unsurfaced Access Road, the majority of HGV's have to reverse out to the Main street in Almondbank. An entrance with particularly bad sight Lines. The volume and character of the traffic on Main street, Almondbank has increased significantly since 2003 thus exacerbating the entrance problems.
- My understanding is the SEPA have stated that no further Septic tanks will be allowed at Woodend and that no other connection can be made into existing Septic Tanks.
- Subsequent to the 2003 application, a Judgement was issued by the Reporter, Trevor A. Croft, from the Scottish Executive Development Department, Inquiry Reporters Unit, ref P/PPA/340/297, where paragraph 16 stated 'This decision is final, subject to the right of any aggrieved person to apply to the Court of session within 6 weeks of the date of this letter (8th December 2003).
- To the best of my knowledge, as no such application was made the refusal to grant Planning Permission 'in perpetuity' for the development still stands.
- The proposed house is extremely large in comparison to the site itself, being approximately 2 metres from each boundary fence and out of all proportion to the existing properties. As such, it will have an extremely detrimental effect on the light available to my house
- I understand that SEPA have many concerns regarding the discharge of effluent into the Lade and would only grant authorisation if they were satisfied that there was sufficient dilation in the Lade. The same rules would apply to discharges to rivers or to groundwater soakaways. Currently, both adjacent properties discharge into groundwater soakaways and in the case of Woodend Cottage this has worked satisfactorily for many, many decades. it is therefore, extremely unlikely that the sub-surface could cope with additional volumes of discharge. The Lade itself, runs dry for the majority of the year and therefore a direct outfall from a Septic Tank could be extremely detrimental.

3. Abstracts from my letter of 2nd September 2017ref IAG/Planning/1708.1

- In addition to all of the above, with regards to the condition of the Unsurfaced Private Access Road at the point just before the Woodend Private Road joins the Moulinalmond Private Road, there is a vertical drop of over 6 metres, then a further more gradual drop across 20 metres to the River Almond. The cliff face is gradually being eroded away by heavy rains and the vertical cliff face in some places is now less than 1.5 metres from the ill-defined road edge. Introducing heavy construction traffic along this road can only shorten the life of this road cutting off all vehicular access to the four properties beyond.
- The Pillar which is mentioned in the ECS Traffic Survey, which was at the end of the Drive until it was removed by Vandals is to the best of my knowledge still the subject of a Criminal Investigation by the Police and will be re-erected and will therefore continue to exacerbate the access' sight lines'. The sight line to the Lochty side of the junction is in many instances masked by up to five parked vehicles immediately adjacent to the junction

- I would also point out that the ECS Survey as carried out between the 21st and 27th April 2017, is not representative of the normal traffic volumes through the village, as the road through Lochty was closed for 18 weeks from March to August 2017 to through traffic as a result of the Flood Prevention Works. This meant that in addition to the lack of any normal and commuting traffic to and from the A85 there were no heavy vehicles to and from Cromwell Park and elsewhere using the road

As there has been no change to any of the above reasons leading to my objection to the Application and that these objections have been substantiated by the latest and previous refusals of permission to Erect a Dwelling house on the land 40 metres North of the stables, Main Street, Allmondbank the latest reason on 21st September 2017 being :-

- The proposal will intensify the use of an existing sub standard access and junction which has poor geometry and poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan which seeks to ensure the safety of all users.
- Justification - The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the development Plan

Therefore, in view of the above, I wish to register my continued objection to Planning Application, ref 17/01339//FLL for the Erection of a Dwelling House as described in the Notification dated 22nd August 2017.

Please do not hesitate to contact me should you wish to clarify any of my concerns as stated above.

Your sincerely

Iain A Grant, FCIHT, BSc (Civil Eng)



17/01339/FLL

Mrs Chris Bain and Mr Gary Horne  
The Stables  
Woodend  
Almondbank  
PH1 3NW

7th January 2018

Dear Sir/Madam

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

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure)  
(Scotland) Regulations 2013**

**Application Ref: 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of  
The Stables, Main Street, Almondbank – Mr. J Jenkins**

In response to your email dated 18th December 2018 (TCP/11/16(506)), we would like to reiterate our objection to the above planning application by the developer, John Jenkins of Reliable Building Services Limited, Glenrothes.

To our knowledge, the area of land referenced in this application has been subject to at least four previous unsuccessful dwelling house applications, dating back to 2003.

From our research, it would appear that there has been no material nor environmental change in terms of the factors which underpinned our previous objection to this application, nor has there been any alteration in relevant Perth & Kinross Council (PKC) policy, since the latest application was refused in November 2017. We therefore believe that the previous decision by PKC should be upheld.

Our objection to the application was made primarily on the basis of the following concerns:

- Sewerage Arrangements

We believe our objections regarding 'Sewerage Arrangements' are compelling in that the proposals are contrary to the specific requirements of the Perth and Kinross Council Local Development Plan, adopted on 3<sup>rd</sup> of February 2014.

- Site Access Suitability

The application site is served by private access (not a public nor private road). PKC Road Design Standards, contained within the National Roads Development Guide (NRDG), comments at Section 2.1.4 that '*6 or more individual dwellings should normally be served by a 'road' which would require Construction Consent...*'. As the private access in question already supports 8 individual dwellings (which is a historical position), the addition of a further dwelling would further contravene Council standards, which state that a private access may only serve up to 5 houses, and that more than 5 houses should be served by a road.

Furthermore, **Photograph 1** below shows the nature of the private access, being unsurfaced and narrow with no passing opportunities. There is a steep drop on one side of the access. As a historical position, it now gives access to 8 houses, but it is simply not suitable to accommodate any additional traffic. This would be particularly true of the heavy load/lift vehicles associated with modern builds.

**Photograph 1**



- Site Access Safety

In the context of private accesses, the NRDG also comments within section 2.1.4 that '*Such layouts should provide adequate turning facilities and a satisfactory junction with a public road.*' In our objection of 11th September 2017, we described in some detail why the existing junction formed between the Main Street and the private access cannot in any way be described as satisfactory. This detail can be summarised as follows:

- Private Access Junction Visibility

**Photograph 2** shows that the private access meets Main Street at a very acute angle (12 degrees). In addition, there is a garage located immediately on the junction, and as can be seen from the photograph cars reverse out of the garage. Good design practice is for junctions to be formed at 90 degrees. This gives drivers exiting the minor road the best opportunity to see oncoming vehicles in both directions from their driver position. It also makes turning manoeuvres easier. The existing junction at a 12-degree angle makes visibility difficult for drivers exiting the private access.

**Photograph 2**



**Photograph 3** below shows the driver view to the north when exiting the private access. The junction angle is so acute that a driver needs to look out of the nearside rear passenger window to see what traffic may be approaching from the north, which is far from satisfactory. Indeed, not all vehicles even allow such visibility to the nearside rear.

It should be noted that The ECS letter written in support of the application refers to a visibility splay of 2m x 33m as being appropriate for the junction, and includes drawing number

17015\_001 which seeks to demonstrate that this visibility splay can be achieved. Our objection, however, details how the visibility splay referenced and the drawing produced by ECS are flawed.

It is also perhaps pertinent to note that the unsatisfactory visibility available to drivers exiting the private access remains, despite the suspicious and unlawful removal of the two ton stone pillar at this junction - the removal of which occurred shortly before the first application by Mr Jenkins - and which was deemed an act of criminal vandalism during the subsequent police investigation. The base of the pillar can still be seen in **Photograph 2**.

**Photograph 3**



- Private Access Geometry

The NRDG comments at Section 3.1.1 that 'The functionality of a junction design should be demonstrated by swept path (or tracking) analysis based on the defined user needs appropriate to that junction. The swept path defines the minimum road space required to serve that junction's needs but is not considered necessarily the required kerb boundary line. It merely demonstrates the junction's ability to accommodate the intended traffic use'.

Our commissioned swept path analysis demonstrated that in order to exit the private access heading north, a car needs to swing completely over the southbound half of the Main Street carriageway. Swept path analysis also shows that in order to enter the private access from the north a large car would need to make two cuts as they cannot do so in one movement without colliding with the garage shown in Photograph 2.

The swept path analysis results combined with the documented unsatisfactory visibility of the junction between the private access and Main Street provide technical illustration of what has been common knowledge to those residing at Woodend, i.e. the unsatisfactory nature of this



junction in terms of public safety. For this reason, it is a junction that residents handle with great care and caution. To intensify traffic use of the private access, in this case by an additional three vehicles, as listed in this application, would serve to increase the likelihood associated with an unsafe occurrence taking place at this location and, thereby, increase the risk to public safety.

For these reasons, and others, our objection to this planning application remains unchanged.

Your sincerely,

Mrs Chris Bain & Mr Gary Horne



Ceol Mor  
Woodend  
Almondbank  
PH1 3NW  
9/01/2018

**Town & Country Planning (Scotland) Act 1997**  
**The Town & Country Planning (Schemes of Delegation & Local Review**  
**Procedure) (Scotland) Regulations 2013**  
**Application Ref: 17/01339/FLL – Erection of a dwellinghouse on land 40 metres**  
**north of The Stables, Main Street, Almondbank – Mr J Jenkins**

Dear Ms Taylor,

I have been looking back over previous documentation about this case and find that there have been five applications to build on this plot in the time that I have lived at Woodend. The first of these (in 2003) was refused in perpetuity by the Scottish Office Reporter when the applicant went to appeal and I therefore find it hard to understand why we are still rehearsing the same arguments when there has been no material change in circumstances since then. Indeed, there are now additional factors (e.g. the still-open criminal investigation into the destruction of the stone pillar at the junction of Main St with the Woodend private road, as well as the continuing deterioration of the road itself) which, in my view, add even more weight to previous objections.

When the 2003 appeal was turned down it was done on the basis of a full investigation carried out by planning specialists who presumably had appropriate training and expertise in these matters. My understanding of the present situation is that the case will be reviewed by a board whose members will not have comparable knowledge and whose examination and judgement may well therefore be of a more general nature.

I know that my neighbour Iain Grant has again responded at length about this, and presumably you already have my last submission, which goes into considerable detail on the subject and of course itself refers to submissions which I made in response to previous applications. I therefore do not propose to repeat any of the points which I have now raised on a number of occasions, but I would nevertheless expect your review to take proper account of everything that I (and other neighbours) have said over the past fifteen years.

It is hard to escape the impression that we are being subjected to a process of gradual wearing-down and that the system has now been subtly changed to a less rigorous model favouring developers who will eventually get their way by dint of pure persistence. In short, is the time not overdue for them to accept “no” for an answer?

I look forward to hearing the result of your deliberations.

Yours sincerely

Howard Duthie

[REDACTED]  
[REDACTED]  
[REDACTED]



## Almondbank – Local Review Body Ref TCP/11/16 (506) – Appellant’s Response to Third Party Representations

Most of the issues raised by the third party representations to the Local Review Body have previously been raised during the application process and, have been fully considered in the appellant’s main submission to the Local Review Body. In particular, issues raised in respect of drainage, potential impacts on adjoining residential amenity, loss of light, water and electricity supplies, have all been addressed and satisfied and, as such, do not form part of the Council’s reason for refusal which relates solely to pedestrian and traffic safety. The following therefore only provides comment on specific, additional traffic safety issues raised by the representations in order to clarify the appellant’s position on such matters.

### ***Standard of Access Road***

The standard of the access road was not raised as a concern by Perth & Kinross Council’s Roads Department (P&KC) during the numerous discussions on the detail of the proposal. Throughout the aforementioned discussions, the only issue raised was the standard of the junction with Main Street and, the ability to provide an appropriate visibility envelope.

The access road has safely and efficiently accommodated the traffic associated with the existing 8 houses and, the introduction of one additional house will not result in a material adverse impact on the operation or standard of the route. As indicated in the main submission to the Review Body, the traffic associated with a single dwelling is minor and can be safely accommodated at the junction with Main Street.

The access road is also of a sufficient width and standard to safely accommodate the minor increase in traffic associated with a single dwelling.

### ***HGV Access***

HGV turning manoeuvres will be accommodated within the curtilage of the dwellinghouse plot to ensure that these, and all other vehicle types, can safely access and egress the access road in a forward gear. The only time an HGV will be required to reverse out of the access road, will be if it meets a vehicle adjacent to Main Street. This will be a very rare occurrence when the dwelling is constructed. This potential conflict is the same for all of the dwellings that currently take access from the lane and, the addition of a single dwelling will not materially increase the potential for such conflict.

### ***Construction Traffic Impact***

During the construction phase, it would clearly be more likely that an HGV could meet traffic on the access road, as these vehicle types would be visiting the site much more frequently. To ensure that HGVs are not required to reverse on to Main Street, the appellant would be happy to accept a planning condition requiring the submission of a Construction Management Plan (CMP) to P&KC for approval, prior to the commencement of development. The conditioning of a CMP is standard practice and would require the appellant to satisfy P&KC that all reasonable care was being taken to minimise disruption to residents and ensure HGV access is controlled safely.

For example, measures could involve banksmen controlling cars on the access road to ensure that there is no conflict on the route which would require vehicles to reverse.

With respect to the impact of construction vehicles on the standard and condition of the access road, the appellant is willing to agree to a condition survey of the route pre and post construction which will ensure that any damage to the route is made good, following the construction of the dwelling.

### ***Number of Dwellings***

It is acknowledged that P&KC Guidelines indicate that access roads which serve 5 or more dwellings should 'normally' be served by a 'road' which requires roads construction consent. It is however evident that this is a guide and not a standard, as is proven by the number of dwellings currently located on the access road and, the plethora of many other similar examples throughout Scotland.

As previously indicated, the additional traffic associated with a single dwelling is extremely minor, and will not have a material adverse impact on the safe and efficient operation of the access road.

### ***Junction Visibility & Alignment***

As detailed in the main submission to the Review Body, the visibility splay detailed in the SCOTS National Roads Development Guide can be achieved at the junction. The visibility envelope is the only technical matter raised by P&KC in refusing the application and, it is clearly evident that the visibility splay can be achieved.

The alignment of the junction ensures that drivers approach the junction slowly and give all traffic movements proper consideration. This is advocated in Designing Streets. The use of irregular junction forms is encouraged in Designing Streets to ensure vehicle speeds are controlled naturally and drivers are not complacent. The junction layout is in keeping with current Scottish Government Policy and is not a road safety risk as confirmed by independent road safety auditors.

**TCP/11/16(510) – 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 103-110***)
- (b) Decision Notice (***Pages 113-116***)
  - Report of Handling (***Pages 117-131***)
  - Reference Documents (***Pages 133-137***)
- (c) Representations (***Pages 139-162***)





**TCP/11/16(510) – 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross**

**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 GEORGE JACK

Address OLD BUTTS,  
LESLIE ROAD,  
SCOTLANDWELL

Postcode KY13 9TE

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail\* [REDACTED]

## Agent (if any)

Name [REDACTED]

Address [REDACTED]

Postcode [REDACTED]

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail\* [REDACTED]

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

Yes ☒ No ☐

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

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

17/01738/FLL

Site address

PLOT 1, SOUTH EAST CHANCE INN, NR KINROSS  
KY13 0LE

Description of proposed  
development

ERECTION OF DWELLING HOUSE  
AND GARAGE

Date of application

5 OCT 17

Date of decision (if any)

29 NOV 17

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:

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

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

No REASONS

**Statement**

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

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

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

REFER TO ATTACHMENT A.

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.

No Documents Further TO Attachment A.

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

17 DEC 17

## PD RIGHTS CONDITION APPEAL.

Attachment A to Notice of Review submission 17 December 2017 in connection with Planning Application 17/01738/FLL approved 29 November 2017.

In preparing the appeal to the Perth and Kinross (PKC) Planning groups grant of approval condition 10 we have referenced the PKC document;

- 17\_01738\_FLL-DECISION\_NOTICE-1034450

We wish to appeal against condition 10

No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

The key reason for the appeal is;

1. *The clause is in direct contradiction to the Scottish Government intent of their circular 'Guidance on Householder Permitted Development Rights*
2. *The applicants intent is to develop a sustainable garden area to a high standard fruit and vegetable producing garden with the associated requirement for potentially a green house and garden shed and do not see the need to have to submit further planning applications that take time and effort from not just the applicant but also the Perth and Kinross Planning group. This type of requirement is clearly detailed in the Scottish circular referenced above in particular page 44 section, 4.74.*

We would note that the applicant has no intent on undertaking further development to the approved house or garage footprint and this is specific to garden support

If the purpose of the condition is to prevent the extending of the house or garage, then the applicant is happy to have a condition specifying that the revocation of PD rights is limited to the house and garage structures.





**TCP/11/16(510) – 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr and Mrs George Jack  
c/o Shand Architecture  
Stuart Shand  
Studio One  
Crook Of Devon  
Kinross  
KY13 0UL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 29 November 2017

Town and Country Planning (Scotland) Acts.

Application Number **17/01738/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 6th October 2017 for planning permission for **Erection of a dwellinghouse and garage with ancillary accommodation** at Land 30 Metres South East Of Chance Inn Cottage Kinross subject to the undernoted conditions.

  
A

Interim Development Quality Manager

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Details of the obscure glass to be inserted into windows in the west elevation of the development hereby permitted shall be submitted to and approved in writing by the planning authority and thereafter the obscure glass shall be installed in accordance with the approved plans and retained at all times.

Reason - To prevent overlooking and protect the amenity of adjoining residents in accordance with the policies of the adopted development plan.

- 3 Within 14 days, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Within 14 days, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 5 Within 14 days, specifications of proposed materials shall be submitted or made available on site for the consideration and written approval of the planning authority. Thereafter the approved materials will be utilised in the scheme.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 6 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

- 7 Prior to the occupation of the dwellinghouses the proposed vehicular accesses shall be installed in accordance with Council specification Type B, Fig 5.6 with a hard surface and constructed to ensure the gradient of the access does not exceed 3% for the first 5.0 metres measured back from the edge of the carriageway to guarantee no surface water is discharged to the public road all to the satisfaction of the Planning Authority.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 8 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 9 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 10 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 11 The garage hereby approved shall be used solely for purposes incidental to the domestic enjoyment of the dwellinghouse.

Reason - In order to control and restrict the use of the building.

- 12 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

- a) No development shall commence specifically relating to the new dwelling until the mitigating foul drainage infrastructure associated with Chance Inn Farm House, Kinross, KY13 0LE has been installed and operational, all to the satisfaction of the Council as Planning Authority.
- b) Following the installation of the mitigation foul drainage infrastructure associated with Chance Inn Farm House, Kinross, KY13 0LE, the dwellings hereby approved shall only be occupied once its foul drainage infrastructure has been installed, to the reasonable satisfaction of the Council as Planning Authority. For the avoidance of doubt, all the installed drainage infrastructure as approved shall be retained at all times to satisfaction of the Council as Planning Authority.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 13 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 14 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

#### Justification

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

#### Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

**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](http://www.pkc.gov.uk) "Online Planning Applications" page**

#### Plan and Document Reference

17/01738/1

17/01738/2

17/01738/3

17/01738/4

17/01738/5

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01738/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 05.12.2017        |      |
| Case Officer           | John Russell      |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:** Erection of a dwellinghouse and garage with ancillary accommodation

**LOCATION:** Land 30 Metres South East Of Chance Inn Cottage Kinross

### SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**DATE OF SITE VISIT:** 25 October 2017

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to the ground to the south and west of the bungalow at Chance Inn Farm, near Kinross. The application is for the change of house type to that previously was approved.

## **SITE HISTORY**

07/01054/FUL Erection of 2 dwellinghouses 1 September 2007 Application Withdrawn

07/02142/FUL Erection of 2 dwellinghouses 13 February 2008 Application Refused

09/01160/FLL Erection of 2 dwellinghouses 26 April 2012 Application Permitted

12/01424/FLL Change of house types (modification of 09/01160/FLL to erect 2 dwellinghouses) 5 October 2012 Application Permitted

16/00014/FLL Erection of 2no. dwellinghouses 27 April 2016 Application Permitted

16/01797/FLL Change of use from agricultural land to private equestrian arena, erection of stables and formation of vehicular access 14 November 2016 Application Returned.

16/02146/FLL Erection of a dwellinghouse and stables, and formation of a private riding arena and vehicular access (change of house design) 10 March 2017 Application Withdrawn

17/01049/FLL Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design) 6 October 2017 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Discussions undertaken during withdrawal of application 16/02146/FLL and refusal of 17/01049/FLL regarding concerns with extent of plot curtilage and impact of stables.

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2014.



## **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

## **Perth and Kinross Local Development Plan 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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

### **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 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.

#### Policy NE1A - International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

#### Policy NE1B - National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### 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

#### **Developer Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

#### **Housing in the Countryside Guide**

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.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

## **CONSULTATION RESPONSES**

Scottish Environment Protection Agency - No objection. The site already holds a foul drainage discharge licence. The change of design does not increase the Population Equivalent which informed the original CAR licence. No increased mitigation is required for this proposal.

Local Flood Prevention Authority - No objection subject to conditional control.

Contributions Officer - A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.

Transport Planning – No objection.

Scottish Water – No objection.

## **REPRESENTATIONS**

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

- Excessive Height
- Inappropriate Housing Density
- Over-intensive development
- Concerns with boundary treatment/landscaping
- Concerns re potential loss of tree
- Studio accommodation constitutes a further dwelling
- Out of character with the area
- Light pollution
- Adverse affect on visual amenity
- The development site history
- Concern that works have been undertaken at the site without the benefit of planning consent.

## **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (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.

An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case the buildings at this location can be considered as a (a) Building Group.

Supplementary guidance, 'The Housing in the Countryside Policy' was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

*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).*

*Proposals which contribute towards ribbon development will not be supported.*

The principle of siting a development on the plot has already been accepted and the dwelling curtilage remains the same as approved. However, application 16/00014/FLL had a total building foot print of 160sqm (house and ancillary buildings). This proposal seeks to increase the size of the footprint on this plot to 308sqm. This opens up the principle of the development and whether the increase is appropriate taking account of character, layout and building pattern of the group. This is assessed in greater detail below along with the proposed stable building which is located in fields to the north. I note the comments regarding the accommodation above the garage however this is not an additional dwelling but accommodation associated with the proposed dwelling and relates to a single planning unit.

## **Design and Layout**

Policy PM1A confirms that 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 dwelling plot size remains the same as application 16/00014/FLL. The design and siting of the development has changed with the orientation of the proposed house changing and with a garage building detached to the north which generally aligns with the neighbouring Chance Inn dwelling. The proposal represents a significant change to the previous scheme however it does create a courtyard type feel that can be supported. In my view it does not adversely affect the character the building group at Chance Inn or constitute overdevelopment. The proposal would comply with policy PM1A and PM1B subject to appropriate landscaping and boundary treatment being secured.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

I do not consider the dwelling or the extent of the dwelling curtilage conflicts with Policy ER6. Conditional control will be applied to ensure the provision of a suitable landscaping scheme and the retention of existing noteworthy landscape features.

## **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed property is required and in this case cognisance of the surrounding landuses has to be taken into account.

Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. Having had the opportunity to assess the plans I do not consider that will impact on neighbouring properties to an extent that would warrant refusal of the application.

The fact that new development would overlook existing residential property and affect privacy is a common planning issue, and has been held by the courts to be a proper planning consideration. There is a need to take account of overlooking and impact on residential amenity.

As a rule of thumb a minimum 18 metres window to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.

The scheme includes glazing on the west boundary and this does raise overlooking and residential amenity issues for the neighbouring Chance Inn Cottage. While I do not consider there is an overlooking issue from the high level windows or the non-habitable rooms on the west elevation. There would be an issue from habitable rooms. I note the agent is proposing to incorporate obscure glazing along the west elevation to alleviate privacy issues. The full extent of glazing can be controlled by conditions.

There is also an intention to form boundary hedging to act as a screen on this boundary. While hedging in the long-term will likely secure privacy along this

boundary from the dwelling house in the short term it will not be sufficient. Other forms of screening should therefore be incorporated into this boundary, while a close boarded fence would not be acceptable there is scope to integrate other solutions to secure an acceptable level of residential amenity to coincide with the occupation of the dwelling and this can be controlled by condition. I note the concerns expressed regarding maintenance of guttering etc and the relationship of the boundary planting however this is a matter for the applicant. The concerns regarding construction next to the boundary and access from neighbouring land is a civil matter and is not a planning issue.

I note that there is an external stair to the studio above the garage however an intervening distance in excess of 20 metres is achieved between the stair and windows and is considered to be acceptable. It is normally accepted that some overlooking of gardens by neighbours is inevitable in most situations. There will be an element of overlooking to garden ground from the external stair. While I accept it will be a change to the status quo it is not to a sufficient detrimental impact to warrant refusal of the application.

Concerns have been raised regarding the potential use of flood lighting at the property. Conditional control will be applied to ensure that any floodlighting is sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

## **Roads and Access**

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied.

## **Drainage and Flooding**

There are no flooding issues at the site and conditional control can ensure that Sustainable Urban Drainage Systems are installed to attenuate water and avoid off site flooding.

Policies EP7 A, EP7B and EP7C of the adopted local plan read together with the aim to seek control and, where possible, reduce phosphorus levels discharged within the Loch Leven Catchment Area a SPA, SSSI and Ramsar site. I therefore consider these matters together.

Policy EP7A specifies that built development should not exceed the current level permitted by the discharge consents for the Kinross or Milnathort waste water treatment works together with the current contribution from built development within the rural catchment area.

Policy EP7B requires that all developments connect to the Kinross or Milnathort waste water treatment works, exceptions are where (a) drainage can be diverted out of the catchment or (b) mitigation measures are

implemented in accordance with the Council's published Supplementary Guidance.

While Policy EP7C requires the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development where proposed developments breach EP7A and EP7B.

The previous application submitted drainage calculations in support of that application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance. SEPA have been consulted and advise that they have no objection to this proposal as there will not be an increase in the number of usable bedrooms from the earlier approved house for the site. Conditional control can be applied to secure appropriate foul drainage and mitigation arrangements to ensure compliance with the Loch Leven Catchment policies.

### **Developer Contributions**

This site has planning consent under 16/00014/FLL for two units and a contribution towards primary education was paid on 27 April 2016. This proposal seeks to change the design of one of these consented units but will not increase the total number of units on site accordingly no contribution to primary education is required.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and 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 approval subject to conditions.

### **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**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Details of the obscure glass to be inserted into windows in the west elevation of the development hereby permitted shall be submitted to and approved in writing by the planning authority and thereafter the obscure glass shall be installed in accordance with the approved plans and retained at all times.

Reason - To prevent overlooking and protect the amenity of adjoining residents in accordance with the policies of the adopted development plan.

- 3 Within 14 days, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Within 14 days, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 5 Within 14 days, specifications of proposed materials shall be submitted or made available on site for the consideration and written approval of the planning authority. Thereafter the approved materials will be utilised in the scheme.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 6 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

- 7 Prior to the occupation of the dwellinghouses the proposed vehicular accesses shall be installed in accordance with Council specification Type B, Fig 5.6 with a hard surface and constructed to ensure the gradient of the access does not exceed 3% for the first 5.0 metres measured back from the edge of the carriageway to guarantee no surface water is discharged to the public road all to the satisfaction of the Planning Authority.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 8 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 9 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 10 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 11 The garage hereby approved shall be used solely for purposes incidental to the domestic enjoyment of the dwellinghouse.

Reason - In order to control and restrict the use of the building.

- 12 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

a) No development shall commence specifically relating to the new dwelling until the mitigating foul drainage infrastructure associated with Chance Inn Farm House, Kinross, KY13 0LE has been installed and operational, all to the satisfaction of the Council as Planning Authority.

b) Following the installation of the mitigation foul drainage infrastructure associated with Chance Inn Farm House, Kinross, KY13 0LE, the dwellings hereby approved shall only be occupied once its foul drainage infrastructure has been installed, to the reasonable satisfaction of the Council as Planning Authority. For the avoidance of doubt, all the installed drainage infrastructure as approved shall be retained at all times to satisfaction of the Council as Planning Authority.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 13 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 14 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a

degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

### **Justification**

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

### **Informatives**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01738/1

17/01738/2

17/01738/3

17/01738/4

17/01738/5

**Date of Report 29 November 2017**







Scale in metres

10 5 0 5 10 15

N

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Promap®

**SHAND**  
ARCHITECTURE

Architect

Studio One, Crook of Devon, Kinnos KY13 0UL  
E: [stuart@shandarchitecture.co.uk](mailto:stuart@shandarchitecture.co.uk)  
W: [shandarchitecture.co.uk](http://shandarchitecture.co.uk)  
T: 01577-840 202

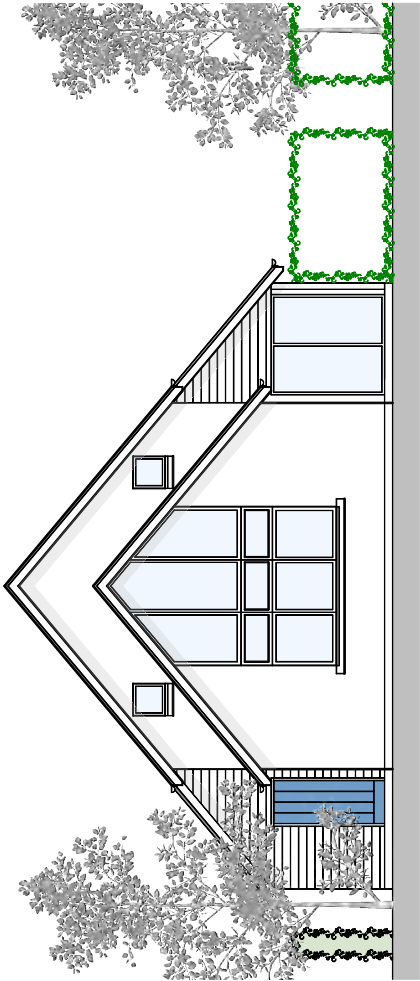
Proposed House + Stable  
Plot 1, Chance Inn  
Kinross-shire  
KY13 0LE

[illegible]

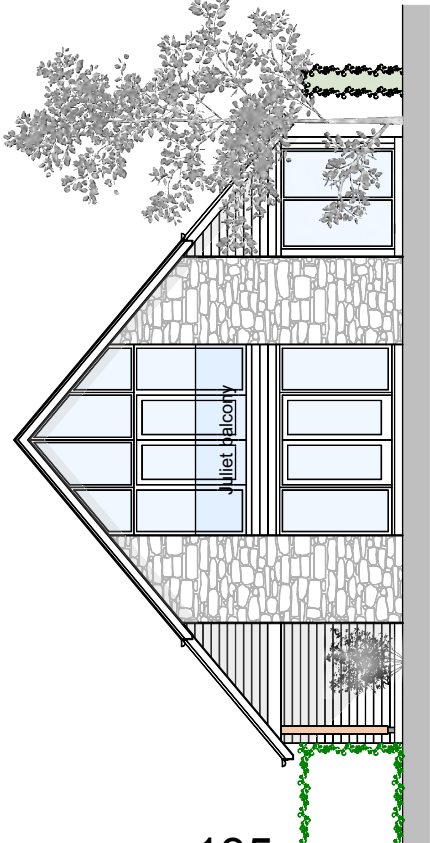
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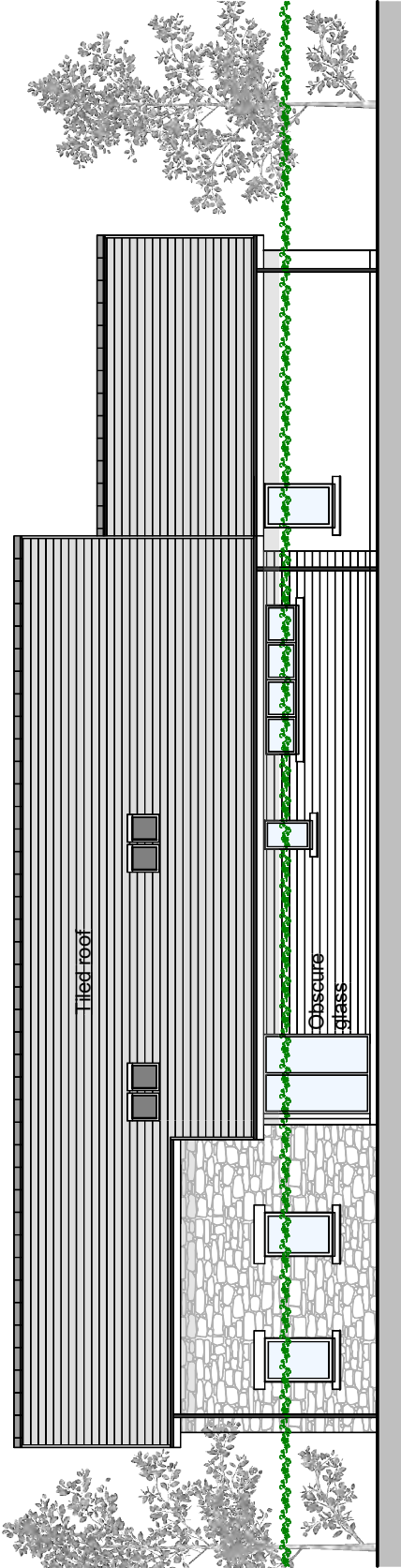
South Elevation



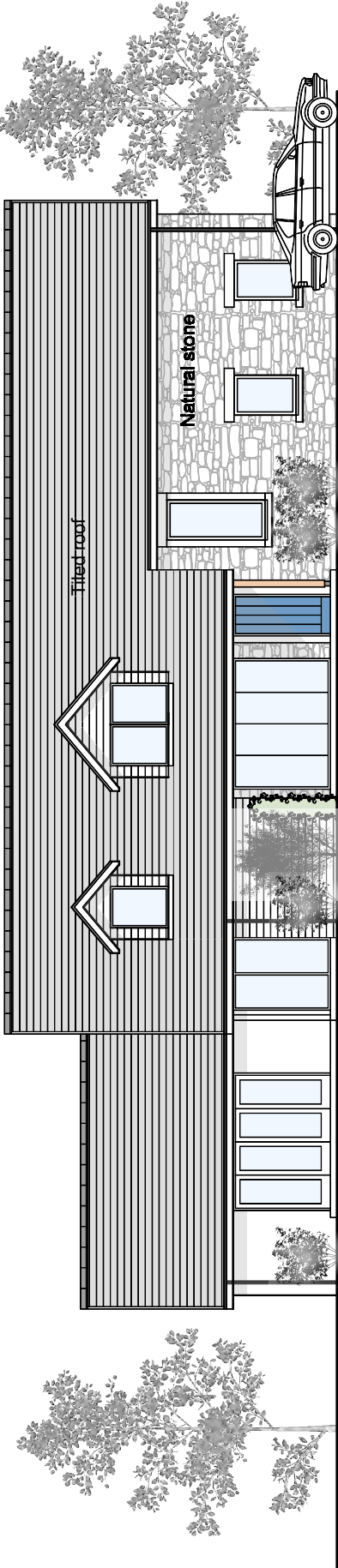
North Elevation



West Elevation



East Elevation



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Revisions

|   |                   |
|---|-------------------|
| G |                   |
| F |                   |
| E |                   |
| D |                   |
| C |                   |
| B |                   |
| A | Various revisions |

13/12/16

Architect

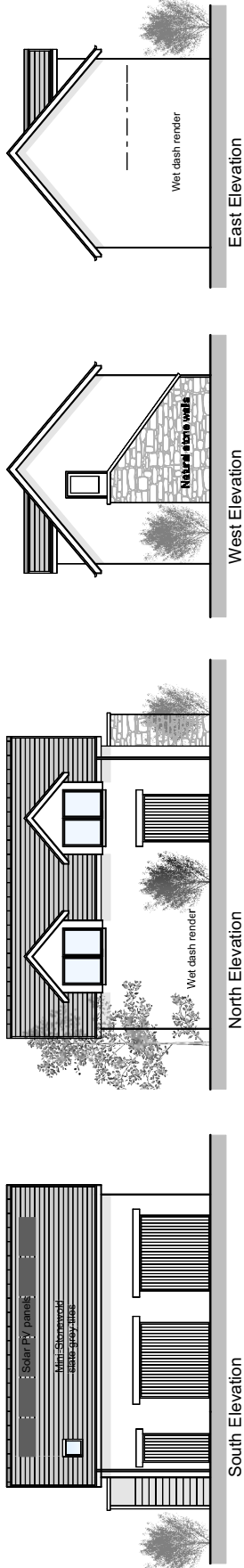
**SHAND**  
ARCHITECTURE

Studio One, Crook of Devon, Kinross KY13 0UL  
E: [stuart@shandarchitect.co.uk](mailto:stuart@shandarchitect.co.uk)  
W: [shandarchitecture.co.uk](http://shandarchitecture.co.uk)  
T: 01577-940 202

Project  
Proposed House + Stable  
Plot 1, Chance Inn  
Kinross-shire  
KY13 0LE

Title  
**PROPOSED GARAGE  
- Plans and Elevations**

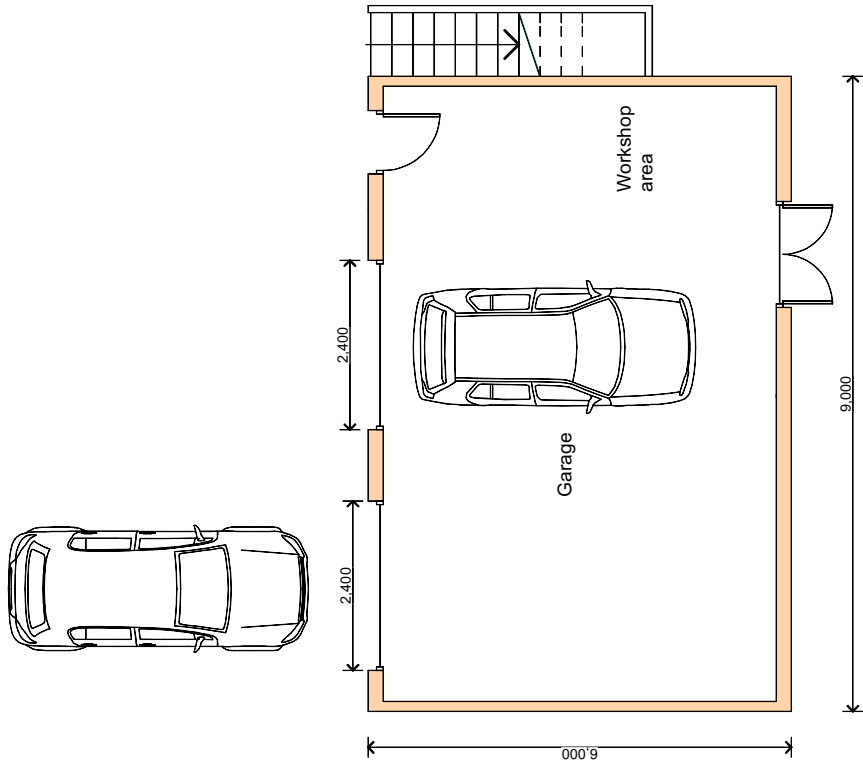
|          |               |
|----------|---------------|
| Scale    | 1:50:1:100    |
| Date     | November 2016 |
| Dwg. No. | 16-14-10      |
| Stage    | Planning      |



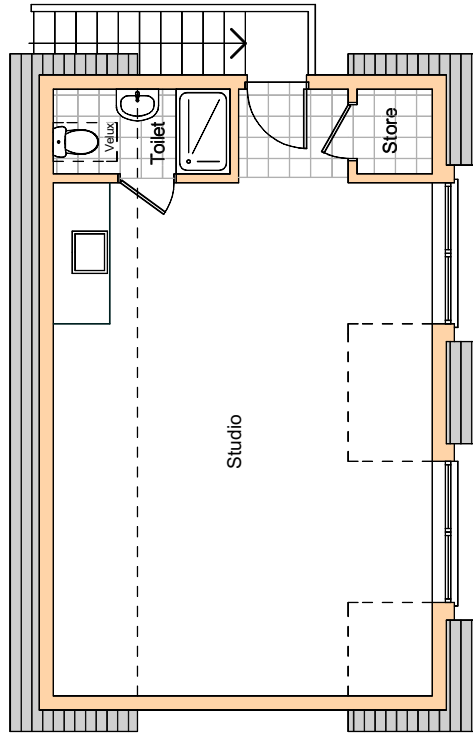
Scale in metres (1:100)

5m 4m 3m 2m 1m 0m

5m 10m



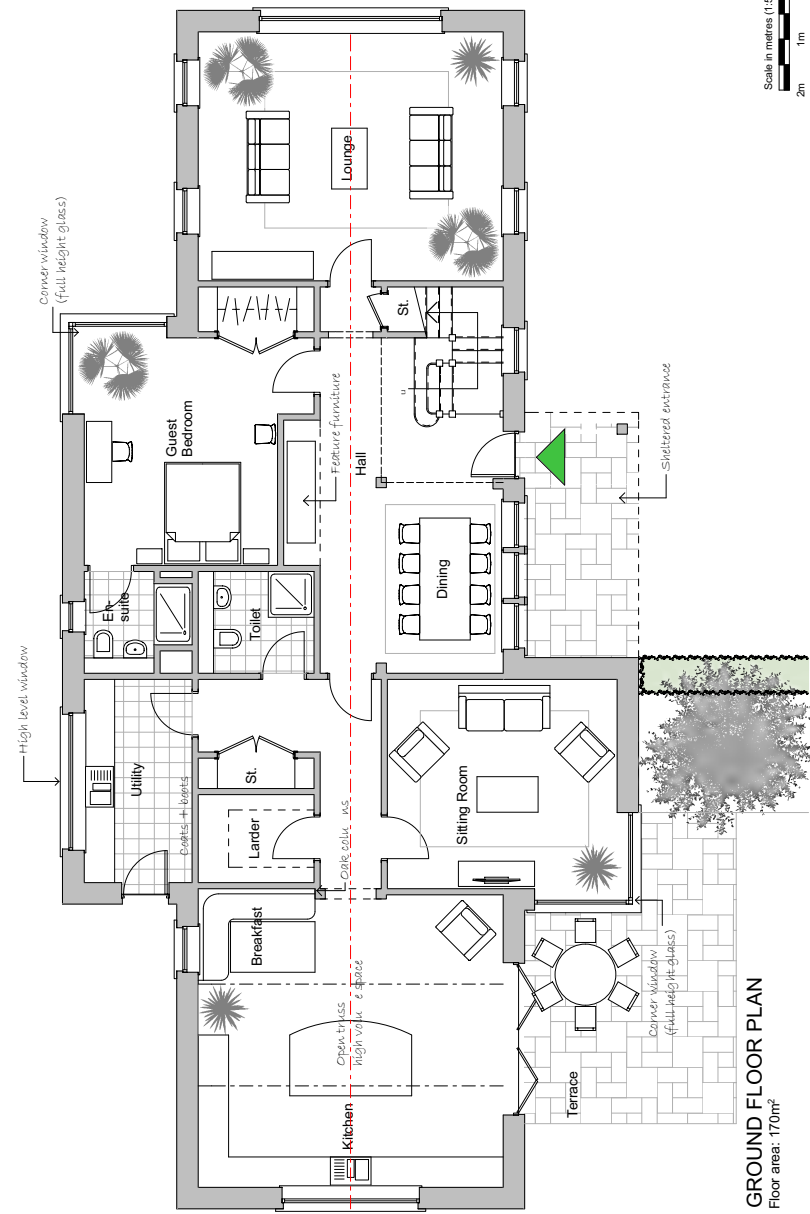
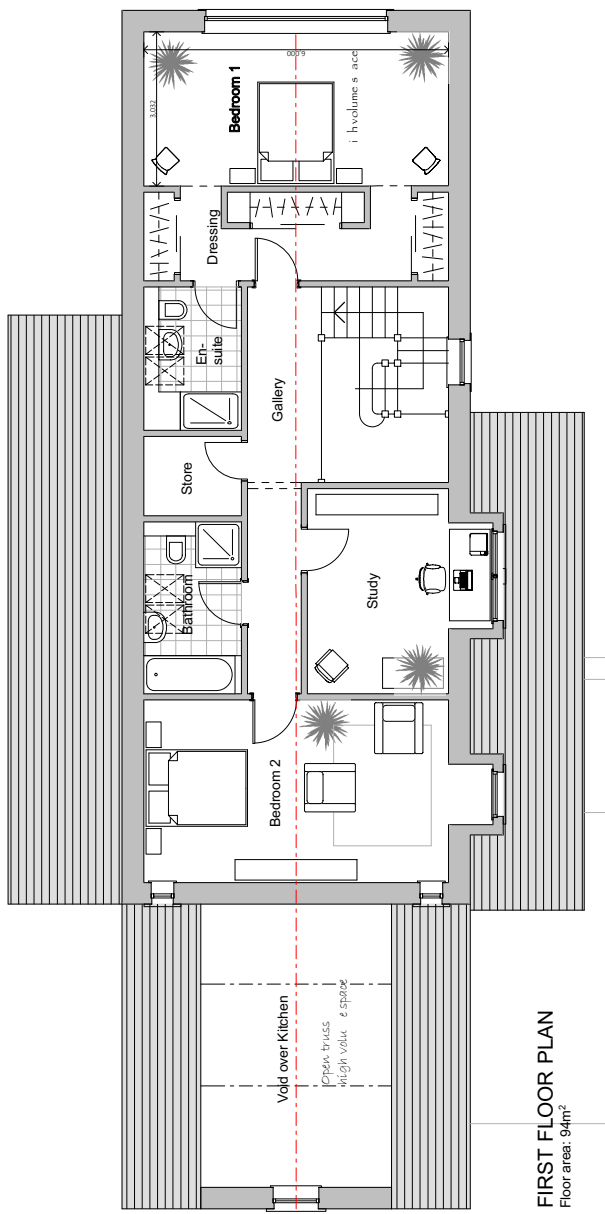
GROUND FLOOR PLAN



FIRST FLOOR PLAN

Scale in metres (1:50)

2m 1m 0m 1m 2m 3m 4m 5m





**TCP/11/16(510) – 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross**

## **REPRESENTATIONS**







11<sup>th</sup> October 2017

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

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

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

Dear Local Planner

**SITE: KY13 Kinross Chance Inn Cottage Land 30 Mtrs SE Of**  
**PLANNING REF: 17/01738/FLL**  
**OUR REF: 751954**  
**PROPOSAL: Erection of dwellinghouse and garage with ancillary accommodation**

**Please quote our reference in all future correspondence**

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

#### **Water**

- This proposed development will be fed from **Glendevon 1976** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**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 normally 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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Megan Innes**

Technical Analyst

[Megan.Innes2@scottishwater.co.uk](mailto:Megan.Innes2@scottishwater.co.uk)

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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                       |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------|
| <b>Planning Application ref.</b>                | 17/01738/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Comments provided by</b> | Ruth Thompson                         |
| <b>Service/Section</b>                          | Flooding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Contact Details</b>      | floodingdevelopmentcontrol@pkc.gov.uk |
| <b>Description of Proposal</b>                  | Erection of dwellinghouse and garage with ancillary accommodation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                       |
| <b>Address of site</b>                          | Land 30 Metres South East of Chance Inn Cottage Kinross for Mr and Mrs George Jack                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                       |
| <b>Comments on the proposal</b>                 | <p>I would re-iterate the comments from the previous application for this site (17/01049/FLL) below:</p> <p>We have no objection to this application.</p> <p>We note that the SEPA flood maps show potential surface water issues at the South of the site. The design must consider this risk and any site drainage should be designed to allow for this.</p> <p>It is noted that the foul drainage is proposed to run beneath the garage, and this may wish to be re-routed around the building to avoid future access issues should a blockage/defect occur.</p> |                             |                                       |
| <b>Recommended planning condition(s)</b>        | DR01 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.                                                                                                                                                                                                                                                                                                                                                        |                             |                                       |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                       |
| <b>Date comments returned</b>                   | 12.10.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                       |





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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01738/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of dwellinghouse and garage with ancillary accommodation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |
| <b>Address of site</b>                          | Land 30 Metres South East Of Chance Inn Cottage, Kinross                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                           |
| <b>Comments on the proposal</b>                 | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>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><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p> <p>A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |

|                                   |                 |
|-----------------------------------|-----------------|
| <b>Date comments<br/>returned</b> | 16 October 2017 |
|-----------------------------------|-----------------|

# Comments for Planning Application 17/01738/FLL

## Application Summary

Application Number: 17/01738/FLL

Address: Land 30 Metres South East Of Chance Inn Cottage Kinross

Proposal: Erection of a dwellinghouse and garage with ancillary accommodation

Case Officer: John Russell

## Customer Details

Name: Mr John Stevenson

Address: Gellybank House Zc498 From The U225 West Of Hatchbank To The B966 South Of Kinross, Kinross, Perth And Kinross KY13 0LE

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Excessive Height
- Inappropriate Housing Density
- Over Intensive Development
- Over Looking

Comment: I object to this third application for an oversize house on this small plot. My reasons for objecting are as follows:

1. The density of the development as a result of the floor area and position of the house (north-south orientation) is potentially resulting in boundary treatment issues with the western boundary only approximately 1m from the neighboring property. The position in the plot again as a consequence of the design and size of the house is intrusive to the two existing dwelling houses. The western boundary treatment with a natural hedge is impossible to achieve.

2. The south boundary should be stock proof fencing and a Beech hedge in keeping with the existing Beech hedge to Plot 2.

3. The Sycamore tree to the south west corner of the plot should be retained for both visual amenity and screening.

4. The Studio flat above the garage is in effect a third dwelling and not "ancillary accommodation" and beyond the scope of the original consents for this plot. The resulting height of the garage is too high and out of keeping with the surrounding buildings and other garages. A simple three car garage with a lower height would be more in keeping and less intrusive. The planning application is for one residential unit.

There is a troubled planning history with this and earlier applications directly related to the density of development. It will create a house totally out of character with the surrounding properties and the overall cluster of dwellings.

I trust that these comments are taken into consideration in determining the application.

John Stevenson, Gellybank House, Kinross.

Our ref: PCS/155466  
Your ref: 17/01738/FLL

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

If telephoning ask for:  
Anna Gaffney

30 October 2017

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir/Madam

**Town and Country Planning (Scotland) Acts**  
**Planning application: 17/01738/FLL**  
**Erection of dwelling house and garage with ancillary accommodation**  
**Land 30 Metres South East Of Chance Inn Cottage Kinross**

Thank you for your consultation email which SEPA received on 9 October 2017.

**Advice for the planning authority**

We have **no objection** to the above proposal, we would highlight that the site already holds a foul drainage discharge licence. The change of design does not increase the Population Equivalent which informed the original CAR licence. No increased mitigation is required for this proposal.

**Regulatory advice for the applicant**

**1. Regulatory requirements**

- 1.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 1.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Strathearn House, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RX,  
Tel: 01738 627989



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7259 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Anna Gaffney  
Planning Officer  
Planning Service

ECopy to: Stuart Shand, Shand Architecture, [stuart@shandarchitect.co.uk](mailto:stuart@shandarchitect.co.uk);

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages.khg](#)*



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

# Comments for Planning Application 17/01738/FLL

## Application Summary

Application Number: 17/01738/FLL

Address: Land 30 Metres South East Of Chance Inn Cottage Kinross

Proposal: Erection of a dwellinghouse and garage with ancillary accommodation

Case Officer: John Russell

## Customer Details

Name: Mrs Karen Elwis

Address: Chance Inn Cottage, Kinross KY13 0LE

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Housing Density
- Light Pollution
- Over Looking

Comment: Dear Sir/Madam,

With regard to planning application no. 17/01738/FLL by Mr and Mrs Jack for a new bungalow and garage/flat adjacent to Chance Inn Cottage, we still have some concerns regarding the applicants' latest application.

It is perhaps worth mentioning that despite the previous application having been rejected and the current one not having been approved by the Council (on paper at least) at time of writing, work has been going on at the site for the past week. Currently the foundations for both the proposed house and the garage have been dug and the former filled with concrete, which suggests the applicant is confident of obtaining permission. As a consequence of the foundations being in place, it is now evident to us where the proposed house and garage/flat would be with respect to our own property.

We are slightly puzzled that the proposed garage appears to contain a studio flat, as at the time of a previous application, there was even doubt as to whether the ground that now comprises plots one and two was suitable to accommodate two dwellings, owing to density concerns. Were the garage/studio flat to be approved, this would effectively mean that three dwellings would then be on this site once the other plot is developed, when even the suitability of two was in doubt previously.

With regard to our other concerns, we would refer you initially to our comment regarding a previous planning application for this site (plot 1 in the original application submitted by the previous owner), which also applies in this instance.

Discharging the conditions of the original consent (16/00014/FLL); Condition 2 " ....The planting



plans and boundary treatment should specifically strengthen the boundaries of the site....", the original applicant provided a beech hedge along the majority of the western boundary (copy of relevant drawing can be provided). We note that this application does provide for a non-poisonous, stock-safe, mixed species hedge.

While we agree that on a long-term basis, hedging (preferably a mixture of hornbeam and beech, both of which provide cover during more of the year than other species) originally seemed an appropriate boundary treatment/screen, we now foresee a possible issue with the establishment of such a hedge.

With the foundations for the proposed dwelling having been dug, it is evident how close the proposed building is to our boundary fence (barely 1 metre); it therefore appears that there could be an issue trying to establish a hedge. According to the Royal Horticultural Society, hedges require to be around 600-900mm in width if they are to establish properly. Given that the hedge in question would thus inevitably be very close to the wall of the proposed house (10cm to 40cm max.), it would receive little light and is unlikely to thrive. Moreover, it would also make it difficult - if not impossible - to maintain the wall of the proposed house, as well as cleaning windows, cleaning out guttering, etc., as (for the reasons outlined above) the hedge will barely allow the passage of a person between it and the wall of the house.

Moreover, even if the hedge were to survive, hedging takes a significant time to grow (up to five years in the case of many non-poisonous hedgerow plants), so there would be an urgent need for an interim boundary treatment to provide privacy between the properties. Having spoken with John Russell, he mentioned that he would not be in favour of wooden panels in this situation, so we would suggest that a 1.6 m natural stone wall - rather than a hedge - for at least the length of the proposed house (with hedging thereafter, as it should be easier to establish where there is no house wall close) would provide an immediate and effective boundary treatment. Moreover, it would be compatible with the rural situation, being in keeping with the drystone dykes in surrounding fields.

The fenestration of the proposed buildings also concerns us. Now that the proposed foundations have been dug and we can see how much both buildings will overlook our property, this has confirmed our fears about loss of amenity. It appears that not only the entire rear façade (west-facing on the plans) of the proposed house but also the west-facing window of the flat in the upper floor of the garage - and the stairway that provides access to the said flat - look directly into the windows in our house. From the west side of the garage/flat, the outlook is directly into our bedroom, and into our previously completely private back garden. We are particularly aware of this, given that this week we have been unable to change in our own bedroom each morning because of the presence of the builders working on the garage site. This has caused us major concern as - not unreasonably - we wish our bedroom to remain private.

Several of the windows in the proposed house are already specified by the applicant's architect as being high windows and/or windows made of obscure glass, which partly addresses the problem; however, it is not clear from one of the sets of the drawings whether the large, full-height corner window in one bedroom and the two windows of the proposed sitting-room are definitely specified as being fitted with obscure glass, which would be essential to prevent them looking into our sitting-room windows. We discussed this with the applicant's architect, who mentioned that one

way round this would be to ensure that all fenestration facing our property would be obscure glass. Consequently, we would respectfully ask the Council to specify that all windows/doors on what are designated in the plans as the west-facing side of the proposed house are made of obscure glass, and similarly that the window in the door of the garage be obscure glass, which would address the very real possibility that our property will suffer a major loss of amenity should the application be approved. Obscure glass would address the privacy issue while still allowing Mr and Mrs Jack light into their house and flat respectively.

Our final comment is that we would request that there are restrictions on the level of exterior lighting at the proposed buildings, and that no orange street lighting be permitted, as this would not be in keeping with the nature of the current cluster and would be disruptive for our livestock's natural circadian rhythm. We presume that as Mr and Mrs Jack have livestock themselves, they will understand our concerns regarding this matter.



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                          |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01738/FLL                                                                                                                                                                                                                                                                                                                                                                                 | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                           | <b>Contact Details</b>      | [REDACTED]<br>[REDACTED]                 |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and garage with ancillary accommodation                                                                                                                                                                                                                                                                                                                          |                             |                                          |
| <b>Address of site</b>                          | Land 30 Metres South East Of Chance Inn Cottage<br>Kinross                                                                                                                                                                                                                                                                                                                                   |                             |                                          |
| <b>Comments on the proposal</b>                 | Insofar as the roads matters are concerned, I do not object to this proposal provided the undernoted condition is attached in the interests of pedestrian and traffic safety.                                                                                                                                                                                                                |                             |                                          |
| <b>Recommended planning condition(s)</b>        | <ul style="list-style-type: none"> <li>• <b>AR01</b> Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide <b>Type B, Figure 5.6</b> access detail.</li> </ul>                                                                                          |                             |                                          |
| <b>Recommended informative(s) for applicant</b> | The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. |                             |                                          |
| <b>Date comments returned</b>                   | 13 November 2017                                                                                                                                                                                                                                                                                                                                                                             |                             |                                          |



CHANCE INN COTTAGE, by KINROSS, KY13 0LE

FAO: The Local Review Body, Perth and Kinross Council

Tuesday 23<sup>rd</sup> January, 2018

**RE: Application Ref: 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross – Mr G Jack**

**And Application Ref: 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross – Mr G Jack**

Dear Sir/Madam,

With reference to planning applications **17/01738/FLL** and **17/01049/FLL** by Mr G. Jack, who is appealing the respective planning decisions made by Perth and Kinross Council's planning department, we are writing to express our thoughts and to ask that the Council remains firm in its decisions.

Firstly, I should point out that there is a stark difference between the applicant's proposed development plans and the current situation at Chance Inn/Gellybank. For a start, all other stables mentioned as evidence in the applicant's submission are situated close to the dwellings and are not randomly situated in the middle of open countryside on agricultural land.

Allowing the applicant's proposed large stable building to be constructed at the distance from their residence(s) that is being suggested would completely change the nature of the setting (the existing dwellings being currently in a 'group') and would set a precedent. Moreover, the applicants already have a stable building, which is more separate from their residence than is the norm in the setting.

The stable for which permission is requested under application **17/01049/FLL** is substantially larger than the requirements for two/three horses – and, just like the curiously 'house-shaped' garage which the applicants have already erected adjacent to our house, it is probably large enough to become a dwelling in the future. Like many other residents in the neighbourhood, we are not convinced by the applicants' claim that the house they propose to build is their forever home; based on the precedent of them having constructed several houses, close together, in their previous residential setting then moved on, we contend that this may be a cynical attempt by the applicants to urbanise the countryside in the long-term, with an inappropriate density of buildings immediately adjacent to Chance Inn Cottage. Please remember – with reference to application **17/01738/FLL** specifically – that at one point permission was only to be granted by the Council for one house on the site in question prior to an appeal, and now it has become two houses PLUS a 'garage/flat' (which, as you will see from the photo which I am sending under separate e-cover, looks very like a house). This is wholly inappropriate for what is a very rural setting, and it threatens to change the character of our whole community.

No one objected to the stables being put up by any of the other residents in this small rural community – because these were of a completely different character, in that they formed part of an already existing unit and did not impact on the open landscape in the way that the applicant's stable building and manege will – the proposed stable and manege development would be clearly visible to anyone who lives here, as well as others passing through this beautiful area. It will detract from the amenity of the area and send out a message to others that random buildings in rural areas,

constructed at some distance from the owner's dwelling, are acceptable to Perth and Kinross Council.

In summary, I urge you to please bear the following points in mind during your deliberations:

1. The applicants apparently have a previous history of building houses in their garden/domestic land then moving on. They may genuinely believe that this is their 'forever' home, but the truth is that they could easily change their minds and decide not to stay here (but to develop the land and then leave, as they have done before) within a day of receiving any decision to allow them to pursue their plans for this quintessentially rural area.
2. The applicants tried to claim, in one of their applications, that the long strip of agricultural land between their house(s) and the 4-acre horse paddock was "domestic" (which, to the best of our knowledge and belief, could enhance their ability to request permission for further houses there in future). This suggests they may have future plans for the land, and we would ask you to bear this in mind during your review process.
3. The applicant's 'garage' building already appears to be a backdoor attempt to obtain consent for yet another residential property on a plot in a density out of keeping with the previous housing density in this location. The layout plan of the surrounding properties and the garden demonstrates the intensity of the applicant's development. The fact that their proposed house is as close as legally possible to ours (9 m) is not in keeping with the density of other dwellings in the setting.
4. The applicants already have a stable building that appears adequate for their equine purposes. Their ponies are of a native breed, so do not require year-round stabling – in fact for native breeds, a field shelter can even be adequate, so there is no requirement for a large-scale building of the type being applied for.
5. The proposed stable would stick out like a sore thumb in the countryside, being at some distance from the applicants' residence and in a field that has been arable land for generations.
6. The applicant evidently felt fairly confident that their application for the house and garage would be accepted, as foundations for the proposed house and garage had been completed and the garage walls erected before planning consent was given. So even if the Council had refused the application, the face of the land had already been altered.
7. Allowing this development to go ahead would set a dangerous precedent. If permission is granted for one such large, fixed and permanent stable in open countryside then there would surely be no reason in future to refuse similar buildings for the nearby residents in virtually identical situations? The effect of that on the local landscape would be unthinkable. Please do not set this very dangerous precedent. This is an attractive small rural community, which is not a recognised settlement in the Local Development Plan, and the development proposals being applied for by the applicant threaten the character and setting because of their impact on the agricultural rural landscape.

Thank you for your consideration. Yours faithfully,

*Karen and Alister Elwis*







**TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 165-192***)
- (b) Decision Notice (***Pages 195-196***)
  - Report of Handling (***Pages 197-209***)
  - Reference Documents (***Pages 211-220***)
- (c) Representations (***Pages 221-252***)



**TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

MR &amp; MRS G JACK

Address

OLD BUTTS  
LESLIE ROAD  
SCOTLANDSWELL  
KY13 9JE

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Yes No

☐ ☐

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

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

17/01049/PL

Site address

PLOT 1, WEST OF CHANCE INN FARM, NL  
KINROSS, KY13 0LEDescription of proposed  
developmentERECTION OF DWELLING HOUSE, GARAGE  
AND STABLES

Date of application

29 JUNE 17

Date of decision (if any)

6 OCT 17

**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 HEARING SESSION IS SEEN AS A REQUIREMENT TO FULLY COMMUNICATE THE BASIS OF APPEAL AND TO REPORT TO ANY QUESTIONS THAT MAY ARISE.

**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 ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

NO REASON

**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.

ATTACHMENT A - NARRATIVE  
 ATTACHMENT B - MAP WITH STABLE ID'S  
 ATTACHMENT C - PHOTOS  
 ATTACHMENT D - REFERENCES PLANNING  
 APPLICATION 17/01388/FUL  
 REPORT OF HANDLING

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.

ATTACHMENTS A, B, C, d D AS NOTED  
PREVIOUSLY  
CD WITH PICTURES FOR CLARITY  
INCLUDING ATTACHMENT C.

**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:

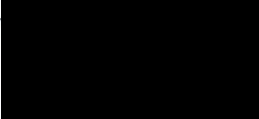
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**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

17 DEC 2017



## STABLE REFUSAL CONDITION APPEAL.

Attachment A to Notice of Review submission 17 December 2017 in connection with Planning Application 17/001049/FLL approved 29 November 2017.

In preparing the appeal to the Perth and Kinross (PKC) Planning groups refusal of stables associated with application 17/01049/FLL we have referenced the PKC documents;

- 17\_01049\_FLL-DECISION\_NOTICE-1009949
- 17\_01049\_FLL-REPORT\_OF\_HANDLING-1009400

We have extracted the key reasons for refusal from the above noted documents and provided a detailed rebuttal as noted.

The key reasons for refusal is seen as Placemaking and the clear basis for this reason for refusal is repeated in some form throughout the Report of Handling document, refer to the quoted notes;

- 'massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside'.
- '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'.
- 'Furthermore it would not respect the character and amenity of the building group at Chance Inn'.
- 'the proposal fails to create a sense of identity and erodes the character of the countryside by extending development northwards into open countryside to the detriment of the building group and sense of place.'
- 'The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience due to the scale and mass of the proposed stables in the open countryside.'
- 'Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.'
- 'The refusal documentation specifically references the new development 'Furthermore it would not respect the character and amenity of the building group at Chance Inn'. which will replace the current established farm sheds and prior to the design of the stables the applicant discussed the stable design with the piggery developer to ensure that it would be in keeping with the high standard of development proposed for the piggery.'

All of the above notes clearly relate to a concern over Placemaking and we would wish to note the following in response;

- The surrounding area is clearly equestrian friendly with the majority of the surrounding properties having populated horse paddocks in one form or another, with some stabling in the area significant in size. We feel that the proposed stables are therefore in line with the local amenities and situation and the quality of design of the new build will enhance the area in relation to similar builds. Refer to Attachment B, Local Plan colour coded for stable / field shelter locations and horse paddocks.  
Refer to Attachment C Local Pictures
- There has recently been a stable application similar in size, if not layout, approved in the neighbouring property again establishing the area as equestrian friendly.  
Note this referenced application includes 3 stables, 1 tack room and 1 store similar in content to the applicants application.



Refer to attachment D regarding application 17/01388/FLL which was submitted 15 Aug 17 and approved 3 Oct 17 therefore was under assessment at the same time as the applicants. The approved application 17/01388/FLL is 80m<sup>2</sup> in size v the applicants 120m<sup>2</sup> and this variance is a consequence of the applicants layout which is designed to facilitate the ability to clean and groom the applicants 2 horses in all weathers to support the intent to show at local horse shows. Refer to Attachment D, report of handling for approved planning application 17/01388/FLL.

- We would note that the stables have been proposed with three stalls with a design intent to create an area inside for storage of feed and tack and thereby providing the capability to keep the site tidy.
- The refusal refers to; 'the scale, massing and location of the stable building is considered to be unacceptable it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside' we would note the stable block is located in a natural depression in the area, is single storey in height and has been specified to have an external finish of high quality natural appearance.
- The development is positioned to suit a current access road and thereby limits any disruption and change to the area infrastructure, note no objection from the road department.
- The scale of the property is in keeping with the area of paddocks to be utilised, which is approx. 5 acres in size. We currently have 2 horses and have designed the stables for a maximum of 3 horses. The stables are clearly for personnel use and enjoyment with the applicants passion showing at local events. E.g. Kinross Show, West Fife Show and Royal Highland show.
- We have already commenced the planting of native trees (21 trees planted to date) to further lessen the impact of the stables in the line of sight of all neighbouring properties and will continue with this effort over the coming period to fully establish the stables blending into the natural countryside. In addition to our future intent there is already an established ten foot hawthorn hedge between the road and the identified area shielding the area from the main access road.
- The identified area is central to the applicants paddocks, lies in a natural depression, is adjacent to the current access and therefore is located in the most suitable location on the applicants land.
- The proposed wooden cladding to the stables is an architectural feature of no structural benefit purposely designed to provide a clear benefit of ensuring the building is visibly appealing, this clearly demonstrates the intent of the applicant to ensure that the area is developed in a visually appealing manner.
- The refusal refers to the neighbouring planning application to upgrade the piggery area on the opposite side of the road with a high spec development. The applicant would like to highlight that they engaged the current developer of this high spec development to agree external appearance of the stables to ensure they are in keeping with a high standard development. The applicant would also wish to note that it is the developers intent to offer land to the north of the applicants proposed stable location to prospective purchasers of the developed properties to provide the opportunity for the new owners to develop paddocks and one would assume some form of stabling.

Further noted reasons for refusal are noted as;

'where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.'

In this respect we would note that the Environmental Health had no comments or objections and when referring to the neighbouring approved stables 17/01388/FLL the Report of Handling notes  
*'There are several other existing residential properties adjacent to the applicants and it is my contention that there is the potential for neighbouring properties to be aware of odours and noise at times which are common to any rural agricultural area; there are existing livery stables at Gellybank Farm.'*

We feel that this assessment by the councils Environmental Health should also apply to the applicants application.



We would like to reference the granted consent for application 17/01388 for similar stables located closer to existing residential properties. In the assessment of the notice of handling on page 4 it states that neighbouring properties should be aware and in keeping with the character of the immediate area, as further shown in Attachment B.

In addition we would like to highlight re the concern re noise and odour in that the noted area is surrounded by horses in fields and in stables of various designs therefore why this particular application has been identified as having the potential to cause additional noise and odour we find strange. We would also note that we can not imagine a stable for 3 horses for personnel use along with the associated paddock areas as representing an intensive use of 5 acres of land this will surely have no greater impact than what is expected from a low intensity use of 5 acres of rural farm land.

Further noted reasons for refusal are noted as;

'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.'

We would respond by noting that ensuring the countryside is available for the enjoyment by, amongst others, horse owners living in the immediate area, as opposed to having to travel to a location elsewhere, this should be seen as clear benefit to quality of life and therefore clearly conforms to the noted clause from the TAYside Strategic Development Plan

In general we would like to make the following additional points regarding Refusal on development in countryside;

- Proposed stables are on the corner of the field adjacent to the existing built area and existing road access.
- Stables used for personal use such as this are commonly found in the countryside.
- Stable is located in the lowest part of the field and will not impede views. There are significant existing structures on the other side of the road that have a far greater impact than the single storey stables being proposed, Refer to Attachment C, picture 6.

The following reason for refusal.

*"There is insufficient information to illustrate that a stable of the scale proposed in this application can provide a satisfactory residential environment due to the proximity of the proposed equestrian stables to the approved Chance Inn Farm residential development 09/00941/FLL where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014."*

- In response to the above we would like to refer you to the Environmental Health response below. The PKC environment health team have completed an assessment and deemed it acceptable subject to conditions which we are happy to comply fully with.

**Environmental Health** (assessment date –21/07/17)

**Recommendation**

***I have no objection in principle in relation to the application but recommend that the under noted condition is included on any given consent.***

**Comments**



*This Service made no adverse comment with regards to contaminated land in memo dated 11 August 2009 for approved 09/01160/FLL for erection of two dwellinghouses*

*This application is for the erection of a single dwelling house and stables therefore there is the potential for existing and future residents to be affected by odour from the stables.*

*The stables are to be sited approximately 201metres from the proposed property and 168 metres from the closest existing property Chance Inn Farmhouse.*

*The stable plans indicate that there is three stable stalls, tack, feed and storage areas, the stables are not for commercial use.*

*Therefore I recommend that the undernoted condition be included on any given consent to protect residential amenity from odour nuisance.*

**Condition**

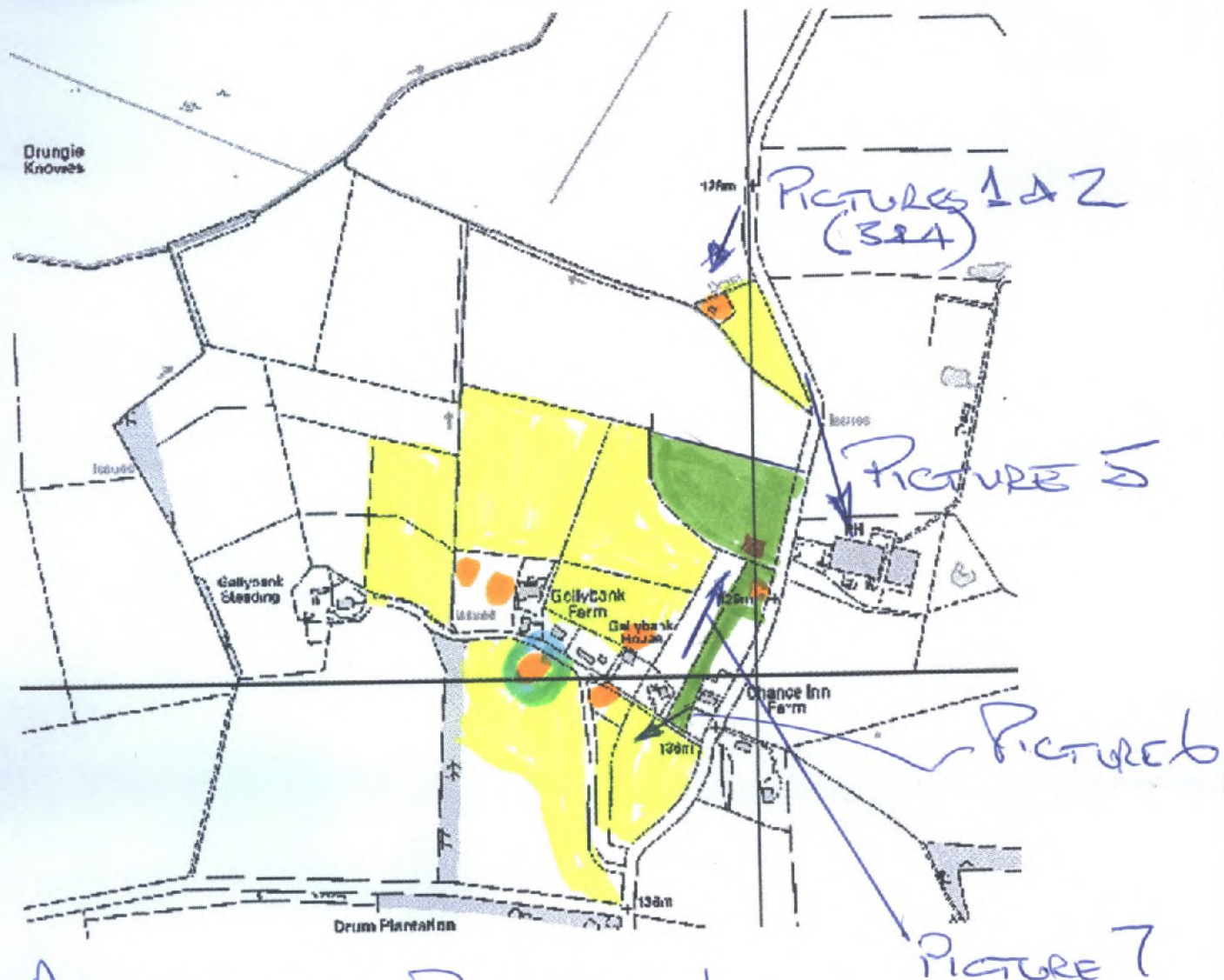
- *An effective waste management plan for the building shall be in place for the storage and removal of manure, to ensure that odour is kept to a minimum*

*In conclusion we feel the application is perfectly acceptable .....*

*In conclusion we have picked this location in the countryside that we find most appealing, as hopefully our final home, specifically to enjoy both the large garden and the convenience of having a suitable high class stable facility to enjoy our pastime of looking after and showing our horses.*



Attachment B: Local Site Map showing nearby similar facilities



- APPLICANTS PROPERTY / LAND
- STABLES & FIELD SHELTERS (7 OFF)
- PROPOSED STABLE LOCATION
- CURRENT PADDOCKS
- RECENTLY APPROVED STABLE APPLICATION  
17/01388/FUL. SUBMITTED 15 AUG 17  
APPROVED 3 OCT 17.  
3 STABLES + TACK ROOM + FEED STORE



Attachment C - Pictures

Picture 1 – Looking South



Picture 2 Looking South



Pictures 3 & 4 Looking South



Picture 5 - Piggery



Picture 6 – Next Door Field Shelter



Picture 7 – Proposed Location in a Valley



Picture 8 – Applicants Current Field Shelter























Proposed location in a  
natural depression









Attachment D.

## REPORT OF HANDLING DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01388/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 14.10.2017        |      |
| Case Officer           | Joanne Ferguson   |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:** Erection of stables

**LOCATION:** Land 70 Metres South West Of Gellybank Cottage Kinross

### SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**DATE OF SITE VISIT:** 29 August 2017

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of stables at land 70m southwest of Gellybank Cottage, Kinross. The site is located in a rural area adjacent to a small grouping of buildings at Gellybank Farm.

This application is for the erection of a stable block with three stables, tack room and store on agricultural land, opposite the applicant property New Bungalow Gellybank Farm, which will also graze sheep. The applicant has stated that the stables are for their personal use and are not for a commercial business.

## **SITE HISTORY**

17/01365/FLL Erection of stables and formation of an outdoor riding arena 11 August 2017 application withdrawn as invalid

## **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 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.

#### OTHER POLICIES

No other policies

#### CONSULTATION RESPONSES

Transport Planning                      No objection, no conditions required

Environmental Health                      No objection, conditions required

#### REPRESENTATIONS

No letters of representation received

#### ADDITIONAL INFORMATION RECEIVED:

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | 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.

#### Policy Appraisal

The site is located within a rural area and the proposal is for a domestic scale development. The relevant policy is therefore Policy PM1 Placemaking.

Policy PM1 Placemaking requires that the design, density and siting of development should respect the character and amenity of the place. Proposals should respect the site topography and the wider landscape character of the area.

The proposal does not raise any policy concerns.

### **Design and Layout**

The proposal is to erect a stable block on an L shaped floorplan and form a gravelled access and turning area. The stable block has a footprint of approx. 80 sq metres and is small scale appropriate for the location. No details of the finishes have been provided and therefore and condition will be added.

### **Residential Amenity**

There are several other existing residential properties adjacent to the applicants and it is my contention that there is the potential for neighbouring properties to be aware of odours and noise at times which are common to any rural agricultural area; there are existing livery stables at Gellybank Farm.

### **Visual Amenity**

The buildings are to be located on a flat area of land with the paddock rising to the south. The site is therefore well contained and relates well to the existing group. It is therefore considered that the proposal would not detrimentally impact on the visual amenity of the area.

### **Roads and Access**

The access to the site will be taken from the existing track that serves the grouping. Parking and turning can be accommodated within the site.

### **Drainage and Flooding**

No drainage or flooding implications.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.



In this respect, the proposal is considered to comply with the approved TAYplan 2012 and 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 approval subject to conditions.

#### **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**

##### **Approve the application**

##### **Conditions and Reasons for Recommendation**

1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2 The stables hereby approved shall be used solely for private purposes only and shall not be utilised as part of any commercial enterprise to the satisfaction of the Council as Planning Authority.

Reason - In order to control and restrict the use of the building.

3 Prior to the use of the development hereby approved a waste management plan for the stable building will be submitted to and agreed in writing with the Council as Planning Authority for the storage and removal of manure, to ensure that odour is kept to a minimum.

Reason - In order to safeguard the residential amenity of the area.

4 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to



the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

### **Justification**

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

### **Informatives**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01388/1  
17/01388/2  
17/01388/3  
17/01388/4

**Date of Report 3.10.17**

**TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr And Mrs George Jack  
c/o Shand Architecture  
Stuart Shand  
Studio One  
Crook Of Devon  
Kinross  
UK  
KY13 0UL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 6th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01049/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 29th June 2017 for permission for **Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design) Land 120 Metres West Of Chance Inn Farm Kinross** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the scale, massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside. Furthermore it would not respect the character and amenity of the building group at Chance Inn.
2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside by extending development northwards into open countryside to the detriment of the building group and sense of place.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience due to the scale and mass of the proposed stables in the open countryside.
4. There is insufficient information to illustrate that a stable of the scale proposed in this application can provide a satisfactory residential environment due to the proximity of the proposed equestrian stables to the approved Chance Inn Farm residential development 09/00941/FLL where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

### **Justification**

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

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

### **Plan Reference**

**17/01049/10**

**17/01049/1**

**17/01049/2**

**17/01049/3**

**17/01049/4**

**17/01049/5**

**17/01049/6**

**17/01049/7**

**17/01049/8**

**17/01049/9**



# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01049/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 28.08.2017        |      |
| Case Officer           | John Russell      |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:** Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

**LOCATION:** Land 120 Metres West Of Chance Inn Farm Kinross

### 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:** 9 August 2017

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application relates to the ground to the south and west of the bungalow at Chance Inn Farm, near Kinross. The application is for the change of house type to that previously approved along with the erection of a stable building to the north east of the plot.

It should be noted that a field shelter has already been erected on this land however it is not the proposed structure associated with this application, it is much smaller.

There is a considerable amount of site history as detailed under the Site History heading below.

## **SITE HISTORY**

07/01054/FUL Erection of 2 dwellinghouses 1 September 2007 Application Withdrawn

07/02142/FUL Erection of 2 dwellinghouses 13 February 2008 Application Refused

09/01160/FLL Erection of 2 dwellinghouses 26 April 2012 Application Permitted

12/01424/FLL Change of house types (modification of 09/01160/FLL to erect 2 dwellinghouses) 5 October 2012 Application Permitted

16/00014/FLL Erection of 2no. dwellinghouses 27 April 2016 Application Permitted

16/01797/FLL Change of use from agricultural land to private equestrian arena, erection of stables and formation of vehicular access 14 November 2016

16/02146/FLL Erection of a dwellinghouse and stables, and formation of a private riding arena and vehicular access (change of house design) 10 March 2017 Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Discussions undertaken during withdrawal of application 16/02146/FLL regarding concerns with overlooking, extent of plot curtilage, impact of stables and menage area in open countryside.

## **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 PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### 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 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.

#### Policy NE1A - International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

#### Policy NE1B - National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### 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

#### **Developer Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

#### **Housing in the Countryside Guide**

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.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

### **CONSULTATION RESPONSES**

Local Flood Prevention Authority – No objection subject to conditional control.

Scottish Environment Protection Agency – No objection. The site already holds a foul drainage discharge licence. The change of design does not increase the Population Equivalent which informed the original CAR licence. No increased mitigation is required for this proposal.

Contributions Officer - A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.

Transport Planning – No objection.

Scottish Water – No objection.



Environmental Health - This Service made no adverse comment with regards to contaminated land in memo dated 11 August 2009 for approved 09/01160/FLL for erection of two dwellinghouses. This application is for the erection of a single dwellinghouse and stables therefore there is the potential for existing and future residents to be affected by odour from the stables. The stables are to be sited approximately 201metres from the proposed property and 168 metres from the closest existing property Chance Inn Farmhouse. The stable plans indicate that there is three stable stalls, tack, feed and storage areas, the stables are not for commercial use. Therefore conditional control should be included on any given consent to protect residential amenity from odour nuisance.

## **REPRESENTATIONS**

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

- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area - The housing plot is positioned east - west facing when all other dwellings on the west of Cleish Road are north-south facing. The stables and arena are out of keeping with the settlement and visually intrusive. There are no buildings on the west side of Cleish Road. This precedent would be visually intrusive to all dwellings to the south.
- Over Intensive Development - The planning history of this plot includes a Reporters recommendation that only one house should occupy the plot (which is now two) and that no access should be taken from the north.
- The proposed stables and arena access is almost directly opposite the entrance to Chance Inn Farm.
- Any screening should be with Beech or Hawthorn in keeping with other hedging and screening in the settlement.

The above matters are taken into account in the appraisal section of the report. The following points raised are addressed below.

- The application to erect the house also extends over a substantial area of agricultural land. There should be a separate applications for the house and another for the stables otherwise residential use is being extended northward beyond the settlement over agricultural land. Response – The concern is noted however the extent of the site curtilage associated with the dwelling house has now been clarified.
- The application form had an incorrect response saying "no" to the application involving agricultural holdings when two thirds of the application area is agricultural holdings/ land. Response – the concern is noted but not all areas of land will have an agricultural holding number.

- The application creates a risk of future access being created interlinking the existing settlement with the stables and land to the north. Response – any future link would be subject to planning control.
- There is no indication of lighting at the stables which would be intrusive if floodlit. Response – there is no lighting proposed as part of this application. Conditional control could be applied.
- There is no detail of the finish to the stable yard which should be in keeping with the agricultural character of the area and avoid concrete or tarmac. Response – The concern is noted. Conditional control could be applied to secure an appropriate finish.

#### **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | 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.

#### **Policy Appraisal**

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single

houses or groups of houses which fall within the six identified categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (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.

An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case the buildings at this location can be considered as a (a) Building Group.

Supplementary guidance, 'The Housing in the Countryside Policy' was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

*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).*

*Proposals which contribute towards ribbon development will not be supported.*

The principle of siting a development on the plot has already been accepted and the dwelling curtilage remains the same as approved. However, application 16/00014/FLL had a total building foot print of 160sqm (house and ancillary buildings). This proposal seeks to increase the size of the footprint on this plot to 308sqm. This opens up the principle of the development and whether the increase is appropriate taking account of character, layout and building pattern of the group. This is assessed in greater detail below along with the proposed stable building which is located in fields to the north.

## **Design and Layout**

Policy PM1A confirms that 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 dwelling plot size remains the same as application 16/00014/FLL. The design and siting of the development has changed with

the orientation of the proposed house changing and with a garage building detached to the north which generally aligns with the neighbouring Chance Inn dwelling. The proposal represents a significant change to the previous scheme however it does create a courtyard type feel that can be supported. In my view it does not adversely affect the character the building group at Chance Inn and would comply with policy PM1A and PM1B subject to appropriate landscaping and boundary treatment being secured.

I consider that the design and location of the stable building conflicts with Policy PM1A and PM1B due to the impact it will have on landscape. This is discussed in greater detail below.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

I do not consider the dwelling or the extent of the dwelling curtilage conflicts with Policy ER6.

With regards to the stable area I consider that the surrounding topography and landscape framework is not capable of absorbing the extent, scale and mass of this built development. It would extend built development further north from the Chance Inn building group into the open countryside in a highly visible location. In addition the stables position on the opposite side of the road to Chance Inn Farm which has planning consent for residential development 09/00491/FLL would increase the numbers of receptors that would experience the visual impact once that permission is built out.

From my site visit a field shelter building has already been erected on the land which has a visual impact, this reinforces my concerns that locating a larger permanent stable building in this location is unacceptable. There could be potential to reduce the visual harm of the field shelter if it was relocated hard against the hedge.

Taking the above into account the application as proposed is contrary to Policy ER6 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character (Lowland Loch Basin Unit in The Tayside Landscape Character Assessment), the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape and the quality of landscape experience by extending development northwards into the open countryside.

## **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed property is required and in this case cognisance of the surrounding landuses has to be taken into account.

Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. Having had the opportunity to assess the plans I do not consider that will impact on neighbouring properties to an extent that would warrant refusal of the application.

There is a need to take account of overlooking and impact on residential amenity. This scheme includes glazing on the west boundary and this does raise overlooking and residential amenity issues for the neighbouring Chance Inn Cottage.

I do not consider there is an overlooking issue from the high level windows or the non-habitable rooms on the west elevation. I note the agent has incorporated obscure glazing into the bedroom window on the west elevation to alleviate privacy issues from this room. There is also an intention to form boundary hedging to act as a screen on this boundary. While hedging in the long-term will likely secure privacy along this boundary in the short term it will not be sufficient. Other forms of screening should therefore be incorporated into this boundary, while a close boarded fence would not be acceptable there is scope to integrate other solutions to secure an acceptable level of residential amenity to coincide with the occupation of the dwelling.

While Environmental Health has commented on the relationship of the proposed stables to the Chance Inn the building group there has been no assessment on the relationship with the Chance Inn Farm development (09/00941/FLL) approximately 75 metre to the East of the stable site. I consider that further information would be required to fully assess the relationship between the stable and this residential development site to ensure a landuse conflict does not occur from noise contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014 and odour.

## **Roads and Access**

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied.

## **Drainage and Flooding**

There are no flooding issues at the site and conditional control can ensure that Sustainable Urban Drainage Systems are installed to attenuate water and avoid off site flooding.



Policies EP7 A, EP7B and EP7C of the adopted local plan read together with the aim to seek control and, where possible, reduce phosphorus levels discharged within the Loch Leven Catchment Area a SPA, SSSI and Ramsar site. I therefore consider these matters together.

Policy EP7A specifies that built development should not exceed the current level permitted by the discharge consents for the Kinross or Milnathort waste water treatment works together with the current contribution from built development within the rural catchment area.

Policy EP7B requires that all developments connect to the Kinross or Milnathort waste water treatment works, exceptions are where (a) drainage can be diverted out of the catchment or (b) mitigation measures are implemented in accordance with the Council's published Supplementary Guidance.

While Policy EP7C requires the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development where proposed developments breach EP7A and EP7B.

The previous application submitted drainage calculations in support of that application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance. SEPA have been consulted and advise that they have no objection to this proposal as there will not be an increase in the number of usable bedrooms from the earlier approved house for the site. Conditional control can be applied to secure appropriate foul drainage and mitigation arrangements to ensure compliance with the Loch Leven Catchment policies.

### **Developer Contributions**

This site has planning consent under 16/00014/FLL for two units and a contribution towards primary education was paid on 27 April 2016. This proposal seeks to change the design of one of these consented units but will not increase the total number of units on site accordingly no contribution to primary education is required.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and 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 approval subject to conditions.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not 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**

- 1 The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the scale, massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would extend development into the open countryside. Furthermore it would not respect the character and amenity of the building group at Chance Inn.
- 2 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside by extending development northwards into open countryside to the detriment of the building group and sense of place.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience due to the scale and mass of the proposed stables in the open countryside.
- 4 There is insufficient information to illustrate that a stable of the scale proposed in this application can provide a satisfactory residential environment due to the proximity of the proposed equestrian stables to the approved Chance Inn Farm residential development 09/00941/FLL where there is the potential for future residents to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

**Justification**

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

**Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01049/1

17/01049/2

17/01049/3

17/01049/4

17/01049/5

17/01049/6

17/01049/7

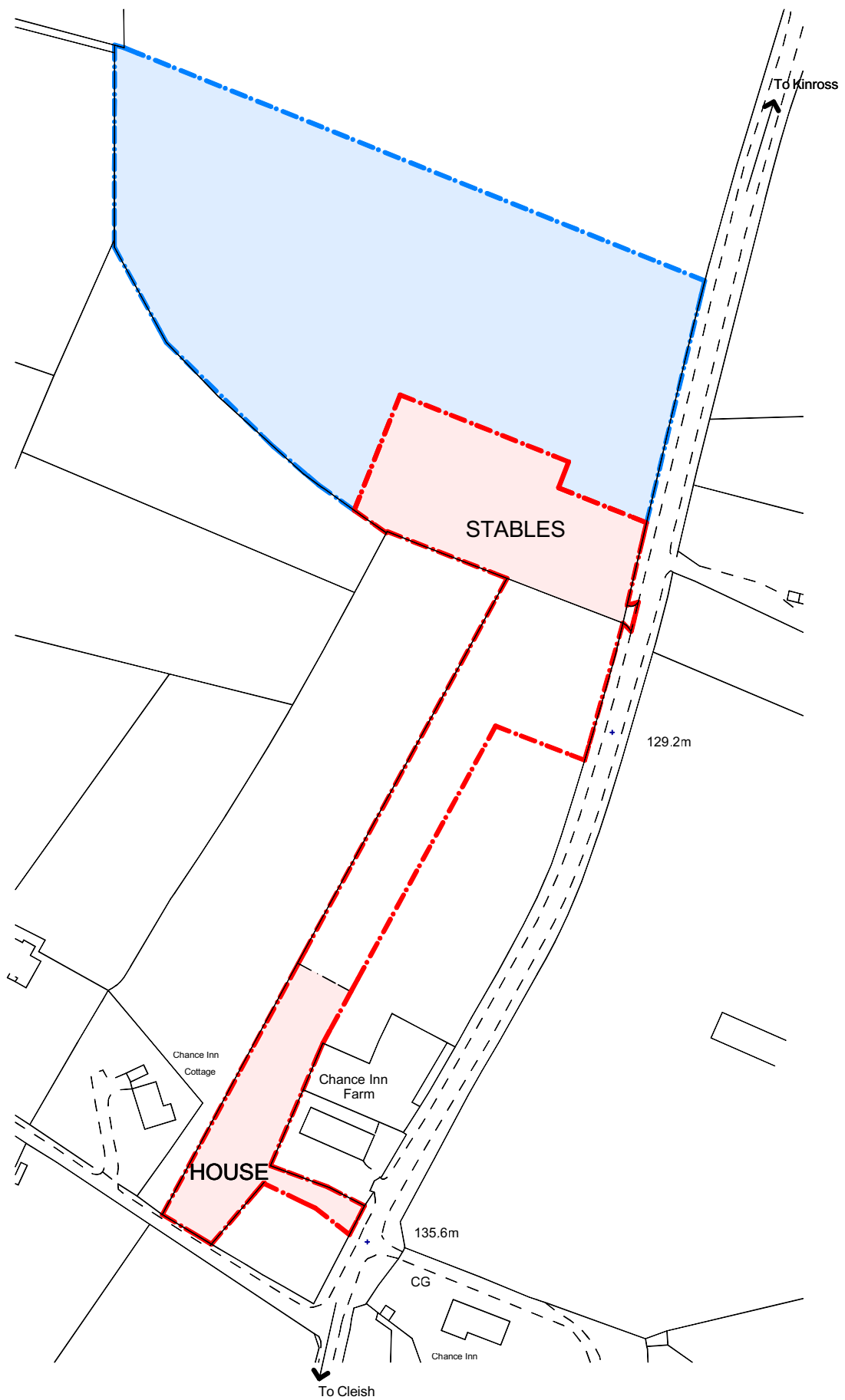
17/01049/8

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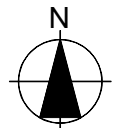
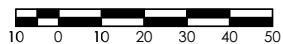
**Date of Report 05 September 2017**





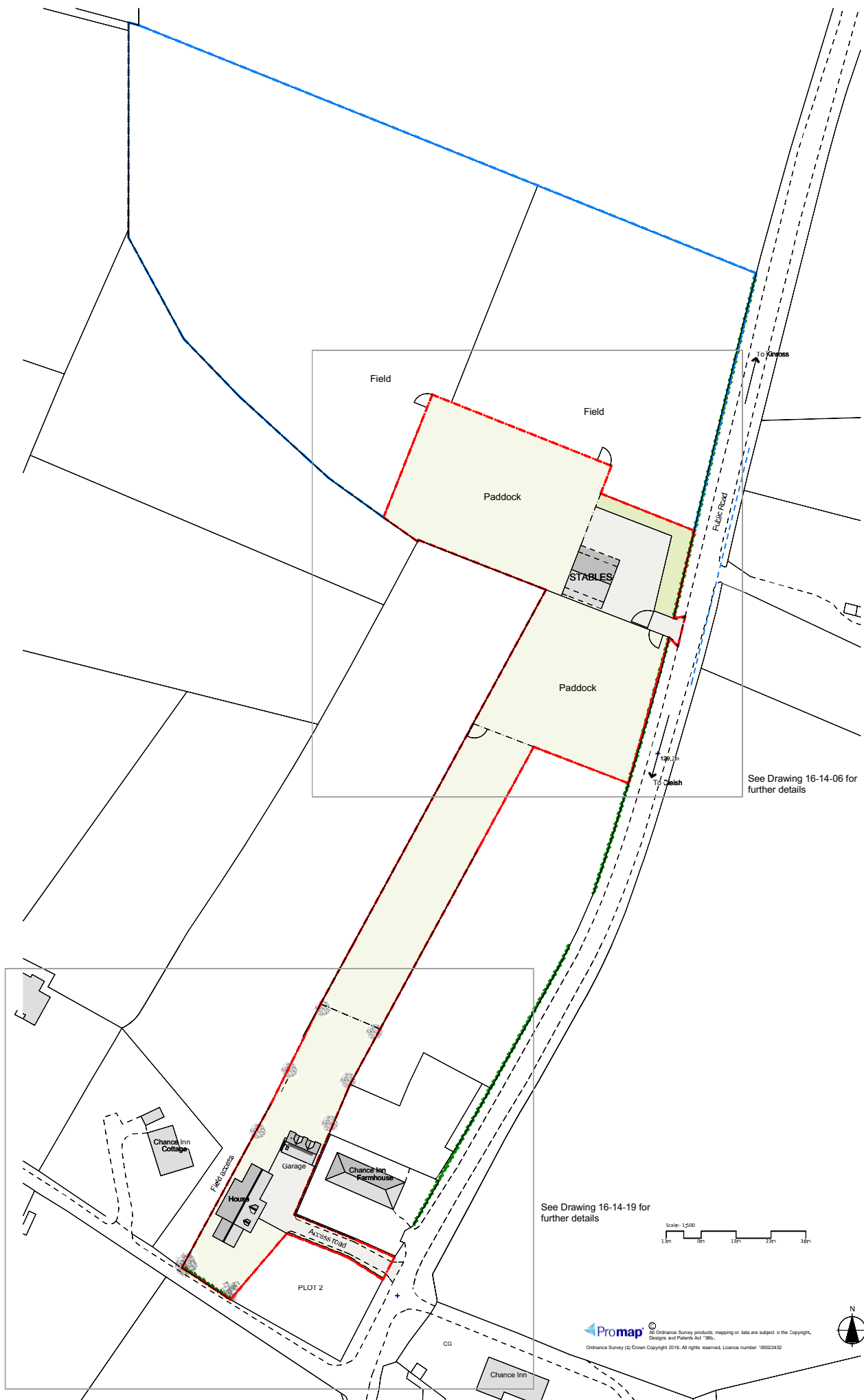
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Scale in metres

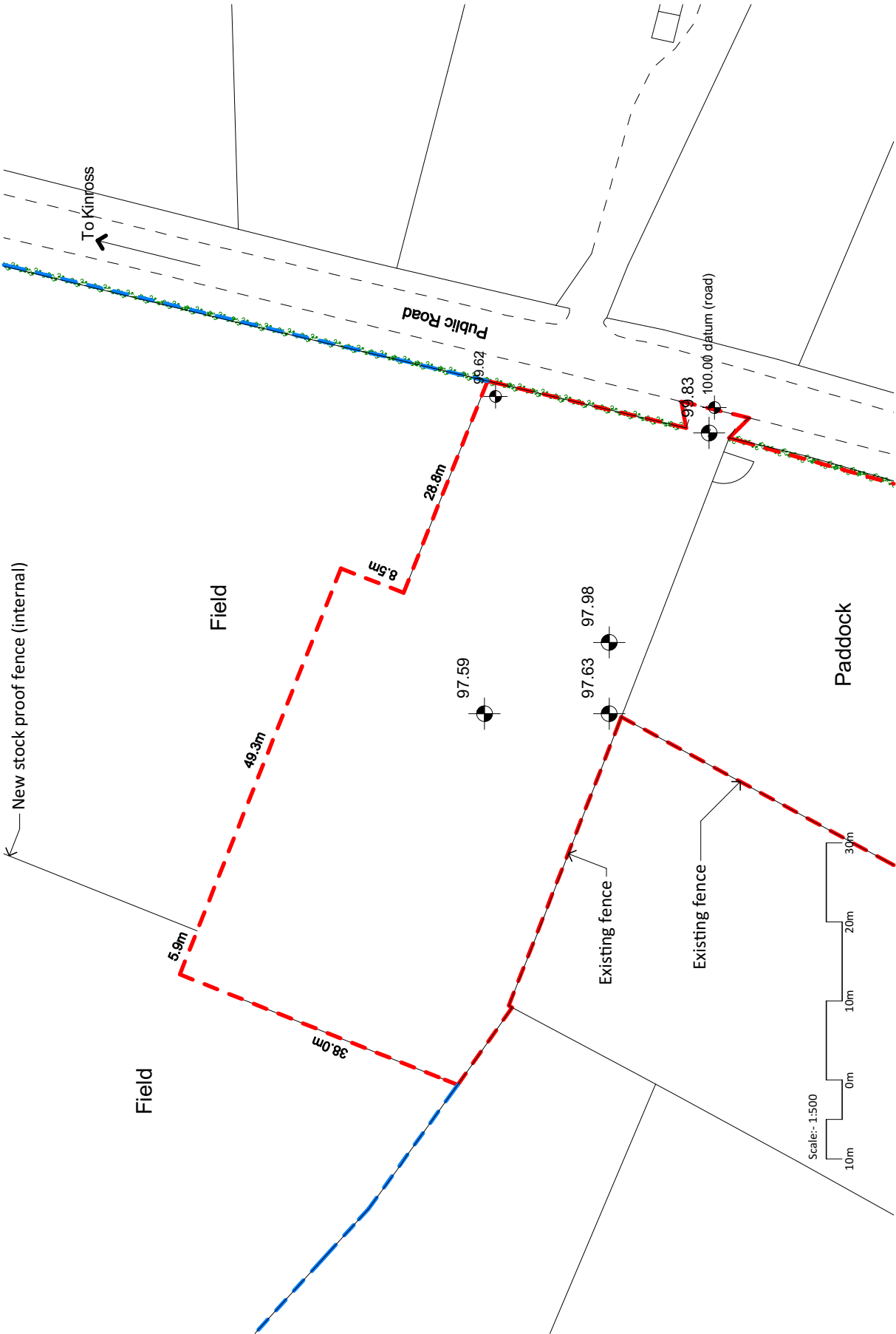


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|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------|---------------|----------|------------|-------|--------|----------|
| <b>Shand Architecture</b><br>Studio One, Crook of Devon, Kinross KY13 0JL<br><a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a> | Chartered Architect | Project                 | Drg. Title    | Date     | Sept. 2016 | Scale | 1:1250 | Drg. No. |
|                                                                                                                                                           |                     | Proposed House + Stable | LOCATION PLAN | Stage    | Planning   |       |        |          |
|                                                                                                                                                           |                     | Plot 1, Chance Inn      |               | Revision | A          | B     | C      | D        |
|                                                                                                                                                           |                     | Cleish, Kinross-shire   |               |          | E          | F     | G      | H        |
| 211                                                                                                                                                       |                     |                         |               |          |            |       |        | 16-14-01 |





|                                                                                                                 |  |                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div> <div>Shand Architects</div> <div>Chartered Architect</div> </div>                                         |  | <div> <div>Studio One, Crook of Devon, Kinross KY13 9UL</div> <div>shand@shandarchitect.co.uk shandarchitect.co.uk</div> </div>                       |
| <div> <div>Project</div> <div>Proposed House + Stable</div> <div>Plot 1, Chance Inn, Kinross-shire</div> </div> |  | <div> <div>Dwg. Title</div> <div>SITE PLAN STABLE</div> <div>- Existing layout</div> </div>                                                           |
| <div> <div>Date</div> <div>Oct. 2016</div> </div>                                                               |  | <div> <div>Revision</div> <div> <div>A</div> <div>B</div> <div>C</div> <div>D</div> <div>E</div> <div>F</div> <div>G</div> <div>H</div> </div> </div> |
| <div> <div>Stage</div> <div>Planning</div> </div>                                                               |  | <div> <div>Dwg. No.</div> <div>16-14-07</div> </div>                                                                                                  |
| <div> <div>Scale</div> <div>1:500</div> </div>                                                                  |  |                                                                                                                                                       |



Scale in metres

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ARCHITECTURE

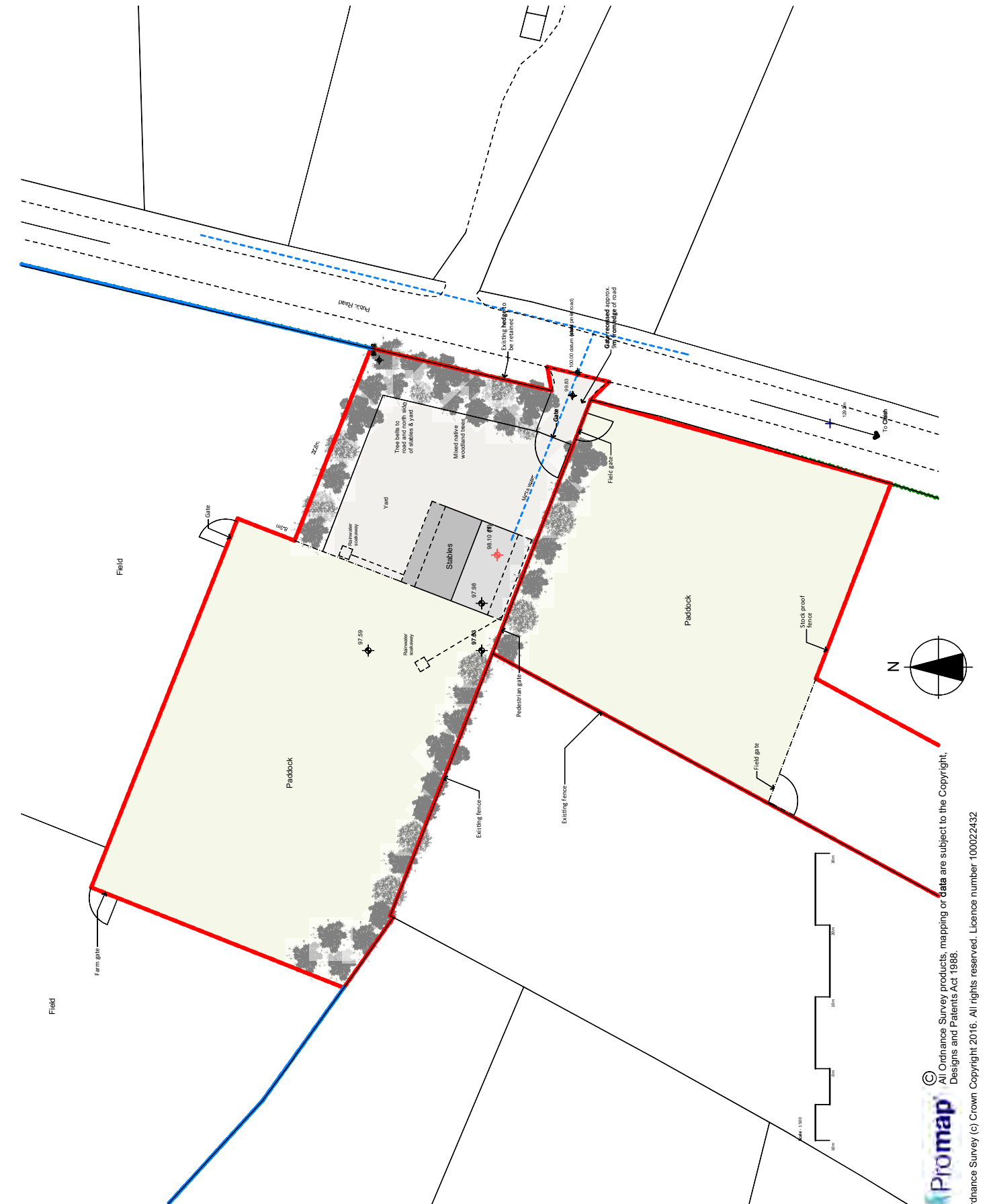
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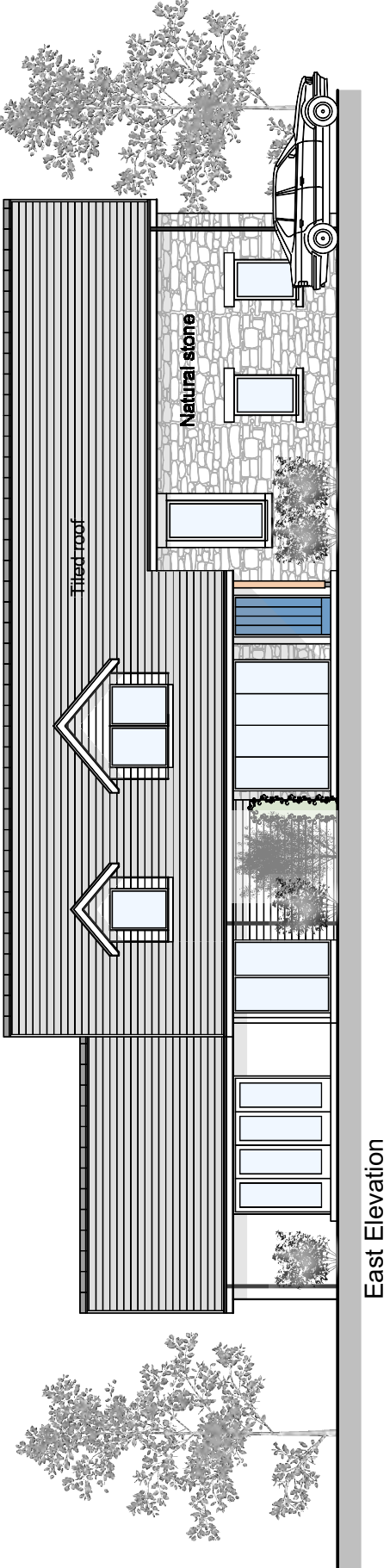
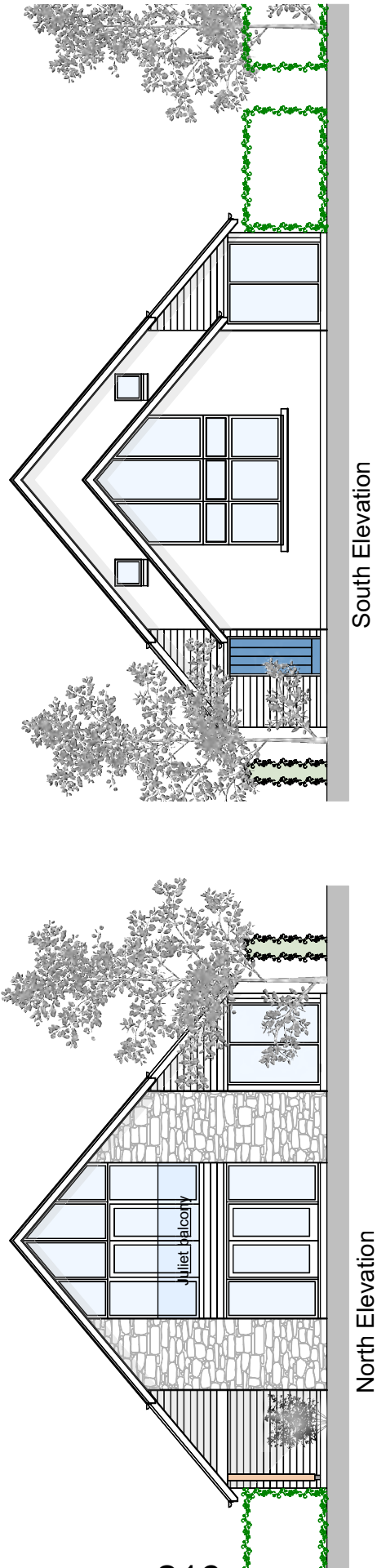
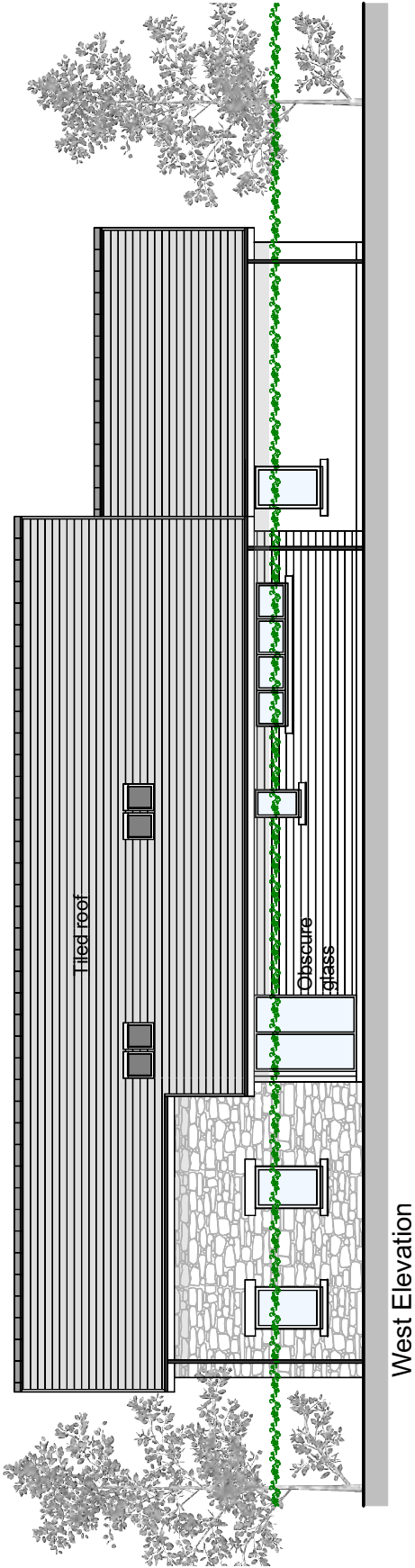
Studio One, Crook of Devon, Kinross KY13 0UL  
E: [studio1@shandarchitect.co.uk](mailto:studio1@shandarchitect.co.uk)  
W: [shandarchitecture.co.uk](http://shandarchitecture.co.uk)  
T: 01577-840 202

|                    |           |   |
|--------------------|-----------|---|
| Title              |           |   |
| PROPOSED SITE PLAN |           |   |
| Scale              | 1:200     |   |
| Date               | June 2017 |   |
| Dwg. No.           | 16-14-19  | B |
| Stage              | Planning  |   |



|                                                                                                                                   |  |                                               |  |
|-----------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|--|
| Studio One, Crook of Devon, Kinnos KY13 0UL<br><a href="mailto:studio@shandarchitecture.co.uk">studio@shandarchitecture.co.uk</a> |  | Shand Architecture<br>Chartered Architect     |  |
| Project<br>Proposed House + Stable<br>Plot 1, Chance Inn, Kinross-shire                                                           |  | Dwg. Title<br>PROPOSED SITE PLAN<br>- Stables |  |
| Date<br>Sept 2016                                                                                                                 |  | Stage<br>Planning                             |  |
| Scale<br>1:500                                                                                                                    |  | Dwg. No.<br>16-14-06                          |  |
| Revision<br>A B C D E F G H                                                                                                       |  | Date<br>Sept 2016                             |  |

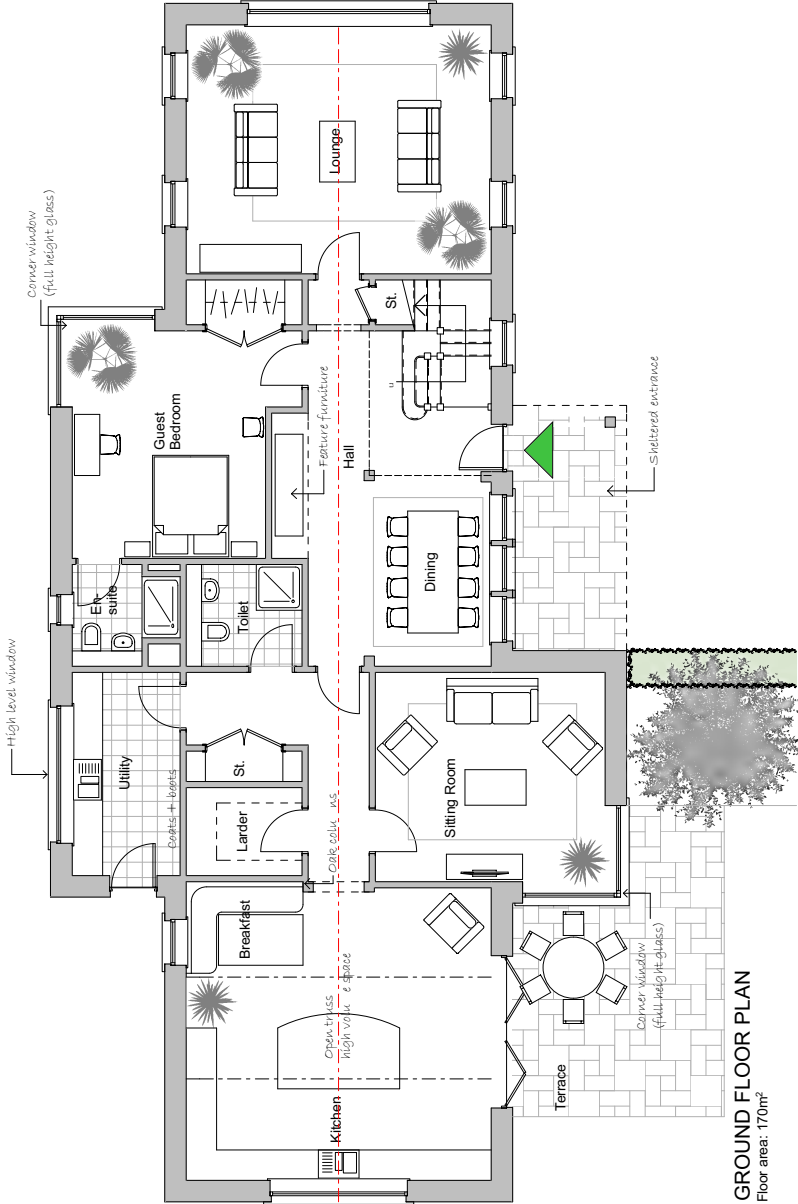
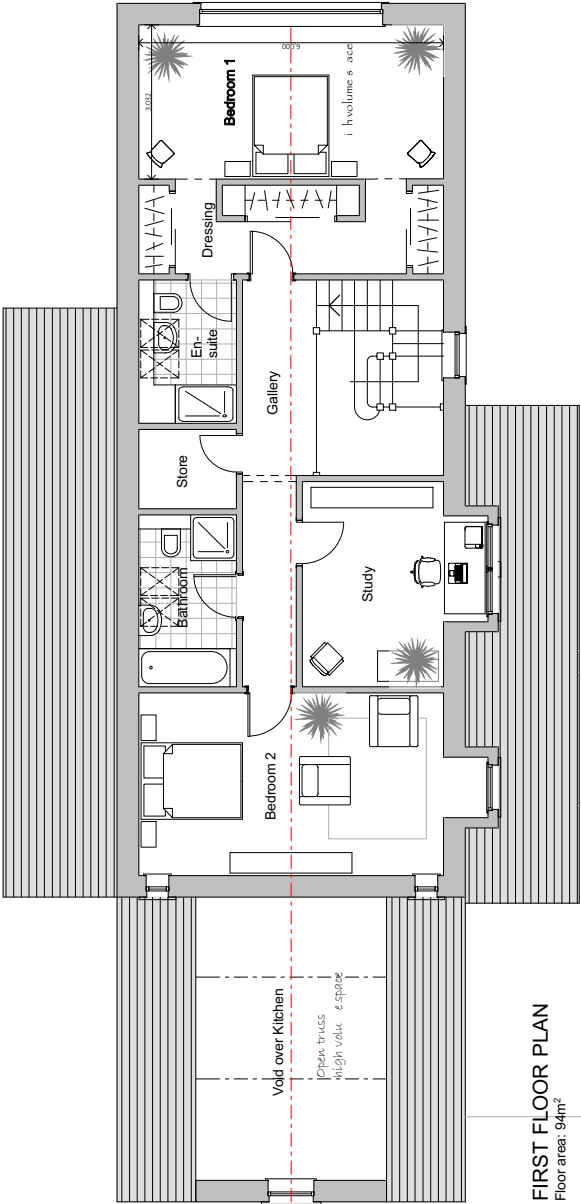




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| Chartered Architect |  | Shand Architecture      |  | Studio One, Crook of Devon, Kinross KY13 0UL<br>shand@shandarchitecture.co.uk shondarchitect.co.uk |  |
| Project             |  | Proposed House + Stable |  | Plot 1, Chance Inn, Kinross-shire                                                                  |  |
| Dwg. Title          |  | PROPOSED SE ELEVATION   |  | Revision                                                                                           |  |
| Date                |  | June 2017               |  | A B C D E F G H                                                                                    |  |
| Scale               |  | 1:100                   |  | Stage                                                                                              |  |
| Dwg. No.            |  | 16-14-20                |  | Planning                                                                                           |  |
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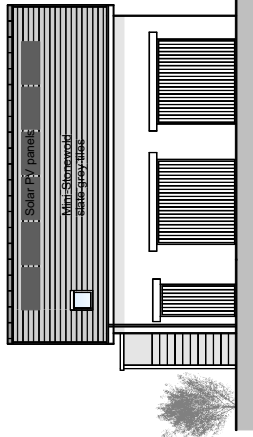


| Revisions |                        |
|-----------|------------------------|
| K         |                        |
| J         |                        |
| H         |                        |
| G         |                        |
| F         |                        |
| E         |                        |
| D         |                        |
| C         | Layout changes 5.6.17  |
| B         | Layout changes 3.6.17  |
| A         | Layout changes 20.5.17 |

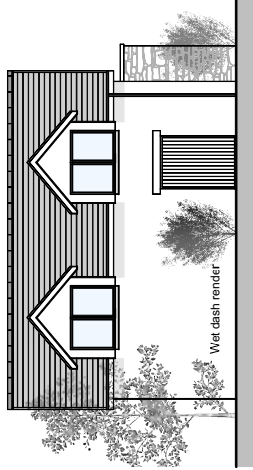
**Shand Architecture**  
Studio One, Cook of Devon, Kenos KY13 0UL  
Tel: 01377 540 202  
www.shandarchitecture.co.uk

|                                                                             |          |
|-----------------------------------------------------------------------------|----------|
| Project                                                                     |          |
| Proposed House + Stables<br>Plot 1, Chance Inn<br>Kinross-shire<br>KY13 0LE |          |
| Title                                                                       |          |
| PROPOSED FLOOR PLANS                                                        |          |
| Scale                                                                       | 1:50     |
| Date                                                                        | May 2017 |
| Drp. No.                                                                    | 16-14-18 |
| Stage                                                                       | Planning |

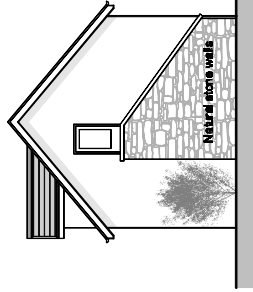
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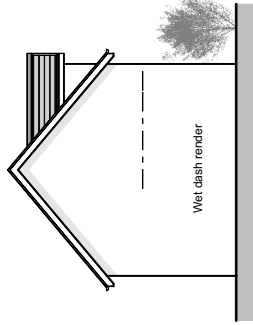
South Elevation



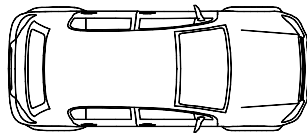
North Elevation



West Elevation



East Elevation



2.400

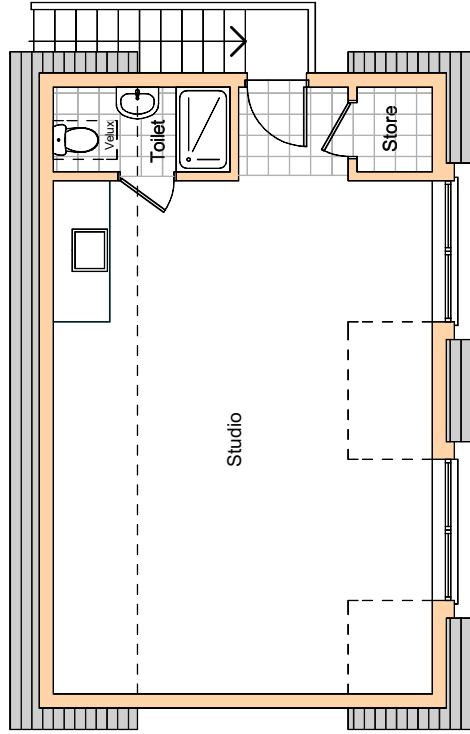
2.400

Garage

Workshop area

9.000

GROUND FLOOR PLAN

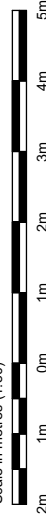


FIRST FLOOR PLAN

Scale in metres (1:100)



Scale in metres (1:50)



Revisions

|   |                   |
|---|-------------------|
| G |                   |
| F |                   |
| E |                   |
| D |                   |
| C |                   |
| B |                   |
| A | Various revisions |

13/12/16

Architect

**SHAND**  
**ARCHITECTURE**

Studio One, Crook of Devon, Kinross KY13 0UL  
E : [stuart@shandarchitect.co.uk](mailto:stuart@shandarchitect.co.uk)  
W : [shandarchitecture.co.uk](http://shandarchitecture.co.uk)  
T : 01577-940 202

Project

Proposed House + Stable  
Plot 1, Chance Inn  
Kinross-shire  
KY13 0LE

Title

PROPOSED GARAGE  
- Plans and Elevations

Scale

1:50:1:100

Date

November 2016

Dwg. No.

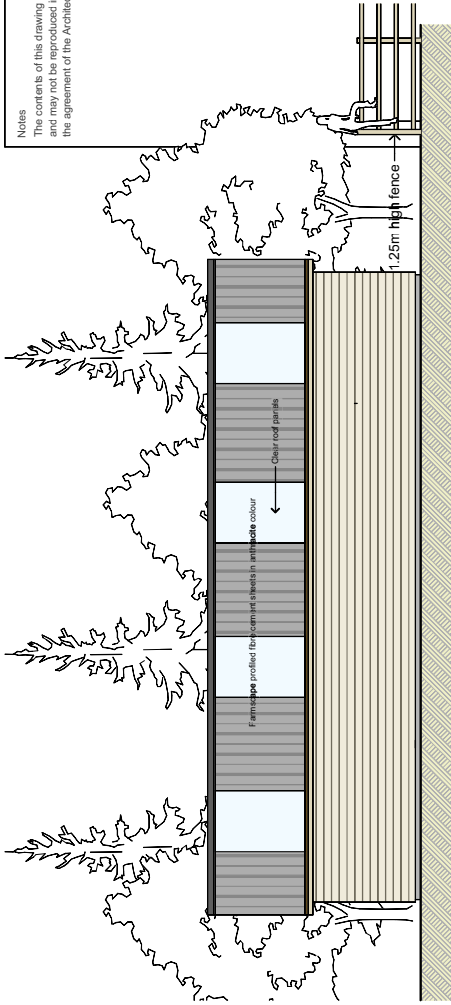
16-14-10

Stage

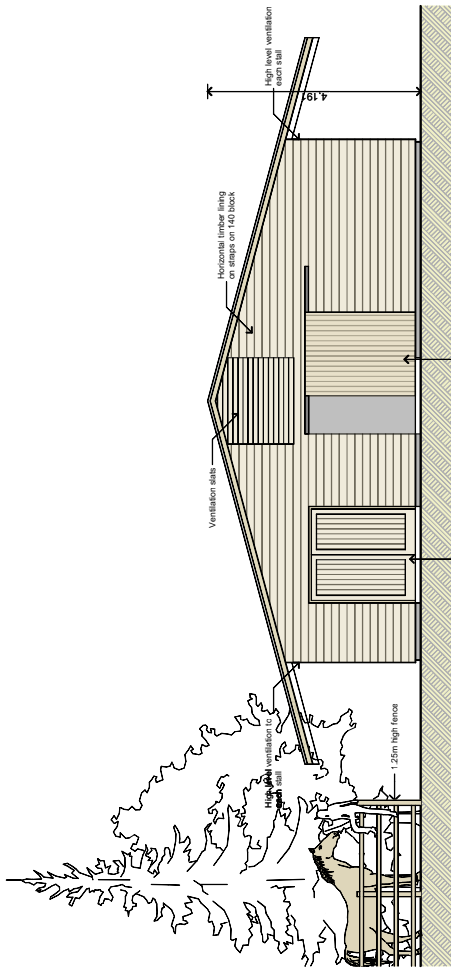
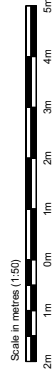
Planning

A

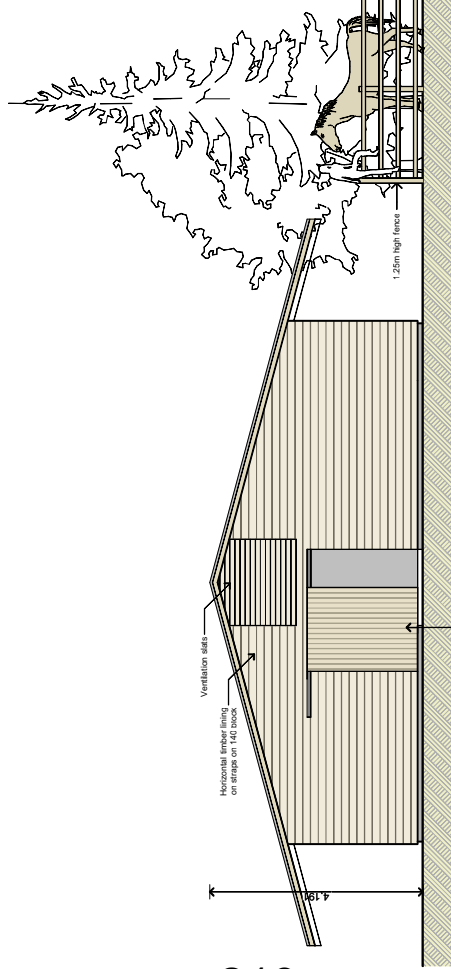
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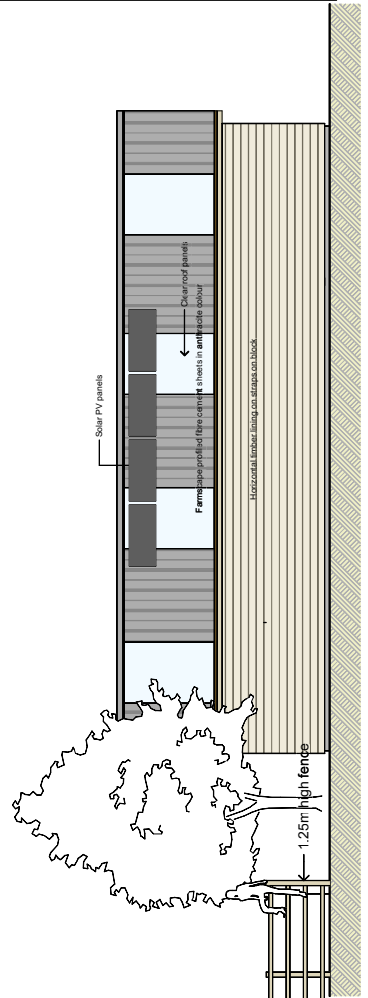
North Elevation



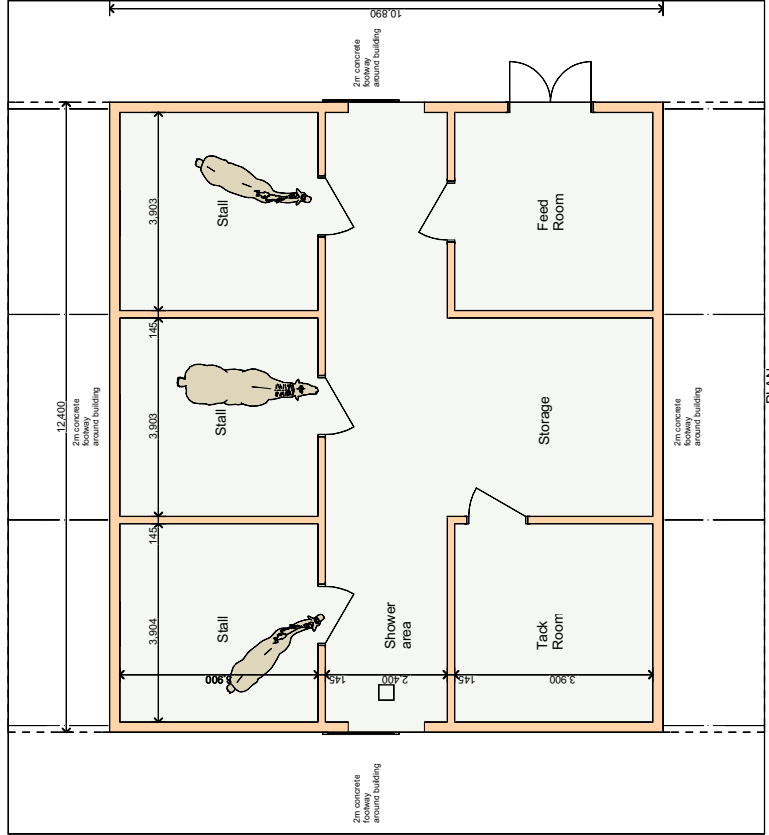
East Elevation



West Elevation



South Elevation



PLAN

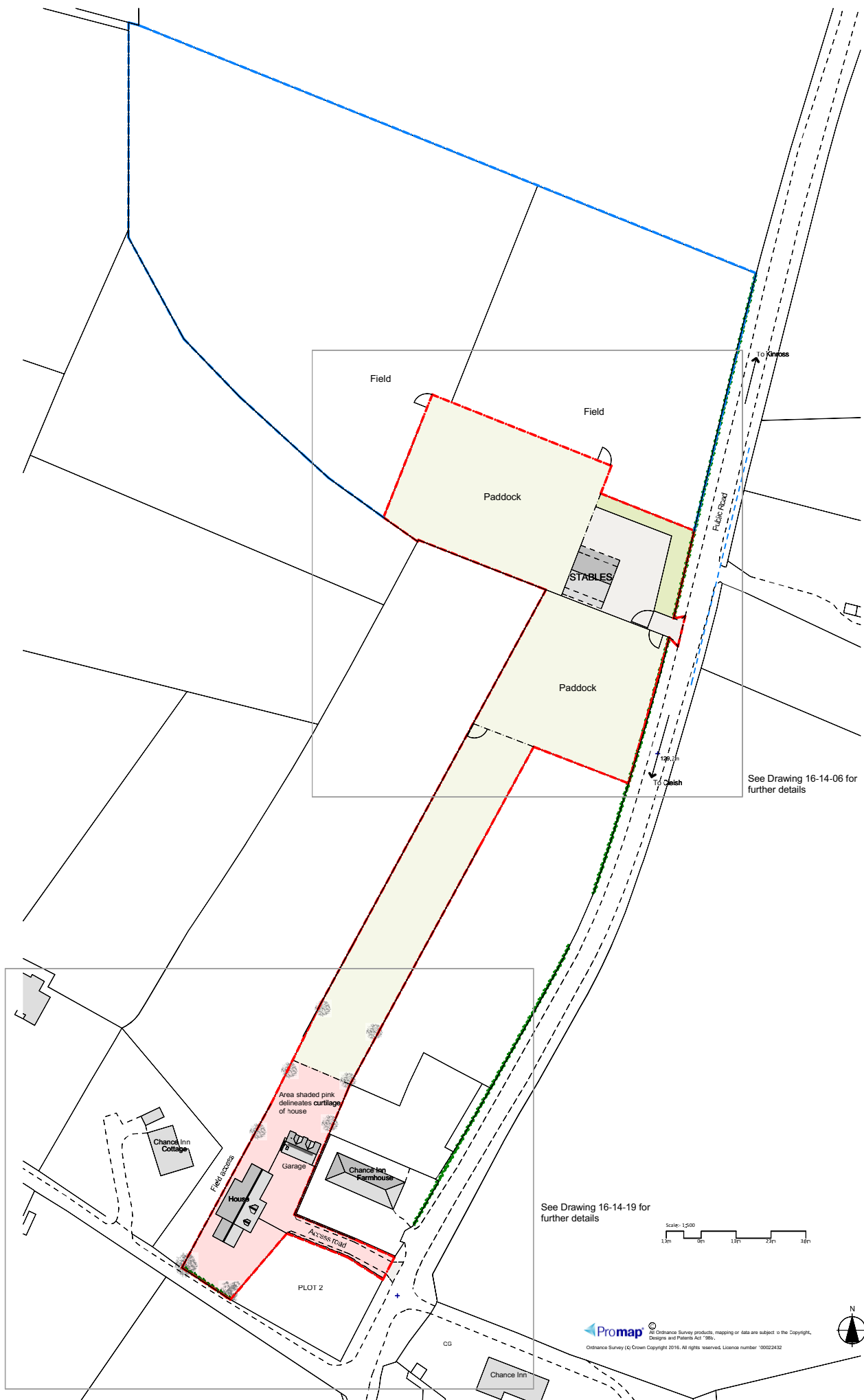
| Revisions |                                    |
|-----------|------------------------------------|
| K         |                                    |
| J         |                                    |
| H         |                                    |
| G         | Roof material change               |
| F         | Concrete footway added             |
| E         | Clear panels added                 |
| D         | Minor change to title              |
| C         | Columns removed                    |
| B         | Double external door to feed store |
| A         | Various amendments                 |

**Shand Architecture**  
Studio One, Crook of Devon, Kenos KY13 0UL  
Tel: 01377 840 202  
www.shandarchitecture.co.uk

Project  
Proposed House + Stables  
Plot 1, Chance Inn  
Kinross-shire  
KY13 0LE

Title  
STABLE PLAN + ELEVATIONS

|          |             |
|----------|-------------|
| Scale    | 1:50        |
| Date     | August 2016 |
| Dwg. No. | 16-14-05    |
| Stage    | Planning    |



**TCP/11/16(511) – 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross**

## **REPRESENTATIONS**





Our ref: PCS/153832  
Your ref: 17/01049/FLL

If telephoning ask for:  
Diarmuid O'Connor

05 July 2017

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir/Madam

**Town and Country Planning (Scotland) Acts**  
**Planning application: 17/01049/FLL**  
**Erection of a dwellinghouse, garage and stables and formation of vehicular access**  
**(revised design)**  
**Land 120 Metres West of Chance Inn Farm, Kinross**

Thank you for your consultation email which SEPA received on 29 June 2017.

We have **no objection** to the above proposal, we would highlight that the site already holds a foul drainage discharge licence. The change of design does not increase the Population Equivalent which informed the original CAR licence. No increased mitigation is required for this proposal.

If you have any queries relating to this letter, please contact me by telephone on 0131-2737361 or by e-mail to [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Yours faithfully

Diarmuid O'Connor  
Senior Planning Officer  
Planning Service

ECopy to: Stuart Shand, Shand Architecture, [stuart@shandarchitect.co.uk](mailto:stuart@shandarchitect.co.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

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

|                                                 |                                                                                                                                                                                                                                                       |                             |                                    |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------|
| <b>Planning Application ref.</b>                | 17/01049/FLL                                                                                                                                                                                                                                          | <b>Comments provided by</b> | Gavin Bissett                      |
| <b>Service/Section</b>                          | TES/Flooding                                                                                                                                                                                                                                          | <b>Contact Details</b>      | ██████████<br>████████████████████ |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)                                                                                                                                                    |                             |                                    |
| <b>Address of site</b>                          | Land 120 Metres West Of Chance Inn Farm Kinross                                                                                                                                                                                                       |                             |                                    |
| <b>Comments on the proposal</b>                 | <p>We have no objection to this application.</p> <p>We note that the SEPA flood maps show potential surface water issues at the South of the site. The design must consider this risk and any site drainage should be designed to allow for this.</p> |                             |                                    |
| <b>Recommended planning condition(s)</b>        | <p><b>DR01</b> Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.</p>                            |                             |                                    |
| <b>Recommended informative(s) for applicant</b> | PKC Flooding and Flood Risk Guidance Document (June 2014)                                                                                                                                                                                             |                             |                                    |
| <b>Date comments returned</b>                   | 7.7.17                                                                                                                                                                                                                                                |                             |                                    |





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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01049/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                                                           |
| <b>Address of site</b>                          | Land 120 Metres West Of Chance Inn Farm, Kinross                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |
| <b>Comments on the proposal</b>                 | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>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><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p> <p>A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |
| <b>Date comments returned</b>                   | 11 July 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                             |                                                                           |



# Comments for Planning Application 17/01049/FLL

## Application Summary

Application Number: 17/01049/FLL

Address: Land 120 Metres West Of Chance Inn Farm Kinross

Proposal: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

Case Officer: John Russell

## Customer Details

Name: Mrs Karen Elwis

Address: Chance Inn Cottage, Kinross KY13 0LE

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Out of Character with the Area
- Over Looking

Comment: Dear Sir/Madam,

With regard to planning application no. 17/01049/FLL by Mr and Mrs Jack for a new bungalow and stable at two separate sites near Chance Inn Farm, we have several concerns regarding the applicants' new application.

The first is that the application itself appears to be flawed, and in two respects. Firstly, the application is being submitted as a single application for residential use, yet there is an area of grass paddock between the proposed house and the proposed stable building and yard which has always been agricultural land. Therefore, to treat this whole area as residential under one application would be to change its official designation, which could constitute a dangerous precedent for this visually attractive rural area close to Loch Leven. For this reason, we respectfully suggest that there should have been two applications submitted - one for the residential site and a separate one for the non-residential (stable) site. We would invite the members of the Council to visit the site in person in order that they might see for themselves the agricultural land to which I allude.

Secondly, although on a similar vein, the significant area of land adjacent to the proposed stable, which is designated as 'yard' in the application plans, is currently a greenfield site. Therefore, to put this land under tarmac or chips etc. (no finish is stipulated in the application) would once again risk changing the rural nature of the landscape and is not at all in keeping with the nature of this rural setting. Allowing the creation of such a 'yard' would potentially pave the applicant's way for residential development in future on what is unequivocally a greenfield site at present. It should be noted by the Council, for background information, that we believe the applicant has built several

houses on the land immediately adjacent to his current dwelling in Scotlandwell, and he thus appears to have established a precedent of buying a house with a paddock area, gradually building several houses on the said paddock for commercial gain, then selling up and moving on. We would ask that all the above, particularly the change of use from agricultural to residential land, be taken into consideration by the planners.

Our third concern relates to the positioning of the house within the plot. If the Council were to visit the site, they would see for themselves that there are currently five houses in the line of houses which the proposed property is allegedly 'infilling'. In each case, the properties are essentially positioned running North to South, whereas the house proposed in the application runs more East to West. The position of the proposed house on the site is therefore out of kilter with the existing ones in the 'row', which is what results in it overlooking part of our property invasively. Once again, the Council may wish to visit the site to establish the lie of the land in person, as we appreciate it is not easy to appreciate this fully based on a paper drawing.

Furthermore, we would refer you to our comment regarding a previous planning application for this site (plot 1 in the original application submitted by the previous owner), which also applies in this instance.

Discharging the conditions of the original consent (16/00014/FLL); Condition 2 " ....The planting plans and boundary treatment should specifically strengthen the boundaries of the site....", the original applicant provided a beech hedge along the majority of the western boundary (copy of relevant drawing can be provided).

Owing to the proximity of the proposed house to our property, we are still extremely concerned that our house and garden will suffer a loss of amenity due to the said proximity of the new house, unless the screening is as efficient as possible. We note that the latest application provides for a 'mixed species' hedge along the said boundary, which partially addresses our concerns and which we appreciate.

However, given that the proximity and invasiveness of the proposed development is still significant, owing to the fact that the proposed house extends beyond the end of ours and has at least two windows overlooking our garden, we would respectfully suggest that beech would be the best choice of species for this hedge (as per the original application in 2014), because beech leaves remain on the plant for most of the year, even once they have turned brown - unlike many other deciduous hedgerow species- thus providing the most efficient natural screening (evergreen being poisonous to livestock). For this reason, we would urge the Council to specify that the hedge being planted by the applicant between the two properties (starting at the corner adjacent to the track that leads to our property and extending for the full length of the house along the boundary) should consist solely of beech. This would also be in keeping with the solely beech hedge that currently borders two sides of Plot 2 on the proposed site.

As further background information, the Council may wish to check the planning history for this site and refer back to the Reporter's Decision several years ago which recommended that only one house be permitted on the area, as it was not sufficiently large to allow houses with garden areas similar to those in the 'line' of properties. Despite the Reporter's recommendation, two plots were given permission.

12th July 2017

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



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

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

Dear Sir/Madam

**SITE: KY13 Kinross Chance Inn Farm Land 120 Metres West**

**PLANNING REF: 17/01049/FLL**

**OUR REF: 747461**

**PROPOSAL: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)**

**Please quote our reference in all future correspondence**

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

#### **Water**

- This proposed development will be fed from **Glendevon** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**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 normally 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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**



### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)

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

|                                                 |                                                                                                    |                             |                                          |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01049/FLL                                                                                       | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                                                 | <b>Contact Details</b>      | ██████████<br>████████████████████       |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design) |                             |                                          |
| <b>Address of site</b>                          | Land 120 Metres West Of Chance Inn Farm<br>Kinross                                                 |                             |                                          |
| <b>Comments on the proposal</b>                 | <b>Insofar as the roads matters are concerned, I have no objections to this proposal.</b>          |                             |                                          |
| <b>Recommended planning condition(s)</b>        |                                                                                                    |                             |                                          |
| <b>Recommended informative(s) for applicant</b> |                                                                                                    |                             |                                          |
| <b>Date comments returned</b>                   | 12 July 2017                                                                                       |                             |                                          |



# Comments for Planning Application 17/01049/FLL

## Application Summary

Application Number: 17/01049/FLL

Address: Land 120 Metres West Of Chance Inn Farm Kinross

Proposal: Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design)

Case Officer: John Russell

## Customer Details

Name: Mr John Stevenson

Address: Gellybank House Zc498 From The U225 West Of Hatchbank To The B966 South Of Kinross, Kinross, Perth And Kinross KY13 0LE

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area
- Over Intensive Development

Comment:I make the following comments:

1. The single application to erect the house also extends over a substantial area of agricultural land. There should be a separate applications for the house and another for the stables other wise residential use is being extended northward beyond the settlement over agricultural land.
2. The application form had an incorrect response saying "no" to the application involving agricultural holdings when two thirds of the application ares is agricultural holdings/ land.
3. The stables and arena are out of keeping with the settlement and visually intrusive. There are no buildings on the west side of Cleish Road. This precedent would be visually intrusive to all dwellings to the south.
4. The previous application was deemed to be out of keeping with the proposed residential development at Chance Inn farm. Nothing has changed in the application other than indicated screening.
5. Screening is undefined as "natural woodland trees". Any screening should be with Beech or Hawthorn in keeping with other hedging and screening in the settlement.
6. The proposed stables and arena access is almost directly opposite the entrance to Chance Inn Farm.
7. There is no indication of lighting which not be intrusive or floodlit.
8. There is no detail of the finish to the stable yard which should be in keeping with the agricultural

character of the area and avoid concrete or tarmac.

9. The stables create development out with the settlement boundary and do not meet rural place making criteria and the risk of coalescence through infill development.

10. The housing plot is positioned east - west facing when all other dwellings on the west of Cleish Road are north-south facing. The planning history of this plot includes a Reporters recommendation that only one house should occupy the plot (which is now two) and that no access should be taken from the north. The application creates a risk of future access being created interlinking the existing settlement with the stables and land to the north.

I trust that these comments will be taken into consideration when determining the application.

John Stevenson.



# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01049/FLL

Our ref LRE

Date 21 July 2017

Tel No

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK17/01049/FLL RE: Erection of a dwellinghouse, garage and stables and formation of vehicular access( revised design) land 120 metres West of Chance Inn Farm Kinross for Mr and Mrs George Jack**

I refer to your letter dated 4 July 2017 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –21/07/17)

### **Recommendation**

**I have no objection in principle in relation to the application but recommend that the under noted condition is included on any given consent.**

### **Comments**

This Service made no adverse comment with regards to contaminated land in memo dated 11 August 2009 for approved 09/01160/FLL for erection of two dwellinghouses

This application is for the erection of a single dwellinghouse and stables therefore there is the potential for existing and future residents to be affected by odour from the stables.

The stables are to be sited approximately 201metres from the proposed property and 168 metres from the closest existing property Chance Inn Farmhouse.

The stable plans indicate that there is three stable stalls, tack, feed and storage areas, the stables are not for commercial use.

Therefore I recommend that the undernoted condition be included on any given consent to protect residential amenity from odour nuisance.

### **Condition**

- An effective waste management plan for the building shall be in place for the storage and removal of manure, to ensure that odour is kept to a minimum





Gellybank House

Kinross

KY13 0LE

Local Review Body

Perth & Kinross Council

2 High Street

Perth

PH1 5PH

**FOA: Gillian Taylor, Clerk to Local Review Body**

Your ref: TCP/11/16 (511)

21 January 2018

Dear Sirs

**Notice of Review – Comments**

Please find attached our comments in relation to the Notice of Review TCP/11/16 (511). We trust these can be considered by the review body in determining the review.

Yours faithfully,

John & Helen Stevenson



**Perth & Kinross Council**

**Submission to Local Review Body**

**Comments on Notice of Review**

**Case: TCP/11/16 (511)**

**Planning Application Ref: 17/010149/FLL**

**at**

**Chance Inn/ Gellybank  
Kinross**

**Submitted  
by**

**John & Helen Stevenson  
Gellybank House  
By Kinross  
KY13 0LE**

**1. Comments on Notice of Review (NoR)**

**1.1 Attachment "A" Responses to NoR**

There is no numbering in the NoR and the comments below are in response to the consecutive bullets in paragraph 3 of page 1:

- Whilst there are equestrian uses in the vicinity other uses also include agriculture and residential dwellings. The equestrian use is dominated by the commercial livery at Gellybank Farm which is diversification of the farm. The key sensitivity is that the other small stables evidenced by the supporting photographs in the NoR are all within the established settlement group apart from the small stable to the north which is not consented. There may be other stables but they are more sensitively located.
- The recent stable application referred to is smaller and was consented in a location within the existing settlement group. The applicant has already erected a field shelter for the two horses which demonstrates the impact of the location and setting on the existing settlement. We challenge the suggestion that the proposed location of the stables is "in a natural depression". The settlement/ housing group sits higher to the south, and the topography then slopes gently north in the near and middle distance; there is no landscape mitigation. The effect of this is to create an impact out of keeping with the surrounding landscape as there are no buildings on the west side of the public road at this location.
- The scale of the building, car parking and ménage ring is out of keeping with the intention to stable two horses, the normal ratio being one horse per acre.
- The planting of trees and timber cladding proposed in mitigation evidences the very concerns stated above of adverse impact and inappropriate location.

- Approving the application will set an adverse precedent in relation further stable development on the remaining balance of agricultural land to the north owned by Caledonian Trust, the developer of Chance Inn Farm steadings. The potential adverse impact would be to encourage the proliferation of stables across the landscape to the north of the existing settlement. Evidence of the adverse effect of this can be seen at nearby Hatchbank Stables on Hatchbank Road, Gairneybank where the farm has been allowed to be developed with ad hoc stable building spread over the landscape. A stable, car park and ménage ring is considerably more impact than a cropped field.
- P3 – the applicants are already keeping many specimen fowl which is attracting rats from Chance Inn Farm. Several residents have complained to Caledonian Trust who have had to set poison. There are already problems with odour and seepage of manure run off at Gellybank Farm. The applicant provides no real details of environmental control measures.

There is no new evidence submitted to support or justify a change in the determination of the application and contend that the reasons stated in the Report of Handling (ref 1009400) remain sound and should be upheld.

## 1.2 Land Use

The NoR predominantly focusses on placemaking. The Report of Handling sets out the concerns about the inappropriate position of the stables in the landscape and the impact on the existing settlement.

In addition, we highlight a concern already stated in comments to previous applications that there is inappropriate land use being proposed by the stables forming part of a single application for residential use.

- The proposed stable will be some 150 metres north of the actual housing plot separated by a thin strip of paddock. It therefore artificially extends residential use due north of the existing settlement. This has no supporting justification.
- Allowing residential use within the original application area is a proxy for further residential use outwith the existing settlement boundary which runs west-east and not to the north. This coalescence has the potential to create not only an extension of settlement which could spread further to the north, it also exposes the potential for ribbon with a small infill strip fronting the road between the applicant's house and paddocks which is in other ownership. This could also potentially coalesce with the proposed development at Chance Inn Farm. Our concern here is beyond simply equestrian use but land use in and around the settlement in perpetuity. A change of use from equestrian to residential is a small step.
- A previous application (08/01258/FUL) was referred to the Inquiry Reports Unit which determined a "tension" between the two proposed housing plots with the surrounding dwellings and rejected in that application a proposed residential access to the plots from the north. Granting residential use extending over the proposed underpins a potential for future inappropriate residential use out with the settlement boundary.
- The applicants have offered no coherent reason why a single application for residential use is being sought. There is no precedent for equestrian uses falling within residential use.



## **2 Summary**

In summary our comments on the NoR are as follows:

1. The reasons in the Report of Handling relating to placemaking and adverse impact are not addressed in the NoR which offers only anecdotal comments and refers to mitigation measures which in themselves evidence the impacts already identified. No new evidence is presented to suggest otherwise.
2. There is a land use issue in extending residential use northwards exposing a risk of adverse and inappropriate development in the future which is at odds with protecting communities from such impacts as referenced in the Report of Handling. It will set a potential adverse precedent.
3. The west side of Chance Inn/ Gellybank is at a point where development is saturated and any further extension of residential use will have an adverse effect on the existing community.

We trust that the committee can consider these comments in determining the review.

John & Helen Stevenson  
21 January 2018



CHANCE INN COTTAGE, by KINROSS, KY13 0LE

FAO: The Local Review Body, Perth and Kinross Council

Tuesday 23<sup>rd</sup> January, 2018

**RE: Application Ref: 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross – Mr G Jack**

**And Application Ref: 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross – Mr G Jack**

Dear Sir/Madam,

With reference to planning applications **17/01738/FLL** and **17/01049/FLL** by Mr G. Jack, who is appealing the respective planning decisions made by Perth and Kinross Council's planning department, we are writing to express our thoughts and to ask that the Council remains firm in its decisions.

Firstly, I should point out that there is a stark difference between the applicant's proposed development plans and the current situation at Chance Inn/Gellybank. For a start, all other stables mentioned as evidence in the applicant's submission are situated close to the dwellings and are not randomly situated in the middle of open countryside on agricultural land.

Allowing the applicant's proposed large stable building to be constructed at the distance from their residence(s) that is being suggested would completely change the nature of the setting (the existing dwellings being currently in a 'group') and would set a precedent. Moreover, the applicants already have a stable building, which is more separate from their residence than is the norm in the setting.

The stable for which permission is requested under application **17/01049/FLL** is substantially larger than the requirements for two/three horses – and, just like the curiously 'house-shaped' garage which the applicants have already erected adjacent to our house, it is probably large enough to become a dwelling in the future. Like many other residents in the neighbourhood, we are not convinced by the applicants' claim that the house they propose to build is their forever home; based on the precedent of them having constructed several houses, close together, in their previous residential setting then moved on, we contend that this may be a cynical attempt by the applicants to urbanise the countryside in the long-term, with an inappropriate density of buildings immediately adjacent to Chance Inn Cottage. Please remember – with reference to application **17/01738/FLL** specifically – that at one point permission was only to be granted by the Council for one house on the site in question prior to an appeal, and now it has become two houses PLUS a 'garage/flat' (which, as you will see from the photo which I am sending under separate e-cover, looks very like a house). This is wholly inappropriate for what is a very rural setting, and it threatens to change the character of our whole community.

No one objected to the stables being put up by any of the other residents in this small rural community – because these were of a completely different character, in that they formed part of an already existing unit and did not impact on the open landscape in the way that the applicant's stable building and manege will – the proposed stable and manege development would be clearly visible to anyone who lives here, as well as others passing through this beautiful area. It will detract from the amenity of the area and send out a message to others that random buildings in rural areas,

constructed at some distance from the owner's dwelling, are acceptable to Perth and Kinross Council.

In summary, I urge you to please bear the following points in mind during your deliberations:

1. The applicants apparently have a previous history of building houses in their garden/domestic land then moving on. They may genuinely believe that this is their 'forever' home, but the truth is that they could easily change their minds and decide not to stay here (but to develop the land and then leave, as they have done before) within a day of receiving any decision to allow them to pursue their plans for this quintessentially rural area.
2. The applicants tried to claim, in one of their applications, that the long strip of agricultural land between their house(s) and the 4-acre horse paddock was "domestic" (which, to the best of our knowledge and belief, could enhance their ability to request permission for further houses there in future). This suggests they may have future plans for the land, and we would ask you to bear this in mind during your review process.
3. The applicant's 'garage' building already appears to be a backdoor attempt to obtain consent for yet another residential property on a plot in a density out of keeping with the previous housing density in this location. The layout plan of the surrounding properties and the garden demonstrates the intensity of the applicant's development. The fact that their proposed house is as close as legally possible to ours (9 m) is not in keeping with the density of other dwellings in the setting.
4. The applicants already have a stable building that appears adequate for their equine purposes. Their ponies are of a native breed, so do not require year-round stabling – in fact for native breeds, a field shelter can even be adequate, so there is no requirement for a large-scale building of the type being applied for.
5. The proposed stable would stick out like a sore thumb in the countryside, being at some distance from the applicants' residence and in a field that has been arable land for generations.
6. The applicant evidently felt fairly confident that their application for the house and garage would be accepted, as foundations for the proposed house and garage had been completed and the garage walls erected before planning consent was given. So even if the Council had refused the application, the face of the land had already been altered.
7. Allowing this development to go ahead would set a dangerous precedent. If permission is granted for one such large, fixed and permanent stable in open countryside then there would surely be no reason in future to refuse similar buildings for the nearby residents in virtually identical situations? The effect of that on the local landscape would be unthinkable. Please do not set this very dangerous precedent. This is an attractive small rural community, which is not a recognised settlement in the Local Development Plan, and the development proposals being applied for by the applicant threaten the character and setting because of their impact on the agricultural rural landscape.

Thank you for your consideration. Yours faithfully,

*Karen and Alister Elwis*







Old Butts  
Leslie Road  
Scotlandwell  
Perth and Kinross  
KY13 9JE  
7 February 2018

FAO: Clerk – Gillian Taylor Appeals Department

Perth and Kinross Local Review Body  
Council Building,  
2 High Street,  
PERTH,  
PH1 5PH

**Ref.: Appeal TCP/11/16 (511)**

Dear Sir,

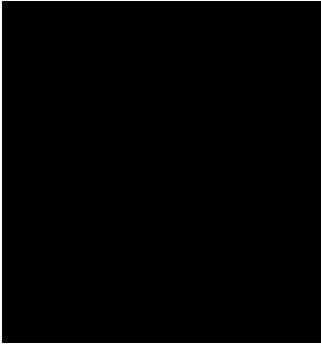
This letter is issued in response to representations made by both Elwis and Stevenson.

I do not see the point in responding to all the items raised by both parties as in the main the comments are observations and would be classed as non material considerations in the evaluation of the application. I do wish to respond to one or two items in detail.

1. References to the nearby approved application 17/01388/FLL. The representations refer to this approved application as being acceptable as it is 'located in an existing settlement'. The reference to any existing settlement was not mentioned in the planning officers report and therefore can be deemed to not have been a material consideration in making their decision therefore we deem this application is very relevant in relation to the applicants.
2. The reference to the applicants history is totally irrelevant in the review of this application, and in the applicants view inappropriate. Perth and Kinross Planning do not and should not refer to any applicants history in reviewing an application. In addition the applicant would wish to point out at no time have they looked to apply for any change of use for any of the land owned by the applicant and find these references miss-leading and pointless. The use of the land for stables And horses falls within the current use of class of the field.
3. Reference to the scale of the application in relation to two horses is non material. The applicant wishes to point out that their hobby involves showing of the horses and the stables have been designed with this in mind, e.g. to provide a suitable environment and space for cleaning and grooming the horses to show quality.
4. The reference to rats and fowl is also non material to the assessment of the stables. The applicant would wish to point out that the rats do in fact come from across the road and the applicant has taken actions in this matter in line with advice from Perth and Kinross pest control.
5. The existing settlements relating to the stables sit in elevated positions in relation to the stables therefore the applicant wishes to note that a single storey stable located in the corner of the site will not impact current views and to state this is factually incorrect.

In summary previous approved applications for stables in 2017 clearly state that this is a suitable location for a stable and the location in a depressed corner next to an existing access road is the most suitable location for same.

Yours sincerely



George Jack

**TCP/11/16(512) – 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 255-386***)
- (b) Decision Notice (***Pages 389-390***)
  - Report of Handling (***Pages 281-294***)
  - Reference Documents (***Pages 295-373 and 376-384***)
- (c) Representations (***Pages 391-412***)



**TCP/11/16(512) – 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour**

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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)                                                                                                                                           | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle                                                                                                                                                                  | <input type="checkbox"/>            |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions                                                                                                                                                       | <input type="checkbox"/>            |

**Reasons for seeking review**

- |                                                                                                                             |                                     |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Refusal of application by appointed officer                                                                              | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer                                                                       | <input type="checkbox"/>            |

**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                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection                                                | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

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:

it is felt that only by having a hearing session and site inspection can the applicant fully communicate the nature of his business and the full context and impact of the proposals

**Site inspection**

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

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

in order to help ensure the health and safety of visitors and livestock it is advised that the LRB is accompanied during site inspection



**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 refer to the accompanying detailed Notice of Review Supporting Statement dated January 2018

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.

The accompanying Notice of Review Supporting Statement together with a copy of the following information that was included with the original planning application:

Design Supporting Statement prepared by McKenzie Strickland Associates  
 Agricultural Justification Supporting Statement prepared by SAC Consulting  
 Transport Statement prepared by Millard Consultants  
 Site Plans (existing and proposed)  
 Plans and Elevations of proposed new farmhouse  
 Plans and Elevations of proposed new agricultural shed

Review of Handling Report prepared by PKC Planning Department

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:

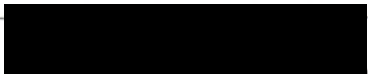
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

  
 for and on behalf of McKenzie Strickland Associates as agents  
 for Mr Rab Robertson

Date

10 January 2018



**NOTICE OF REVIEW**  
SUPPORTING STATEMENT  
January 2018  
**Agricultural Shed with Associated Farmhouse and Business Storage Facility, Donavoured near Pitlochry**  
for Mr Rab Robertson



Prepared by  
**McKenzie Strickland Associates**  
159 Dunkeld Road,  
Perth  
PH1 5AU  
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e: [info@msa-architects.com](mailto:info@msa-architects.com)

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1. Introduction
2. Applicant background
3. Reasons for requiring a review
4. Justification for contesting the delegated decision
5. Concluding Statement



## **1.0 INTRODUCTION**

McKenzie Strickland Associates were appointed by Mr Rab Robertson (owner of Donavoured Agri and managing director of Robertson Fencing Ltd) to investigate options for a new agricultural shed and farmhouse along with an associated business storage facility on land to the east of Pitlochry between the settlement of Donavoured, and the distillery at Milton of Edradour.

The application was refused on 23<sup>rd</sup> November 2017 and the applicant wishes to contest this decision by way of local review for the reasons stated later in this supporting statement. This document should be read in conjunction with the drawings and other supporting information submitted with the original application.

## 2.0 APPLICANT BACKGROUND

Rab Robertson is an admirable example of local entrepreneurship that Perth and Kinross Council planning policy aims to support. Rab was raised in Rannoch in a farming family and after gaining a degree in Agriculture returned to his roots in highland Perthshire to gain experience providing agricultural labour. From modest means Rab started Robertson Fencing Ltd in 2007, a business that has grown successfully and now employs 16 full time employees. The business enterprises operated by Rab Robertson focus on farming, fencing and forestry:

- Donavoured Agri is an established farming enterprise set up in 2016 in order to diversify Mr Robertson's business interests and focusses on sheep, grassland and arable.
- Robertson Fencing Ltd is an expanding business which until early 2017 had been operating from Kinloch Rannoch and has been temporarily relocated to the agricultural yard adjacent to the settlement of Donavoured

It is important to point out that Donavoured Agri is currently operating on a limited level due to the absence of onsite accommodation and undercover facilities. Coming from an upland stock farming background and with a Degree in Agriculture, Rab has interests in expanding the potential of the land at Donavoured to establish a successful and diverse agricultural enterprise. The land has great potential for stock farming including the rearing of sheep and cattle with added arable operations to provide suitable feeding and bedding. Other more specialised agricultural options are also being explored with particular interest in specialist berry production, deer farming and silvopasture.

The planning application proposed an on-site farmhouse adjacent to a new multi-purpose agricultural shed. The proposed buildings are vital for attending to the farm and livestock "twenty four seven" in order that Donavoured Agri can continue to develop as a sustainable farm. The buildings are also necessary for security purposes as the company has invested in valuable specialised excavators, tractors and forestry ploughs, which will be stored at the yard along with high value fencing materials.

It is important to note that as a result of historic sale and subdivision of the farm and property at Donavoured, the original farmhouse and farm buildings have been converted and land developed to provide housing plots forming the settlement of Donavoured. Mr Robertson's planning application merely proposes to reinstate and re-establish a residential working farm at Donavoured which can only be seen as a positive proposal in an era when the farming industry struggles to attract young families.

The relocation of the fencing business is essential to improve efficiencies through operating both business enterprises from the one location with associated pooled buildings. Robertson Fencing was becoming unsustainable from its previous location in Kinloch Rannoch and the proposed permanent relocation to yard facilitates that are close to the A9 (for improved vehicular connection to Perthshire and the North of Scotland) is crucial in order for the fencing and forestry business to expand and grow effectively.

A report prepared by SAC Consulting, a leading specialist in Agriculture and Rural research, accompanied the application and provided a full and detailed justification for the house and agricultural buildings in terms of their requirement in order to sustain both businesses. As stated above, Donavoured Agri is not operating to its full potential currently due to limited facilities. It should be stressed that even at this restricted level, the SAC report still justified a house, and this justification will increase if Mr Robertson is provided the opportunity to develop Donavoured Agri with Perth and Kinross Council's support.

### 3.0 REASONS FOR REQUIRING A REVIEW:

The applicant strongly disagrees with the decision for refusal of the planning application and considers that the delegated decision has focused on a negative interpretation of policy, and has not given sufficient weight to the overriding economic, cultural and social benefits and the associated planning policy which actively encourages sustainable rural living, business diversification and economic enterprise in the countryside.

Furthermore, it is thought that the planning department have not fully understood the nature of both business and have chosen to discount or ignore the relevant supporting information provided by expert consultants as part of the application. Therefore the applicant requests a local review for the following reasons:

#### 3.1 JUSTIFICATION FOR A PROPOSED NEW DWELLINGHOUSE (Policy RD3 - Housing in the Countryside)

PKC Local Development Plan Policy RD3 states that the Council will support proposals for the erection of single houses in the open countryside when they are required "either on site or in the locality for a local or key worker associated with either a consented or an established economic activity" and if the applicant can demonstrate "to the satisfaction of the Council that there is a need for the house" (Under Category 3.3 "Economic Activity" of PKC Housing in the Countryside Supplementary Guidance).

The Report of Handling of the delegated decision suggests that the proposals are contrary to Policy RD3 because "there is not a clear and sound reason for a dwelling house to be accommodated on the site". However The Agricultural Justification Report that accompanied the application (prepared by SAC Consulting who are experts in Agriculture and Rural Consulting) provided a clear and detailed justification that clearly identified the following:

- That there is an absolute necessity for a permanent dwelling on the site in order to provide supervision 24 hours per day, 7 days a week, 365 days a year for Animal Welfare, Farm Management and to help ensure Health and Safety of employees and the public.
- That Donavoured Agri is an established and viable farming business that has been operating since 2016, and therefore qualifies as an "established economic activity" (particularly considering it will be operating in conjunction with Robertson Fencing that has been in existence since 2007)

Furthermore, Section 6.03 of the Design Supporting Statement included within the original planning application provides a detailed justification of how the proposals meet the other requirements of Policy RD3 and siting criteria of PKC Housing in the Countryside Guidance.

The applicant considers that the Case Officer has misunderstood the nature of the business and misinterpreted planning policy in several respects in coming to a decision as explained below:

1. Report of Handling: On page 7 (last paragraph) of the report of handling the case officer states that it is unclear how the 270 breeding ewes are managed and overseen, and that there is "no clear justification as to why a house is required other than a 24 hour watch is necessary".

**Applicant Response:** *The SAC Consulting Agricultural Justification report included with the application provide a clear and detailed justification as to why a permanent dwelling is critical to allow the business to continue function at full capacity (reference pages 8 and 9 of SAC report). This is the opinion of a consultant who specialises in rural consulting, yet the Planning Officer seems to have discounted this specialised advice.*

**For the avoidance of doubt, the sheep currently farmed at Donavoured have a limited number of breeding ewes due to the absence of 24 hour supervision, and the lack of a permanent on site presence. During the first years of establishing the farm this has proved problematic in terms of animal welfare. It is precisely for this reason and in order to fulfil the full potential of livestock farming at Donavoured that a permanent dwelling is essential.**

**It should be noted that no request was made by the planning department for additional clarification in this respect during the application process, and instead misinformed assumptions were made by the planning officer upon which the delegated decision was made.**

2. Report of Handling: On page 8 (paragraph 1) the case officer states that because the applicant is not a full time farmer that 24 hour supervision will not be provided and incorrectly concludes that the house is therefore not necessary.

**Applicant Response:** *The planning officer has not fully appreciated the fact that the proposed dwelling is crucial in order that he can provide satisfactory animal welfare supervision outside normal working hours (including through the night during lambing and calving seasons). As was stated in the supporting information, Mr Robertson will run both businesses from a home work office within the new house, with family members or farm employees providing supervision on the odd occasion he is engaged in business away from home. The officer's opinion would suggest that farmers should not run businesses other than farming, which is contrary to PKC Economic Policy which encourages the diversification of rural enterprise.*

3. Report of Handling: On page 8 (paragraph 2) the planning officer notes that the proposed agricultural unit does not directly connect with the livestock fields and implies that the unit will be utilised for the fencing business only.

**Applicant Response:** *The planning officer has misunderstood the fact that there is no requirement for direct access for livestock between the fields and the shelter, as the barn will be primarily used for livestock during the months of the year they are lambing or calving, when they will be guided to the shelter by farm staff. In addition the shed will be used for over wintering livestock as well as lambing / calving and the proposed location is deliberately situated right in the middle of the Donavoured Agri land giving improved management for stock movements and grazing management. This allows a degree of seasonal flexibility of use of the unit between the farm and fencing business and provides a shared resource that improves business efficiency and helps ensure long term viability of both enterprises.*

It is important to stress that the house will be permanently occupied by Mr Robertson and his family, as it is vital to the continued operation of the agricultural business that the owner lives adjacent to the farm and business premises to allow him to effectively monitor livestock and

efficiently manage operations which regularly happen outside normal working hours. Furthermore, due to the storage of expensive specialist plant and high value materials in the yard it is critical that there is a permanent on-site presence by the owner for the purposes of security. The applicant feels that the planning officer has misinterpreted or overlooked the expert supporting information and taken their own subjective interpretation as to the nature of the agricultural business and the requirement for on-site accommodation, rather than an objective view based on the clear justification for a house that was provided by an agricultural consultant with expert knowledge and experience in the field of commercial rural enterprise.

### **3.2 GROWTH AND DIVERSIFICATION OF AN ESTABLISHED RURAL BUSINESS (Policy ED3 – Rural Business and Diversification)**

Policy ED3 states the following:

"The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites out-with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings"

*The application proposals are fully consistent with this policy as follows:*

- *Donavoured Agri is an established business that has been in operation since 2016 and in conjunction with its sister company Robertson Fencing Ltd represents diversification into fencing work, forestry ground preparation and other agricultural operations in order to consolidate recent growth and expand further in future.*
- *Alternative sites have been explored within or adjacent to settlements, but these are not suitable for the reasons stated in detail in section 2.03 of the McKenzie Strickland Associates Design Supporting Statement included with the planning application. This included the current temporary Robertson Fencing Site adjacent to the settlement of Donavoured that was discounted as not suitable due to the perception of noise and impact on amenity from nearby residents.*
- *The applicant has been actively searching for sites within or beside settlements for several years, but none exist in the Highland Perthshire that can accommodate a covered unit and yard large enough for the requirements of Robertson Fencing.*
- *The proposed site at Donavoured offers a site specific location that is critical in order to provide the opportunity for Donavoured Agri business to operate in conjunction with Robertson Fencing to allow shared facilities, management and improved business efficiencies as a result. This represents diversification in accordance with Policy ED3 and will in turn help ensure the sustained growth of both businesses and continue to provide additional permanent employment in the area as a result.*

None the less, one of the reasons for refusal of the application was that the planning department did not consider that there was an established business on the site. Again the applicant considers that the Case Officer has misunderstood the nature of both established businesses and the importance of a shared site location and come to a decision based on assumption rather than fact as explained below:

1. Report of Handling: On page 8 (last paragraph) of the report of handling the case officer states that "The farming business is the main justification for this location and this is not considered to be an established business as the applicant is a new entrant to farming and does not yet have a justifiable need for this location". It was therefore considered to be contrary to policy and as such will be a reason for refusal on this report

**Applicant Response:** *The applicant's business 'Donavoured Agri' has been established since 2016 during which time the applicant has been actively farming arable crops and livestock. The Design Supporting Statement and Agricultural Justification reports included with the original application both clearly state that this is the case. In conjunction with Robertson fencing which has been operating since 2007 the proposals represent an established, diversifying enterprise that policy is designed to encourage and is therefore fully consistent with policy ED3.*

*The planning officer seems to have equated the term "New Entrant to Farming" as an indication that the business is not established which is incorrect. As explained in the SAC Consulting Report (pages 2 and 3), the Scottish Government actively promotes New Entrants into Farming to encourage and support sustainable farming enterprise in an era when agriculture is in danger of dwindling due to increasing social and economic pressures. Donavoured Agri therefore represents a positive opportunity for a young farmer with established background and education in agriculture to continue farming the land, which should be actively encouraged by Perth and Kinross Council.*

The Applicant would like to stress that the proposals are completely consistent with planning policy ED3 as follows:

1. Although sited out-with a settlement boundary (for the reasons stated elsewhere), the businesses offer "opportunities to diversify an existing business" as required by policy, with Robertson Fencing representing a diversification of the Donavoured Agri farming business.
2. Furthermore, Donavoured Agri is an arable and livestock farm which therefore relies on a "site specific resource or opportunity" in accordance with policy ED3. Since Robertson Fencing Ltd in turn relies on shared buildings, plant, management and facilities to make both businesses sustainable and economically viable, it also depends on a site specific opportunity.
3. The relocation of Robertson Fencing will safeguard existing local jobs and is predicted to create additional employment with the predicted growth of both businesses and will therefore "contribute to the local economy through the provision of permanent employment" which is a primary objective of the relevant Rural Business and Diversification Policy.

Whereas it is common for existing farm businesses to operate additional diversification enterprises from existing farm premises unhindered (this is almost the norm for most people starting a business from an agricultural background), it cannot be understated how difficult it is for new and growing rural businesses to find suitable new facilities whilst remaining competitive. The proposed amalgamation of Donavoured Agri and Robertson fencing from shared premises provides an ideal location and facilities that will allow both businesses to continue trading on a level playing field. Furthermore, the overwhelming cultural and economic benefits of establishing a long term traditional farmhouse and livestock farming at Donavoured, combined with the relocation of a successful and growing fencing business strongly outweighs any other perceived impact on the surrounding landscape framework.



### 3.3 PLACEMAKING, SITING AND SCALE OF THE DEVELOPMENT (Policy PM1 - Placemaking; Policy ER6 – Managing Future Landscape Change)

The delegated decision states that two of the reasons for the decision to refuse the proposed development are linked to visual impact of the proposals, namely:

- "the proposal fails to create a sense of identity and erodes the character of the countryside" and is contrary to Policy PM1B; and
- that the siting and scale of the development is "highly intrusive" to the existing landscape framework and therefore contrary to policy ER6.

The applicant strongly disagrees with this assessment for a number of reasons:

- The siting and design of the proposed barn and house have been carefully considered so as to respect the landscape character and mitigate any visual impact with the location chosen screened by trees and the topography. Section 6.02 of the MSA Design Supporting Statement that accompanied the application included a detailed assessment which demonstrated a negligible impact on the landscape framework.
- Appendix C of the Design Statement included photo-montage images of the proposals which further verified that the visual impact of the house and barn would be negligible (these images are not acknowledged in the delegated report)
- The Design Statement and photo montage images made reference to the fact that under Permitted Development Planning rights, the applicant would be entitled to erect an agricultural barn of up to 15m wide x 30m long x 12m high without making a planning application. Although the proposed footprint of the barn is slightly larger than this (20m wide x 48m long x 10m high barn) it's height is lower and the aggregate visual impact would be negligible in comparison to development acceptable under permitted development rights as demonstrated by the photo montage images (replicated below).



**EXISTING**

Photo of existing site taken from road adjacent to Donavourd

**PERMITTED DEVELOPMENT**

Computer generated photomontage image of theoretic development normally allowable under permitted development for agricultural buildings (based on 15m wide x 30m long x 12m high agricultural barn)

**PROPOSED DEVELOPMENT**

Computer generated photomontage image of proposed new barn and managers house (based on proposed 20m wide x 48m long x 10m high barn)

Images demonstrate negligible visual impact in the context of the wider landscape.

Furthermore there are several comments and assumptions within the delegated report that the applicant would take issue with. These are as follows:

1. Report of Handling: On page 9 (first paragraph) of the report of handling the case officer states that he is "unconvinced that a 5 bedroomed unit with a home office and a granny flat is required to oversee the businesses as suggested"

**Applicant Response:** *The applicant would like to stress that the house shall be a long term home for him and his family and as such has been designed with sufficient bedroom space for his partner and potential future children. In addition the house has been planned to be flexible and accessible enough to allow the potential for his parents to live on the farm as they become less independent in older age. This is therefore fully compatible with the requirements of Placemaking Policy PM1B(f) which states that "Buildings and spaces should be designed with future adaptability in mind wherever possible"*

*For the reasons stated above and in the original design statement, the height and massing of the house has been sited and designed so as to be sympathetic with the landscape, set within an existing mature tree grouping that provides both a backdrop and visual screening of trees that are taller than the proposed house as illustrated in the photo montage images included within the Design Statement.*

2. Report of Handling: On page 9 (first paragraph) of the report of handling the case officer states that "The site plan indicates that some trees are to be removed in order to provide 'selected views' for the dwellinghouse. This will make the house more visible and will compromise the element of screening currently available on this principal boundary"

**Applicant Response:** *The applicant would note that Housing in the Countryside Policy does not require that new houses are fully obscured from view nor invisible in the landscape, but only that design proposals are "appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting". As illustrated in Section 5.02 of the MSA Design Statement the proposed house designs are sympathetic to the countryside setting due to the fact that the house fits within the existing clearing which provides a backdrop of trees that due to the sloping topography are higher than the proposed house which will therefore blend sympathetically with the land form. Although several trees are proposed to be removed to expose views and sunlight to the house, the majority of existing trees to the south-west and south-east shall be retained to help soften the visual impact with only selected glimpses of the house with its high quality modern design which will in fact enhance the countryside setting.*

We would also note that during consultation the Conservation Officer raised no objection to the proposal despite the proximity to the Category B Listed Edradour Distillery which indicates they have no concerns regarding visual impact. Edradour Distillery itself has in the recent past gained planning permission for the erection of numerous large storage sheds in close proximity, presumably because the economic benefits of the business expansion outweighed aesthetic issues. It is the applicant's belief that the social and economic benefits of the Donavoured Proposals strongly outweigh the minor visual impact and would contest that a balanced consideration has not been made within the delegated decision in this respect.

### 3.4 NEGLIGIBLE TRANSPORT AND ACCESSIBILITY IMPACT (Policy TA1B – Transport Standards and Accessibility Requirements )

The planning application included a detailed Transport Statement prepared by Millard Consulting which concluded that with a suitably designed upgrade to the existing vehicular access and proposed mitigation measures in the form of an additional layby, that the development shall not compromise the capacity of the current road network.

It is important to stress (as was explained in section 5.03 of the MSA Design Statement) that although predicted traffic movement is regular there is a relatively low movement to and from the yard (varying between 20 or 30 visits per week). The Robertson Fencing business operates via satellite sites on a job by job basis all over Central Scotland so most of the time employees are not travelling to the yard on a daily basis. It should also be made clear that the forestry operations side of the business does not involve logging operations nor the transportation and storage of lumber, so the frequency of HGV transport to and from the new site will be minimal.

However, the delegated decision seems to have overlooked this and stated that it considered that the proposals were contrary to Transport Policy TA1B reasons for the following reason:

"The level of traffic to be generated by the proposal is considered to be significant for the existing road network and provisions have not been demonstrated on how the development will be served by other modes of transport (in particular walking, cycling and public transport)" and that "the proposed development only providing 2 staff parking spaces where it is highlighted that approximately 14 members of staff are employed by the business".

The applicant strongly disagrees with this assessment which again has been based on a misunderstanding as to the nature of the proposed businesses and associated traffic movements. It appears that the Transport Statement prepared as part of the application by Transport Specialists Millard Consultants has been disregarded, and the advice of PKC Transport Planning (who raised no objections during consultation) has been overlooked. We have therefore set out below why the planning officer's assessment in this respect should be rejected:

1. Report of Handling: On page 10 (last paragraph) of the report of handling the case officer states that "The proposed development will result in significant traffic generation and as such will require the upgrade of the existing road network." which grossly overstates the assessment of the Transport Planning team

**Applicant Response:** *A Transport Statement provided by Millard Consulting was prepared following meetings on site with PKC Transport Department and the Applicant. During this pre-planning consultation it was clarified that the businesses generated a modest amount of traffic movements per day and the Transport Department confirmed that they had no concerns, provided that a modest widening of the road was implemented locally to provide one passing place near the proposed access. The Planning Officer therefore appears to have misunderstood and exaggerated the transport impact when coming to his decision, and discounted the advice of an independent Consultant with expertise in transport planning, as well as the assessment of the PKC Transport Department who did not object to the*

**proposals in their consultation response.**

2. Report of Handling: On page 11 (first paragraph) the report of handling states that the proposals do not comply in full with Policy TA1B "due to the proposal only appearing to be served by one mode of transport with no provision for public transport or bicycle storage."

**Applicant Response: The applicant would argue that the requirement for public transport links to a rural farming businesses is not a reasonable requirement (the majority of farms in Highland Perthshire are not served by bus routes). Furthermore the provision of a manager's house on site will negate the requirement for transport between home and work thus reducing carbon emissions and providing a sustainable long term transport strategy.**

***In relation to the Robertson Fencing business it should be noted that this the existing business has grown from its original remote rural location several miles from Kinloch Rannoch which did not have suitable access to public transport, and the relocation to Donavoured will improve accessibility as many current employees live and travel from Pitlochry. It should be noted that due to the nature of the business, employees are field based at various remote project locations around Scotland (often living in temporary accommodation for the duration of the job) and therefore do not need to travel to and from work every day. Notwithstanding the fact that there is no requirement for regular public transport for employees, the applicant notes that the proposed site at Donavoured is a 20 minute cycle from Pitlochry which is well served by train and public bus routes, and the Applicant would be happy to accommodate covered cycle parking as a condition of any forthcoming planning approval.***

3. Report of Handling: Page 11 of the report of handling goes on to state that "the Labour Justification statement shows that around 14 people are employed by the businesses and the site plan only incorporates 2 staff parking spaces. This is therefore a cause for concern as the development does not appear to relate to the provided statements. As such, the development is considered to be contrary to Policy TA1b and will be included as a reason for refusal on this report."

**Applicant Response: Again the delegated decision is a result of a misunderstanding of the information provided in the supporting statements which explains that the majority of employees are field based on satellite sites around the country which they travel to and from directly from home. Employee transport to the yard is only required occasionally to pick up materials or collect and maintain vehicles and equipment, and in most cases these journeys are in company vehicles which shall be parked inside the new unit. Two employee parking spaces are more than sufficient as part of the development which is fully consistent with the supporting statements provided as part of the planning application.**

The Councils Transportation Department team were given a full appreciation and understanding of the nature of the business and transport and parking requirements of both businesses at the site meetings held with the applicant, and as a result made no objection on grounds of parking and accessibility.

It should also be noted that the farming business and Robertson Fencing have been operating from the temporary yard adjacent to the settlement of Donavoured for over 9 months and there have been no problems or incidents reported as a result of traffic movements.

The applicant contests therefore that the proposals are fully compatible with Policy TA1B based on the expert advice and assessment, and by having on-site accommodation and a location closer to a larger settlement like Pitlochry the development represents a positive improvement in relation to Transport Standards and Accessibility Requirements.

### 3.5 CAREFULLY CONSIDERED TREE REMOVAL AND MITIGATION PLANTING (Policy NE2 – Forestry, Woodland and Trees, Policy NE3 Biodiversity )

The delegated decision states that a reason for the decision to refuse the proposed development is that the proposal is contrary to Scottish Government Policy on Woodland Removal as well as Policy NE2 (Forestry, Woodland and Trees\_ of the Perth and Kinross Local Development Plan which states:

"Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required"

The proposed new house at Donavoured is located within an existing 3 acre grouping of commercial woodland. The applicant feels that in deciding to refuse the application on the removal or relocation of a handful of trees within the context of 3 acres of managed woodland, the planning officer has overstated the impact of the proposed development, particularly when balanced against the cultural and economic benefits of the proposed businesses.

It should also be pointed out that at no point prior to making their decision has the Planning Authority requested that the applicant provide a tree survey nor an ecological study during the detailed Planning Application process. Nor was the likely requirement of such reports advised as part of the Pre-Application Consultation. The applicant was not given the opportunity to commission appropriate reports to demonstrate compliance with policy, and the delegated decision to refuse the application was taken on the basis of subjective opinion and in the absence of any specialist analysis by an independent consultant that would have allowed a more balanced and informed assessment

The applicant would also like to draw attention to other matters within the Report of Handling that he considers to be misinformed or factually incorrect :

1. Report of Handling: On page 9 (first paragraph) of the report of handling the case officer states the following. "The site plan indicates that some trees are to be removed in order to provide 'selected views' for the Dwellinghouse" and "Whilst it is noted that the site plan shows that these trees are to be transplanted, I have consulted with the Biodiversity Officer who has informed me that this is unlikely to be successfully achieved for trees of this maturity."

**Applicant Response: The applicant would point out that in the course of his business in forestry works he regularly relocates trees of comparable maturity or larger, and this can be achieved successfully with his own specialist machinery that allows for a large enough root ball to be retained (and provided that transplantation is carried out at the correct time of year). The delegated decision has been made on the basis of advice from a Biodiversity Officer rather than a qualified Arboriculture Consultant who would have the necessary expertise to comment.**

2. Report of Handling: the second paragraph on page 9 states the following in relation to the siting and visual impact of the proposed barn unit on the landscape: "Whilst there is a backdrop available in the form of woodland to the north of the proposed business units, the remaining 3 elevations remain exposed and in this prominent location on the landscape this is not considered to be appropriate siting. As mentioned above, the transplanting of particular trees to provide screening is unlikely to be successful."

**Applicant Response: For the reasons stated above the applicant considers that the assessment of the visual impact has been based on an**



*incorrect assumption that that the existing trees cannot be successfully transplanted to provide landscape screening and alleviation of tree loss. The planning application drawings propose to screen the South-West elevation of the barn with transplanted trees. However this has been unfairly discounted by the case officer, when in fact the proposed extension of the tree belt will successfully mitigate any visual impact and in particular when viewed from the Edradour/ Donavours road which is the only view visible to the public. This has in turn unfairly impacted on the assessment of visual impact of development on the wider landscape (as explained in section 3.3 of this statement).*

3. Report of Handling: On page 11 under the heading of Biodiversity the delegated report states that the Biodiversity Officer requested that a tree survey and phase 1 ecological survey was undertaken in order to determine the impacts upon the biodiversity of the area, but that the Case officer did not request this as the decision had already been made for refusal on grounds of the principle and location of the development.

**Applicant Response:** *The applicant would reiterate that he was not given the opportunity to commission the reports requested by the Biodiversity Officer (nor was the requirement for a tree survey or ecology report noted by the planning team as part of the Pre-Application feedback). In the event of the decision being overturned by the Local Review Body, Mr Robertson would be happy for a suspensive condition to be included with any forthcoming planning approval which states that the removal and relocation of any existing trees would be subject to written approval by the Planning Department upon submission of a tree survey and phase 1 ecological survey being carried out and any necessary mitigation measures being implemented.*

The applicant therefore strongly disagrees with the assessment that the development is contrary to policy NE2 for the reasons stated above and as follows:

- Policy NE2A(b) states that the Council will support proposals which "protect existing trees; woodland, especially those with high natural, historic and cultural heritage value". The tree grouping in question is a commercial woodland which is composed of mainly fast growing conifers and birch which have no natural, historic or cultural heritage value, and by its very nature is subject to trees being removed and re-planted as part of ongoing woodland management. Although the tree grouping as a whole provides some value to the landscape character, the removal of a handful of trees within 3 acres of woodland is negligible in terms of its visual impact and woodland resource.
- It is important to note that no existing trees need to be removed in order to implement the house construction itself, and the proposals only sought to remove or relocate a number of trees in carefully selected locations in order to facilitate views and improve sunlight provision to and from the new dwelling. Should the removal of any of these trees not be possible due to issues raised in future ecological reports, the house could still be built without the removal of any trees.
- The majority of affected trees were proposed to be relocated rather than removed in order to mitigate any impact in accordance with Policy NE2. However the applicant would have no objection if a planning condition is attached to any forthcoming approval which states that any trees that are not successfully transplanted are to be replaced with new heavy standard trees to mitigate any loss and provide visual screening to the new development.
- Furthermore the applicant would have no objection to a planning condition being imposed that prohibits the removal of any additional trees within the main tree grouping without prior approval of the planning authority.

#### 4.0 JUSTIFICATION FOR CONTESTING THE DELEGATED DECISION

The Decision Notice gave the following reasons for refusal. Alongside these the applicant has summarised their justification for a review of the decision and the reasons why the decision should be overturned:

##### Reason 1

###### **Delegated Decision:**

*"The proposal is contrary to Policy RD3 - Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location."*

###### **Applicant Response:**

**As demonstrated in section 3.1 above and associated supporting information , the development proposal is fully justified under Policy RD3 - Housing in the Countryside and the guidance given in Council's Housing in the Countryside Guide 2014 by providing an on-site manager's dwelling that is vital to the continued operation, growth and diversification of an established business where it is essential that the owner lives adjacent to the farm and business premises to allow him and his family to effectively monitor livestock "twenty-four seven" and efficiently manage operations which regularly happen outside normal working hours.**

##### Reason 2

###### **Delegated Decision:**

*"The proposal is contrary to Policy ED3 - Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014, as the farming business is not considered to be established and there is no site specific justification which would allow for the site to be acceptable."*

###### **Applicant Response:**

**As demonstrated in section 3.2 above and the associated supporting information, the development proposal is fully compliant with LDP planning Policy ED3 - Rural Business and Diversification, as follows**

- The proposed site at Donavoured offers a site specific location that is critical in order to provide the opportunity for Donavoured Agri business to operate in conjunction with Robertson Fencing and allow shared facilities, management and improved business efficiencies as a result. This represents diversification in accordance with Policy ED3 and will in turn help ensure the sustained growth of both businesses and continue to provide continuing economic benefits and additional permanent employment in the area as a result*
- Alternative sites have been explored within or adjacent to settlements, but these are not available or not suitable for the reasons stated above*
- The proposed agricultural/woodland site is perfectly compatible with both business uses and has been specifically chosen so as to be far enough detached from residential properties so as not to detract from their amenity.*

### **Reason 3**

#### **Delegated Decision:**

"The proposal is contrary to Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting and scale of the proposed development is highly intrusive to the existing landscape framework and does not conserve or enhance the surrounding landscape as required by the Policy."

#### **Applicant Response:**

**As demonstrated in section 3.3 above and the associated supporting information, the development proposal is not contrary to Policy ER6 - Managing Future Landscape Change. The siting and design of the proposed barn and dwelling have been carefully considered so as to respect the character of the local landscape, and is to be screened by existing trees and the topography, with additional tree planting proposed to mitigate visual impact.**

**The overwhelming cultural and economic benefits of establishing a long term traditional farmhouse and livestock farming at Donavoured, combined with the relocation of a successful and growing fencing business strongly outweighs any minor visual impact on the surrounding landscape framework.**

### **Reason 4**

#### **Delegated Decision:**

"The proposal is contrary to Policy PM1B - Placemaking criterion (a) and (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, whilst the removal of certain trees and the overall location of the proposed development would additionally erode and dilute the areas landscape character."

#### **Applicant Response:**

**As demonstrated in section 3.3 above and the associated supporting information, the development proposal is fully compliant with planning policy Policy PM1B - Placemaking. The siting and design of the proposed barn and low energy managers home have been carefully considered so as to respect the character of the local landscape, and is to be screened by existing trees and the topography, with additional tree planting proposed to mitigate visual impact. This is fully consistent with placemaking policy criteria whilst social and economic benefits of the Donavoured Proposals strongly outweigh the minor visual impact and the applicant would contest that a full and balanced consideration has not been made within the delegated decision in this respect.**

#### **Reason 5**

##### **Delegated Decision:**

"The proposal is contrary to Policy TA1B – Transport Standards and Accessibility Requirements, of the Perth & Kinross Local Development Plan 2014, as the level of traffic to be generated by the proposal is considered to be significant for the existing road network and provisions have not been demonstrated on how the development will be served by other modes of transport (in particular walking, cycling and public transport). This is in addition to the proposed development only providing 2 staff parking spaces where it is highlighted that approximately 14 members of staff are employed by the business."

##### **Applicant Response:**

**As demonstrated in section 3.4 above the development proposals are not contrary to Policy TA1B. This business will only result in a modest increase in traffic which shall not compromise the capacity of the current road network as verified by a specialist Transport Consultant. No objections were raised by PKC Transport Planning during consultation and the business has been operating from a temporary yard on a neighbouring site for over 9 months without any impact on the same road network.**

**Accessibility in terms of other forms of transport is no different to any other farm enterprise, and the proposed dwelling house and on-site manager provides a sustainable arrangement with no reliance on public transport. Similarly, public transport and alternative modes of transport are not a requirement due to the field based nature of Robertson Fencing's business and the associated impact in terms of accessibility shall be improved by relocating the business from its original remote location in Rannoch to within walking and cycling distance from Pitlochry which is served by good public transport links.**

#### **Reason 6**

##### **Delegated Decision:**

"The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy NE2B of the Perth and Kinross Local Development Plan 2014, as there are no clear public benefits associated with the removal of the certain trees within the woodland to provide selected views for the proposed dwellinghouse."

##### **Applicant Response:**

**As demonstrated in section 3.5 above, the development proposals are not contrary to Policy National and Local policy on Woodland Removal on the basis that the tree grouping affected is (and will continue to be) managed commercial woodland with no significant cultural or heritage value, and that suitable mitigation planting shall be provided as part of the development proposals. Once again the benefits to the public in the form of local employment and economic growth provided by both businesses greatly outweigh the minimal impact caused by the removal of trees within a large commercial woodland.**

## 5.0 CONCLUDING STATEMENT

Donavourd Agri and its sister company Robertson Fencing Ltd represent a success story as rural businesses that have diversified and expanded with the resulting employment benefits to the wider community. Mr Robertson's long term aspiration to further develop his agricultural business Donavourd Agri and successfully farm the land at Donavourd cannot be fulfilled without the support of this application. Without suitable onsite accommodation and undercover agricultural facilities the business will be unlikely to flourish and threaten the establishment of a young entrant within the agricultural sector. Robertson Fencing has out-grown their previous premises in Rannoch which were no longer fit for purpose. The absence of a suitable yard, workshop and covered storage has in the past been a limiting factor and put strain on the business, and after 8 years of searching, no suitable premises large enough are available within the settlement boundaries of Pitlochry or other Perthshire settlements. It is critical to the continued development of both enterprises that suitable new premises are secured that can operate in conjunction with This will help broaden his business interests for a more sustainable portfolio for the future, and help secure long term employment opportunities within both businesses. As established in this statement along with the other justification reports included in the original planning application, a permanent dwelling on site, along with the associated shed buildings are essential to the operation and management of both businesses and critical to the continued successful growth of Donavourd Agri and Robertson Fencing.

The applicant feels aggrieved that the planning application at Donavourd has been refused and believes strongly that the delegated decision is inherently flawed for the reasons highlighted elsewhere in this statement as summarised below:

- a) The decision has been based on a misunderstanding or misinterpretation of critical elements within the information presented within the planning application;
- b) The assessment has been made upon assumption and subjective opinion in relation to key issues, rather than an objective analysis based on the factual advice prepared by specialist consultants and consultees;
- c) Sufficient consideration has not been given to the areas of policy where the proposals contribute positively in terms of business enterprise and diversification of the rural economy, and the resultant public benefits in terms of economic growth, safeguarding and increasing local employment and the re-establishment of a working residential farm.

The applicant therefore would appreciate that the Local Review Body make a fresh and fair assessment of the proposals on its wider economic and community merits and based on the facts presented in this statement and the original planning application documents.

Approval of the application would represent an opportunity for Perth and Kinross Council to support an exemplary model of a successful rural business that continues to diversify and expand whilst offering employment growth as a result. It will also allow the reinstatement of a working farmhouse at Donavourd and help encourage a young agricultural business in an era with many challenges due to social and economic pressures. This can only be a positive development where the pros strongly outweigh the cons and a great opportunity would be passed by it the delegated decision to refuse the application was to be upheld.

This supporting statement provides a robust demonstration that the proposals for Donavourd epitomise the social and economic aspirations of Perth and Kinross Council whilst satisfying all the relevant planning policy criteria. The applicant would therefore ask that the Local Review Body overturn the delegated decision and approve the planning application to allow the onward growth and diversification of a successful rural business in order that it can continue to contribute to the local economy and wider community as a whole.

## CONTACT DIRECTORY

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# REPORT OF HANDLING

## DELEGATED REPORT

|                        |              |      |
|------------------------|--------------|------|
| Ref No                 | 17/01662/FLL |      |
| Ward No                | P4- Highland |      |
| Due Determination Date | 11.12.2017   |      |
| Case Officer           | Sean Panton  |      |
| Report Issued by       |              | Date |
| Countersigned by       |              | Date |

**PROPOSAL:** Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works.

**LOCATION:** Land 300 Metres South East of Distillery Cottages, Milton of Edradour.

### 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:** 16<sup>th</sup> October 2017

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 300metres south-east of distillery cottages, Milton of Edradour, by Pitlochry. The application seeks detailed planning permission for the erection of a dwellinghouse, an agricultural building, a

fencing business store and the formation of a yard and vehicular accesses, the siting of associated portable buildings and associated works. The site is located to the south east of the category B listed Edradour Distillery complex (LB 47625).

The proposed business use of the site is associated with farming, fencing and forestry and it is indicated that the business is the currently established 'Robertson Fencing Limited' which is a rural contracting business. The company was established at a site in Rannoch however more recently have been operating from a temporary facility at Donavoured Farm, near Pitlochry.

The proposed dwellinghouse is a detached 5 bedroomed unit with a large home office and a separate granny flat. The proposed dwellinghouse will be set over 1 ½ storey, measuring approximately 19.8metres at maximum length and 19.8metres at maximum width. The overall floor area of the house is approximately 314m<sup>2</sup> and the maximum height (excluding the flue) is approximately 9.1metres. The exterior walls of the proposal will be clad in a combination of vertical and horizontal larch cladding whilst the roof will be dark grey metal standing seam roofing. All windows and doors will be timber double glazed units. The proposed dwellinghouse is located in an existing clearing within woodland however it is indicated that selected views will be created by further tree removal. It is indicated that the dwellinghouse is required for the proposed business.

The proposed unit for the business is a large agricultural style unit measuring 48metres at maximum length and 20metres at maximum width. This creates an overall footprint of approximately 960m<sup>2</sup>. The unit will contain an agricultural barn and a livestock shelter (approximately 576m<sup>2</sup>) in addition to a secure storage area and workshop (approximately 338m<sup>2</sup>). There will also be an external wash bay and large area of yard storage. In addition to the main unit, there will also be the provision of 2 portable buildings which contain staff changing and welfare facilities and a meeting room. There is 2 staff parking spaces associated with the proposed development. The proposed development will require the upgrade of the existing track and access to make it more suitable for deliveries from HGV's.

The proposals have been advertised in the Local Press and a site notice posted, in accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 17/00162/PREAPP

It was highlighted at pre-application stage that there were concerns with the proposal in relation to impact upon the road network, visual impact, landscape impact and the overall justification for the development.

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Within the approved Strategic Development Plan, TAYplan 2016, the primary policies of specific relevance to this application are Policies 2 and 9.

#### **Policy 2: Shaping Better Quality Places**

Part A of Policy 2 seeks to 'deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets'.

#### **Policy 9: Managing TAYplan's Assets**

Part C of Policy 9 aims to safeguard the integrity of natural and historic assets through understanding and respecting the regional distinctiveness and scenic values of the TAYplan area.

### **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 HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

#### 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 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.

#### Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### Policy ED3 - Rural Business and Diversification

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Out-with settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance

the Diversity and Quality of the Areas Landscapes  
Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **OTHER POLICIES**

#### Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

#### Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide 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 guide 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 guide 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.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

#### Listed Buildings and Conservation Areas

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.  
Scottish Planning Policy 2010 Historic Scotland's Scottish Historic Environment Policy (SHEP).

In addition, Perth & Kinross Council's Placemaking Guide states that;

*"Listed buildings are buildings of special architectural or historic interest where alterations require special consent... Generally, particular weight is placed on retaining the identity, appearance, character and special interest of listed buildings".*

### **CONSULTATION RESPONSES**

Environmental Health:

No objection to the proposed development subject to a condition and informatives being added to the consent in relation to water supply.

Transport Planning:

No objection to the proposed development subject to a number of conditions and an informative being added to the consent

Biodiversity Officer:

A tree survey and extended phase 1 ecological survey of the site is required in order to provide an informed response.

Contributions Officer:

No contributions required.

Conservation Team:

No comments or concerns in relation to the proposal.

## REPRESENTATIONS

3 letters of representation were received **objecting** to the proposed development. In summary, the letters highlighted the following concerns:

- Not an appropriate land use
- Will increase traffic in the area
- Road safety concerns
- No clear justification for location of site
- Proposed house is not of a suitable scale for the associated business

## ADDITIONAL INFORMATION RECEIVED:

|                                                               |                                                    |
|---------------------------------------------------------------|----------------------------------------------------|
| Environmental Impact Assessment (EIA)                         | Not Required                                       |
| Screening Opinion                                             | Not Required                                       |
| EIA Report                                                    | Not Required                                       |
| Appropriate Assessment                                        | Not Required                                       |
| Design Statement or Design and Access Statement               | Submitted                                          |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Submitted (Transport Statement / Labour Statement) |

## 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

## **Policy Appraisal**

### Proposed Dwellinghouse

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. 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 site
- c) New houses in the 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

The agent has indicated through the provided Design Statement that the application should be considered under criterion (c) as it is suggested that the proposed dwellinghouse is required to oversee the proposed business.

On reviewing the provided labour justification however, I am unconvinced of the requirement of a dwellinghouse on the site to oversee the proposed business use of the site. A fencing and forestry business is generally not the type of business which requires a dwellinghouse on site to oversee the business. As such, attention now turns towards the farming enterprise where it is more likely to be acceptable for a dwellinghouse on the site to oversee the business in relation to animal welfare and management.

The provided statements indicate that the farming business has approximately 270 breeding ewes. However, it is not clear how these sheep are currently managed and overseen. The statement provides no clear justification as to why a house is required other than a 24 hour watch is necessary. However,

the statement further indicated that the applicant is a new entrant to farming who also manages the other said businesses. This suggests that the applicant is therefore not a full time farmer and the provision of a dwellinghouse on the site is unnecessary as even if a dwellinghouse was accommodated a 24hour watch over the sheep would not be obtained.

Furthermore, it is shown on the plans that the location of the livestock shelter would result in the livestock having to pass over the fencing storage area as there is no clear route of entry for the livestock to pass between the unit and the adjacent field. This raises concern that the entirety of the unit will be utilised for the fencing business which would not require a dwellinghouse on site.

In conclusion, the applicant's justification does not provide a clear and sound reason for a dwellinghouse to be accommodated on the site and as such is contrary to Policy RD3- Housing in the Countryside of the Perth and Kinross Local Development Plan 2014. This will be included as a reason for refusal on this report.

### Proposed Business Use

Policy ED3 - Rural Business and Diversification of the Perth and Kinross Local Development Plan gives favourable consideration to the expansion of existing businesses and the creation of new business in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Out-with settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

In this instance, there is no justification for the forestry business to be located in this location. Whilst it is appreciated that the applicant wishes to be closer to the A9 for transportation purposes, it is considered that the applicants analysis of alternative sites could be researched further. Furthermore, the policy requires that new businesses in rural areas must have a site specific justification for its presence and this has not been adequately demonstrated. The farming business is the main justification for this location and this is not considered to be an established business as the applicant is a new entrant to farming and does not yet have a justifiable need for this location. The proposal is therefore considered to be contrary to this policy and as such will be a reason for refusal on this report.

## **Design and Layout**

### Proposed Dwellinghouse

The design of the proposed dwellinghouse is considered to be of a high quality with a sensitive choice of materials for a woodland site. However, my concerns relate to the siting and scale of the proposed development. I am unconvinced that a 5 bedroomed unit with a home office and a granny flat is required to oversee the businesses as suggested. A house of this scale would also be intrusive on this site due to its prominent location. The site plan indicates that some trees are to be removed in order to provide 'selected views' for the dwellinghouse. This will make the house more visible and will compromise the element of screening currently available on this principal boundary. Whilst it is noted that the site plan shows that these trees are to be transplanted, I have consulted with the Biodiversity Officer who has informed me that this is unlikely to be successfully achieved for trees of this maturity. Overall, the scale and siting of the proposed dwellinghouse is not considered to be appropriate for this site.

### Proposed Business Units

The design of the main proposed business unit appears as an agricultural barn and is coloured appropriately for the rural environment in which it is located. However, my concerns relate to the scale of the proposed unit on this site. The location of the development does not provide a landscape framework to accommodate a proposal of this scale as the unit will be located on an area which is currently a field with no established site boundaries. This will make the proposal highly visible in the surrounding area and will appear out of place. Whilst there is a backdrop available in the form of woodland to the north of the proposed business units, the remaining 3 elevations remain exposed and in this prominent location on the landscape this is not considered to be appropriate siting. As mentioned above, the transplanting of particular trees to provide screening is unlikely to be successful. I also have concerns in relation to the location of the livestock shelter as if this is to indeed be utilised by livestock, there is no clear route of entry for the livestock to enter the adjacent field without passing the fencing storage area. This raises concern, as mentioned above, at the integrity of the farming business and the requirement for it to be located in this location.

It should be noted at this stage that the portable units also proposed are considered to be effectively screened by the proposed unit due to its vast scale. For the avoidance of doubt, this does not provide justification for the larger agricultural style business unit.

### **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

In this case, the siting of a proposed dwellinghouse and associated business on this site is considered to erode the local distinctiveness, diversity and quality of the landscape. This is due to the elevated nature and prominence of

the site from the surrounding area and the scale of the proposed development. The proposal will therefore be highly visible and intrusive within the existing landscape framework and will appear out of place.

The surrounding area is a highly popular tourist destination within Perth & Kinross and as such the siting of development such as this should be more sensitively located and utilise available screening. The location of the business units is on an area which is currently an open field and whilst there is a backdrop of woodland to the north of the proposed development, there are no established boundary treatments or screening opportunities to the remaining 3 elevations. This will make the unit highly visible and due to the scale of it, at approximately 960m<sup>2</sup>, highly intrusive to the landscape framework. The proposal is therefore considered to be contrary to Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, and as such will be a reason for refusal on this report.

### **Residential Amenity**

Due to the rural nature of the proposed development, it is not considered that there are any adverse issues arising in relation to residential amenity. This is due to the nearest residential receptor being approximately 200metres away from the development site. There is however the potential for noise disturbance to nearby residential properties from the traffic generation that will be created from this proposal. Whilst this is a cause for concern, I do not consider the noise from this additional traffic to have an adverse impact upon residential amenity. The impacts from the traffic generation will be discussed further under the roads and access section of this report.

### **Visual Amenity**

It is considered that the proposal will erode the visual amenity of the area as the prominent siting of the proposed development and the removal of some trees to provide views for the proposed dwellinghouse will compromise the visual integrity of the area and make the development visually intrusive. As previously mentioned, whilst the woodland provides a backdrop to the proposed business units, this does not account for the remaining 3 elevations making them highly visible which in turn will have a detrimental impact upon the visual amenity of the surrounding area.

### **Roads and Access**

The proposed development will result in significant traffic generation and as such will require the upgrade of the existing road network. It was highlighted at pre-application stage that the existing road network was a cause for concern. As part of this application, a Transport Statement was submitted which highlights the expected level of traffic and the upgrades to be carried out to the existing access road.

My colleagues in Transport Planning were consulted as part of this application and whilst have no objection to the proposal recommended a number of conditions. However, Policy TA1B - Transport Standards and Accessibility Requirements, requires that all proposals which result in 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. In this instance, whilst my colleagues have no objection to the proposed development in terms of access and the existing road network, the proposal does still not comply in full with Policy TA1B. This is due to the proposal only appearing to be served by one mode of transport with no provision for public transport or bicycle storage. Furthermore, the Labour Justification statement shows that around 14 people are employed by the businesses and the site plan only incorporates 2 staff parking spaces. This is therefore a cause for concern as the development does not appear to relate to the provided statements. As such, the development is considered to be contrary to Policy TA1b and will be included as a reason for refusal on this report.

### **Biodiversity**

The Biodiversity Officer was consulted as part of the application and raised concerns regarding the tree felling required to accommodate parts of the proposal. The site also forms part of the Breadalbane Environmentally Sensitive Area. As such, the Biodiversity Officer requested that a tree survey and phase 1 ecological survey was undertaken in order to determine the impacts upon the biodiversity of the area.

As the application is being recommended for refusal on grounds of the principle and location of the development, as Case Officer, I felt it would be unreasonable to request this further information from the applicant as this would be an added expense and the application would still remain recommended for refusal.

### **Listed Buildings**

The proposed development site is located to the south east of the category B listed Edradour Distillery complex (LB 47625). As such, the Conservation Officer was consulted as part of this application. The Conservation Officer stated that there are no concerns regarding the impact of the proposed development on the setting of the listed buildings. I therefore do not consider the proposed development to have any negative impact upon the nearby listed buildings.

### **Drainage and Flooding**

The proposal is not located in an area of known flood risk and the proposal incorporates 2 proposed soakaways, one of which is located to the south of the proposed dwellinghouse and the other is to the north east of the proposed business units. These are considered to be sufficient for the drainage of the

site and as such I have no adverse concerns in relation to drainage and flooding.

### **Developer Contributions**

The Council's 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 Pitlochry Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no education contribution is required.

### **Economic Impact**

The development of this site would count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development. There will also be some economic impact from the provision of businesses on the site. Whilst the Council is supportive of economic development, all development must be located in appropriate locations and for reasons mentioned above this is not considered an acceptable site for this type of development.

### **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 not considered to comply with the approved TAYplan 2012 and 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.**

### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 – Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy ED3 - Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014, as the farming business is not considered to be established and there is no site specific justification which would allow for the site to be acceptable.
- 3 The proposal is contrary to Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting and scale of the proposed development is highly intrusive to the existing landscape framework and does not conserve or enhance the surrounding landscape as required by the Policy.
- 4 The proposal is contrary to Policy PM1B - Placemaking criterion (a) and (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, whilst the removal of certain trees and the overall location of the proposed development would additionally erode and dilute the areas landscape character.
- 5 The proposal is contrary to Policy TA1B - Transport Standards and Accessibility Requirements, of the Perth & Kinross Local Development Plan 2014, as the level of traffic to be generated by the proposal is considered to be significant for the existing road network and provisions have not been demonstrated on how the development will be served by other modes of transport (in particular walking, cycling and public transport). This is in addition to the proposed development only providing 2 staff parking spaces where it is highlighted that approximately 14 members of staff are employed by the business.
- 6 The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy NE2B of the Perth and Kinross Local Development Plan 2014, as there are no clear public benefits associated with the removal of the certain trees within the woodland to provide selected views for the proposed dwellinghouse.

**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**

Not Applicable.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01662/1  
17/01662/2  
17/01662/3  
17/01662/4  
17/01662/5  
17/01662/6  
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17/01662/18  
17/01662/19  
17/01662/20

**Date of Report** 21<sup>st</sup> November 2017

# DESIGN SUPPORTING STATEMENT

September 2017

**Agricultural Shed and Business Storage Facility with Associated Managers House, Donavoured near Pitlochry**  
for Mr Rab Robertson, c/o Balgowan Farm, Pitlochry PH16 5JT



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## 1.00 INTRODUCTION

McKenzie Strickland Associates were appointed by Mr Rab Robertson (owner of Donavourd Agri and managing director of Robertson Fencing Ltd) to investigate options for a new agricultural shed and business storage facility along with an associated manager's house for the business on land to the east of Pitlochry between the settlement of Donavourd, and the distillery at Milton of Edradour. Mr Robertson purchased land at East Haugh and Donavourd in 2016 which extends to more than 80 hectares (200 acres) and he has since been actively farming the land



The business enterprises operated by Rab Robertson focus on farming, fencing and forestry. Donavourd Agri commenced in 2016 in order to diversify Mr Robertson's business interested and focusses on sheep, grassland and arable.

Robertson Fencing Ltd is an established business which until early 2017 had been operating from Kinloch Rannoch has been temporarily relocated to the agricultural yard adjacent to the settlement of Donavoured.

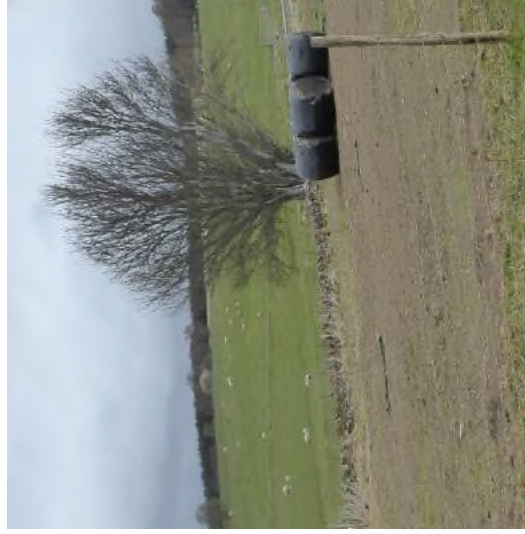
The relocation of the business was essential to improve efficiencies through operating both business enterprises from the one unit. In particular Robertson Fencing was becoming unsustainable from its previous location in Kinloch Rannoch and the proposed permanent relocation to yard facilitates that are close to the A9 (for improved vehicular connection to Perthshire and the North of Scotland) is crucial in order for the fencing and forestry business to expand and grow effectively.

The proposed on-site manager's house adjacent to the farm shed building is vital for attending to the farm and livestock as well as security purposes as the company have invested in valuable specialised excavators, tractors and forestry ploughs, which will be stored at the yard along with high value fencing materials.

This document should be read in conjunction with the accompanying planning application drawings, agricultural justification report and transport statement.



## 2.00 BACKGROUND FOR PROPOSED DEVELOPMENT



Donavourd: current livestock and arable production.

2.01

### **Donavourd Agri**

Rab Robertson grew up in a farming family on a working croft in the Rannoch area. Following studies at Agriculture College where he gained a degree in Agriculture, Rab Robertson worked in the local Rannoch area focusing on fencing work and providing agricultural contract labour (e.g. shearing sheep, gathering sheep and general farm work). Building up knowledge and skills during this time, Rab Robertson developed his own fencing business of Robertson Fencing but retained his interest in farming. His recent acquisition of the land at Donavourd is part of the long term objectives of Mr Robertson to retaining his family roots and personal interest in active farming whilst developing a diverse business portfolio revolving around land based industries centred in rural Perthshire.

Donavourd Agri was set up in November 2016 for the purpose of livestock and arable production following the purchase of agricultural land at both Donavourd and East Haugh of Dalshian. The applicant is currently living in temporary accommodation near Pitlochry but it is becoming increasingly impractical to operate the farm to full capacity, particularly in terms of livestock commitments during lambing seasons and being resident in a permanent dwelling on the site is essential.

2.02

### **Robertson Fencing Ltd**

Established in 2007, Robertson Fencing Ltd operates a contracting service throughout Scotland specialising in the agricultural, forestry and civil engineering sectors. The company provides rural employment for specially trained local workers and owns an extensive fleet of specialised plant and machinery. As well as works in the agricultural and forestry industry Robertson Fencing have also carried out major fencing works on civil engineering projects (powerlines / hydro schemes / windfarms etc.), railway works and on highland sporting estates.



Images of typical plant and operations carried out by Robertson Fencing.



Images of typical plant and operations carried out by Robertson Fencing.

## 2.02

### Opportunity for Business Expansion + Diversification

The success of Robertson Fencing has led to their expansion into the forestry ground preparation sector to complement their established fencing operations and offer customers a turnkey choice when appointing contractors for forestry establishment projects. Appendix C includes a summary of the growth in turnover and employee numbers for the firm. The number of employees has grown steadily from one person in 2007 to 12 in 2015/16 and is predicted to increase to 14 employees or more through 2017, with turnover expected to increase to £1,000,000 for 2016/17. This has resulted in them outgrowing their previous facilities in Rannoch and in order to allow the business to grow efficiently a new permanent yard location is necessary for the following reasons:

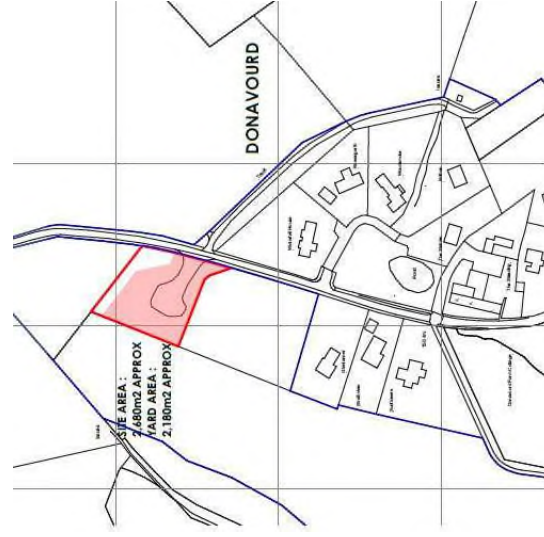
1. The company owns specialist plant and machinery including fencing machinery, excavators, forestry ploughs and modified tractors and crawlers all of which need to be stored and secured under cover. It is essential for the growth of the company to have a workshop and undercover store. Not having this in the past has been a limiting factor and put strain on the business.
2. Improved connectivity to the A9 is critical for transport of plant and employees to serve the whole of Scotland from a centralised base.
3. Growth of the business provides an opportunity for the employment of additional permanent staff from the local rural community. Associated with this is the requirement for new company offices and staff welfare facilities including toilets changing and showers, particularly for employees working shifts.
4. Due to the nature of the company's operations, staff and plant is regularly operated outside normal office hours with shift workers starting at dawn and not returning until late at night. A suitable rural location is necessary to avoid disturbance to the amenity of residential settlements.

A suitable site with the capacity to accommodate an adjacent manager's house is essential for management and security purposes for the reasons described above, as well as being a requirement for running the farmland.

The accompanying 'Planning Justification Report' prepared by SAC Consulting provides a more detailed account of the business resources and labour requirements for both businesses, and the associated justification that a permanent dwelling is a necessity.



A site close to the settlement boundary at East Haugh has been considered but rejected as unsuitable.



A temporary consent for use of the land shown above as a business yard was obtained in July 2017.

## 2.03 Alternative Sites Considered for Expansion

The applicant has considered other sites for relocation but these have been discounted for the reasons stated below:

1. **Previous premises at Kinloch Rannoch:** Until late 2016 the business had been operating from a very small yard and a single container located off Bunnarnoch Place on the outskirts of Kinloch Rannoch. Robertson Fencing had however outgrown this yard which was not suitable for effective growth of the business due to its limited size and isolated location on east end of loch Rannoch. This made it too remote from the main A9 and the associated logistics of transport of plant and employees accessing the forestry sites around Scotland.
2. **Other sites within or adjacent to settlement boundaries:** The nature of Robertson Fencing's business involves work long hours with vehicles and deliveries coming to the yard frequently and at unsociable hours, often involving noisy operations. The working activities also mean they need to store large volumes of materials and forestry waste, as well as numerous items of heavy equipment in the yard. Agricultural activities would also be better suited to being removed from areas near houses. In order to avoid any detrimental impact in terms of noise and visual amenity close to residential settlements such sites are not therefore considered suitable.
3. **Land at East Haugh, near Pitlochry:** The applicant submitted a request for pre-application advice for locating the business to a site at East Haugh (PKC planning ref 16/00570/PREAPP). Although the pre-application feedback was leaning towards the positive, the site at East Haugh was discounted for various reasons including flood risk, and primarily due to the proximity of the site to domestic properties in the settlement of East Haugh for the reasons explained in item 2 above.
4. **Agricultural yard adjacent to Donavoured:** In early 2017 the applicant had been using an area of farmland immediately adjacent to settlement of Donavoured as an agricultural yard, including storage of some fencing materials and equipment. A planning consent was approved in July 2017 (PKC planning reference 17/00888/ELL) for temporary use of this area as a storage yard for fencing equipment until July 2018. However, due to the feedback from the neighbouring properties in Donavoured who were concerned about the impact on their amenity close to the dwellings the applicant has looked at relocating the yard remote from Donavoured, to the site location proposed in the accompanying application.



### 3.00 SITE DESCRIPTION AND LANDSCAPE APPRAISAL

The proposed site is located to the east of Pitlochry, just off the road which connects the residential settlement of Donavour (to the South-West) and Milton of Edradour (to the North-West).

The land surrounding the site is mainly open agricultural fields which the applicant manages as arable farmland and sheep grazing, and is interspersed with groupings of trees, with sloping topography which rises up to the east towards the wooded summit of Tom Beithe, and slopes down to the west towards Ballinluig and the River Tummel.

The Edradour Distillery which is situated a few hundred meters to the North- West sits on the Edradour burn, a tributary of which runs close to the north of the proposed site. In recent years the distillery has developed several large warehouses for the storage of barrels to the east of Edradour.

A large grouping of trees sits around 200m to the east of the public road, which is currently served by a vehicular access and agricultural track road. The tree grouping has been managed over the years and contains a large clearing within the center of the wood (see aerial photos in Appendix A)



Aerial view – proposed development location outlined red



Proposed site viewed from south-east from road

## 4.00 PLANNING PRE-APPLICATION CONSULTATION

#### 4.01 Pre-Application Submission.

A pre-application submission was made to Perth and Kinross Council Development Management (Ref No 17/00162/PREAPP) which focused on the proposed business use for Robertson Fencing rather than the established agricultural use of the land. The response from the planning department was positive with respect to Rural Business Diversification policy which gives favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. The pre-app feedback did however note a number of concerns in connection with the proposals which are summarised below (undefined) together with an explanation of how the comments have been considered and addressed:

1. Pre-Application Observation: some reservations regarding the local road network ability to accommodate the nature and volume of the traffic generated by the proposed development, and concerns there may be frequent instances where the route down through Donavours would be preferable rather than traversing over via Edradour and down through Pitlochry.

The applicant has appointed Millard Consulting Engineers to prepare a transport statement which has been prepared following meetings and consultation with Perth and Kinross Roads Department. The accompanying transport statement concludes that the roads network can comfortably accommodate the volume and nature of predicted traffic subject to minor mitigation measures being implemented including road access improvements, additional laybys and a traffic management.

The proposed upgrade to the existing vehicular access to and from the public road has also been designed with a geometry that will prevent large vehicles turning left when leaving the site, thus discouraging traffic from using the road down through Donavours (see section 5.03).
2. Pre-Application Observation: particular attention would need to be made to the visual impact of the development, particularly in relation to the large farm buildings given the elevated nature of the site within the context of the wider landscape

The proposed location of the house and shed has been carefully considered in order to minimise and visual impact as explained in the 'Design Proposals' section of this design statement. In response to the pre-

application feedback the applicant has commissioned photo-montage images that demonstrate that the proposed development will have negligible visual impact on the wider countryside setting, especially when considered against the context of the visual impact of structures that would be permissible under agricultural permitted development rights (see Appendix C).

3. Pre-Application Observation: a requirement for a supporting statement that provide a very robust justification for the proposed house based on the operational requirements of the business (and the need for someone to live on site 24 hours a day) and is related to a site specific resource or opportunity.  
The pre-application submission concentrated on the proposed business requirements of Robertson Fencing Ltd and did not cover the operational requirements of the existing agricultural business of Donavoured Agri. In response to the pre-application feedback the applicant has commissioned a separate report which provides justification that the farming business in itself requires a permanent dwelling in order to effectively manage the agricultural land. Please refer to the accompanying Planning Justification Report prepared by SAC Consulting.



## 5.00 DEVELOPMENT PROPOSALS



Proposed site plan showing development proposals.

## 5.01 NEW AGRICULTURAL SHED AND BUSINESS STORAGE FACILITY

The applicant proposes to relocate both the agricultural yard and Robertson Fencing storage facilities from its current temporary location next to Donavours. The proposed business premises and yard will be located to the South East Corner of the existing main tree grouping. This area is currently used for agricultural storage including stacked rolled hay bales as the location is well screened from view, both from the road and from Edradour Distillery.



Proposed Barn Elevations

It is the intention to erect an agricultural shed in this location that will provide the following:

1. An open sided agricultural barn for livestock shelter as well as general covered storage for supplies and equipment related to the farm.
2. Secure storage for high value agricultural supplies and equipment including the specialist fencing and forestry machinery and fencing materials for Robertson Fencing where security and visibility are critical.
3. A covered workshop for ongoing maintenance of vehicles and equipment
4. A small office, accessible staff toilet, showers and welfare facilities to satisfy workplace requirements for staff which is necessary in particular for shift workers. This shall be housed in porta cabin accommodation adjacent to the barn in order to provide flexible staff accommodation and welfare facilities as the business grows.

An open working yard is proposed immediately adjacent to the shed that will be used for the storage of agricultural and forestry products that do not require cover. Surfacing materials to the roads and storage yard areas shall be compacted hardcore to allow SUDs compliant surface water drainage.

The yard and shed will be substantially screened from view by the trees and from the road due to the existing topography of the land. The shed shall be typical agricultural steel framed building, with cladding painted in a recessive colour in order to complement its surroundings. The proposed new barn has a footprint size of 20m wide by 48m long in order to accommodate the required floor area (960m<sup>2</sup>) for the agricultural shed and secure covered workshop and storage. The proposed height of the barn to the highest point of the roof is 10m to the ridge line.

It should be noted that a max 12m high building of 465m<sup>2</sup> footprint would be allowable in principal under permitted development guidance for use classes class 18 (agriculture) and class 22 (forestry).

The yard location has been deliberately chosen to be sufficiently remote from residential properties (almost half a kilometre from the settlement at Donavours) so that the operations will not negatively impact dwellings in way of noise or visual amenity. In order to further mitigate the visual impact of the proposed new barn the applicant proposes to transplant the existing mature trees where they are being thinned-out around the proposed manager's house site (see below) along the west boundary of the new yard to help screen the new development when viewed from Donavours and the public road.



Proposed Barn Plan

The photo montage images included in Appendix C demonstrate that the barn building will have negligible visual impact, particularly when compared to the theoretical visual impact of an agricultural building that would be allowable under permitted development.



**EXISTING**

Photo of existing site taken from road adjacent to Donavours



**PERMITTED DEVELOPMENT**

Computer generated photomontage image of theoretic development normally allowable under permitted development for agricultural buildings (based on 15m wide x 30m long x 12m high agricultural barn)



**PROPOSED DEVELOPMENT**

Computer generated photomontage image of proposed new barn and managers house (based on proposed 20m wide x 48m long x 10m high barn)

Images demonstrate negligible visual impact in the context of the wider landscape.



5.02

## NEW MANAGERS HOUSE

As demonstrated in the accompanying report provided by SAC consulting, a new manager's house adjacent to the yard is critical to allow the owner of the business to manage the farmland and livestock as well as overseeing regular Robertson Fencing yard operations outside standard working hours, and also to ensure security of high value plant and materials stored in the yard.

5.02.1

### House Location and Orientation:

It is proposed to locate a new modest family home within the existing clearing which forms a defined site bounded by mature trees which will also provide visual screening from the wider landscape (see photomontage images in Appendix C).

The house has been oriented so that the primary side elevation faces due south so that living spaces can benefit from views down the glen whilst maximising sunlight and thermal gain. The main living room is oriented to the north-west gable of the house to benefit from the views towards Pitlochry

5.02.2

### Form and Massing

The proposed new dwelling has been designed as a contemporary interpretation of traditional agricultural forms. The main living accommodation is contained in a 'one and three quarter' storey dwelling that follows a simple traditional form, with a pitched roof and generous overhanging eaves that echoes the form of a simple rural barn. The main part of the house has been designed to allow sufficient space for a large family to suit the applicant's potential future requirements. The main living spaces have been arranged on the south and west facing elevations, with generous glazing towards the impressive views and which will maximise natural daylight. A lower single storey wing to the north will help form a small entrance courtyard. This wing shall provide a home working office for both businesses and in future years as a semi-independent a family annex for Mr Robertsons parents in later years.



Proposed site plan showing house in existing clearing.



Form and massing of new house as a contemporary barn.

5.02.3

**Materials and Detailing**

The house design proposes high quality natural materials with contemporary detailing. Natural larch cladding is proposed to be sourced locally via the applicants supply contacts through his fencing business. The timber cladding will be articulated in a mix of horizontal and vertical boards to help break down the scale and massing of the house, and will be left rough sawn and untreated so that it shall weather to a silvery grey over time and blend in with the woodland setting.

A grey metal standing seam roof will provide a contemporary aesthetic that shall complement the timber cladding whilst respecting traditional forms and detailing.



Massing of house will be broken down by cladding.



Timber cladding and grey standing seam roofing



Precedent images of simple forms with contemporary timber cladding and metal roofing

5.02.4

**Sustainable, Low Energy Design**

In addition to using local sustainable materials, the applicant is also keen to explore constructing the house as a low carbon pilot project utilising biomass technology powered from coppicing of trees around the farm estate and waste products from the fencing and forestry management business.

5.02.5

**Site Servicing**

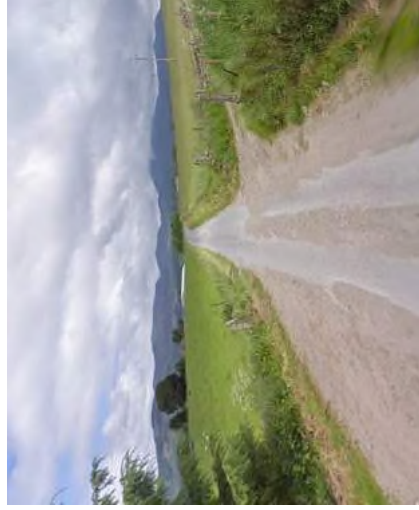
It is proposed that all general refuse and recycling will be dropped off by the applicant in wheeled bins at a collection point located at the upgraded access adjacent to the main road, with bin capacity and collection intervals to suit requirements of PKC Environmental Department. Foul drainage for the new development shall be provided by new septic tanks that shall discharge to soakaways to adjacent land sized to suit ground porosity.

**SITE ACCESS AND TRANSPORT STATEMENT**

The site location close to the A9 provides a good logistical base for vehicular connection to Perthshire and the North of Scotland which is vital to allow forestry business to expand and grow effectively. Likewise, proximity to Pitlochry will assist in recruiting local employees as the business expands.

The site is served by a minor public road (ZU 165) which links Donavoured with Edradour which in turn connects the A924 to the North and the A9 to the south. It is proposed that the existing vehicular access and agricultural track which serves the tree grouping is retained and upgraded to allow access for the forestry traffic. It is intended that all large vehicles will travel to and from the Edradour side of the public road which is already used regularly for HGVs and coach parties heading to the Distillery.

The applicant has carried out estimates predicted traffic to the new yard for Robertson Fencing Ltd based on where the site teams are likely to be working (please refer to the accompanying Transport Statement prediction prepared by Millard Consulting). Although traffic movement is regular there is a relatively low predicted traffic movement to and from the yard (varying between 20 or 30 visits per week). The Robertson Fencing business operates via satellite sites on a job by job basis all over Central Scotland so most of the time employees are not travelling to the yard on a daily basis. It should also be made clear that the forestry operations side of the business does not involve logging operations nor the transportation and storage of lumber, so the frequency of HGV transport to and from the new site will be minimal.



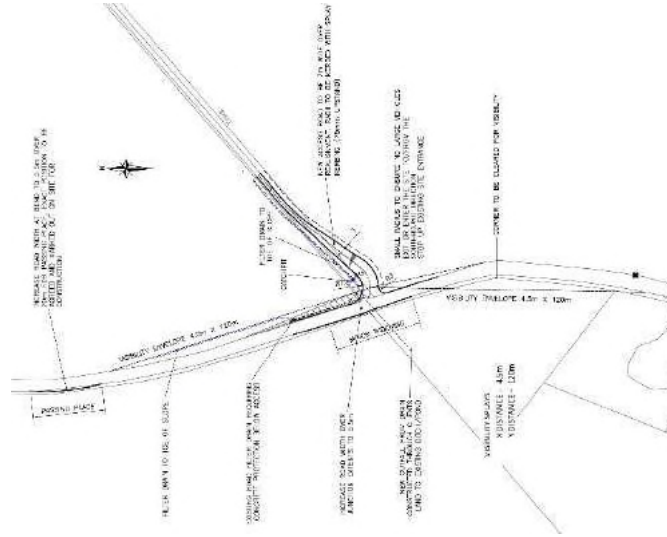
Existing vehicular access (approaching from South)



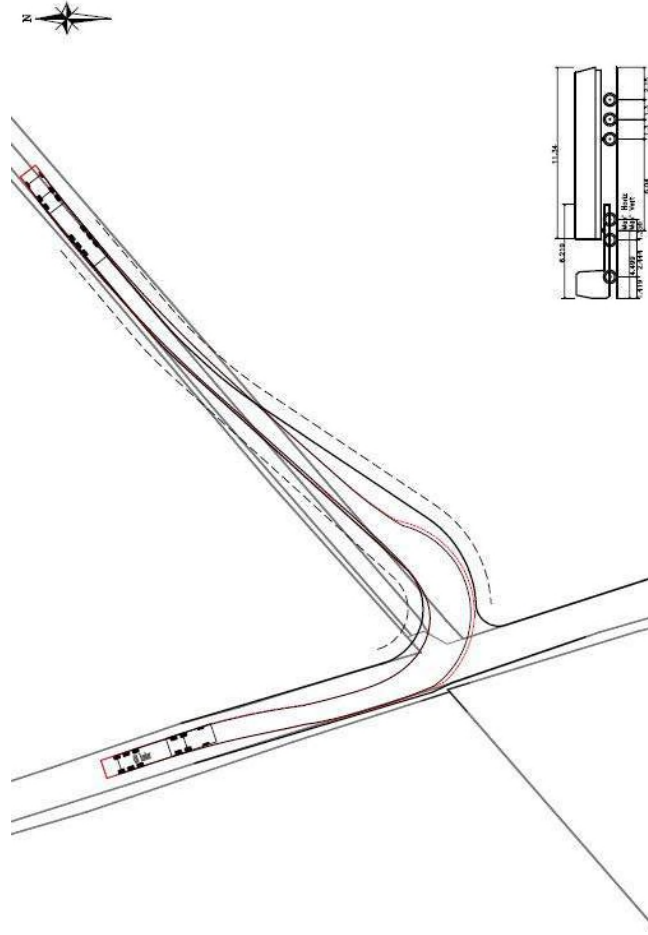
Existing vehicular access to proposed site (approaching from North) – existing agricultural track runs the other side of the stone dyke



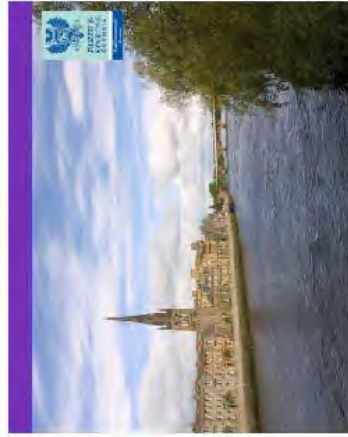
Following direct consultation between the applicant's transport consultant Millard Consulting and Perth and Kinross Council's Roads Department, designs for an improved access arrangement to the existing vehicular access track has been developed, along with proposed mitigation measures such as additional laybys to ensure that the development shall not compromise the road networks current capacity (the accompanying Transport Statement provides detailed analysis in this respect). The geometry of the proposed upgraded access has been carefully considered and designed to discourage HGV and other large vehicles from turning left when exiting the site, as well as improving site visibility lines and implementing the necessary track upgrading.



Improved access to existing track will meet roads dept requirements in terms of visibility and capacity



Vehicle access geometry will encourage traffic to turn right towards Edradour and prevent large HGV vehicles from turning left towards Donavours when leaving the site



Perth & Kinross Council  
Local Development Plan  
Adopted 3 February 2016



## 6.00 PLANNING POLICY

The proposals have been conceived and carefully considered in order to be compatible with the key Local Development Plan policy guidance, and after considering these in relation to the site and wider landscape setting. The bullet points below demonstrate how the proposals meet the relevant policy (policy extract quoted in inverted commas):

### 6.01 Policy ED3 – Rural Business and Diversification

Policy ED3 states the following:

"The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings"

**The proposals are consistent with this policy as follows:**

- **Robertson Fencing Ltd is an established business which has diversified into forestry ground preparation and other agricultural operations in order to consolidate recent growth and expand further in future. Donavoured Agri is one such diversification that is related to the site specific farming resource at Donavoured and has been established for over 9 months since being set up in November 2016.**
- **Alternative sites have been explored within or adjacent to settlements, but these are not suitable for the reasons stated above**
- **The proposed site at Donavoured offers a location that is critical in order to provide the opportunity for the business to diversify further and provide additional permanent employment in the area as a result.**

**The proposals also meet the additional relevant criteria of policy ED3 as follows:**

"All proposals will be expected to meet all the following criteria:

- (a) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
- **The proposed agricultural/woodland site is perfectly compatible with both business uses and has been specifically chosen so as to be far enough detached from residential properties so as not to detract from their amenity.**

- “(b) The proposal can be satisfactorily accommodated within the landscape capacity of any particular location.
- **The new building and yard locations have been situated so that existing topography and tree cover will screen and accommodate the proposed new agricultural buildings. This has been demonstrated on the accompanying photomontage images that help illustrate the negligible visual impact**
- “(c) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.
- **There is a specific need for Donavoured Agri to manage the farmland and for the Roberson Fencing business to be located close to the A9 as well as being situated in a rural location away from residential settlements. The proposed site at Donavoured therefore meets these requirements.**
- (d) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
- **As illustrated elsewhere in this statement, both the new house and proposed barn have been carefully considered and are of a high quality, sustainable design in particular for the proposed new manager’s house.**
- (e) The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- **The accompanying Transport Statement demonstrates that with the implementation of several simple mitigation measures as part of the development this shall ensure that the road network can accommodate the proposals in terms of capacity and necessary safety requirements.**

## 6.02

### **Policy PM1 - Placemaking**

**Policy PM1A** states the following:

- “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.”
- **The proposed development has been deliberately sited to as to be remote from the local settlement so as not to impact on the amenity of the place, with the location chosen screened by trees and the topography. The siting and design of the proposed barn and low energy managers home have been carefully considered so as to respect the character of the local rural context as illustrated elsewhere in this statement.**

**Policy PM1B:** The proposals also satisfy the relevant placemaking criteria under PM1B as follows:

"All proposals should meet all the following placemaking criteria:

"(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

- **As described above the positioning of the new buildings have been carefully considered to be screened from view within the context of the wider landscape character.**

"(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

- **The proposed size of the barn is only marginally larger than would be allowed by permitted development under relevant use classes, which is necessary in order to provide the covered floor area required for livestock shelter, agricultural equipment and materials, a covered workshop and storage of fencing materials and plant. The barn will be a typical agricultural steel framed building, with cladding painted in a recessive colour in order to complement its surroundings.**

"(f) Buildings and spaces should be designed with future adaptability in mind wherever possible.

- **The proposed buildings have been designed to be of sufficient size to allow for future expansion of the business in terms of office space, employee welfare and plant storage. The manager's house shall be designed to current building standards in terms of accessibility and long term flexibility for the occupants.**

#### 6.03 **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. **(not applicable)**

(b) Infill sites. **(not applicable)**

(c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.

- **The proposed manager's house will fall into Category 3 (3.3 Economic Activity) under Section 3 of the Housing in the Countryside Supplementary Guidance.**

The house will be occupied by Mr Robertson and his family, as it is vital to the continued operation of the business that the owner lives adjacent to the farm and business premises to allow him to effectively monitor livestock and efficiently manage operations which regularly happen outside normal working hours. Furthermore, due to the storage of expensive specialist plant and high value materials in the yard it is critical that there is a permanent on-site presence by the owner for the purposes of security.

(d) Renovation or replacement of houses. **(not applicable)**

- (e) Conversion or replacement of redundant non-domestic buildings. **(not applicable)**
- (f) Development on rural brownfield land". **(not applicable)**

Furthermore, the proposed new managers house can be located and designed to be compliant with the other Criteria specified under Category 3:

*"Siting Criteria*

Proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

a) it blends sympathetically with land form;

- **The house will be located within an existing clearing in the established tree grouping identified for development, therefor being largely concealed from view thus blending with the land form, as further demonstrated by the photo montage images included in Appendix C.**

b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;

- **As noted above the tree grouping will both screen and form a backdrop to the proposed new dwelling from all sides.**

c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (e.g. a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;

- **The proposed site is clearly definable within an established grouping of mature mixed woodland and therefore meets this criteria.**

d) it does not have a detrimental impact on the surrounding landscape.

- **The new house will be largely hidden from view, being screened on all sides by existing mature trees which also act as a backdrop to the new dwelling and will therefore have no detrimental impact on the wider countryside setting.**

## 7.00 CONCLUSION

Robertson Fencing Ltd represents a success storey as a modest rural business that have diversified and expanded with the resulting employment benefits to the wider community. They have now out-grown their previous premises in Rannoch which are no longer fit for purpose. The absence of a workshop and undercover store in the past has been a limiting factor and put strain on the business. This combined with the remote location means it is critical to the continued development of the company that suitable new premises are secured.

Donavourd Agri is a further diversification of Mr Robertson's business into farming the land at Donavourd and will help broaden his business interests for a more sustainable business portfolio for the future, and help secure long term employment opportunities within both businesses. As established in this statement along with the other justification reports which accompany this application, a permanent dwelling on site, along with the associated shed buildings are essential to the operation and management of both businesses and critical to the continued economic growth of Donavourd Agri and Robertson Fencing.

This supporting statement demonstrates that the proposed site at Donavourd meets all the economic requirements whilst satisfying all the key planning policy criteria, and the accompanying proposals address all the pre-application observations made by Perth and Kinross Planning Department. The applicant would therefore ask that Perth and Kinross Council approve the accompanying application to allow the continued expansion and diversification of a successful rural businesses in order that it can continue to contribute to the local economy.



**APPENDIX A**

**Aerial Photograph 1**

Proposed site viewed from South West



## Aerial Photograph 2

Proposed site viewed from South with settlement of Donavoured at bottom of picture





### Aerial Photograph 3

Proposed site viewed from South East corner with Edradour Distillery in background



#### Aerial Photograph 4

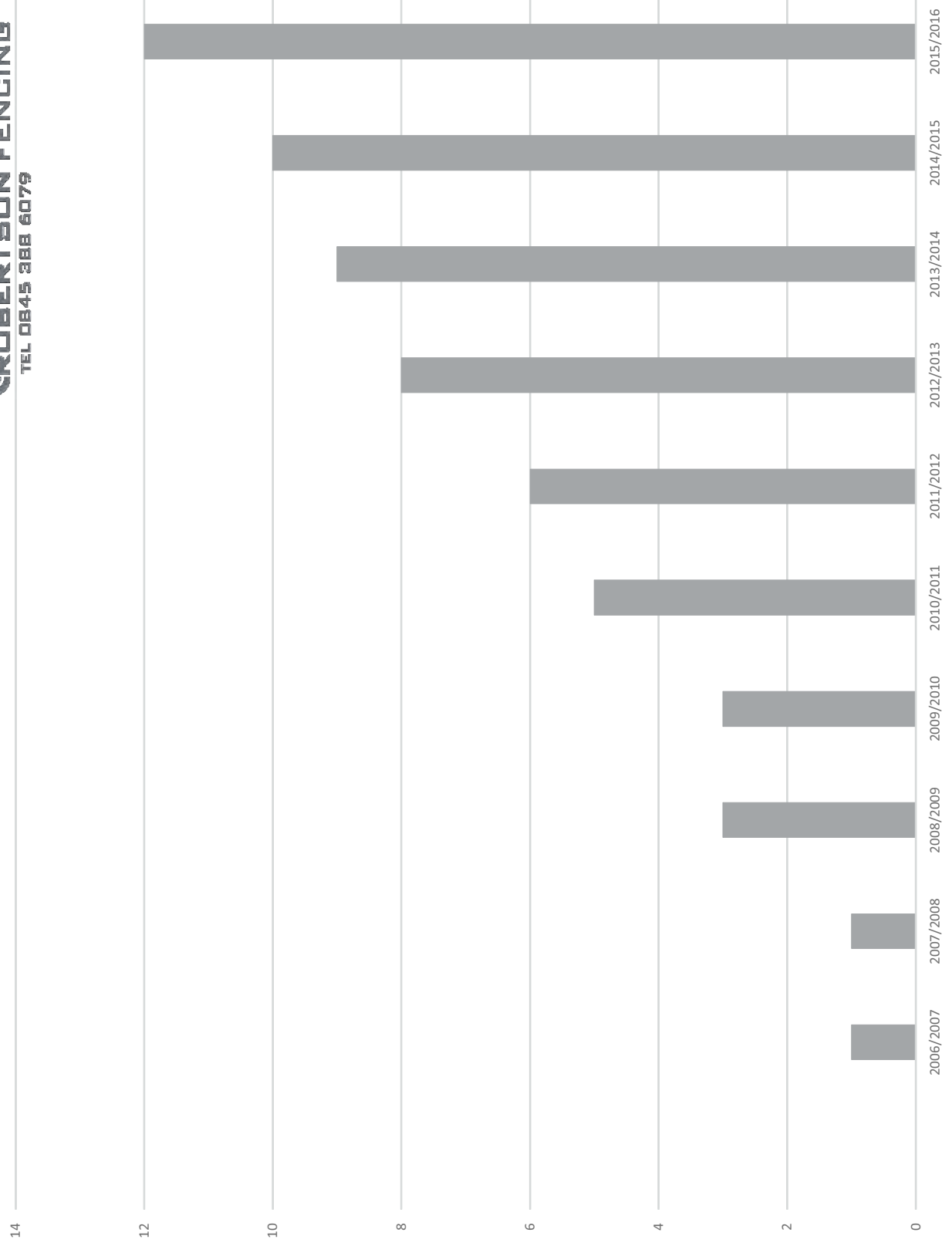
Proposed site showing existing woodland clearing viewed from above





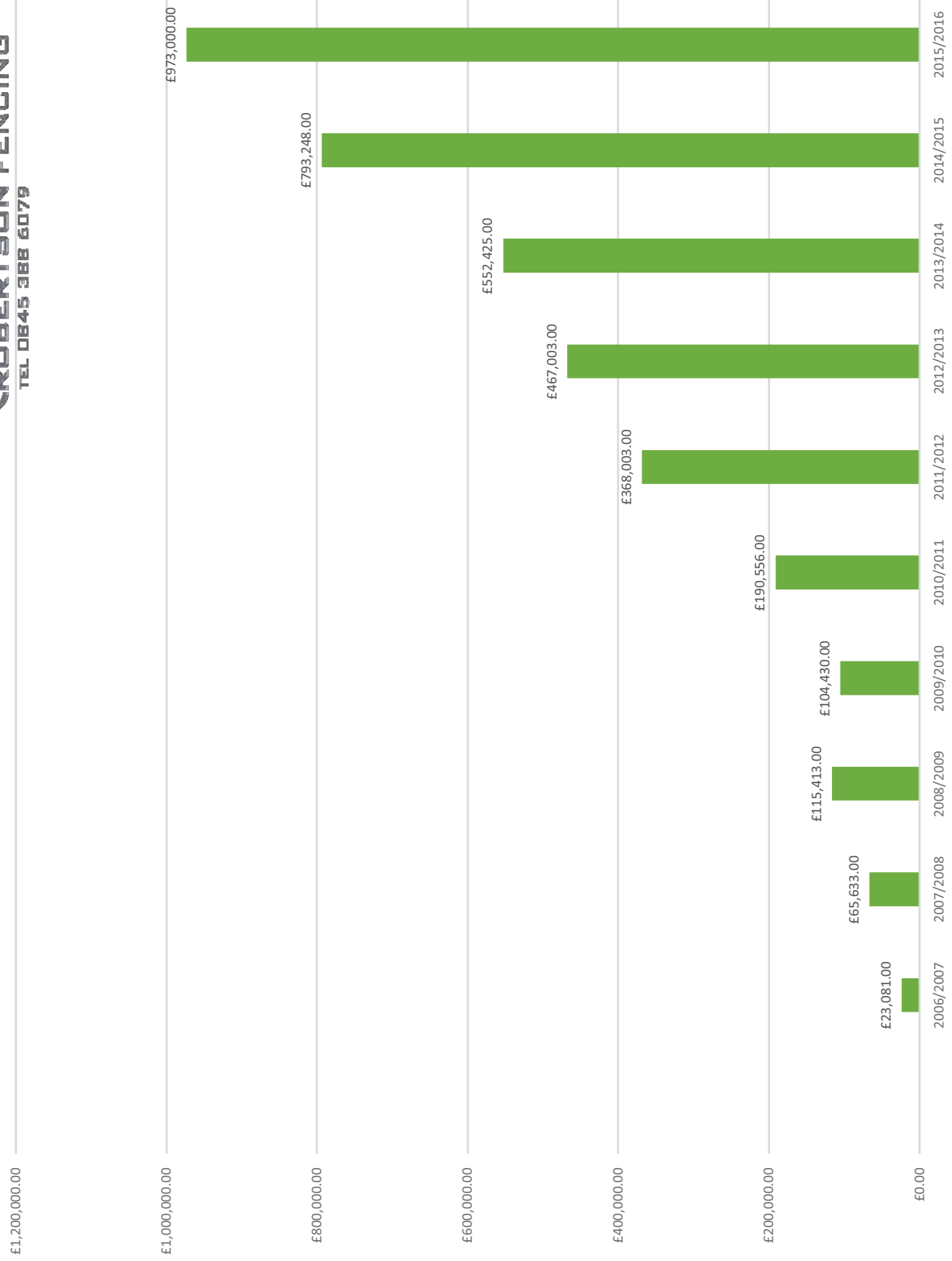
# EMPLOYEES

**ROBERTSON FENCING**  
TEL 0845 388 6079





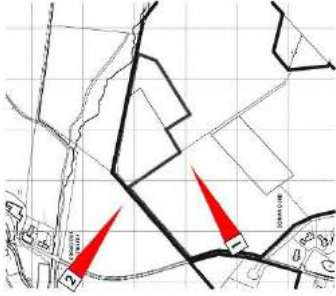
TURNOVER







view 1



view 2

# APPENDIX C1

Photographs of Proposed site

AS EXISTING

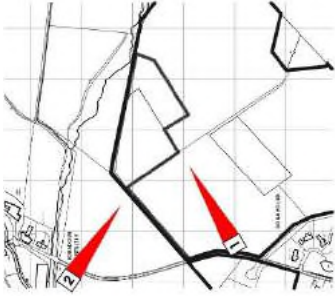
View 1 – From Donavoured

View 2 – From Edradour





view 1



view 2

## APPENDIX C2

Images of Theoretic extent of  
Agricultural Development  
**AS ALLOWED BY  
PERMITTED DEVELOPMENT**

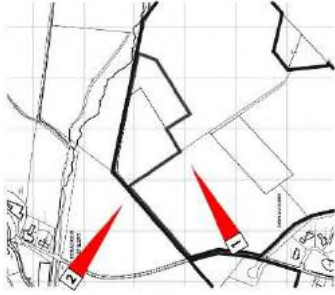
**View 1 – From Donavours**

**View 2 – From Edradour**  
(development fully concealed from view  
as indicated by blue outline)





view 1



view 2

## APPENDIX C3

### Images of PROPOSED DEVELOPMENT

**View 1** – From Donavoured

**View 2** – From Edradour  
(development fully concealed from view  
as indicated by red outline)

## CONTACT DIRECTORY

Client/Applicant

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# Millard

More than civil engineers



**Agricultural Shed and Business  
Storage Facility with Associated  
Managers House at Donavoured,  
Near Pitlochry**

## Transport Statement

14167/KP/468A

September 2017

**AGRICULTURAL SHED AND  
BUSINESS STORAGE  
FACILITY WITH ASSOCIATED  
MANAGERS HOUSE AT  
DONAVOURD, NEAR  
PITLOCHRY**

**TRANSPORT STATEMENT**

SEPTEMBER 2017

DOC REF: 14167/KP/468A

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## Proposed Forestry Shed for Offices and Managers House at Donavoured, Near Pitlochry

### TRANSPORT STATEMENT

SEPTEMBER 2017

REPORT REFERENCE: 14167/KP/468A

CLIENT: Rab Robertson

ENGINEER: Millard Consulting  
Seabraes  
18 Greenmarket  
Dundee  
DD1 4QB

Tel: 01382 227 380  
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Report Prepared By:

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PP .....  
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Our Ref: KP/FLM/14167

14<sup>th</sup> September 2017

FAO Rab Robertson  
c/o McKenzie Strickland Associates  
159 Dunkeld Road  
Perth  
PH1 5AU

Dear Sirs,

**TRANSPORT/ACCESS STATEMENT – AGRICULTURAL SHED AND BUSINESS STORAGE FACILITY  
WITH ASSOCIATED MANAGERS HOUSE AT DONAVOURED, NEAR PITLOCHRY**

Millard Consulting have been appointed by Rab Robertson to provide transport and access advice for the above development proposal. The specific purpose of this report is to address comments from Perth & Kinross Council on transport/access concerns during pre-application discussions.

**Brief**

Pre-application advice on the development proposals was received on 19<sup>th</sup> April 2017 from the Planning Officer. Part of the transport/access advice provided required that for all proposals it had to be demonstrated that ***“the local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.”***

The main concern was that ***“the existing local road network in this area is quite poor”*** and there were ***“some reservations regarding the local road network ability to accommodate the nature and volume of the traffic generated by the proposed development.”***

The proposals indicated that the preferred route would be in the direction of the Edradour Distillery and down through Pitlochry. Concerns were raised by the Council that limiting traffic movements along the preferred route and not via the opposite direction down through Donavoured could not be controlled by condition.



Another concern raised was that the levels of traffic generated by the development will continue to increase as the business continues to grow at its current rate.

In order to both consider the concerns raised by the Council during the pre-application discussions and to specifically address these issues we proposed to undertake the following scope of works:

- Consider the type and size of vehicles generated by the new development;
- Review the trip generation rates anticipated to arise as a consequence of the development proposals;
- We would undertake a visual route survey along both potential access/egress corridors to the site;
- We would review potential safety improvements which could be undertaken along both access corridors and also to the existing private access which currently serves the development site;
- We would review the standard of the existing private site access and prepare suitable access arrangements for the development traffic including adequate visibility standards which would be acceptable to the Council;
- We would also review existing clients operations in and around the general vicinity of the site and report on our findings;

Good practice generally involves early discussions on the considerations and brief to determine an agreed scope of works. In this instance it was agreed with representatives of the roads development team that a joint site meeting would be extremely useful. A summary of the subsequent meeting is contained as a separate subsection to this report.

### **Site Description**

The development site nestles between the Edradour Distillery to the North-West and the small settlement of Donavourd to the South-West. A site location plan has been enclosed in Appendix A. The site is currently served by a private track which connects onto the minor public road (ZU 165) linking Edradour with Donavourd. The site access sits a few hundred metres from the settlement of Donavourd. The condition of the site access onto this road is sub-standard and does not meet current design guidelines. A photograph of the existing site access is enclosed in Appendix B.

Surrounding the site is mainly greenfield agricultural land which our client currently manages.

Edradour Distillery also lies only a few hundred metres to the North-West of the development site. Following the route from Edradour to Pitlochry, which lies to the East, via the A924 which runs through Moulin, the distance from the site to Pitlochry is approximately 4 KMs.

### **Development Proposals**

The applicant's current business was historically located in Kinloch Rannoch but was recently relocated in early 2017 to a temporary yard adjacent to Donavoured, however business growth needs requires new facilities which are more accessible to/from the A9 improving vehicular connections to Perthshire and the North of Scotland.

The development proposals include relocating the current business premises and yard within an existing tree grouping which can be served by the current private access, subject to improvements. The site is currently used for agricultural storage. The development will comprise of a new agricultural shed which will provide secure storage for fencing products; forest machinery; livestock and agricultural supplies/storage; a covered workshop for vehicle maintenance. A small office, staff toilets, showers and welfare facilities will be accommodated in porta cabins adjacent to the shed.

An open yard will be constructed adjacent to the shed for storage of both agricultural and forestry plant.

Proposals also include a new manager's house adjacent to the yard mainly for management of the farm and livestock as well as security cover for Robertson Fencing.

### **Access Route Survey Assessment**

Prior to opening discussions with the Council's highway representatives a visual appraisal of the existing site access and the potential two access/egress routes used to serve the development was undertaken earlier in June 2017. The existing un-made site access serves a vehicular and agricultural track. The track rises at a reasonable gradient upto the proposed site. The architect's site proposal plan layout, enclosed in Appendix C, indicates the existing private track will be upgraded to a standard suitable for forestry vehicles. The track will be extended along the Northern side of the copse of trees to serve the new yard and shed. The proposed manager's house will be served off a private track to provide its own access. The access itself onto the ZU 165 corridor is also un-made with sub-standard visibility and also junction geometry. Currently used by



agricultural vehicles the access has no known accident history. Existing traffic volumes along the ZU 165 route in the vicinity of the site access are extremely light as would be expected from such a minor class route.

A survey of the route from the site access to the South-West through Donavoured and along General Wades Military Road before connecting onto the A9 highlighted many concerns. The route itself is quite convoluted with significant sections having sub-standard highway width. Forward visibility is also extremely poor creating dangerous driving conditions. The access onto the A9 is to design standard however the development traffic would in the main require to cross the A9 to head Northwards. With a sub-standard and central reserve at this location on the A9 the crossing of this corridor by slow moving forestry vehicles will create an environment for road accidents as inadequate refuge is available to protect this type of vehicle.

The route to the North-West of the site access was also surveyed. As Edradour Distillery attracts a significant volume of both service HGV's and tourist coach parties to and from Pitlochry via the A924 this section of the route was not surveyed as it was considered suitable for its current use. Only a few hundred metres of the route from the site access to Edradour Distillery was therefore surveyed. The route itself was considered to be suitable in width however between both locations there was one pronounced section with sub-standard forward visibility.

In summary we can report that the route via Edradour is considered appropriate to serve the type and volume of vehicles generated by the proposed development. In contrast to this however, the route through Donavoured was considered to be unsuitable and potentially hazardous for HGV and larger vehicles.

### **Development Trip Generation Rates**

All of Robertson Fencing services are carried out on sites quite distant from the proposed development. Although general employment concentrates on specially trained local employees the sites where services are provided are on civil engineering projects such as powerlines; hydro schemes and wind farms all of which are generally located on highland estates outwith the proposed development site.

Over the last 10 years there has been a significant increase in employees from sole practitioner upto 12 in 2015/2016. This has resulted in the existing facilities, which are generally used for storage of plant and materials being insufficient in scale in relation to the business size. In the main the plant comprises of fencing machinery, excavators, fencing ploughs, modified tractors and crawlers which require secure under cover protection. With the planned business growth there will become a requirement for additional permanent,

local staff. The centralized based, with good access to the A9, will provide the business with an opportunity to serve the whole of Scotland more efficiently.

Company operations regularly require services to be provided out of normal office hours with shift workers starting at dawn and not returning until late at night. The transporting of employees is generally undertaken by van and in most instances they travel straight to site rather than to the yard on a daily basis. Also on many occasions forestry plant is also left on the working sites overnight.

Forecasts from the applicant predict relatively low traffic movements to/from the site. A general schedule of predicted movement as supplied by the applicant is enclosed in Appendix D. The 4 week forecast implies that the weekly movements will range from between 18 and 32 two way trips (36 to/from site up to 64 trips to/from site) albeit the applicant himself will reside onsite and will only egress and access the site once per day. Generally on a 4 week cycle there will be four fixed bed lorry deliveries; two artic lorry deliveries and two large van deliveries which is sufficient for their business requirements. In summary therefore the predicted trip generation rates on a daily basis will be extremely light and likewise traffic volumes on the ZU 165 are also light so lack of traffic capacity will not be a concern.

Although the business plan is to grow the business the very nature and operational procedures will still apply in that the majority of employees will still go straight to site and directly home.

The applicant also has planning permission for a temporary yard virtually across from the proposed site access. The storage yard is fully functional and has been for some time now which indicates that the road network adequately accommodates both forestry plant as well as service delivery vehicles. There have also been no accidents recorded along the preferred route via Edradour Distillery over the last few years which implies this route currently operates adequately.

### **Site Meeting with Council Representatives**

Initial discussions were held with Niall Moran, Transport Planning Officer from Perth & Kinross Council. Niall's concerns arising from the initial discussions centred around adequate road widths, suitable passing places and the suitability of the proposed routing. Niall also had queries over the anticipated traffic generation rates. It was agreed that it would be best to arrange a site meeting as we explained that we had already undertaken a



route survey and the proposals and access to/from the site were not as onerous as we had first predicted. The site meeting took place on 28<sup>th</sup> June 2017 and Niall was accompanied by Brian Milne, Roads Inspector for the Council. We also arranged for the applicant to be available.

Initially discussions took place over trip generation rates arising from the proposed development. We discussed in detail the operational structure of the business including the fact that they do not undertake logging works and hence there was no requirement for logging HGV's. The applicant also explained that most of his employees and plant are based on-site for a number of weeks at a time with employees going directly to the site. As and when additional plant was required they would be taken from the storage yard. The storage yard was also used for maintenance of the plant from time to time. The applicant also made Niall aware of the fact that there was already a temporary yard adjacent to the site access where it could visually be inspected to review the level of material supplies and plant requirements for storage. The applicant also discussed in detail the delivery/supplier requirements for the business. Only one delivery every two weeks was necessary by HGV for the timber supplies and smaller vehicles each week for other fencing supplies. Niall was appreciative of the business operational procedures especially with the majority of the working sites being distant from the proposed development. Niall also took comfort in the fact that there was also an operational yard in place and movements to/from the yard had been accommodated onto the existing road network without any complications.

Discussions then took place on improving safety as it was still possible to use the more tortuous route to the A9 via Donavoured. The applicant appreciated this however it was made clear that the current and preferred route was via Edradour Distillery and down through Pitlochry onto the A9 via the A924. Whilst we appreciate the Council's and Niall's specific concerns that movement limited to/from Edradour cannot be dismissed or controlled by condition, we highlighted however that this could be controlled through junction design by alignment of the site access in the direction of Edradour making it virtually impossible for plant and supplier vehicles to turn onto the route down through Donavoured due to the swept path limitations. This was acceptable to Niall and he could envisage how this could be controlled subject to appropriate access design.

Visibility standards were also discussed and it was agreed that 4.5m x 120m visibility envelopes would be required in each direction. To the North-West towards Edradour the provision of such a splay would require control over part of the field opposite the adjacent track. The applicant confirmed that this would not be an issue as he has an agreement to obtain further land from the owner if required. It was generally agreed by all parties that in that instance appropriate visibility splays could be achieved. To the South-West towards Donavoured the visibility envelope would require control over land across the road from the site access. Some of this land would also have to be cleared to provide the required visibility. The applicant also confirmed that

this was possible as he owned this land himself and if conditioned through planning then such a condition could be satisfied.

It was also agreed to walk part of the route to Edradour from the site access to review the suitability of the route for such traffic arising from the development. There is only one significant bend between the site and Edradour Distillery as the rest of the route is virtually straight. It was agreed that only a walk over survey up to the bend would be required. It was also agreed that the existing route from Edradour down to Pitlochry would be sufficiently adequate to accommodate site development traffic given its current use for two way traffic to and from the Distillery which in the main comprises of HGV delivery vehicles as well as tourist coaches.

It was also noticeable that traffic speed in the vicinity of the site access on ZU165 was very low indeed which reduced the sensitivity towards potential accidents. The walk over survey mutually agreed that the existing road width was sufficiently adequate to accommodate development traffic. The only improvement which was required was the construction of an additional passing place on the bend between the site access and Donavoured.

Brian Milne also raised the point that this area was subject to flooding due to a previous land owner blocking up an existing culvert during construction works. This was only identified following investigation by the Council. It was agreed that the applicant could improve the situation by constructing filter drains along the foot of the visibility splay to the North-West where the catchment area for surface water runoff is quite significant as the slope to the East of ZU 165 is quite pronounced. The new filter drain would also be continued along part of the access track to limit any surface water runoff. We advised that surface water from this filter drain could be controlled by providing a new outfall across the ZU 165 onto land controlled by the applicant. There is an adjacent ditch as identified on our site access plan which issues to the South-West of the site access. This was agreed by all parties as being an appropriate improvement to the existing situation albeit the discharge location would have to be agreed with the Council's flooding team. In summary, the proposals and improvements were found to be acceptable to the Council which would alleviate all of their concerns subject to suitable access layouts being provided.

### **Proposed Access Layout**

We have prepared a proposed access layout plan, as enclosed on Appendix E, which indicates the visibility splay requirements; alignment of the site access to route traffic to/from the preferred direction of Edradour; filter drains as required and also the new passing place on the bend as requested by the Council.




In addition to the access improvements we have also considered vehicle tracking in/out of the access and carried out swept path analysis, as enclosed in Appendix F, which demonstrates that the access will accommodate design vehicles adequately.

### **Conclusions**

It can be concluded that the site traffic generated by the proposals will not have a significant impact on the existing highway network. Appropriate site access and off-site improvements can be provided as agreed by Council Officers to an acceptable standard. Site access layout can be provided to direct traffic to/from the preferred route via Edradour. Site access arrangements can also accommodate site vehicles as demonstrated by swept path analysis. We can therefore conclude that initial concerns raised by the Council on highway issues can be satisfactorily addressed to a level which has confirmed to be acceptable by the Council's Roads Department.

- Appendix A - Site Location Plan
- Appendix B - Existing Site Access Photograph
- Appendix C - Architects Site Proposals Plan
- Appendix D - Applicant Predictions for Site Trip Generation Movements
- Appendix E - Proposed Site Access Plan and Highway Improvements
- Appendix F - Swept Path Assessment of the Improved Site Access

Yours Sincerely,



Kenneth Pirie  
Managing Director

Enc.

## APPENDICES

**APPENDIX A**

**Site Location Plan**



**APPENDIX B**

**Existing Site Access  
Photograph**

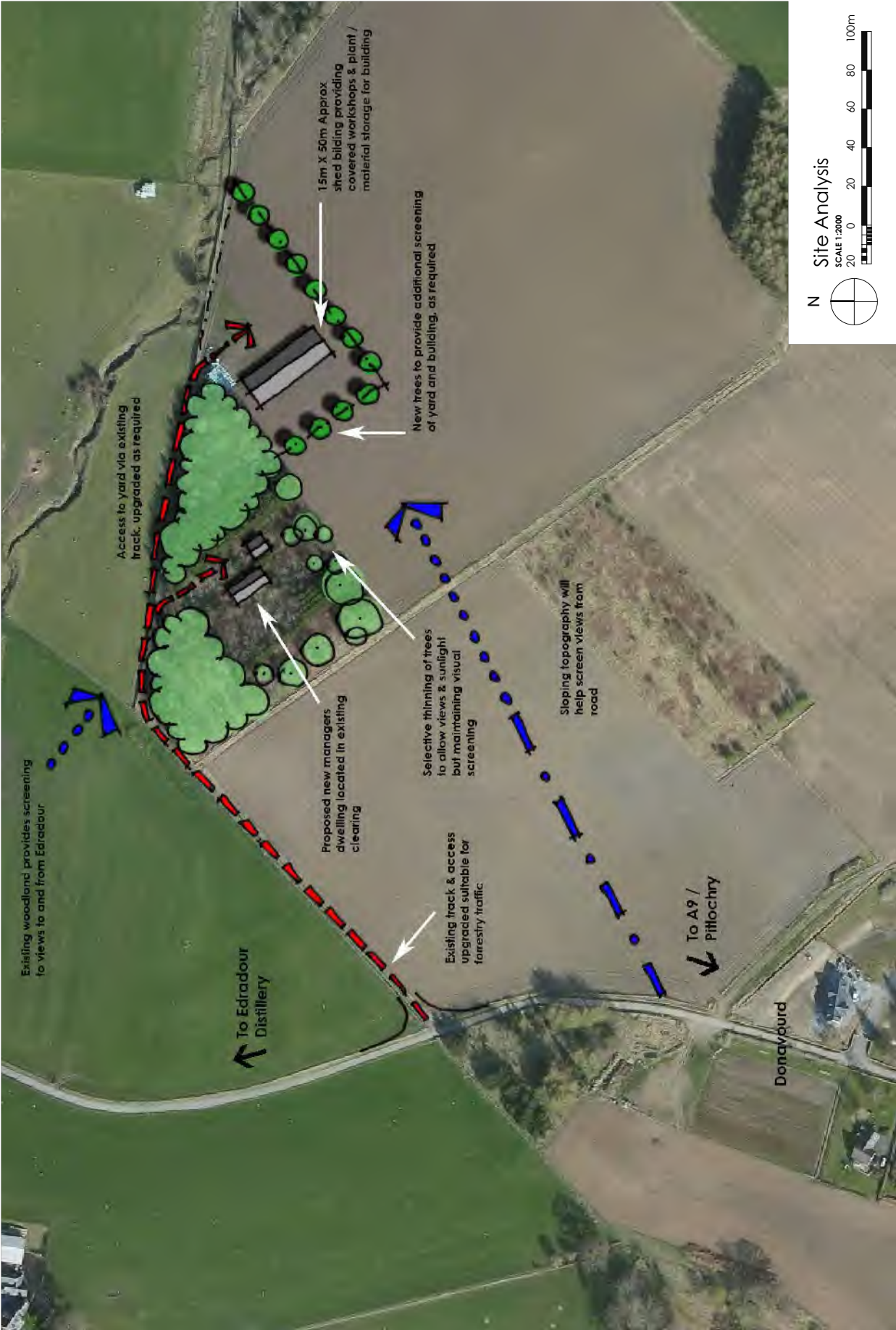






**APPENDIX C**

**Architects Site Proposals  
Plan**



|                                                                                        |  |                                                                                  |  |                                                                                                   |  |
|----------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------|--|
| McKenzie Strickland Associates<br>23 Bank Street, Aberfeldy PH15 2BB. T: 01837 829 228 |  | e: info@msa-architects.com<br>159 Dunkeld Road, Perth, PH1 5AS. T: 01738 445 983 |  | All Contents Copyright All Rights Reserved<br>21 Cornrie Street, Crieff PH7 4AX. T: 01764 910 410 |  |
| JOB TITLE:<br><b>1079 - Donavoured</b>                                                 |  | DRAWING STATUS:<br><b>Sketch</b>                                                 |  | DRAWN BY:<br><b>KW</b>                                                                            |  |
| DRAWING TITLE:<br><b>Site Analysis</b>                                                 |  | SCALE:<br><b>1:2000 @A3</b>                                                      |  | CHECKED BY:<br><b>JR</b>                                                                          |  |
| DRAWING NUMBER:<br><b>1079(SK)02</b>                                                   |  | REVISION:                                                                        |  | DATE:<br><b>07/03/2017</b>                                                                        |  |

**APPENDIX D**

**Applicant Predictions for  
Site Trip Generation  
Movements**

|                           |                              |                      |                                                        |
|---------------------------|------------------------------|----------------------|--------------------------------------------------------|
| Monday                    | RR<br>RR                     | AM<br>PM             | 4x4 Truck<br>4x4 Truck                                 |
| Tuesday                   | RR<br>RR<br>AD<br>SUPPLIER 1 | AM<br>PM<br>PM<br>PM | 4x4 Truck<br>4x4 Truck<br>4x4 Truck<br>Fixed Bed Lorry |
| Wednesday                 | RR<br>RR                     | AM<br>PM             | 4x4 Truck<br>4x4 Truck                                 |
| Thursday                  | RR<br>AD<br>SUPPLIER 2       | AM<br>AM<br>PM       | 4x4 Truck<br>4x4 Truck<br>Fixed Bed Lorry              |
| Friday                    | RR<br>AD<br>RW<br>RR         | AM<br>AM<br>AM<br>PM | 4x4 Truck<br>4x4 Truck<br>4x4 Truck<br>4x4 Truck       |
| Saturday                  | RR<br>RR                     | AM<br>PM             | 4x4 Truck<br>Tractor                                   |
| Sunday                    | AD                           | PM                   | 4x4 Truck                                              |
| NUMBER OF VISITS PER WEEK |                              |                      | 18                                                     |

|                           |                                    |                            |                                                         |
|---------------------------|------------------------------------|----------------------------|---------------------------------------------------------|
| Monday                    | RR<br>RW<br>ZW<br>RR<br>LH         | AM<br>AM<br>AM<br>PM<br>PM | 4x4 Truck<br>4x4 Truck<br>Van<br>4x4 Truck<br>Tractor   |
| Tuesday                   | RR<br>RW<br>ZW<br>RR               | AM<br>AM<br>AM<br>PM       | 4x4 Truck<br>4x4 Truck<br>Van<br>4x4 Truck              |
| Wednesday                 | RR<br>RW<br>ZW<br>RR<br>AD         | AM<br>AM<br>AM<br>PM<br>AM | 4x4 Truck<br>4x4 Truck<br>Van<br>4x4 Truck<br>4x4 Truck |
| Thursday                  | RR<br>RW<br>ZW<br>SUPPLIER 3       | AM<br>AM<br>AM<br>PM       | 4x4 Truck<br>4x4 Truck<br>Van<br>Artic Lorry            |
| Friday                    | RR<br>RW<br>ZW<br>RR<br>SUPPLIER 4 | AM<br>AM<br>AM<br>PM<br>PM | 4x4 Truck<br>4x4 Truck<br>Van<br>4x4 Truck<br>Large Van |
| Saturday                  | RR<br>RS<br>LH                     | AM<br>AM<br>AM             | 4x4 Truck<br>4x4 Truck<br>Tractor                       |
| Sunday                    | AD<br>RR                           | PM<br>PM                   | 4x4 Truck<br>4x4 Truck                                  |
| NUMBER OF VISITS PER WEEK |                                    |                            | 28                                                      |

WEEK 3 Fencing and Mounding Teams All Working Outwith Area

| Monday                    | Team Member | Time | Type            |
|---------------------------|-------------|------|-----------------|
|                           | RR          | AM   | 4x4 Truck       |
|                           | RR          | PM   | 4x4 Truck       |
|                           | SUPPLIER 1  | PM   | Fixed Bed Lorry |
| Tuesday                   | RR          | AM   | 4x4 Truck       |
|                           | RR          | PM   | 4x4 Truck       |
|                           | AD          | PM   | 4x4 Truck       |
| Wednesday                 | RR          | AM   | 4x4 Truck       |
|                           | RR          | PM   | 4x4 Truck       |
| Thursday                  | RR          | AM   | 4x4 Truck       |
|                           | AD          | AM   | 4x4 Truck       |
|                           | SUPPLIER 2  | PM   | Fixed Bed Lorry |
| Friday                    | RR          | AM   | 4x4 Truck       |
|                           | AD          | AM   | 4x4 Truck       |
|                           | RW          | AM   | 4x4 Truck       |
|                           | RR          | PM   | 4x4 Truck       |
| Saturday                  | RR          | AM   | 4x4 Truck       |
|                           | RR          | PM   | Tractor         |
| Sunday                    | AD          | PM   | 4x4 Truck       |
|                           |             |      |                 |
| NUMBER OF VISITS PER WEEK |             |      | 19              |

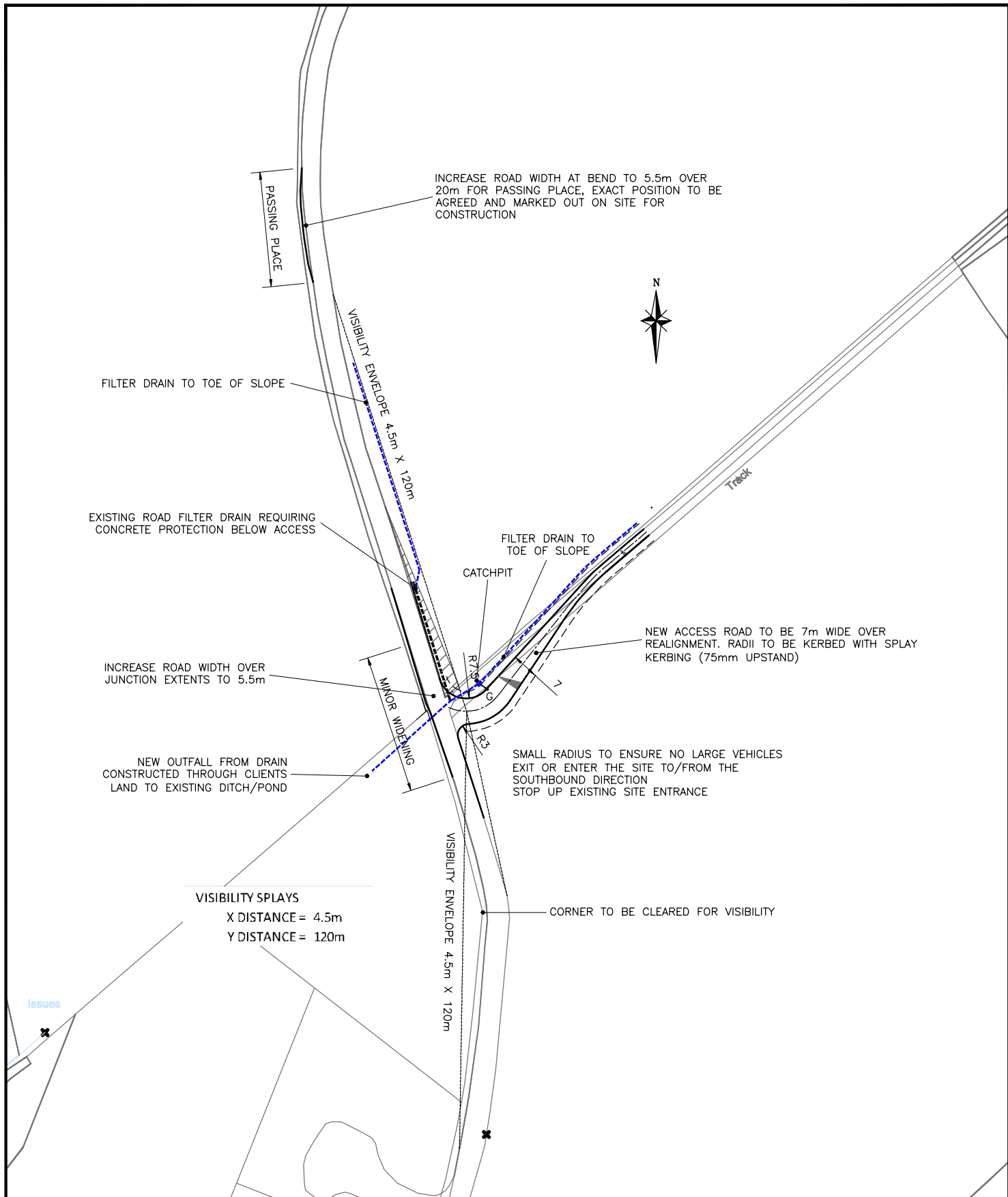
WEEK 4 Both Fencing Teams Working Near Yard

| Monday                    | Team Member | Time | Type      |
|---------------------------|-------------|------|-----------|
|                           | RR          | AM   | 4x4 Truck |
|                           | AD          | AM   | 4x4 Truck |
|                           | RW          | AM   | 4x4 Truck |
|                           | ZW          | AM   | Van       |
|                           | RR          | PM   | 4x4 Truck |
| Tuesday                   | LH          | PM   | Tractor   |
|                           | RR          | AM   | 4x4 Truck |
|                           | AD          | AM   | 4x4 Truck |
|                           | RW          | AM   | 4x4 Truck |
|                           | ZW          | AM   | Van       |
| Wednesday                 | RR          | PM   | 4x4 Truck |
|                           | LH          | PM   | Tractor   |
|                           | RR          | AM   | 4x4 Truck |
|                           | AD          | AM   | 4x4 Truck |
|                           | RW          | AM   | 4x4 Truck |
| Thursday                  | ZW          | AM   | Van       |
|                           | RR          | PM   | 4x4 Truck |
|                           | LH          | PM   | Tractor   |
|                           | RR          | AM   | 4x4 Truck |
|                           | AD          | AM   | 4x4 Truck |
| Friday                    | RW          | AM   | 4x4 Truck |
|                           | ZW          | AM   | Van       |
|                           | RR          | PM   | 4x4 Truck |
|                           | SUPPLIER 5  | PM   | Large Van |
|                           | RR          | PM   | 4x4 Truck |
| Saturday                  | RR          | AM   | 4x4 Truck |
|                           | RS          | AM   | 4x4 Truck |
|                           | LH          | AM   | Tractor   |
| Sunday                    | AD          | PM   | 4x4 Truck |
|                           | RR          | PM   | 4x4 Truck |
| NUMBER OF VISITS PER WEEK |             |      | 32        |

**APPENDIX E**

**Proposed Site Access  
Plan and Highway  
Improvements**






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| PROJECT<br>PROPOSED FORESTRY SHED FOR<br>OFFICES & MANAGERS HOUSE AT<br>DONAVOURD, NEAR PITLOCHRY                                                               | DESIGNED BY<br>CB                        | DRAWN BY<br>CB    | SCALE<br>1:1000 |
|                                                                                                                                                                 | CHECKED BY<br>DK                         | APPROVED BY<br>DK |                 |
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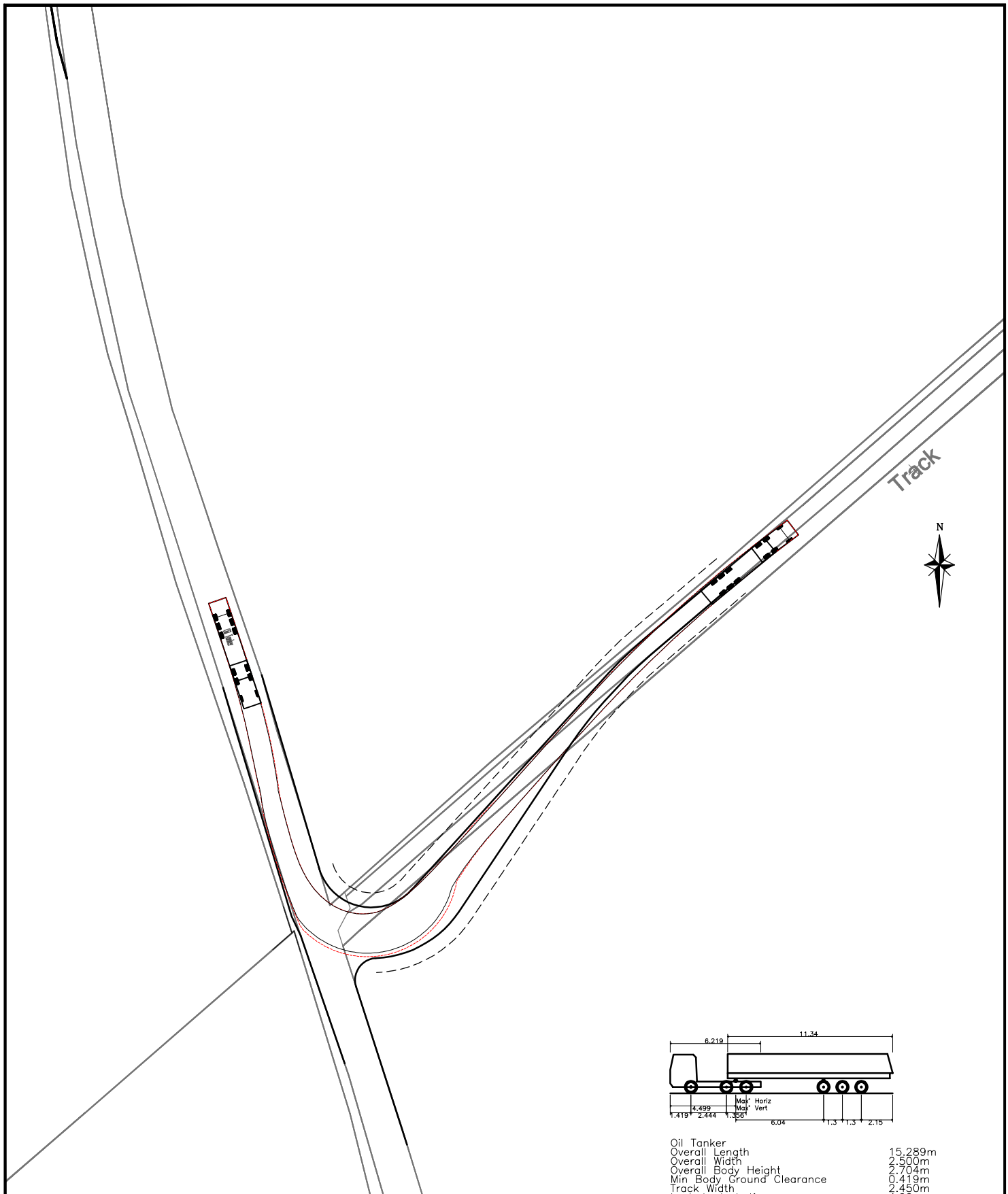
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**APPENDIX F**

**Swept Path Assessment  
of the Improved Site  
Access**



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| PROJECT<br>PROPOSED FORESTRY SHED FOR<br>OFFICES & MANAGERS HOUSE AT<br>DONAVOURD, NEAR PITLOCHRY | DESIGNED BY<br>CB                 | DRAWN BY<br>CB    | SCALE<br>1:500  |
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## Planning Justification Report

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**Prepared by:** SAC Consulting

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**Date:** June 2017



*SAC Consulting is a division of SRUC*

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**Reviewed by:**

James Buchanan

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## **INTRODUCTION**

This report has been prepared at the request of Rab Robertson to supplement a planning application for the construction of a new dwelling house for an essential worker at Donavoured Farm, near Pitlochry.

Information about the business policy and factors that would support the proposed dwelling house was gathered by Kara Craig, SAC Consulting (Perth) in discussion with Rab Robertson.

Data for enterprise labour requirements is based on the standard labour figures published by Defra in a UK Farm Classification Document (October 2014).

## SUMMARY

Rab Robertson has recently purchased land and is actively farming at East Haugh and Donavourd. The land farmed by Rab Robertson extends to approximately 81.10 hectares (200 acres).

The business enterprises operated by Rab Robertson focus on farming, fencing and forestry. Donavourd Agri commenced in 2016 and focusses on sheep, grassland and arable. Rab Robertson is a new entrant into farming. Robertson Fencing Ltd is an established business which has been temporarily relocated in 2017 to the yard adjacent to the settlement of Donavourd. This move was essential to improve business efficiencies through operating all the business enterprises from the one unit.

There are no dwelling houses on the land at East Haugh and Donavourd. It is proposed that a dwelling house and associated farm buildings are constructed at Donavourd to allow Rab Robertson to oversee all his business enterprises.

**Based solely on the current farming activity there is full justification for an additional dwelling house at Donavourd for a full time employee. The estimated annual labour requirement for the farming operations is 1.11 labour units. This labour requirement does not include the other business enterprise, Robertson Fencing Ltd, for which there are already 14 full time employees.**

It is considered highly desirable for sheep welfare, farm and business security, and health and safety that there is qualified, fit and able and dedicated personnel residing onsite at Donavourd.

The location of the proposed dwelling house is not prime agricultural land and does not pose any harmful threats or have a significant visual disturbance to the environment and surrounding landscape.

Logistical issues pose a threat to the business enterprises through complicated management and inefficiencies in resource use. The requirement for a house for Rab Robertson to reside at Donavourd is vital to allow him to develop and secure the overall future of the farming enterprises alongside his existing business.

Promoting opportunities for New Entrants into agriculture is highly desirable. The Scottish Government is highly supportive of New Entrants to farming. The proposed development as described in this report will result in the growth of the recently established farming enterprise and the sustainability of the business of Robertson Fencing Ltd. The proposed development will also encourage wider rural business development through activities associated with the construction of the farm house, its long-term maintenance and the continuing business operations managed by Rab Robertson.

## **BACKGROUND INFORMATION**

Rab Robertson purchased land at East Haugh, and Donavoured Farm in 2016. This acquisition was part of the long term personal and business objectives of Rab Robertson to be directly involved in land based industries in the Pitlochry area. Rab Robertson is considered as a Young Farmer and a New Entrant to farming.

The farmed area is 81.10 hectares (200 acres). Arable crops, rotational grass, permanent pastures, rough grazings and woodlands are the main land uses. All the land is classified as LFA (Less Favoured Area). The land at East Haugh is best suited to arable crops and rotational grass due to its location and land capability.

The current farm enterprises consist of a flying flock of Blackface ewes and arable crops including spring barley and forage brassicas.

Sheep numbers are currently at 270 breeding ewes. The aim is to increase ewe numbers over time once the farm business develops and Rab Robertson gains more knowledge about the production potential of the land. All lambs will be sold off grass as ewe lambs for breeding replacements, or as store lambs. The sheep will utilise the grassland for grazing and a single crop of silage/hay will be made for winter feeding. The forage brassicas are grown for feeding sheep.

Spring barley will be grown for feed barley and straw baled and all sold locally.

East Haugh comprises one large field while Donavoured makes up the majority of the farmed area. There is no dwelling house. East Haugh and Donavoured land is actively farmed by Rab Robertson while also providing a base for Robertson Fencing Ltd.

Rab Robertson grew up with his family on a working croft in the Rannoch area. Following completion of and gaining a degree in Agriculture, Rab Robertson worked in the local Rannoch area focusing on fencing work and providing agricultural contract labour (e.g. shearing sheep, gathering sheep and general farm work). Building up knowledge and skills during this time, Rab Robertson commenced his own business of Robertson Fencing Ltd in 2007.

Roberston Fencing Ltd is a rural contracting business. With specialist skills in fencing and forestry mounding and specialist plant and machinery, the business is well placed to service the agricultural, forestry and civil engineering sectors throughout Scotland.

From 2010, the business had become very competitive and as more and more work was obtained, staff numbers increased annually. Currently there are 14 staff members working for Robertson Fencing Ltd. Rab Robertson is the Managing Director of Robertson Fencing Ltd.

The business was originally operated from Rab Robertson's family home in Rannoch with yard facilities rented within the Rannoch locality. The Rannoch site was ideal to allow the initiation of the business when it was focussed on local work and had fewer employees. Due to the nature of the roads, the 20 mile distance between Rannoch and the A9 is very time consuming, and despite the relatively short distance, can take up to 60 minutes to travel each way. As the business has expanded, the site location at Rannoch was a major business weakness and temporarily relocating to the yard adjacent to the Donavoured settlement has been essential to improve efficiencies in time, fuel use, machinery depreciation and overall business management. Other weaknesses of the business included detached business management (from living off site), health and safety and security. In 2017, Robertson Fencing Ltd temporarily relocated from Rannoch to Donavoured Farm, near Pitlochry.

All the business enterprises operated by Rab Robertson require skilled and dedicated personnel. Long hours are worked in all aspects of the business. These hours are dictated by enterprise, season, weather and site location, and as a result do not conform to the "normal" 9-5 Monday to Friday working hours. The lack of onsite accommodation is a limiting feature for the farming operation as well as Robertson Fencing Ltd.

Onsite accommodation is a significant requirement for the livestock enterprise. The sheep flock requires a dedicated approach with focus on animal health and welfare issues. Current offsite living arrangements with associated travelling back and forth is neither ideal nor desired in the long term. Personnel residing onsite are required. Onsite accommodation will also help to improve security and health and safety for all aspects of the business.



The site preferred for the dwelling house is located on Donavourd land. The proposed house site is not prime agricultural land with the land categorised as 3<sub>2</sub> or 4<sub>1</sub>, according to the MLURI agricultural land classification scheme. Prime agricultural land is considered to be land categorised 1, 2 and 3<sub>1</sub>. There would be no impact on the agricultural management of the overall farming unit if this area was taken out of agricultural use.

The land at the proposed site has no environmental significance (e.g. SSSI) and there are no listed buildings or scheduled monuments nearby. Therefore there would be no loss of any environmental or historic features and there will be limited visual impact on the surrounding area.

## LABOUR REQUIREMENTS FOR ROBERTSON FENCING LTD

Using Standard Labour Data for Agricultural and Horticultural Activities, sourced from Defra UK Farm Classification Document (October 2014), and information on existing land areas and livestock numbers farmed by the business, the labour profile for the farming enterprises are shown below.

The Standard Work Capacity is taken as 1,900 hours/person/year. This is calculated on the assumption that one person would work 39 hours per week and takes illness, public holidays etc into account.

| <b>Land</b>                    | <b>Area (ha)</b> | <b>Hours/Annum/Ha</b>     | <b>Total</b>    |
|--------------------------------|------------------|---------------------------|-----------------|
| Cereals                        | 13.82            | 18                        | 248.76          |
| Turnips for stockfeed          | 1.21             | 6                         | 7.26            |
| Grassland                      | 35.83            | 3.1                       | 111.07          |
| Silage/hay                     | 6.07             | 12                        | 72.84           |
| Rough grazing                  | 24.35            | 1.5                       | 36.53           |
| <i>Sub total</i>               |                  |                           | 476.46          |
| <b>Livestock</b>               | <b>Number</b>    | <b>Hours/Annum/Number</b> | <b>Total</b>    |
| Ewes                           | 270              | 3.7                       | 999.00          |
| Rams                           | 7                | 3.1                       | 21.70           |
| Lambs (6 months)               | 390              | 1.55                      | 604.50          |
| <i>Sub total</i>               |                  |                           | 1,625.20        |
| <b>TOTAL</b>                   |                  |                           | <b>2,101.66</b> |
| <i>Standard Labour Unit</i>    |                  |                           | 1,900.00        |
| <b>LABOUR REQUIREMENT (LU)</b> |                  |                           | <b>1.11</b>     |

This calculation does not allow for administrative tasks required by farming businesses for regulation or accountancy purposes. In addition the figures do not include any off farm work associated with Robertson Fencing Ltd.

## **THE NEED FOR ON-SITE ACCOMMODATION**

### **Labour**

Rab Robertson is responsible for the day to day management of the farming enterprises operated at Donavoured, and Robertson Fencing Ltd. This means daily multiple journeys between his current residence, the farm and jobs being carried out Robertson Fencing Ltd.

The sheep are handled many times throughout the year for duties such as lambing, shearing, marking lambs, routine health care and drawing lambs for sale. There is a necessity that these sheep have 24 hr / day supervision to maximise animal health and welfare and in turn their productivity. For these reasons it is essential that Rab Robertson resides full time at this location.

Farming is driven by the seasons, thus during the spring and summer months, there is a great deal of work to be carried out. Lambing, shearing and routine handling of the sheep are all required to be carried out to ensure a high welfare, good quality, highly productive and profitable farm business is operated. It is also important that a farm worker is available at short notice, taking advantage of good weather, to carry out land related jobs such as spreading fertiliser and lime, mowing, turning and baling grass for hay and silage and harvesting grain and baling straw. Having qualified personnel living onsite at Donavoured improves utilisation of resources giving the best opportunity to work efficiently without compromising both animal and human welfare.

Agricultural businesses are finding it increasingly difficult to manage the balance between the physical work associated with livestock and land management, and the ever increasing administration. This balance becomes ever more complicated when there is additional travel time between the farm and the office/home.

On a similar theme, rural businesses find it difficult to attract qualified personnel. This is due to several factors but one that can be very influential is the commuting to and from the work place. Relocating Robertson Fencing Ltd to Donavoured improves working conditions for employees by being located close to Pitlochry and the A9.

The enterprises operated by Rab Robertson involve hard physical work. Currently there are no welfare or office facilities on site at Donavoured. These are essential facilities for business operations. The provision of suitable accommodation onsite for Rab Robertson will provide essential facilities that can be used for business purposes. In addition, the onsite accommodation will reduce negative and potentially harmful situations relating to travelling at unsocial hours under tiring conditions. It is essential that onsite accommodation is provided at Donavoured.

## **Animal Welfare and Management**

The farm livestock operations are focused on sheep. Sheep require constant supervision by a suitably qualified individual. The sheep flock are present on the land all year round and require care to check for lambing and health issues such as lambing difficulties, abortion, lameness, fly strike and pneumonia as well as for impacts of vermin activity that will compromise sheep welfare. There is also the constant worry about dog worrying/attacks due to the close proximity to Pitlochry and surrounding residential areas, and the network of public paths close by.

The above points essentially means 24 hours per day, 7 days per week, 365 days per year care is required for the sheep farmed at Donavoured. This seems an extreme statement but is doubtlessly a requirement to ensure high welfare standards and thus good productivity (and inadvertently positive financial impact).

Currently Rab Robertson lives off site and travels to and from the unit a minimum of twice daily. To provide the level of care required for farmed livestock, a farmer needs to live onsite.

## **Efficiency**

Having purchased land at East Haugh and Donavoured and commenced farming activities on the land, it is essential that Rab Robertson resides on the unit at Donavoured. He will be present to conduct aspects of running all the business enterprises e.g. taking delivery of supplies such as fencing materials, feeds and animal health materials, and the loading of livestock coming on and off the farm.

For Robertson Fencing Ltd, travelling back and forth several times per day by a number of employees to Rannoch is extremely time consuming and as a result compromises efficiency. The effects of fatigue due to travelling reduces work efficiency, increases short cuts taken, thus compromises staff and public welfare and health and safety. Deliveries of materials to Rannoch was also been identified as a weakness as well as a cost to the business. Robertson Fencing Ltd, having temporarily relocated to the yard adjacent to the Donavoured settlement has significantly improved vehicular connectivity to the A9 and thus reduced the travelling associated with business activities.

Operating Robertson Fencing Ltd in conjunction with the farm enterprises, improves business efficiencies. Having personnel associated with the business living onsite is highly desirable to ensure efficiency of working practices.

## **Security**

Security is an important consideration.

Opportunist theft and vandalism (deliberate and accidental) are ever increasing incidents in the rural area and farms are most often subject to such activity. These incidents result in much aggravation and add to the daily operations on the business but are also a severe financial burden.

Livestock, and farming inputs such as fertiliser, fuel and medicines are valuable assets. The equipment required for the farming activities alongside the plant and machinery owned and operated by Robertson Fencing Ltd is not only valuable but dangerous.

All livestock, vehicles, equipment and fuel must be safe guarded. Personnel living on site creates a deterrent and will help improve security on the unit.

## **Health and Safety**

With the increasing awareness by the public of their access rights under the Land Reform (Scotland) Act 2003 and the location of the East Haugh and Donavoured land to Pitlochry and local rural path networks, there is potential of safety problems on the farm resulting from people not fully understanding their responsibilities in the countryside.

The farming unit sits on a local road, between the settlement of East Haugh, Donavoured and Milton of Edradour, which leads from the A9 to the A924 Pitlochry to Kirkmichael road. There are many private residential units sitting on the boundaries of the land farmed by Rab Robertson. The rural area and associated woodland and agricultural land is very popular for outdoor pursuits for tourists and local residents. With this, and the business activities operated by Robertson Fencing Ltd in mind, a dwelling house on the farm is essential. Resident personnel linked to the land and associated business allows better control of any people considering entering the farmland and farm buildings without permission, or where they may compromise their safety or that of the livestock, e.g. coming near to where sheep are being worked, coming near to working sheep dogs and entering fields with sheep and lambs or with machinery operating.

With a network of paths and tourist attractions close by, this worry of field gates being left open and sheep worrying by domestic dogs is heightened. It is essential that there is constant supervision of the stock on the land by having qualified personnel living onsite.

A major concern with people coming into contact with animals is zoonoses. Zoonotic diseases are those which are transmissible from animals to humans, including Salmonella and Ecoli, as well as that associated with lambing sheep which could result in problems arising with pregnant women. All these issues are of high importance as livestock is a key enterprise on this unit and with sheep present all year round potential for public persons to come in contact with livestock is high and is a concern to be acknowledged. Having accommodation onsite will better help to manage these situations ensuring that risk has been appropriately managed at all times.



## **Alternative Accommodation**

As a result of historical farm sales dividing the land and farm houses at East Haugh and Donavoured, there is no other dwelling house or building suitable for conversion located at either unit that could be utilised for accommodation for an essential worker.

Houses have not been considered anywhere else in the locality as the issue that needs to be resolved is lack of accommodation directly associated with the farm.

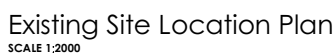
## **Farming Future and Sustainability**


Rural businesses in Scotland and the rest of the UK are under ever increasing social and economic pressures. The opportunity for New Entrants into agriculture, particularly, is compromised due to limited tenancies and lack of available capital to buy land. Rab Robertson is a young, enthusiastic and dedicated New Entrant to farming who, through hard work, has created his own opportunity to buy land. This is an opportunity that many young people may never have and Rab Robertson should be encouraged to build on this.


The impressive work ethic and business driving force of Rab Robertson (and his business colleagues and employees in Robertson Fencing Ltd) has created great and sustainable opportunities, not only for the business, but for Rab Robertson as an individual. Having gone from being a “one man band” to being part of a successful company, Rab Robertson has seized an opportunity to purchase the land at East Haugh and Donavoured. The one limitation being, that there is no house associated with this land.

Rab Robertson, by reinvestment into the very heart of the scene in which he works, has now got the opportunity to go back to his agricultural roots and is operating his own farming business while creating a secure base to live and operate and grow his other business interests (without which he could not have achieved his desire to buy land).

The dedication of this young man to the rural area around Pitlochry and the part that Rab Robertson's business interests play in the supporting the rural economy through direct employment and utilisation of local businesses (trade and retail) should be much admired and supported through providing opportunity for him to reside at the land which he has work hard to purchase.



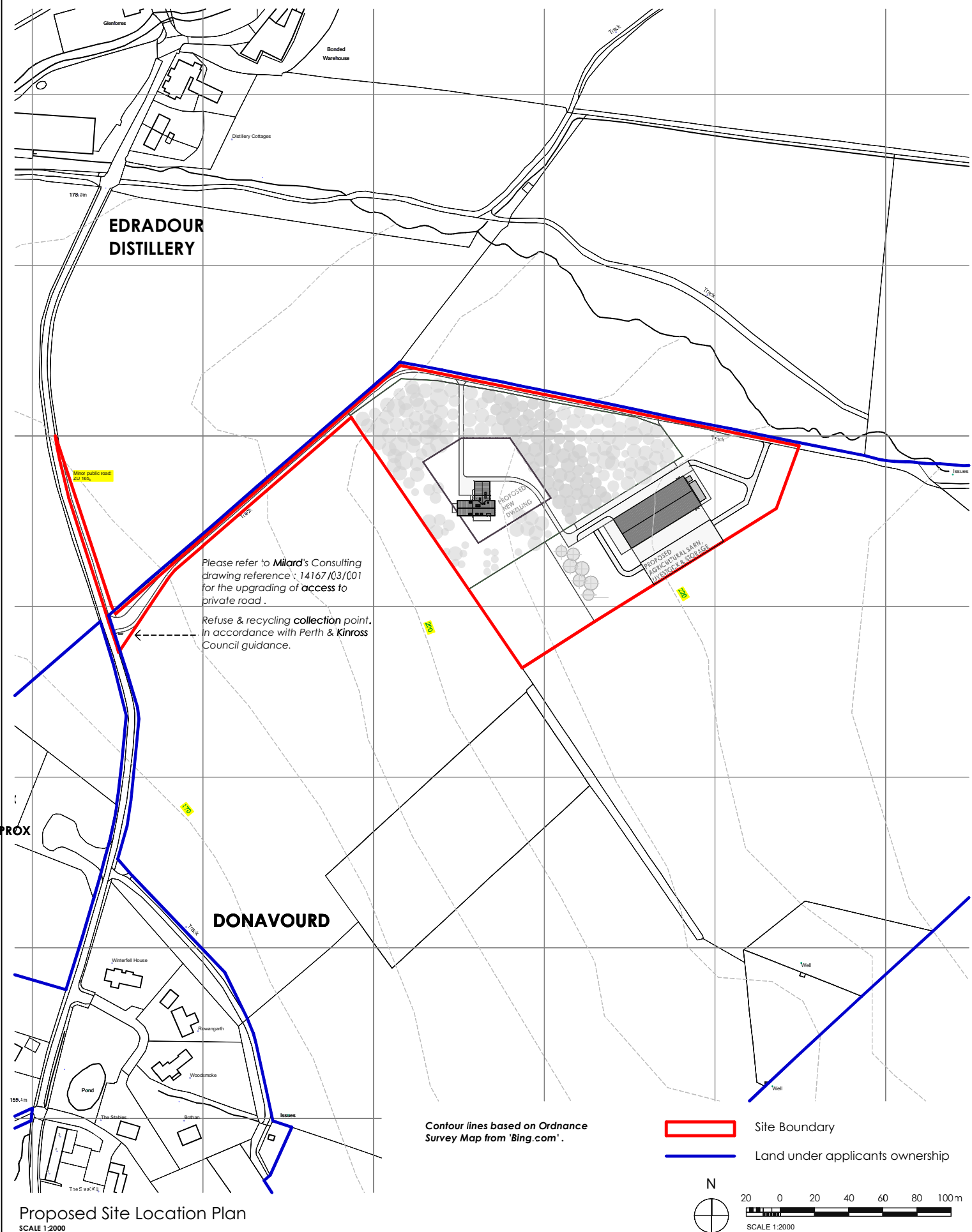
 Site Boundary

 Land under applicants ownership



20 0 20 40 60 80 100m  
SCALE 1:2000

|                                 |                          |
|---------------------------------|--------------------------|
| DRAWN BY:<br><b>CW &amp; SR</b> | CHECKED BY:<br><b>JR</b> |
| DATE:<br><b>September 2017</b>  |                          |



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rev date description  
A 06/10/17 Added road name and contour levels.



JOB TITLE:  
**AGRICULTURAL BUSINESS FACILITY WITH MANAGERS HOUSE AT DONAVOURD.**

DRAWING TITLE:  
**Proposed Site Location Plan**

SCALE:  
**1:2000 @A3**

DRAWING STATUS:  
**Planning**

DRAWN BY: **CW & SR**  
CHECKED BY: **JR**

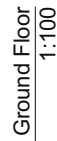
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**1079/PL/001**

REVISION:  
**A**

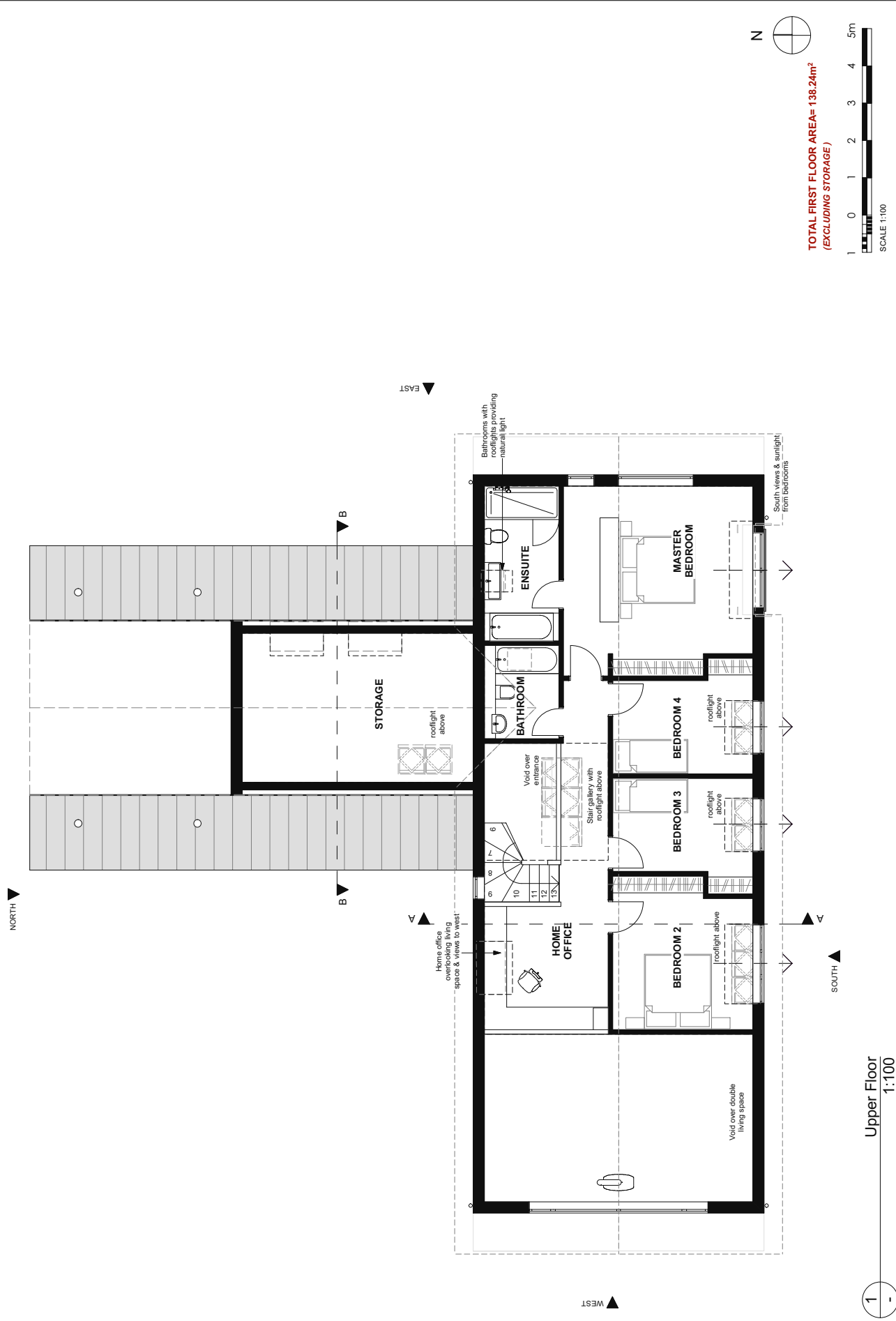
DATE:  
**September 2017**

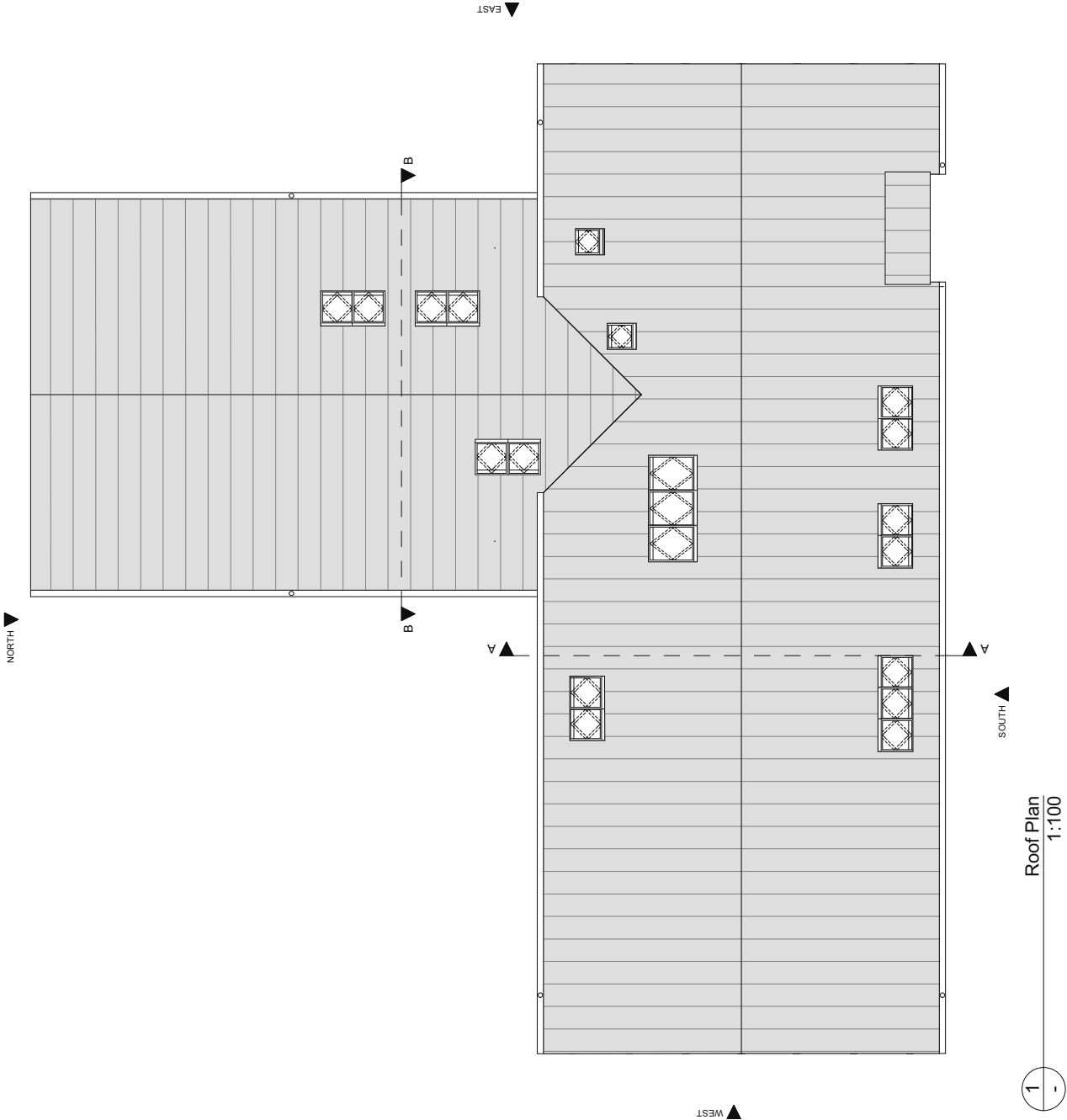
**374**











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**AGRICULTURAL BUSINESS FACILITY WITH MANAGERS HOUSE AT DONAVALOURD.**

**Job Title:**  
AGRICULTURAL BUSINESS FACILITY WITH MANAGERS HOUSE AT DONAVALOURD.

**Drawing Title:**  
Roof Plan

**Scale:**  
1:100 @A3

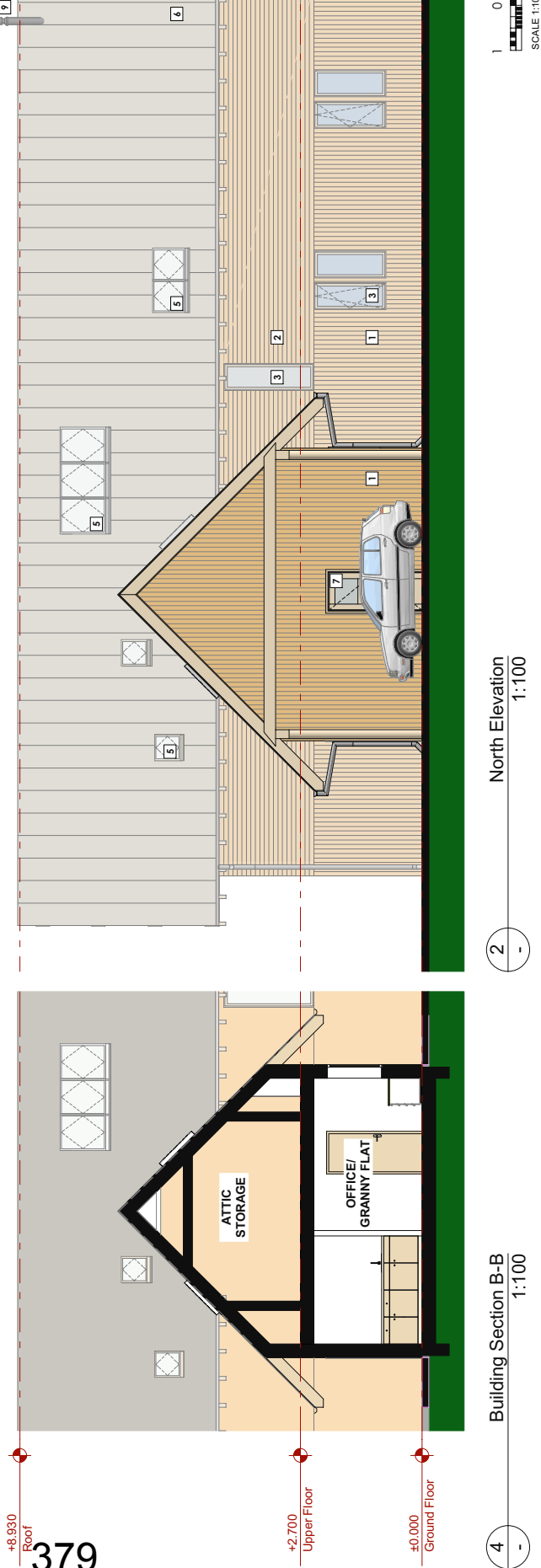
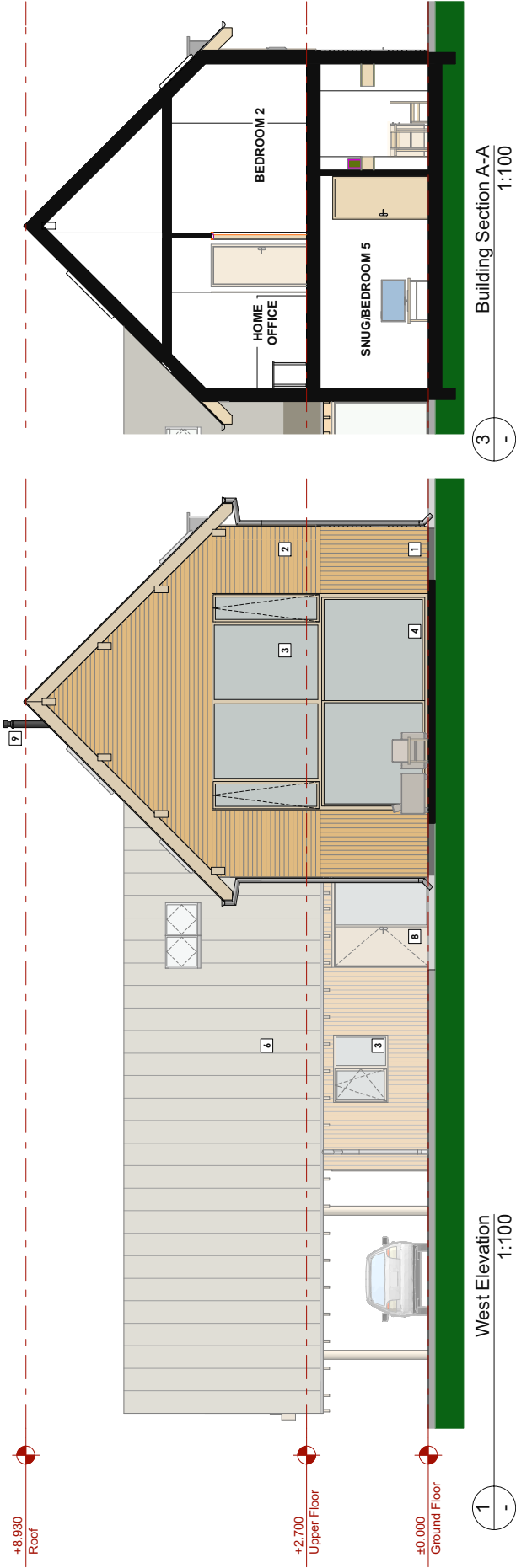
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1079(P)005

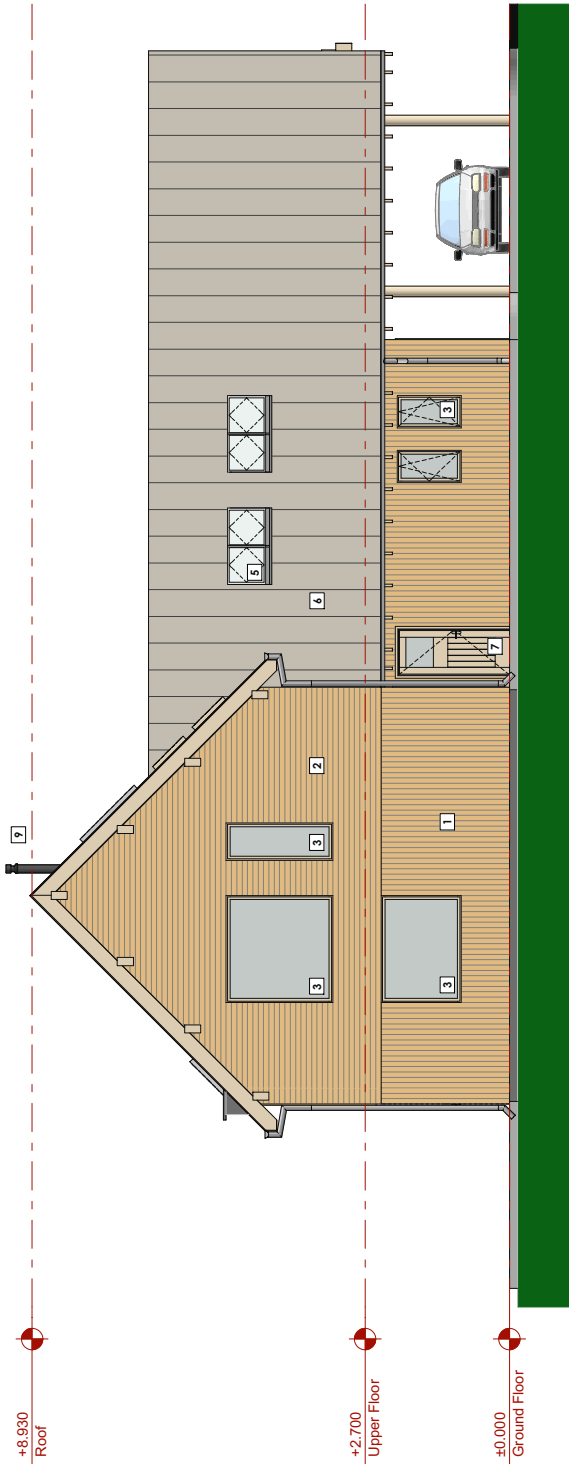
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CW & SR

**Checked By:**  
JR

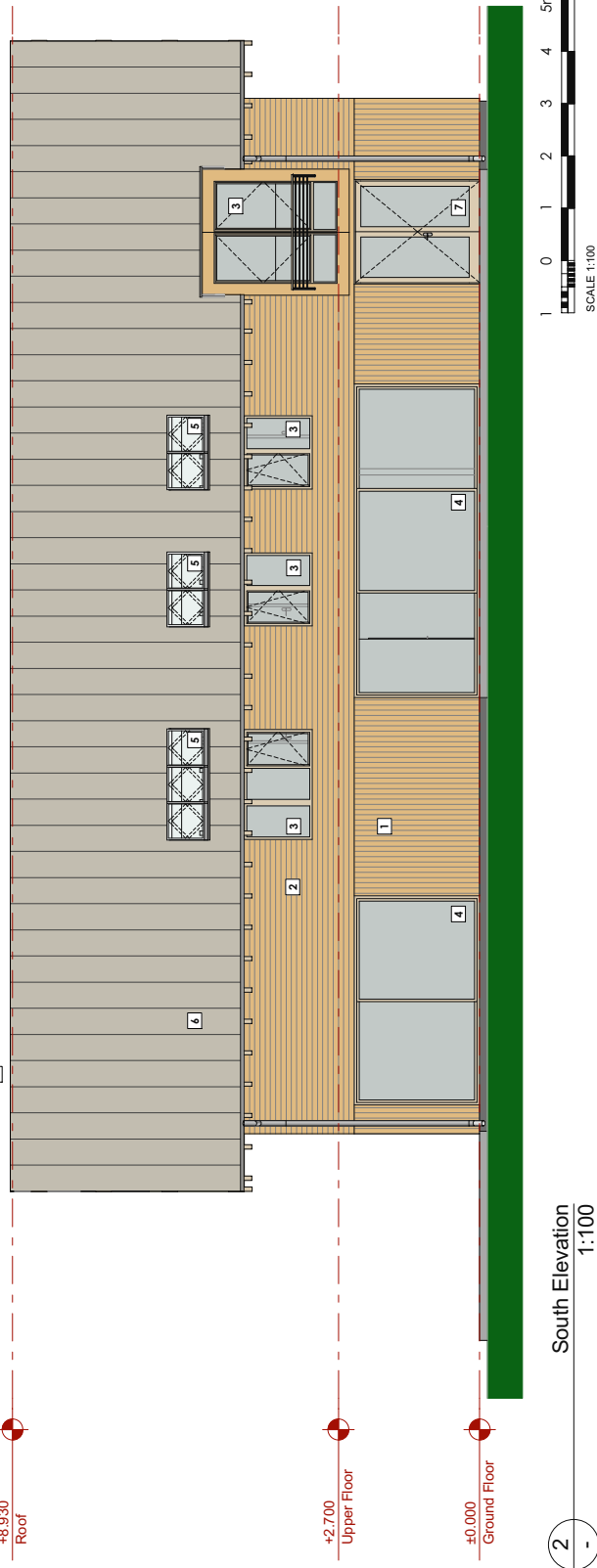
**Date:**  
September 2017

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1  
East Elevation  
1:100



2  
South Elevation  
1:100

SPECIFICATIONS

1. Vertical Larch cladding
2. Horizontal Larch cladding
3. Timber double glazed window
4. Timber double glazed sliding/folding doors
5. Rooflights
6. Dark grey metal standing seam roofing
7. Timber floor with double glazed sidelight
8. Timber floor with double glazed sidelight
9. Stove flue powdercoated colour dark grey

|                                      |                            |                                    |                                 |                          |
|--------------------------------------|----------------------------|------------------------------------|---------------------------------|--------------------------|
| DRAWING TITLE:<br><b>Elevations</b>  | SCALE:<br><b>1:100 @A3</b> | DRAWING STATUS:<br><b>Planning</b> | DRAWN BY:<br><b>CW &amp; SR</b> | CHECKED BY:<br><b>JR</b> |
| DRAWING NUMBER:<br><b>1079(P)007</b> | REVISION:                  | DATE:<br><b>September 2017</b>     |                                 |                          |





1 - 3D view facing south  
1:222.22



4 - 3D view facing west  
1:222.22



2 - 3D view facing north  
1:222.22 @A3

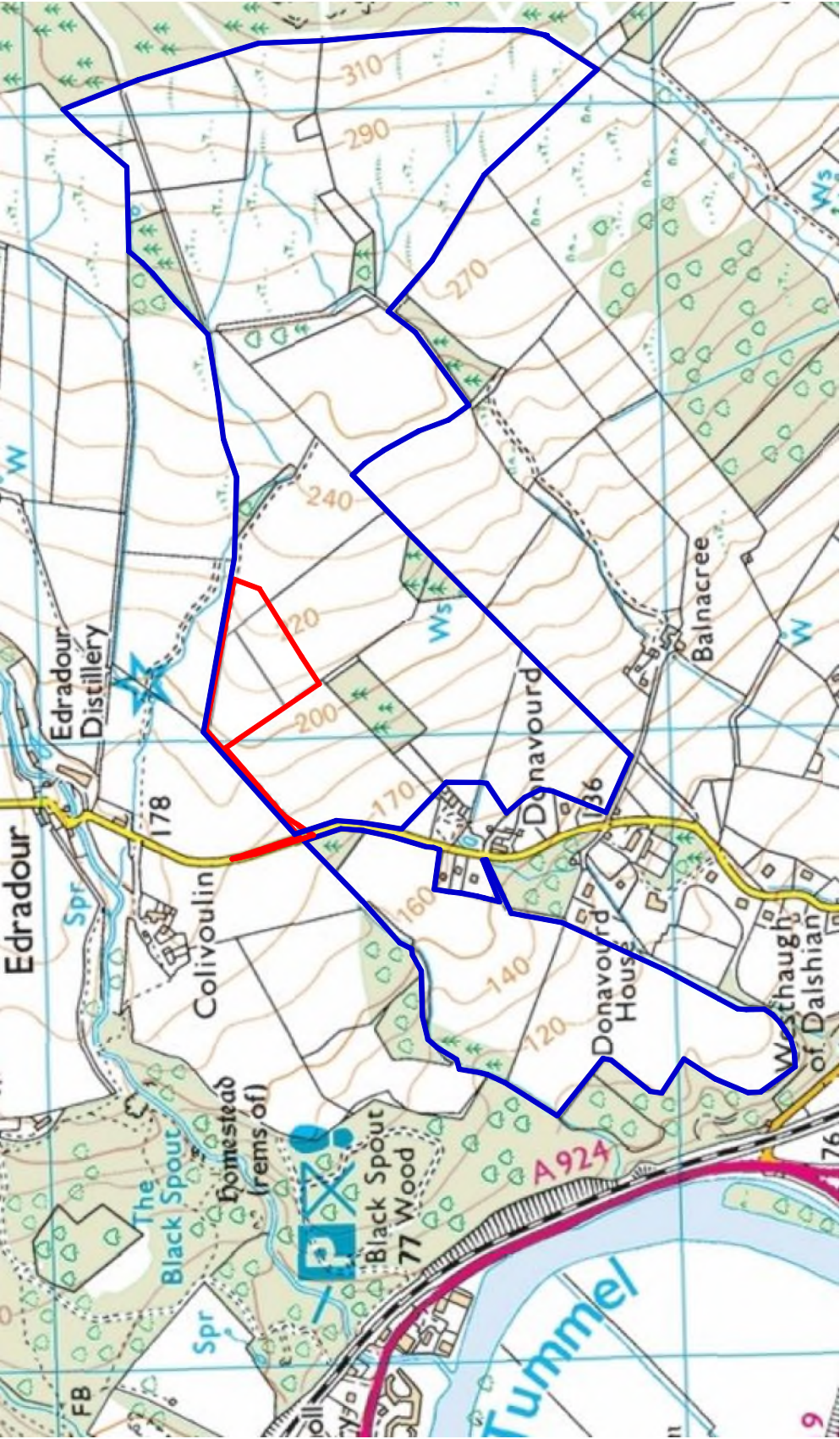


3 - 3D view facing east  
1:222.22 @A3

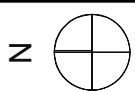


|                                                                                         |  |                                                                                        |  |                                                                                  |  |                                                                                                   |  |
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| JOB TITLE:<br><b>AGRICULTURAL BUSINESS FACILITY WITH MANAGERS HOUSE AT DONAVALOURD.</b> |  |                                                                                        |  |                                                                                  |  |                                                                                                   |  |
| DRAWING TITLE:<br><b>3D Perspectives</b>                                                |  | SCALE:<br><b>1:250,<br/>1:181.82,<br/>1:222.22 @A3</b>                                 |  | DRAWING STATUS:<br><b>Planning</b>                                               |  | DRAWN BY:<br><b>CW &amp; SR</b>                                                                   |  |
| DRAWING NUMBER:<br><b>1079(P)008</b>                                                    |  | REVISION:                                                                              |  | CHECKED BY:<br><b>JR</b>                                                         |  | DATE:<br><b>September 2017</b>                                                                    |  |





Site Boundary  
Land under applicants ownership



Scale 1:10,000

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rev  
A

date  
06/10/17

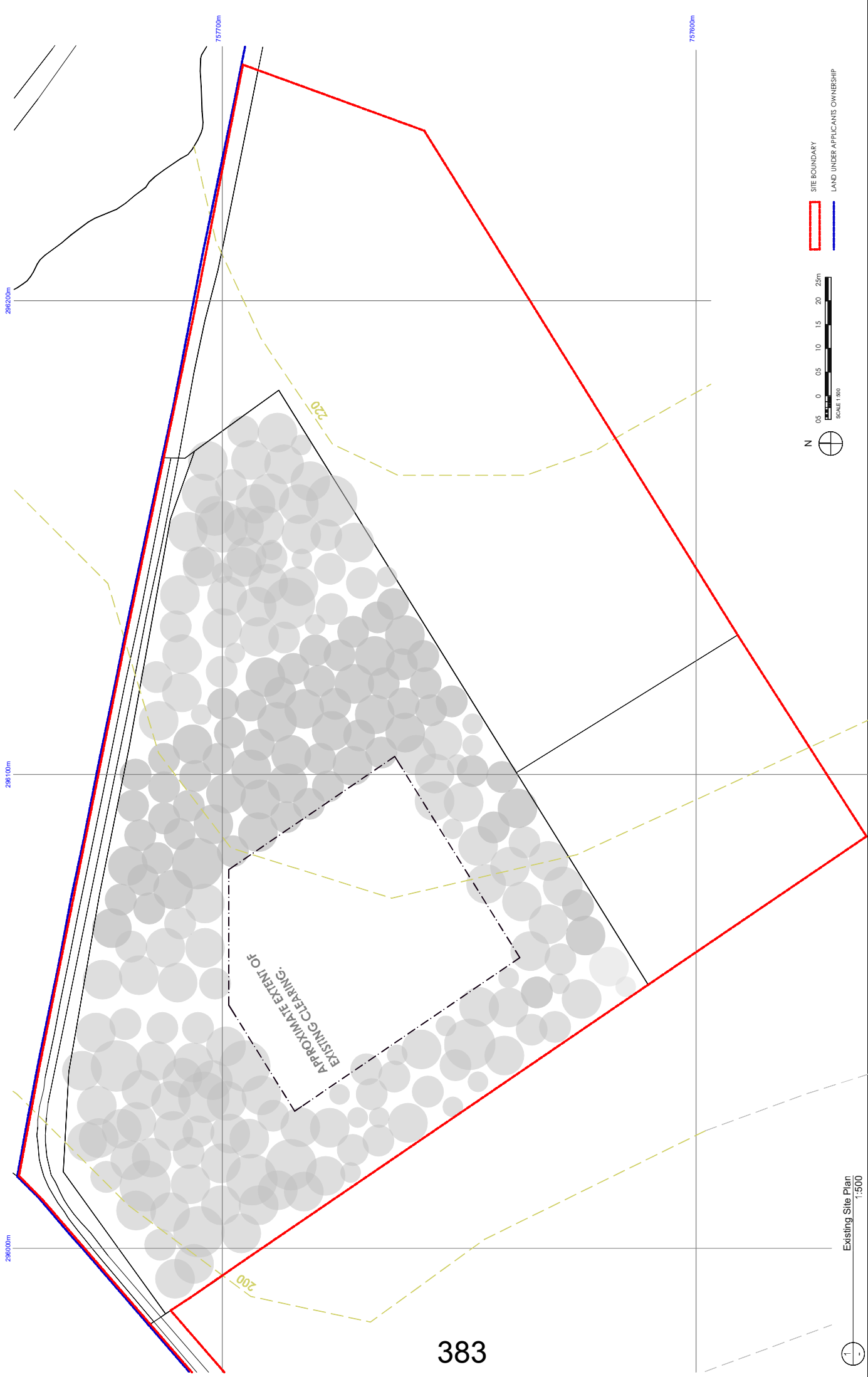
description  
Date of issue.

Extent Of Clients Land Ownership

1:

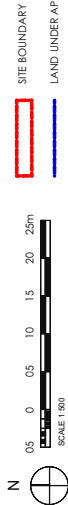
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| JOB TITLE:<br><b>AGRICULTURAL BUSINESS FACILITY WITH MANAGERS HOUSE AT DONAVOURD.</b> |                              |                                    |                                 |
| DRAWING TITLE:<br><b>Clients Land Ownership Extent</b>                                | SCALE:<br><b>1:10000 @A4</b> | DRAWING STATUS:<br><b>Planning</b> | DRAWN BY:<br><b>CW &amp; SR</b> |
| DRAWING NUMBER:<br><b>1079/PL/10</b>                                                  | REVISION:<br><b>A</b>        | CHECKED BY:<br><b>JR</b>           | DATE:<br><b>06/10/2017</b>      |

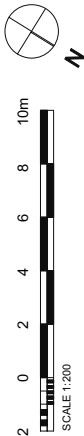
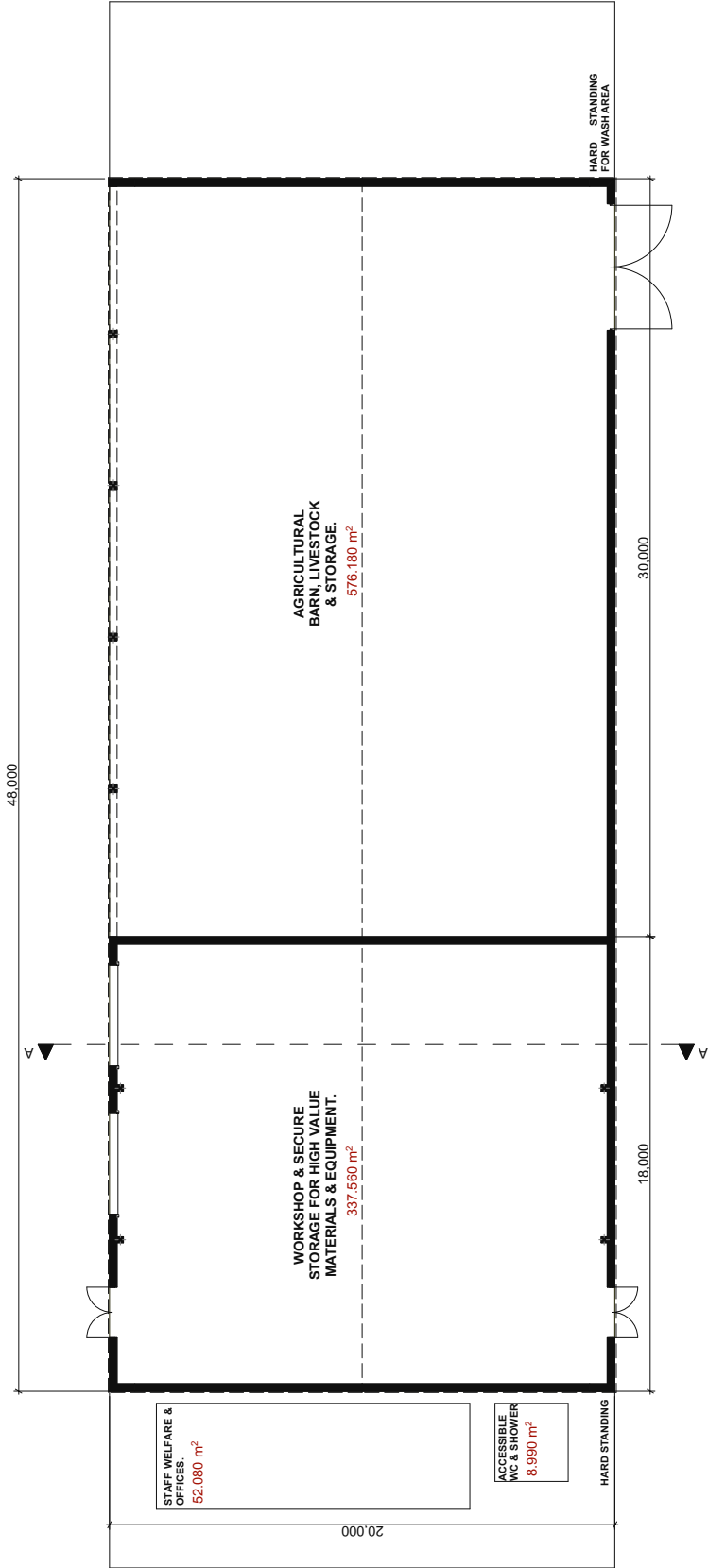


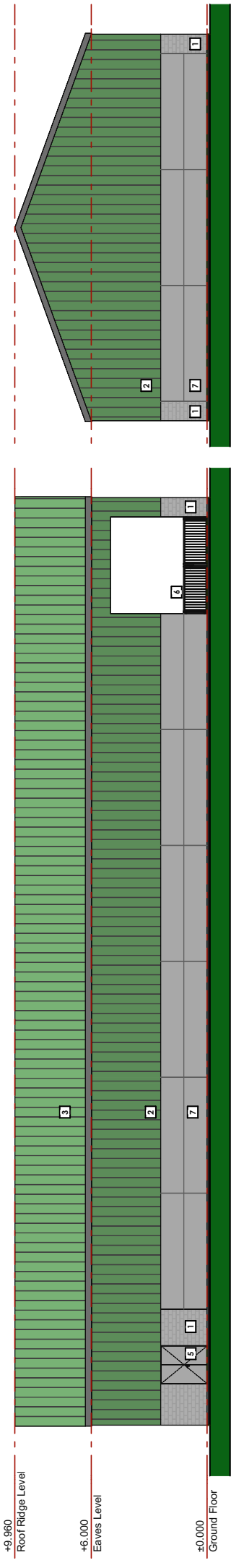


383

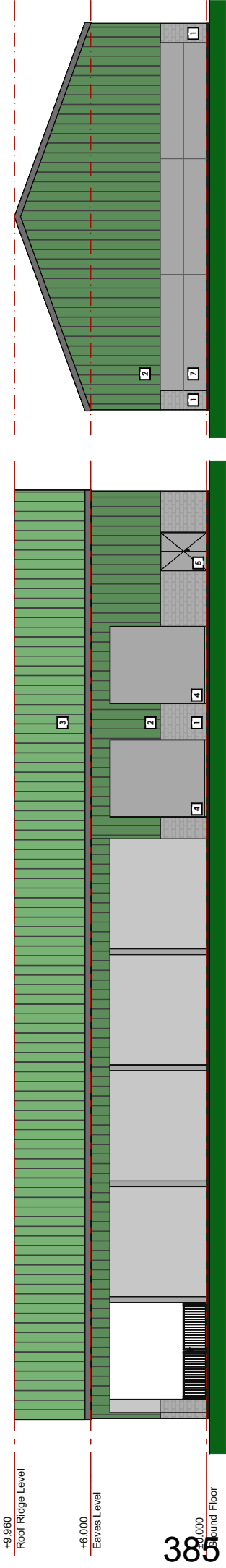
Existing Site Plan  
1:500



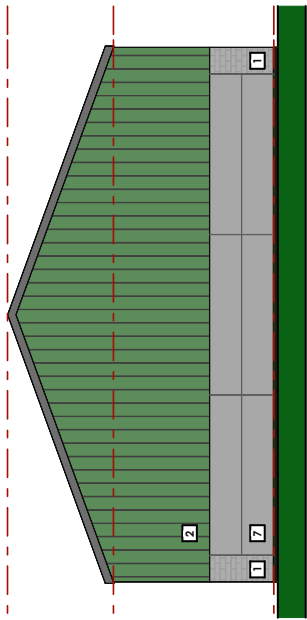




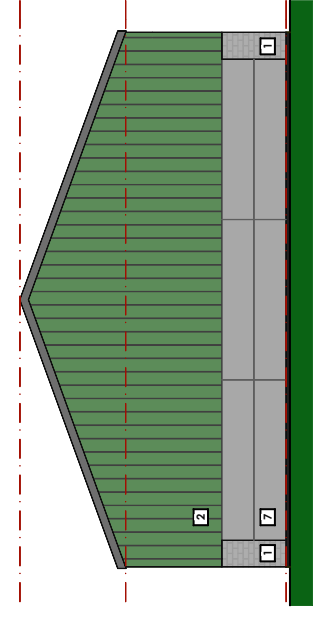
1  
North West Elevation  
1:200



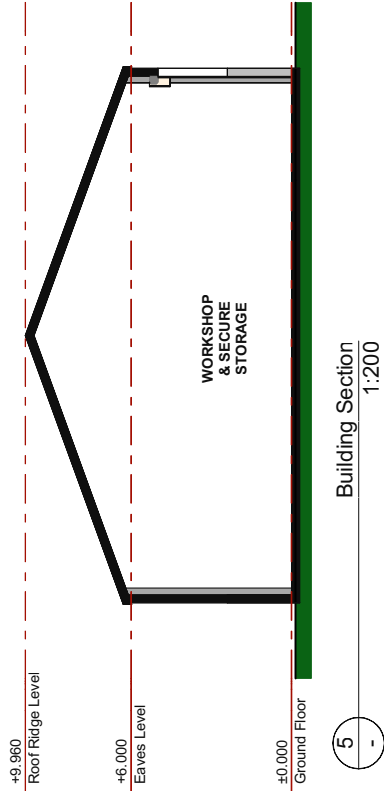
3  
South East Elevation  
1:200



2  
North East Elevation  
1:200



4  
South West Elevation  
1:200



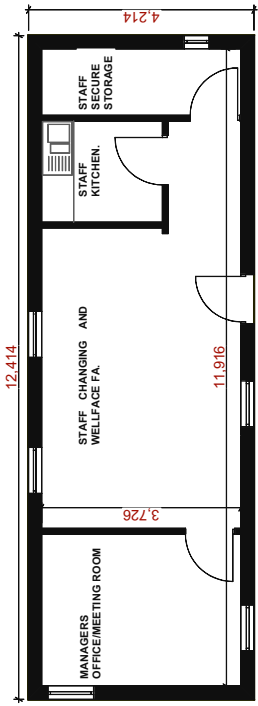
5  
Building Section  
1:200

SPECIFICATIONS

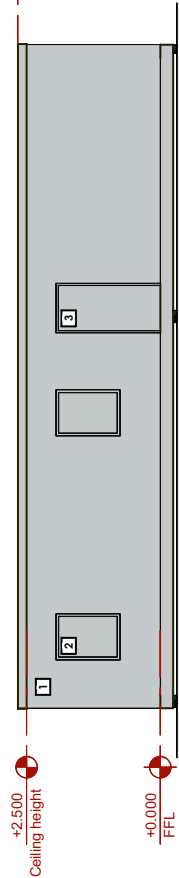
1. Fair faced concrete blockwork
2. Dark green metal wall cladding
3. Dark green metal standing seam roofing
4. Metal roller door
5. Metal door and frame
6. Metal access gate
7. 1200mm wide concrete panels installed horizontally

PORTAKABIN-1: TITAN IM124 TWIN OFFICE.

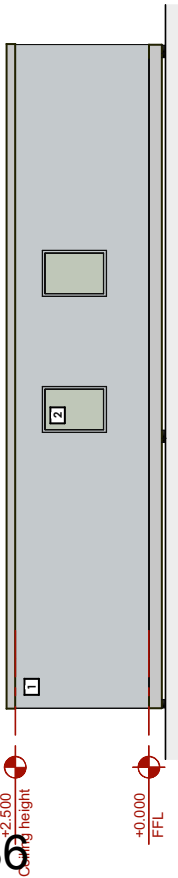
Internal area = 44.32m<sup>2</sup>



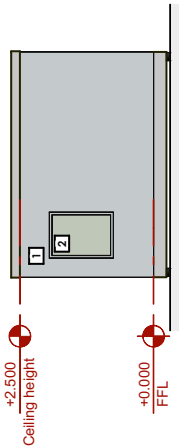
1 - Portakabin-1 Ground Floor Layout Plan 1:100



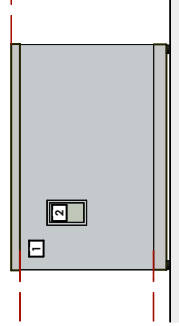
2 - South West Elevation 1:100



3 - North East Elevation 1:100



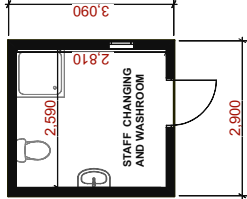
4 - North West Elevation 1:100



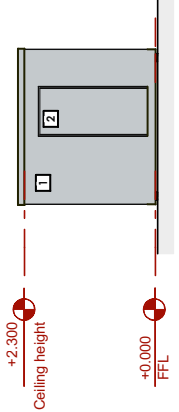
5 - South East Elevation 1:100

PORTAKABIN-2: EVENTS TYPE A5.

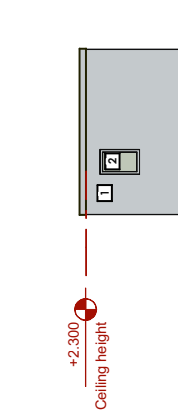
Internal area = 8.96m<sup>2</sup>



6 - Portakabin-2 Ground Floor Layout Plan 1:100



7 - North East Elevation 1:100

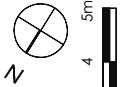


9 - North West Elevation 1:100

10 - South East Elevation 1:100

INTERNAL LAYOUTS & OPENING OPTIONS ARE REPRESENTATIONAL ONLY - TO BE DESIGNED BY 'PORTAKABIN' AT LATER STAGE.

- SPECIFICATIONS
1. Galvanised steel cladding (one-piece construction).
  2. UPVC windows and steel faced doors.



|                                                                                               |  |  |  |                                                                                         |  |  |  |                                                                                                   |  |  |  |
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| JOB TITLE:<br><b>AGRICULTURAL BUSINESS FACILITY WITH MANAGERS HOUSE AT DONAVALOUR.</b>        |  |  |  | DRAWING STATUS:<br><b>Planning</b>                                                      |  |  |  | CHECKED BY:<br><b>JR</b>                                                                          |  |  |  |
| DRAWING TITLE:<br><b>Proposed Portakabin Layouts</b>                                          |  |  |  | SCALE:<br><b>1:100 @A3</b>                                                              |  |  |  | DRAWN BY:<br><b>CW &amp; SR</b>                                                                   |  |  |  |
| DRAWING NUMBER:<br><b>1079(P)103</b>                                                          |  |  |  | REVISION:<br><b>A</b>                                                                   |  |  |  | DATE:<br><b>September 2017</b>                                                                    |  |  |  |

**TCP/11/16(512) – 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour**

## **PLANNING DECISION NOTICE**

**REPORT OF HANDLING** *(included in applicant's submission, see pages 281-294)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 295-373 and 376-384)*





# PERTH AND KINROSS COUNCIL

Mr Rab Robertson  
c/o McKenzie Strickland Associates  
Jamie Russell  
159 Dunkeld Road  
Perth  
PH1 5AU

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 23rd November 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01662/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 12th October 2017 for permission for **Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works Land 300 Metres South East Of Distillery Cottages Milton Of Edradour** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 - Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
2. The proposal is contrary to Policy ED3 - Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014, as the farming business is not considered to be established and there is no site specific justification which would allow for the site to be acceptable.
3. The proposal is contrary to Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting and scale of the proposed development is highly intrusive to the existing landscape framework

and does not conserve or enhance the surrounding landscape as required by the Policy.

4. The proposal is contrary to Policy PM1B - Placemaking criterion (a) and (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, whilst the removal of certain trees and the overall location of the proposed development would additionally erode and dilute the areas landscape character.
5. The proposal is contrary to Policy TA1B - Transport Standards and Accessibility Requirements, of the Perth & Kinross Local Development Plan 2014, as the level of traffic to be generated by the proposal is considered to be significant for the existing road network and provisions have not been demonstrated on how the development will be served by other modes of transport (in particular walking, cycling and public transport). This is in addition to the proposed development only providing 2 staff parking spaces where it is highlighted that approximately 14 members of staff are employed by the business.
6. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy NE2B of the Perth and Kinross Local Development Plan 2014, as there are no clear public benefits associated with the removal of the certain trees within the woodland to provide selected views for the proposed dwellinghouse.

## **Justification**

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

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

## **Plan Reference**

|             |             |
|-------------|-------------|
| 17/01662/1  | 17/01662/11 |
| 17/01662/2  | 17/01662/12 |
| 17/01662/3  | 17/01662/13 |
| 17/01662/4  | 17/01662/14 |
| 17/01662/5  | 17/01662/15 |
| 17/01662/6  | 17/01662/16 |
| 17/01662/7  | 17/01662/17 |
| 17/01662/8  | 17/01662/18 |
| 17/01662/9  | 17/01662/19 |
| 17/01662/10 | 17/01662/20 |

**TCP/11/16(512) – 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour**

## **REPRESENTATIONS**



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01662/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                           |
| <b>Address of site</b>                          | Land 300 Metres South East Of Distillery Cottages, Milton Of Edradour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                                                           |
| <b>Comments on the proposal</b>                 | <p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>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><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |
| <b>Date comments returned</b>                   | 19 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |





# Comments for Planning Application 17/01662/FLL

## Application Summary

Application Number: 17/01662/FLL

Address: Land 300 Metres South East Of Distillery Cottages Milton Of Edradour

Proposal: Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works

Case Officer: Sean Panton

## Customer Details

Name: Mr ANDREW HOLMES

Address: Strathtummel 17 Lower Oakfield, Pitlochry, Perth And Kinross PH16 5DS

## Comment Details

Commenter Type: community council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Land Use
- Out of Character with the Area
- Road Safety Concerns
- Traffic Congestion

Comment: We object on the following grounds;

The development is a large industrial building in the countryside on agricultural land with no overriding reason for the location other than an opportunistic purchase of agricultural land.

The associated house is of a scale that can not be sustained by the size of the associated agricultural land and is clearly intended as a residence for the owner of the fencing business' The proposed visibility improvements are on land outwith the application area.

The addition of heavy traffic to the existing narrow rural road , irrespective of direction is detrimental to road safety and will cause congestion when other vehicles are encountered. The road is extensively used by pedestrians accessing Edradour Distillery as visitors.

The proposed bellmouth is easily capable of future alteration or over-run to allow more direct access to the A1.

Industrial land is available adjacent to the A9 if a Pitlochry location is essential.

If this application is approved then there are no longer any rules !

Y



# Comments for Planning Application 17/01662/FLL

## Application Summary

Application Number: 17/01662/FLL

Address: Land 300 Metres South East Of Distillery Cottages Milton Of Edradour

Proposal: Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works

Case Officer: Sean Panton

## Customer Details

Name: Mr brian simpson

Address: 2 Croftcroy, Croftinloan, Pitlochry PH16 5TG

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Road Safety Concerns

Comment: Planning Application 17/01662/FLL

Comments

I object to the planning application 17/01662/FLL for the following reasons:

1. The fencing business planned for the site is an industrial business and should be in a location designated for industry and not on agricultural land.
2. The locating of any such fencing business will increase the traffic on what is already a poor quality and dangerous road and only make things worse:
  - a. The road is high risk to pedestrians as there is no pavement, is more or less single track and has many bends with poor sight lines.
  - b. The road is high risk to cyclists for similar reasons.
  - c. The road, particularly the small roundabout at Croftinloan, is tricky for traffic to negotiate and there are probably already many near misses with vehicles using the road
3. I note the comments in the application about accessing the site via the A924 Kirkmichael road. In the real world, for drivers approaching from the A9, they will approach the site from General Wades Road just off the A9. It is a significantly shorter route, quicker and uses less fuel. This logic will apply to delivery drivers, staff and customers and it will not be possible to police this. Sat navs will also reinforce this use by use of the fastest or shortest route.

In summary I request that the application be rejected for the above reasons.

Brian Simpson

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

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                                                                                                                       |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Application ref.</b> | 17/01662/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Comments provided by</b> | David Williamson                                                                                                                                                      |
| <b>Service/Section</b>           | Strategy and Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Contact Details</b>      | <div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 250px; height: 15px;"></div> |
| <b>Description of Proposal</b>   | Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                                                                                                                       |
| <b>Address of site</b>           | Land 300 Metres South East Of Distillery Cottages, Milton Of Edradour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                                                                                                                                                       |
| <b>Comments on the proposal</b>  | <p><b>Part 214 of the Scottish Planning Policy states:</b></p> <p>The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &amp;c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.</p> <p><b>The RTPI GOOD PRACTICE GUIDE - PLANNING FOR BIODIVERSITY provides the following guidance:</b></p> <p>The presence of a protected species is a material consideration in planning decisions. It is important to bear in mind that the granting of planning permission can provide a legal justification for Undertaking operations that would harm a protected species.</p> <p>In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites</p> |                             |                                                                                                                                                                       |

where they are known to breed, roost, rest or hibernate. They may be equally dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and bats).

**The Association of Local Government Ecologists Guidance on Validation of Planning Applications provides the following guidance:**

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a **Protected Species Survey and Assessment**. If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available\*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Scottish Natural Heritage for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

**Biodiversity Officers Comments**

The proposals show a number of trees to be removed yet no tree survey has



|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <p>been provided with the application.</p> <p>The applicant will be required to provide a tree survey and extended phase 1 survey of the site. Any trees to be removed will require to be assessed for bat roost potential, and if found to have high bat roost potential will require to be fully assessed and surveyed for bats.</p>                                                                                                                                                                                                                                                                                                                                              |
| <b>Recommended planning condition(s)</b>        | <p>If you are minded to approve the application then I recommend the following conditions be included in any approval:</p> <p><b>It is not possible to recommend conditions without a tree survey and extended phase 1 ecological survey of the site.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Recommended informative(s) for applicant</b> | <ul style="list-style-type: none"> <li>• The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.</li> <li>• The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.</li> </ul> |
| <b>Date comments returned</b>                   | 26 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                     |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>         | 17/01662/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                   | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Contact Details</b>      | [REDACTED]<br>[REDACTED]            |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                     |
| <b>Address of site</b>                   | Land 300 Metres South East Of Distillery Cottages, Milton Of Edradour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                     |
| <b>Comments on the proposal</b>          | Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                     |
| <b>Recommended planning condition(s)</b> | <p>AR01 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type A Figure 5.5 access detail, of Type B Road construction detail.</p> <p>Prior to the development hereby approved being completed or brought into use, the construction of 1 no. additional passing place to be constructed in accordance with the National roads development guide, provide minimum road width of 5.5 metres, 20 metres in length. As per drawing 14167/03/001, road construction detail to be agreed with the Roads Maintenance Partnership.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:</p> <ul style="list-style-type: none"> <li>a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;</li> <li>b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;</li> <li>c) arrangements for liaison with the Roads Authority regarding winter maintenance;</li> <li>d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;</li> <li>e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;</li> <li>f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;</li> </ul> |                             |                                     |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <p>g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;</p> <p>h) details of information signs to inform other road users of construction traffic;</p> <p>i) arrangements to ensure that access for emergency service vehicles are not impeded;</p> <p>j) monitoring, reporting and implementation arrangements; and</p> <p>k) arrangements for dealing with non-compliance.</p> <p>The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.</p> <p>Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.</p> |
| <b>Recommended informative(s) for applicant</b> | <p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.</p> <p>Road drainage may be in the vicinity of the new access and require remedial works. Contact Perth &amp; Kinross Council Road Maintenance Department for further details.</p>                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Date comments returned</b>                   | 27 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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

|                                                 |                                                                                                                                                                                                                                                                   |                             |               |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| <b>Planning Application ref.</b>                | 17/01662/FLL                                                                                                                                                                                                                                                      | <b>Comments provided by</b> | Diane Barbary |
| <b>Service/Section</b>                          | Conservation                                                                                                                                                                                                                                                      | <b>Contact Details</b>      | [REDACTED]    |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works                                                          |                             |               |
| <b>Address of site</b>                          | Land 300m SE of Distillery Cottages, Milton of Edradour                                                                                                                                                                                                           |                             |               |
| <b>Comments on the proposal</b>                 | <p>The proposed development site is located to the south east of the category B listed Edradour Distillery complex (LB 47625).</p> <p>I have no comments or concerns regarding the impact of the proposed development on the setting of the listed buildings.</p> |                             |               |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                   |                             |               |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                   |                             |               |
| <b>Date comments returned</b>                   | 31/10/17                                                                                                                                                                                                                                                          |                             |               |





# Comments for Planning Application 17/01662/FLL

## Application Summary

Application Number: 17/01662/FLL

Address: Land 300 Metres South East Of Distillery Cottages Milton Of Edradour

Proposal: Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works

Case Officer: Sean Panton

## Customer Details

Name: Mr Michael Sharp

Address: 2 Walled Garden, Donavoured, Pitlochry PH16 5JS

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Road Safety Concerns
- Traffic Congestion

Comment:- The location may be ideal for a residence, but is not so for a business requiring frequent access by vehicles of considerable weight and size.

- Whether from north or south, the road is narrow, with bends and poor sight lines.
- Although the road from Pitlochry has been somewhat improved to facilitate heavy vehicle access to the Edradour Distillery (but still with the narrow double bend and hill) the almost universal use of SatNav will direct most vehicles from the south along General Wade's Road, up the narrow 'Squirrel Crossing' hill and into the lower end of Donavoured.
- The road through Donavoured is hilly, twisty, narrow, with poor sight lines, and in several places the surface is friable and damaged. Unlike the road to the north of the distillery, it has not been improved to allow for frequent heavy traffic.
- The necessary access for heavy traffic to residences in the lower part of Donavoured (deliveries, refuse collection, etc) places quite sufficient pressure on this locality in terms of road safety and noise. It should not be added-to by business traffic.
- I have no objection to a residence at the proposed location. I object strongly to a vehicle-intensive business there.



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01662/FLL

Our ref MA

Date 7 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse, erection of an agricultural building, erection of fencing business store, formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works Land 300 Metres South East Of Distillery Cottages Milton Of Edradour for Mr Rab Robertson**

I refer to your letter dated 13 October 2017 in connection with the above application and have the following comments to make.

**Water** (assessment date – 7/11/ 17)

### Recommendation

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

### Comments

The development is for a dwelling house and agricultural development in a rural area with private water supplies (including Edradour distillery Supply) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. It should be noted that once the development is operational this Service may have statutory duties detailed in the Private Water Supplies (Scotland) Regulations 2006 to monitor the water quality. No public objections relating to the water supply were noted at the date above.

### WS00 Condition

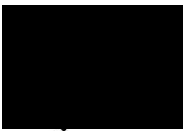
Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

### **WAYL - Informative 1**

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

### **PWS - Informative 2**

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.



# Memorandum

To Development Quality Manager From Regulatory Service Manager

Your ref PK17/01662/FLL

Our ref LJA

Date 14 November 2017

Tel No (

The Environment Service

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## Consultation on an Application for Planning Permission

**PK17/01662/FLL RE: Erection of dwellinghouse, erection of agricultural building, erection of fencing business store, formation of yard and siting of associated portable buildings, formation of vehicular accesses and associated works Land 300m south east of Distillery cottages Milton or Edradour for Mr Rab Robertson**

I refer to your letter dated 13 October 2017 in connection with the above application and have the following comments to make.

**Contaminated Land** (assessment date – 14/11/2017)

### Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.







**TCP/11/16(514) – 17/01699/FLL – Formation of decking,  
Café Tabou, 4 St John’s Place, Perth, PH1 5SZ**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 415-432***)
- (b) Decision Notice (***Pages 435-436***)
  - Report of Handling (***Pages 437-445***)
  - Reference Documents (***Pages 425-427 and 447***)
- (c) Representations (***Pages 449-454***)



**TCP/11/16(514) – 17/01699/FLL – Formation of decking,  
Café Tabou, 4 St John's Place, Perth, PH1 5SZ**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100081385-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: 1504 Architectural & Building Consultancy

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                                    |                                                      |                                             |
|----------------------|----------------------------------------------------|------------------------------------------------------|---------------------------------------------|
| Title:               | <input type="text" value="Other"/>                 | You must enter a Building Name or Number, or both: * |                                             |
| Other Title:         | <input type="text" value="Mr &amp; Mrs"/>          | Building Name:                                       | <input type="text" value="Cafe Tabou"/>     |
| First Name: *        | <input type="text" value="Marek &amp; Magda"/>     | Building Number:                                     | <input type="text" value="4"/>              |
| Last Name: *         | <input type="text" value="Michalak"/>              | Address 1 (Street): *                                | <input type="text" value="St Johns Place"/> |
| Company/Organisation | <input type="text" value="Cafe Tabou"/>            | Address 2:                                           | <input type="text"/>                        |
| Telephone Number: *  | <input type="text"/>                               | Town/City: *                                         | <input type="text" value="Perth"/>          |
| Extension Number:    | <input type="text"/>                               | Country: *                                           | <input type="text" value="United Kingdom"/> |
| Mobile Number:       | <input type="text"/>                               | Postcode: *                                          | <input type="text" value="PH1 5SZ"/>        |
| Fax Number:          | <input type="text"/>                               |                                                      |                                             |
| Email Address: *     | <input type="text" value="marek@cafetabou.co.uk"/> |                                                      |                                             |

## Site Address Details

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

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="723566"/> | Easting | <input type="text" value="311942"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## Description of Proposal

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

Installation of a temporary/removable timber effect decking structure within existing designated external seating enclosure.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to separate supporting 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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Review Appeal - Supporting Document Original Supporting statement Proposed Plans Decking material - manufacturers information

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01699/FLL

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

28/09/2017

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

07/11/2017

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr David Martin

Declaration Date: 18/01/2018



**LOCAL REVIEW BODY APPEAL – SUPPORTING DOCUMENT**

Client - Mr & Mrs Michalak

Site Address – Cafe Tabou, 4 St Johns Place, Perth, PH1 5SZ

Project – Installation of temporary/removable decking surface for external designated seating area

We wish to sight matters raised in the delegated officer's recommendations for refusal as follows:-

1. The proposal is contrary to Policy RC1.

The planning officer has stated neither in the delegated report that “nor is the proposal an attractive addition to the restaurants frontage...”

We feel that this is statement as to whether the proposal is “attractive” or not, is formed simply on the officer's opinion of the proposal. This of course is not the opinion of the client whom has seriously considered how they foresee the frontage of their own premises developing prior to submitting the application.

2. The proposal is contrary to Policy HE3A

The report recommendation for this policy was that the use of non traditional materials and unsympathetically covering the granite paving identified within Perth Central Conservation Appraisal as high quality material which contribute to the character of the area.

By virtue of the fact that the materials proposed are not traditional timber, however they are a composite board, manufactured to give the impression/aesthetic that they are timber. Furthermore, the continued reference throughout the delegated report to the use of 'plastic' which was initiated in the conservation officers consultation report, somewhat gives a misleading and devalued impression as to the type of materials and aesthetic finish the client is aspiring to achieve.

Reference to “unsympathetically covering” or obscuring the granite pavements. It should be noted, that the presence of external cafe furniture, enclosures, planters etc along the length of the cafe quarter in St John Place have set a clear precedence in obscuring the pavements from the sight of the passing public, this can be viewed from any perspective whilst looking along the pedestrian area on St John's Place.

3. The proposal is contrary to Policy PM1A

The report states that the proposal by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area.

Also noted was that “the proposed decking however does not contribute positively to the character of the place by virtue of its mass, plastic design and height from the pavement, which erodes the visual amenity of the place.

The client believes the addition of the decking to create an external terrace area, is in fact an attractive addition to the visual amenity which would contribute to setting cafe Tabou apart from other restaurants and eateries in the vicinity.

With regards to its mass – the decking will be contained fully within the existing enclosure. Giving little or no impression that the decking is present until you are upon Tabous seating area.

Again the repeated use of ‘plastic’ has been referred to again in this statement. Deferring away from the high quality composite timber effect boarding which has been proposed.

Height from the pavement – The height has been within requirements in order to comply with any building standard regulations which have to be met and also offer unassisted wheelchair access from through the restaurant. This step will only be apparent in the 1500mm wide pedestrian opening on the front elevation of the seating enclosure.

4. The proposal is contrary to Policy PM1B(c)

The delegated report states "the proposal is of an appearance, non traditional material and finish which does not complement its surroundings in a conservation area nor the setting of listed buildings, and is of a scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road.

It acknowledged that the client is proposing the use of non traditional materials. However as set out in the original supporting statement. This particular material was chosen that the aesthetic will require little maintenance and as such have the same high quality appearance after 5 years as it has after installation.

With regards to its scale and mass, as stated previously the proposal will be fully contained within the existing external seating enclosure, its addition having little or no apparent additional impact on the visual amenity. It is to be site constructed as previously proposed in 4 sections that they can be uplifted or removed at little or short notice depending the on the circumstances. Also easily accessible hatches have been proposed directly above existing manhole covers.

As such unless works were of an emergency nature all other works required to access and maintain the footpath would require a statutory 28 day notification period by the contractor to PKC before commencement. Given such a notice period and the nature of the decking structure, The client would have significant time to clear the designated seating area for PKC roads contractors to commence.



## **SUPPORTING STATEMENT**

Client - Mr & Mrs Michalak

Site Address – Cafe Tabou, 4 St Johns Place, Perth, PH1 5SZ

Project – Installation of temporary/removable decking surface for external designated seating area

### **Background**

Cafe Tabou is a long established restaurant premises situated in the cornerstone of what is locally known as the 'Perth Cafe Quarter' located at the east end of St John Place cornering onto Kirkgate.

The restaurant currently enjoys the benefits of a designated external seating area of approximately 45m<sup>2</sup> on the south elevation facing onto the historic St John's Kirk, similar to that of the other adjacent licensed premises on St John's Place.

Cafe Tabou currently has removable glazed screens which delineate and enclose the designated external seating area allocated to the restaurant from the public footpath and also the seating areas of adjacent premises at No. 6 St John Place.

The clients are seeking an opportunity to not only further invest in the future of Cafe Tabou but also invest in the city centre of Perth, by enhancing the visual quality and appeal of their premises to potential customers in creating an Urban Garden Terrace type environment.

Furthermore, they have a vision that the external enclosed seating be enhanced to sustain a year round use and not only in the typical summer months from April – September. For example - during the Perth Winter Festival when a number of outdoor activities and events are held throughout the city centre attracting large numbers of the public from both inside the city and from further afield, the external seating area at Cafe Tabou utilising patio heaters, extended the awning, together with the proposed decking surface, glazed enclosure and perimeter planters - collectively can be viewed by passing members of the public to offer something appealing and inviting, where patrons can comfortably sit outdoors to enjoy refreshments and food regardless of the climate.

It is appreciated that the premises is situated within Area 1 of the Perth Conservation Area, and great care has been taken to ensure appropriate materials & colours etc are selected to harmonise with the immediate surrounding environment whilst maximizing the positive impact brought to the premises itself, furthermore, with the long awaited City Hall redevelopment likely to commence in 2019 or thereby and further streetscape works similar to those at Mill Street adjacent to The Concert Hall a possibility, the client is visualising a vibrant, busy environment for their business. Therefore in enhancing their own premises' street appeal, they aim to contribute to the overall growth and appeal which the city of Perth is striving to develop and attract to the public.



Cafe Tabou – As currently viewed from St John's Place/  
Kirkgate junction.

### Design Principles

The proposed all weather decking is intended to be one component in a collective aesthetic to create the overall street appeal which the client is striving to achieve.

As with the glazed screens currently in place, the decking is deemed to be a temporary feature with no physical mechanical fixings into the public footpath on which it is to be situated and can be removed at short notice as and when required. This will be created by installing a pre templated timber joists which will be prefabricated from 4no. framed sections for ease of site assembly and also disassembly. This will be placed on levelling shims on DPC (to protect the timber framing) onto the existing footpath and the decking board will then be mechanically fixed in place to the timber sub frame only, effectively creating a floating deck within the perimeter of the existing enclosure.

Decking boards are proposed to be 21mm x 137mm solid core UPM Profi Deck Lifecycle hardwood 'woodgrain' effect composite boards incorporating a UPM alu rail spacing bar between boards.



Typical example of proposed UPM Profi decking.

This particular decking is designed and manufactured to be low/zero maintenance, incurring none of the greying which occurs in real wood decks, thus preventing the aesthetic tiring over time, or periodic recoating of boards.

The boards provide a high impact scratch resistant finish which is equally suitable for use in both wet (slip resistant) and dry conditions.

The visual impact of decking is intended to be minimised greatly not only by the glazing screens already in place, but removable planters are intended to be laid around the perimeter of the screen which will also offer a greater sense of comfort & privacy to patrons whilst enjoying the alfresco experience. Furthermore the deck will stand at a maximum height of no more than 170mm from the existing footpath level. A single step approximately 1100mm wide will be situated centrally on the frontage of the enclosure at the current entry point directly to/from the public footpath. Accessible entry will be available to and from the deck can be obtained via the main entrance of the restaurant by way of the French doors currently on the south elevation.

It should be noted that there are 2no. Inspection chambers situated within the current seating area. In order that immediate access is available to these 24 hours a day, easily accessible hatches are to be located in the decking directly above the chamber lids.

### Public Involvement

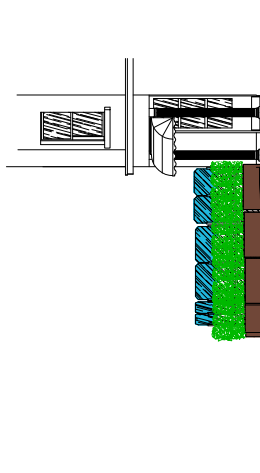
Whilst considering the project, the client canvassed many of their existing clientele and members of the public for initial feedback to gauge the commercial viability of the proposals. The overwhelming response was generally a positive one, with many hoping that it could piloted during this winters festivities.

With this in mind the client has pre appointed reputable local contractors Meldrum Construction Ltd to undertake the aforementioned works at the earliest permissible date that their business can hopefully be given the opportunity to fully contribute to the experiences and atmosphere of the upcoming events in the town centre in the coming winter months and well into the future.

This architectural floor plan shows a house with a central hallway. On the left side, there is a large living area with a fireplace and a large window, and a dining area with a table and chairs. On the right side, there is a kitchen with a sink and a stove, and a bathroom. The plan also includes several bedrooms and a central hallway with a door leading outside. The drawing is a black and white line drawing with hatching used for shading.

[illegible]

**2019-2020**



Public Footpath 2140mm wide

Public Stand  
(St Johns Place)

Public Entrance to Restaurant Deck

Public Entrance to Restaurant

max. 170mm step up

Proposed Public Seating (Temporary/Removable)

MIN FOOTPATH WIDTH

Seating area shall not encroach on the public footpath/road

Scale 1:50

**Typical photographic example of proposed decking**

[illegible]

|           |                                                     |
|-----------|-----------------------------------------------------|
| Client    | Cafe Tabou                                          |
| Project   | Proposed Temporary Decking to External seating Area |
| Address   | Cafe Tabou, 4 St Johns Place Perth                  |
| Dwg Title | Proposed Plans & Elevations                         |
| Scale     | 1:50/100                                            |
| Dwg Date  | Sept 2017                                           |
| Sheet     | 1 of 1                                              |







# Luxurious hardwood looks that last

## **UPM ProFi Lifecycle: The real hardwood composite decking**

UPM ProFi Lifecycle decking has the same luxurious look as a real hardwood deck, and yet will keep its looks year after year with minimal maintenance.





**Luxurious hardwood look & feel**

**Superior stain resistance**

**Ultra-durable core**

**Zero degree incline possible**

**High impact strength**

**Good friction, wet or dry**

**Recycled and recyclable**

Part of the beauty of a hardwood deck comes from the subtle mix of colour tones and hues. No single board is exactly alike. The same is true of UPM ProFi Lifecycle's rainforest collection where darker streaks blend with rich hardwood colours to provide a luxurious natural surface. Unlike many "wood look" composite decks which use rice husks or softwood, UPM ProFi Lifecycle is one of the few to use real oak. The hardwood fibres are heat treated, and then fully encapsulated with polymer to achieve UPM ProFi's double protection standard: a stain resistant surface and an ultra-durable core.

designed  
made **in USA**

UPM ProFi Lifecycle is manufactured in Arkansas, USA. With a heritage stretching back to 1988, the production and development team have unrivalled experience in composite technology. Decks installed in US coastal locations in the early 1990s are still performing well and offer living proof of the "on the ground, in the ground and under water" performance.



Luxurious hardwood  
look and texture

Consistent  
core & surface material  
enabling edge profiling

UPM ProFi Lifecycle S2, Walnut / Annecy, France

UPM ProFi Lifecycle S2, Tigerwood / Hamburg, Germany

## UPM ProFi Lifecycle S2 and S1: The classic hardwood look & feel

To the touch, UPM ProFi Lifecycle S2 and S1 have a natural feel. As the composite material is consistent from core to surface, the boards may be cut and profiled with beautiful results. During the first six months after installation, UPM ProFi Lifecycle weathers to its long term natural look. The surface will similarly recover if subsequently scratched or marked.

UPM ProFi Lifecycle S2 is designed for both residential and harder wearing public decks. Its two-sided profile features a natural wood grain surface on both sides. UPM ProFi Lifecycle S1 is designed for residential use only with one natural wood grain surface. The UPM ProFi Lifecycle range is available in a mix of variegated and solid natural colours.



|                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| <b>TCP/11/16(514) – 17/01699/FLL – Formation of decking,<br/>Café Tabou, 4 St John’s Place, Perth, PH1 5SZ</b> |
|----------------------------------------------------------------------------------------------------------------|

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant’s submission, see pages 425-427)*



# PERTH AND KINROSS COUNCIL

Mr And Mrs Marek And Magdalena Michalak  
c/o 1504 Architectural And Building Consultancy  
David Martin  
Bishops Well Cottage  
Dalguise  
Dunkeld  
PH8 0JX

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 7th November 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01699/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 28th September 2017 for permission for **Formation of decking Cafe Tabou 4 St John's Place Perth PH1 5SZ** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy RC1 of the Perth and Kinross Local Development Plan (2014) which seeks to ensure the encouragement of Class 2 & 3 development (e.g. restaurant use) in ground floor units which contribute to the character of the retail area and provides an attractive shop frontage treatment. The proposal does not positively contribute to the character of the retail area by virtue of its placement, design, material finish and consequentially nor is the proposal an appropriate addition to the restaurant's frontage resulting in non-compliance with criterion (c).

2. The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure development within a Conservation Area will preserve or enhance its character or appearance with appropriate design, materials, scale and siting of a new development. The proposal is not in keeping with the local character of the conservation area due to the use of non-traditional materials and unsympathetically would cover a section of granite paving, identified within the Perth Central Conservation Area Appraisal as a high quality material which contributes to the character of the area.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment, whilst respecting the character and amenity of the place. The proposal, by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area. The proposal is not an appropriate addition to the local context within the conservation area or settings of listed buildings.
4. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that all proposals are of a design and density which complements its surroundings in terms of appearance, height, scale, massing, materials, finished and colours. The proposal is of an appearance, non-traditional material and finish which does not complement its surroundings in a conservation area nor the settings of listed buildings, and is of a scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road.

### **Justification**

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

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

### **Plan Reference**

**17/01699/1**


**17/01699/2**

**17/01699/3**



## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                                                                                   |              |
|------------------------|-----------------------------------------------------------------------------------|--------------|
| Ref No                 | 17/01699/FLL                                                                      |              |
| Ward No                | P12- Perth City Centre                                                            |              |
| Due Determination Date | 27.11.2017                                                                        |              |
| Case Officer           | Andrew Rennie                                                                     |              |
| Report Issued by       | AR                                                                                | Date 7/11/17 |
| Countersigned by       |  | Date 7/11/17 |

**PROPOSAL:** Formation of decking

**LOCATION:** Cafe Tabou 4 St John's Place Perth PH1 5SZ

#### 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:** 10 October 2017

#### SITE PHOTOGRAPHS





Clockwise from top left – Outdoor seating area existing east elevation, south elevation and floor space.

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site relates to Café Tabou, a ground floor restaurant located in Perth's City Centre which is part of a category C listed building (HBNUM: LB39601 - St John's Place, 4 & 29 Kirkgate). The property is located in a prime economic and pedestrianised area of Perth which was granted approval for the formation of an outdoor seating area however was refused the installation of an awning to create a covered seating area. Full planning permission is now sought for the formation of decking within this outdoor seating area. Planning permission is not for a temporary period as the proposal has not been identified as temporary within the application form and will be dealt on the basis of this being a permanent permission.

The footprint of the deck is approximately 44 square metres and is raised 170mm from the public footpath level and 90mm from the restaurant's finished floor level, addressing the slight incline.

## **SITE HISTORY**

97/01696/FUL Change of use from glaziers shop/office to licensed cafe bar at 19 February 1998 Application Permitted

98/00179/FUL Change of use of re-aligned pavement to licensed pavement cafe bar and change window to french doors at 30 March 1998 Application Permitted

00/00444/ADVLB Installation of 2 no retractable canopies to St Johns Place elevation of bistro at 23 May 2000 Application Permitted

05/01234/FUL Formation of outdoor seating area and screens 28 September 2005 Application Permitted

05/01352/LBC Formation of outdoor seating screens and awning canopy 22 September 2005 Application Withdrawn

12/00693/FLL Removal of canopy and installation of weather resistant awning 11 June 2012 Application Refused

12/00694/LBC Removal of canopy and installation of weather resistant awning 11 June 2012 Application Refused

13/00784/FLL Installation of a temporary awning and front and side screens 5 July 2013 Application Withdrawn



## **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 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 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 RC1 - Town and Neighbourhood Centres**

Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

#### **Policy PM2 - Design Statements**

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which



exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

#### **Policy HE3A - Conservation Areas**

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

#### **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.

### **OTHER POLICIES AND GUIDANCE**

#### **Perth Central Conservation Area Appraisal 2008**

A conservation area appraisal is a management tool which helps to identify the special interest and changing needs of an area. It serves as supplementary guidance to the Local Development Plan. The appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and can enable the local authority to fulfil its statutory duties to protect and enhance that particular area.

#### **Scottish Historic Environment Policy 2016**

This document, produced by Historic Environment Scotland provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

### **CONSULTATION RESPONSES**

Consultation was sent to Historic Environment Scotland in relation to the effect on Category A listed building St John's Kirk (HBNUM: LB39300, St John's Place, St John Street. No response was received.

An internal consultation was received from the Conservation Officer which highlights concern over the cumulative visual clutter, inclusive of the existing screens and planters, which the proposed plastic decking would have on the



immediate area. Further, the placement of decking was considered to obscure the high quality granite paving streetscape.

An internal consultation was received from the Transport Planning officer which highlights concern that the proposed structure, outwith the applicant's ownership and responsibility, cannot be moved easily to allow access in the event of an emergency and thus impeding the Council's statutory duties to inspect and maintain the public road upon which the proposal is sited.

## **REPRESENTATIONS**

None at the time of the report.

## **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

Policy RC1 encourages restaurant and café ground floor use provided they contribute to the character, vitality and viability of the retail area and satisfy the relevant criteria. The use of pavement areas for restaurant/café/bar uses is also acceptable in the prime retail area provided such uses do not adversely affect pedestrian flows and fit with design guidance.



The proposal does not comply with Policy RC1 in respect of the decking's location within the designated pavement area, albeit for continued restaurant use, as the decking is not of a practical design for the Council to carry out statutory duties nor does it complement or enhance the character of the conservation area, despite discussion within the design statement, as set out by Policy PM2, supporting its quality and design practicalities.

Policy HE3A supports development within a conservation area which preserves or enhances its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

The proposal neither enhances nor complements the character of the conservation area due to the cumulative effect mentioned above and by covering the granite paving, identified as a quality surface within the Perth Central Conservation Area appraisal.

Policy PM1A on Placemaking seeks to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.

The immediate local area is populated by various items of street furniture associated to each business, including the restaurant in question, to create an open-air experience. The proposed decking however does not contribute positively to the character of the place by virtue of its mass, plastic design and height from the pavement which erodes the visual amenity of the place.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria. The criteria which are of particular relevance to the proposal from Policy PM1B are: (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

The proposed decking, in light of the above criteria, does not complement its immediate surrounds or street character therefore does not comply with Policy PM1B.

Overall, the proposal does not comply with all of the policies listed and appraised in this section.

#### **Design and Visual Amenity**

The design statement makes reference that prefabricated decking joists would be installed on four framed sections, topped with plastic decking boards. Although the structure as a whole is not to be affixed into the granite paving, the structure would be permanently sited as planning permission is not sought for a temporary period. Additionally, it is noted within the design statement that the moveable decking is part of a business vision for the outdoor seating area to sustain year-round use which alludes to permanence.



The addition of a permanent structure within the existing outdoor seating area would add to localised visual clutter and pose functional impracticalities with no added economic benefit to the business. Furthermore, the proposal is detrimental to the visual amenity and character of the local area, also located within a conservation area.

### **Roads and Access**

With particular reference from internal consultee comments, access to service manholes underneath the proposed decking would not be easily accessible. The proposal's design incorporates hatches for this purpose however it is considered that the proposed structure would be constructed in a way which cannot be moved or disassembled easily in the event of an emergency, especially with dining furniture placed on top as an added factor.

The proposal's design and layout would impede Perth & Kinross Council's statutory duties in the accessing, inspection and maintenance of the public road upon which the proposal is to be sited.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

The economic impact of the proposal is not applicable to this application.

### **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 comply with the approved TAYplan 2016 and 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**

1. The proposal is contrary to Policy RC1 of the Perth and Kinross Local Development Plan (2014) which seeks to ensure the encouragement of Class 2 & 3 development (e.g. restaurant use) in ground floor units which contribute to the character of the retail area and provides an attractive shop frontage treatment. The proposal does not positively contribute to the character of the retail area by virtue of its placement, design, material finish and consequentially nor is the proposal an attractive addition to the restaurant's frontage resulting in non-compliance with criteria (c).
2. The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure development within a Conservation Area will preserve or enhance its character or appearance with appropriate design, materials, scale and siting of a new development. The proposal is not in keeping with the local character of the conservation area due to the use of non-traditional materials and unsympathetically would cover a section of granite paving, identified within the Perth Central Conservation Area Appraisal as a high quality material which contributes to the character of the area.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. The proposal, by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area. The proposal is not an appropriate addition to the local context within the conservation area or settings of listed buildings.
4. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that all proposals are of a design and density which complements its surroundings in terms of appearance, height, scale, massing, materials, finished and colours. The proposal is of an appearance, non-traditional material and finish which does not complement its surroundings in a conservation area nor the settings of listed buildings, and is of a scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road.

**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**

Not Applicable.

**Procedural Notes**

Not Applicable.

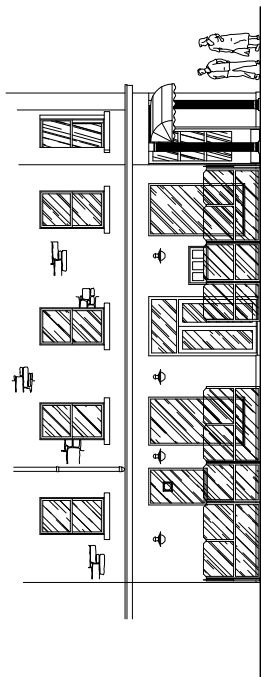
**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01699/1, 17/01699/2, 17/01699/3

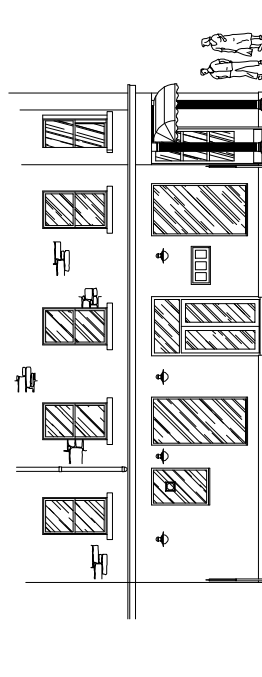
**Date of Report**

7.11.17

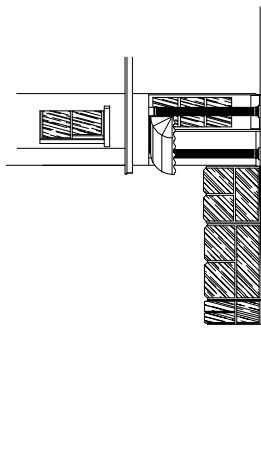




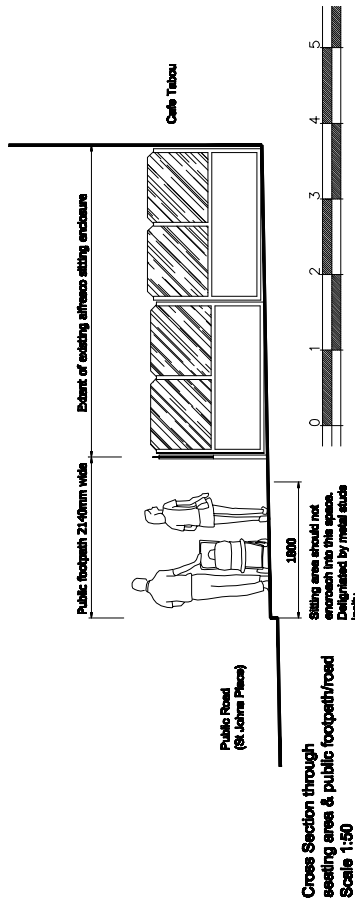
Street Elevation - South  
St Johns Place (inc removable glazing screens)  
scale 1:100



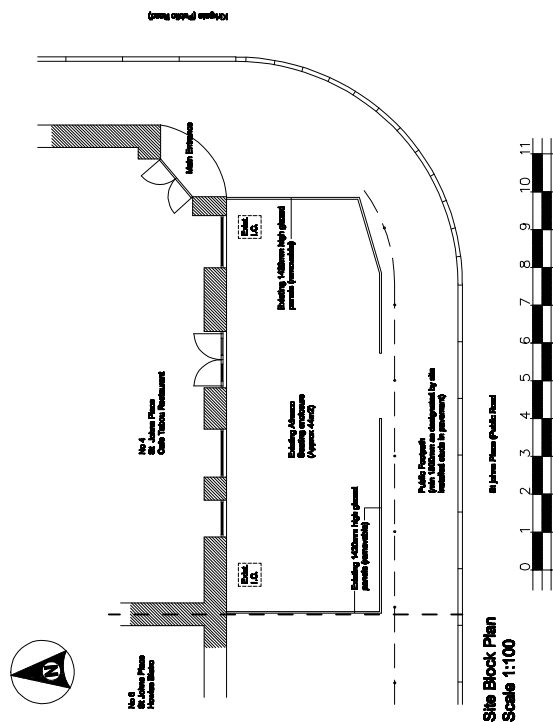
Street Elevation - South  
St Johns Place (section through seating area)



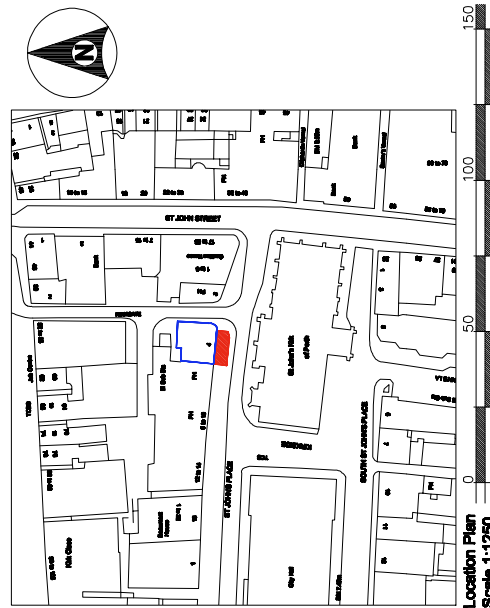
Street Elevation - East  
Kirkgate



Cross Section through  
seating area & public footpath/road  
Scale 1:50



Site Block Plan  
Scale 1:100



Location Plan  
Scale 1:1250

ISO4

ARCHITECTURAL & BUILDING CONSULTANCY  
Bishops Well Cottage, Dalgluise, Dunkeld, Perthshire, PH8 0JX  
email:marini1904@gmail.com Tel:07740373820

|          |                                                     |
|----------|-----------------------------------------------------|
| Client:  | Cafe Tabou                                          |
| Project: | Proposed Temporary Decking to External seating Area |
| Address: | Cafe Tabou, 4 St Johns Place Perth                  |
| Drawn:   | Sept 2017                                           |
| Scale:   | 1:50/100/1250                                       |





**TCP/11/16(514) – 17/01699/FLL – Formation of decking,  
Café Tabou, 4 St John's Place, Perth, PH1 5SZ**

## **REPRESENTATIONS**



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |               |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| <b>Planning Application ref.</b>                | 17/01699/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Diane Barbary |
| <b>Service/Section</b>                          | Conservation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Contact Details</b>      | [REDACTED]    |
| <b>Description of Proposal</b>                  | Formation of Decking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |               |
| <b>Address of site</b>                          | Café Tabou, 4 St John's Place, Perth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |               |
| <b>Comments on the proposal</b>                 | <p>Café Tabou forms the ground floor to the category C listed corner tenement at 4 St Johns Place and 29 Kirkgate (LB 39601). The property is in the historic core of Perth, within the Perth Central Conservation Area.</p> <p>I note the existing seating enclosure; one of a number of outside seating areas for bars and cafes in the vicinity. Given the sensitivity of the area, however, any new additions should be appropriate to its historic character.</p> <p>The proposed plastic decking would, in conjunction with the existing glazed screens, increase the visual clutter in close proximity to the category A listed St John's Kirk, and would obscure the high quality granite paving.</p> <p>While the decking is described as temporary, it would give the impression of a more permanent installation than the existing outdoor seats, screens and planters. Its appearance would be incongruous in the context of the historic character of this part of the conservation area and the existing high quality streetscape works.</p> |                             |               |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |               |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |               |
| <b>Date comments returned</b>                   | 11/10/17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |               |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                     |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/01699/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | ██████████<br>████████████████████  |
| <b>Description of Proposal</b>                  | Formation of decking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                     |
| <b>Address of site</b>                          | Cafe Tabou, 4 St John's Place, Perth, PH1 5SZ, for Cafe Tabou                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                     |
| <b>Comments on the proposal</b>                 | <p>Insofar as the Roads matters are concerned I must object to the proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>• Area of static decking structure to be constructed is within a footway that forms part of Perth &amp; Kinross Council's list of public roads. Thus making it an asset that must be protected and maintained. It is out with the applicant's area of control and responsibility and is located on an area of high amenity stone.</li> <li>• Statutory Undertakers have the right to inspect and maintain their apparatus. In the event of an emergency this structure cannot be moved easily to allow access.</li> <li>• It will impede the discharging of Perth &amp; Kinross Council's statutory duties under the Roads Scotland Act 1984 to inspect and maintain the list of public roads.</li> </ul> |                             |                                     |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                     |
| <b>Date comments returned</b>                   | 19 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                     |





**TCP/11/16(515) – 17/01488/FLL – Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 457-484***)
- (b) Decision Notice (***Pages 487-488***)
  - Report of Handling (***Pages 489-497***)
  - Reference Documents (***Pages 475-482***)



**TCP/11/16(515) – 17/01488/FLL – Installation of  
replacement windows, Woodend Cottage, Fairmount Road,  
Perth, PH2 7AW**

**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 SIMON PARKINSON + RACHEL LETBY

Address WOODEND COTTAGE  
FAIRMOUNT ROAD  
PERTH

Postcode PH2 7AW

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name WOODSIDE PARKER KIRK ARCHITECTS

Address 37 FERRY ROAD  
EDINBURGH

Postcode EH6 4AF

Contact Telephone 1 07523 963 395

Contact Telephone 2

Fax No

E-mail\* ADMIN@WOODSIDE PARKER - KIRK.CO.UK

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

Yes ☒ No ☐

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

Planning authority

PERTH + KINROSS

Planning authority's application reference number

17/01488/FLL

Site address

WOODEND COTTAGE, FAIRMOUNT ROAD, PERTH, PH2 7AW

Description of proposed  
development

REPLACEMENT OF EXISTING WINDOWS

Date of application

12/9/17

Date of decision (if any)

20/10/17

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:

FURTHER SUBMISSION REQUIRED TO CLARIFY AND RESPOND TO POINTS DETAILED IN THE DELEGATED REPORT. A SITE INSPECTION WOULD GIVE A BETTER UNDERSTANDING OF THE SITE, ITS CONTEXT AND THE LOCATION OF THE PROPOSED REPLACEMENT WINDOWS

**Site inspection**

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

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

ACCESS TO THE PROPERTY + GROUNDS WOULD BE THROUGH A PRIVATE GATE



**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 STATEMENT WHICH INCLUDES FURTHER DETAILS ON:-

- CHARACTER OF BUILDING
- IMPACT ON THE AREA
- SURROUNDING CONTEXT
- WINDOW DETAILING AND SPECIFICATION
- PLANNING POLICIES

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.

FURTHER DETAILS ON THE PROPERTY AND ITS CONTEXT IN RESPONSE TO COMMENTS BY THE APPOINTED OFFICER

**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.

SUPPORTING STATEMENT  
 REVIEW STATEMENT  
 EXISTING + PROPOSED ELEVATIONS  
 EXISTING WINDOW DETAIL  
 LOCATION + SITE PLANS  
 PHOTOGRAPHS  
 PROPOSED WINDOW DETAILS

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:

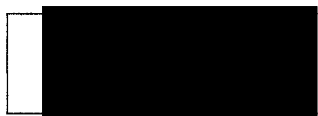
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

18/01/18

8<sup>th</sup> January 2018

### Woodend Cottage – Proposal: Installation of replacement windows

Our application for permission to change a number of windows at Woodend Cottage was recently declined. We wish to appeal against that decision for reasons described in the following text.

#### 1.0 Character of the Building

In the Delegated Report it states that:

*“the house has three main character areas; the historic, linear, single storey block, the recent single storey extension and the two storey Victorian block”.*

This is a simplistic view of the property which does not consider the orientation and relationship to the street, the historic boundary wall or the second contemporary extension. Please see illustrated aerial photograph below.

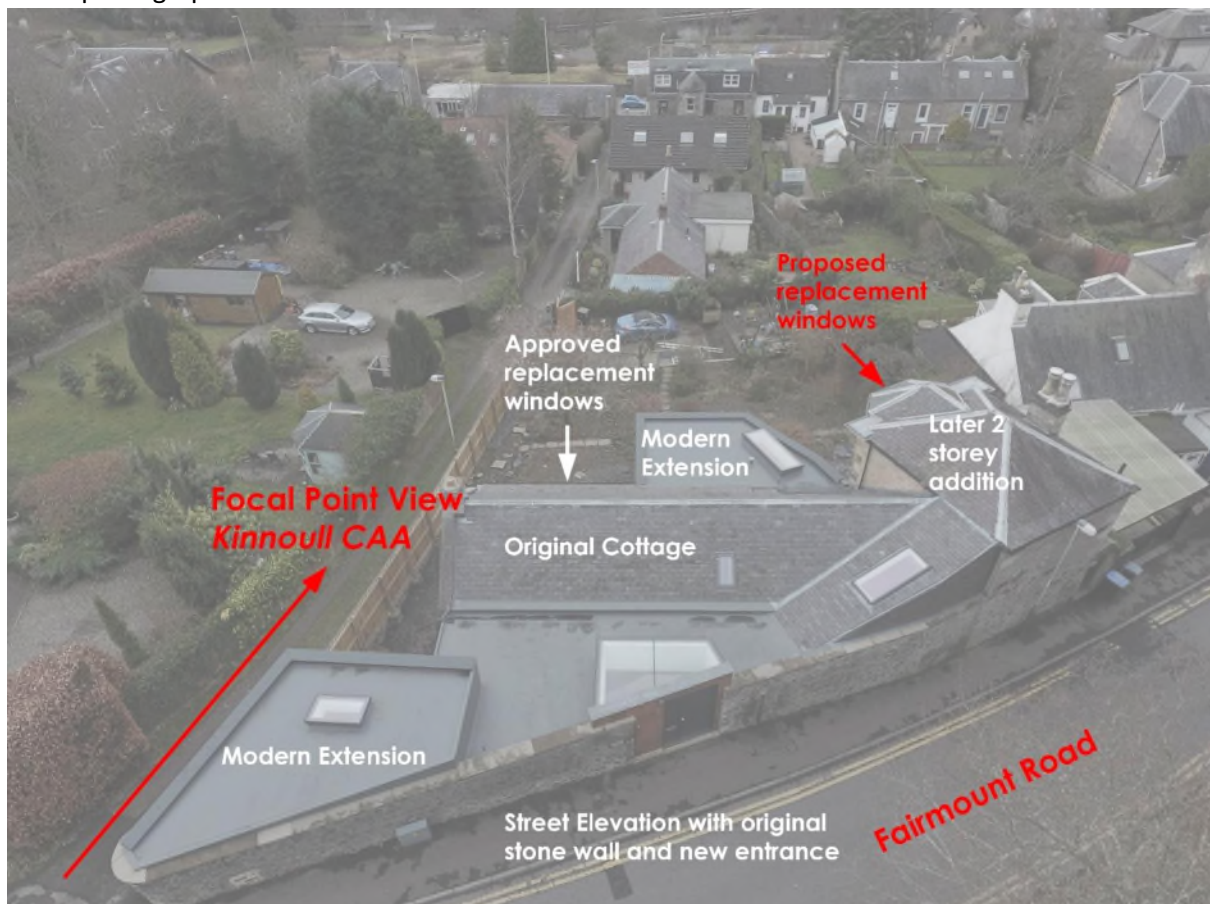


Fig 1.1 – Aerial Photograph looking West to Perth from Fairmont Road

The pre-app response (reference: 17/00497/PREAPP) makes the comment:

*“In my view, the character of the two storey block should be maintained as it has a distinctly separate character from the rest of the property”.*

However in counter argument to this, Woodend Cottage won an award in 2017 from the Dundee Institute of Architects who cited:

*“this ambitious extension connected several stand-alone buildings into one coherent house where spaces flow naturally into each other. The judges were impressed by its clever solution to a difficult design problem and the way old and new blend seamlessly together”.*

## 2.0 Impact on the Area

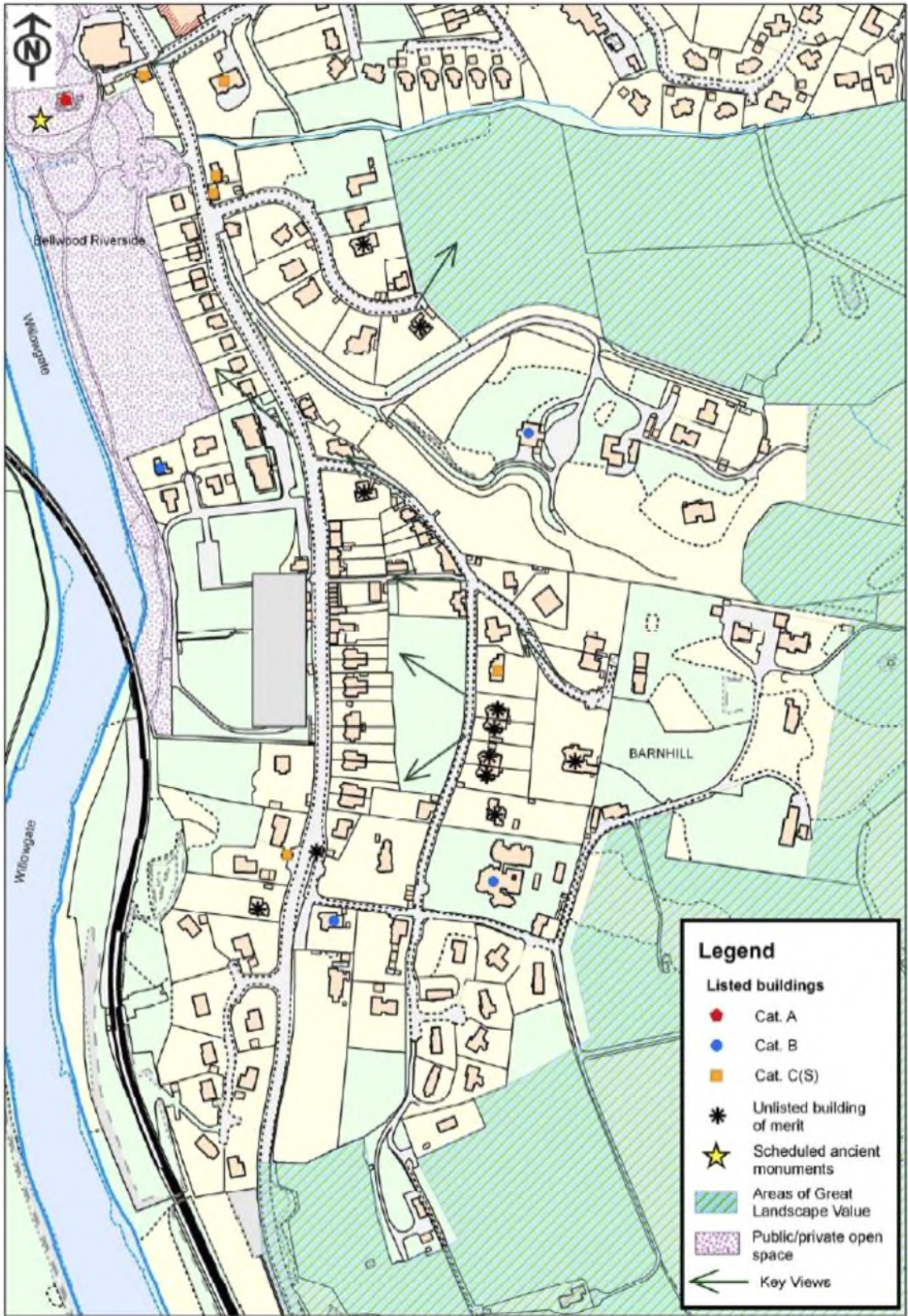
As was pointed out in the Report of Handling, 11<sup>th</sup> November 2017:

- “Woodend Cottage is an unlisted ... dwelling house”;
- “Woodend Cottage is ... a detached dwelling house”
  - so has no impact on connecting dwelling houses

Woodend Cottage is located on the lower part of Fairmount Road in the Barnhill area (Kinnoull Conservation Area Appraisal, see fig 1.2 below). The properties on this part of the street face west with little or no street frontage, most have the stone boundary wall facing onto the street, some also have carports or driveway access. Woodend has no windows facing onto Fairmount Road only the recently approved new entrance addresses the street. The ground level falls from the road down to the west and the private gardens.



Map 8: Townscape analysis - Barnhill



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Fig 1.2 Map taken from Kinnoull Conservation Area Appraisal page 11.





Fig 1.3 Enlarged extract of map taken from Kinnoull Conservation Area Appraisal page 11.

The maps above in Fig 1.2 and 1.3 from the Kinnoull Conservation Area Appraisal show Woodend Cottage in its context as well as Key Views as described by the document. The Key View relating to Woodend is clearly from Fairmount Road down the adjacent lane. The proposed window replacement has no impact on this view.



Fig 1.4 Photograph looking west down the lane past Woodend Cottage

Woodend is screened from the lane which runs along the southern boundary by a timber fence and bi fold gates, ref 15/01255/FLL (See Fig 1.4 above). The windows in question are on west elevation facing onto the garden, at the northern end of the property, furthest from the lane. The two storey element is further screened by the original cottage and the recent extension, ref 13/02340/FLL.



Visibility of this part of the property, especially the ground floor, is extremely limited. The justification for allowing the replacement of the windows on the original cottage appears to be that the new extension screens it, this part of the property is in fact much closer to the lane and therefore more visible by the public.

- “has recently undergone alterations and extensions under a previously approved planning application (Ref: 13/02340/FLL)” Delegated Report
  - This included permission for windows of the same specification as in this application
  - This permission allowed for the windows both in the new extension and the original cottage to be changed to this specification

### 3.0 Surrounding Context

Properties on upper Fairmount Road are a collection of modern dwellings in a variety of styles. Window material, detailing, construction and style also varies. These includes upvc conservatories which are quite clearly visible from the street. Along Fairmount Terrace properties are more traditional with some listed buildings. Properties to the south and west along the lane are also of varying age and style, most have render walls with upvc windows.



Fig 1.5 Looking up Fairmount Road from Woodend Cottage.





Fig 1.6 Property on upper Fairmount Road



Fig 1.7 Properties on upper Fairmount Road





Fig 1.8 Looking South along Fairmount Terrace



Fig 1.9 Properties on the Lane, Woodend is beyond these further up the hill

## 6.0 Window Detailing and Specification

The existing timber sash and case windows are not original. They have been adapted with 'modern' double glazing units as well as one of the bay windows being altered to form a door, this would not have been an original feature.

The handling report states that no details of the existing or proposed were submitted, this is not the case, drawings of both circumstances were included in the application. The current windows and door are now in a poor condition and beyond economic repair. At no point throughout the application was a conditions report for the existing windows requested, this can be submitted as required.

The architectural windows proposed are extremely high quality thermally broken aluminium windows which achieve a very high thermal performance. A great deal of work has been carried out to make Woodend Cottage a modern, efficient and award winning home. The wish is to continue this by replacing the current defective windows which are beyond repair. One of the existing timber windows has been altered in the past to form a door in the bay window.

The proposed aluminium windows are a much higher specification than inferior upvc replacements. Aluminium windows are also maintenance free and have a greater life span than a well maintained timber window.

## 5.0 Planning Policies

Reference was also made to a number of Planning Documents (Table 1). Table 1 describes our response to those points.

| Reference Document                                                  | Extract from the Reference                                                                                                       | Response                                                                                                                  |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| TAYPlan Strategic Development Plan 2016-2032, Approved October 2017 | Policy 2: Shaping better quality places "... understanding, incorporating and enhancing present natural and historic assets ..." | We would contend that the citation by the Dundee Institute of Architects demonstrates that these <u>are</u> enhancements. |

|  |                                                                            |  |
|--|----------------------------------------------------------------------------|--|
|  | Policy 3: Managing TAYplan's assets "... preferably enhances these assets" |  |
|--|----------------------------------------------------------------------------|--|

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Perth & Kinross Placemaking Guide                     | <p>“... in all cases, full details will be required before an alteration or extension proposal can be considered ... The proposed windows are of an inappropriate type ...”</p>                                                                                                                                                                                                                                                                                                                                                                                  | <p>Full details were provided when permission was sought for the refurbishment of Woodend Cottage. This included this specification of window for the original cottage. Permission was given and so a precedent was set. This proposal adheres to the precedent and would ensure that a consistent and appropriate set of windows are installed throughout Woodend Cottage.</p> |
| Perth & Kinross Local Development Plan 2014           | <p>Policy RD1 – Residential Areas: “... residential amenity will be protected and where possible, improved.... Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of the area”</p> <p>Policy PM1A – Placemaking “... contribute positively to the quality of the surrounding ...”</p> <p>Policy PM1B – Placemaking</p> <p>Policy HE3A – Conservation Areas “... must preserve or enhance its character or appearance ... should be appropriate to its appearance, character and setting”</p> | <p>Fairmount Road is a mix of modern and historic residences with a variety of styles as a consequence. Woodend Cottage is an example of melding old and new through consistent use of styles, for example: type of cladding, use of stone. An inconsistent style of window detracts from this.</p>                                                                             |
| Scottish Planning Policy 2014                         | <p>“Proposal for development within conservation areas should preserve or enhance the character and appearance for the conservation area”</p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>A consistent set of windows for Woodend Cottage would be an enhancement whilst preservation of the existing windows would be incongruous with the majority of the dwelling house.</p>                                                                                                                                                                                        |
| Managing Change in the Historic Environment - Windows | <p>“The windows of a historic building for an important element in defining its character”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Woodend Cottage is now a clearly defined coherent house - as articulated by the judges from the Dundee Institute of Architects. A set of windows that are inconsistent with the majority of the house detracts from its coherency and results in an ill defined character.</p>                                                                                               |

### Table 1

#### 7.0 Conclusion

We request that a site visit be made as we believe that this will demonstrate that Woodend Cottage is one coherent building and as a consequence, requires consistent of approach throughout the building, including window styles.

In summary, we propose that the appeal should be upheld and the windows given permission to be replaced because:

- Woodend Cottage is not listed
- Woodend Cottage is detached
- All of the windows face into the garden and have no roadside appearance
- A precedent has been set for these windows through the permission being given on an earlier planning application for windows on the original cottage
- It is one coherent building so a variation in window styles would detract from enhancing the conservation area
- The conservation area has no one style of build but consists of a variety of dwelling homes – age, building materials, windows, roofing (as evidenced by the included photographs)



## **SUPPORTING STATEMENT**

### **REPLACEMENT WINDOWS AT WOODEND COTTAGE, FAIRMOUNT ROAD, PERTH, PH2 7AW**

Approval is sought to replace the remaining timber windows with Aluminium windows to create a consistent aesthetic approach to fenestration and glazing throughout Woodend Cottage. The property has had many alterations which are a mixture of scale, proportions and architectural style.

A recent planning approval in 2013 set out to rationalise the house, adding clarity to the room layout and the architectural styling. The approved proposal allows the individual architectural elements to be interpreted, but also allows them to interact, function and flow as a single property.

As part of the works the timber windows in the original cottage were replaced with aluminium windows, the same profile and style as the windows in the new extensions. For economic reasons, the windows in the two storey element could not be replaced at that time.

The two storey part of the house is not in keeping with the original cottage both in scale and detailing, it is much more grand than the simple cottage. As the existing windows on this part of the house are now in a poor condition they need to be replaced. The new high performance windows would provide a far greater level of insulation, in line with the extensive modernisation already carried out within the property.

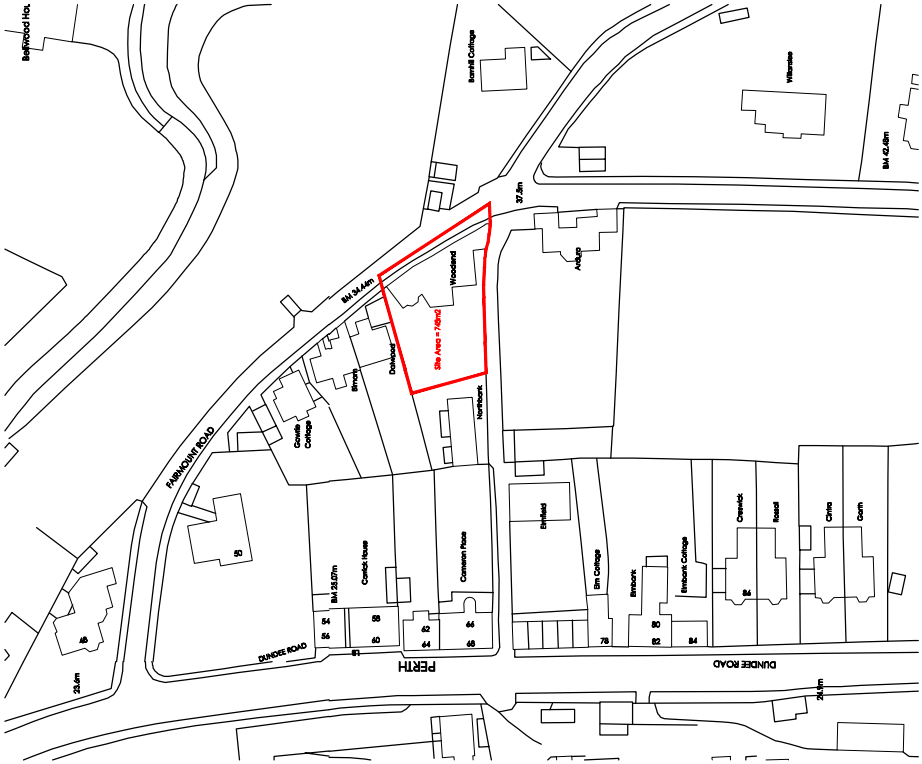
As stated previously it is important that there is a consistent thread to property by having the same windows throughout. This ties the elements of the property together rather than appearing as a collection of completely individual architectural elements. As it has already been approved for windows in the oldest part of the property to be replaced, it would be a consistent approach to replace the remaining windows in the later addition.

All windows discussed are on the west facing garden elevation and are not visible from Fairmount Road.

**Woodside Parker Kirk architects**

26/08/2016





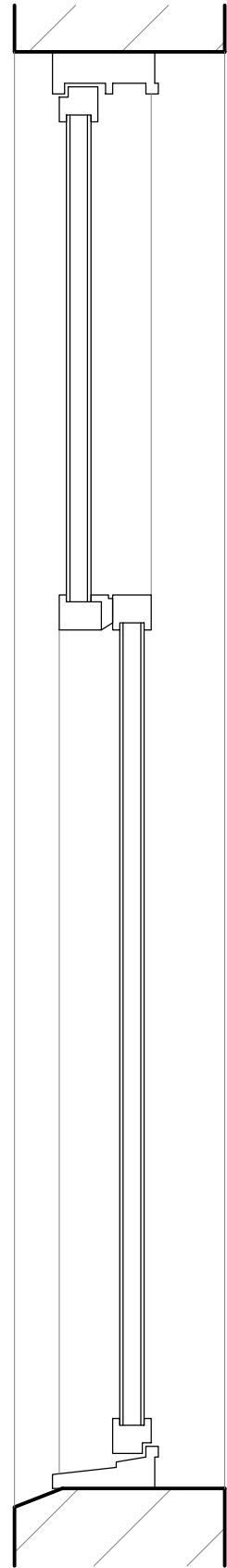
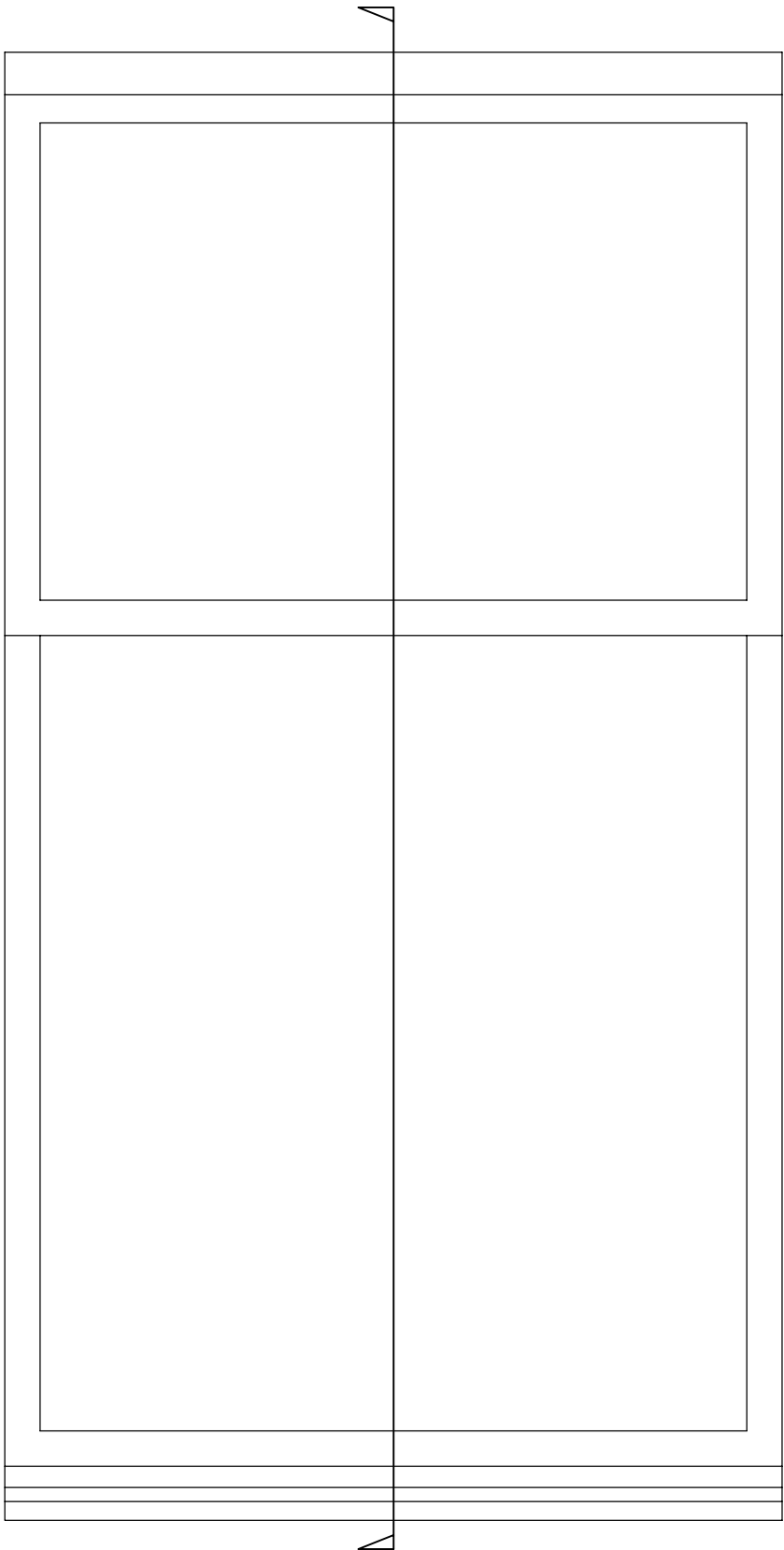


LOCATION PLAN  
Scale 1:1250





SITE PLAN  
Scale 1:200

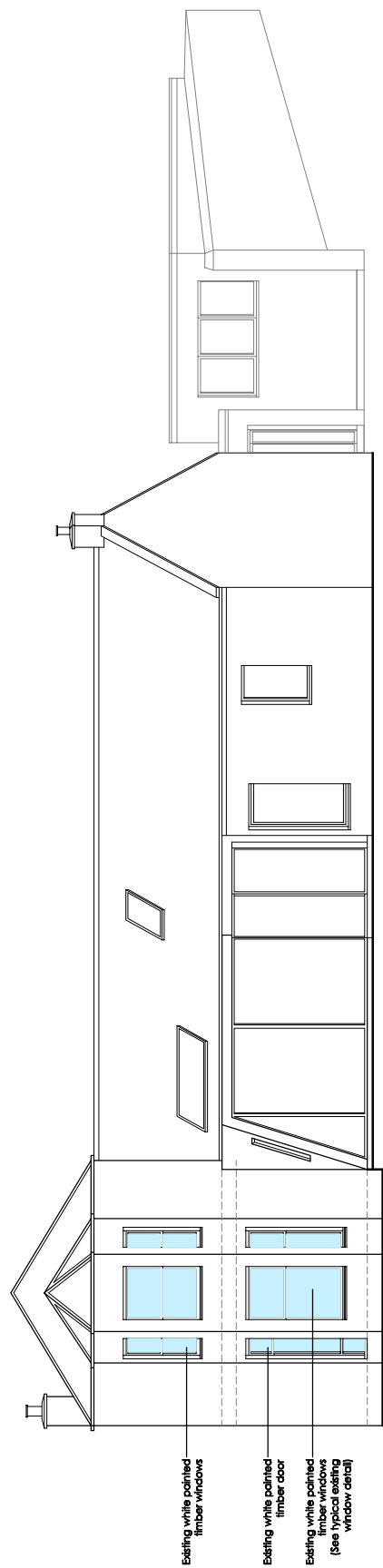
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|-----------------------------------------------------------------------------------------------------------------|----------|------|----------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <div>North</div> <div></div> | A3       | Site | Planning | Sheet     | Do Not Scale Drawing For Construction Purposes                                                                                                     | Copyright © |
|                                                                                                                 | 20-07-17 |      | Date     | Scale     |                                                                                                                                                    |             |
| LOCATION AND SITE PLANS                                                                                         |          |      |          |           | Drawing Name                                                                                                                                       |             |
| Replacement windows at Woodend Cottage,<br>Fairmount Road, Perth, PH2 7AW                                       |          |      |          |           | Rev                                                                                                                                                | Date        |
|                                                                                                                 |          |      |          |           | Amendment                                                                                                                                          |             |
|                              |          |      |          |           | Woodside Parker Kirk Ltd<br>37 Ferry Road, Edinburgh, EH4 6AF<br>07523 963 395<br>admin@woodsideparker-kirk.co.uk<br>www.woodsideparker-kirk.co.uk |             |
|                                                                                                                 |          |      |          |           | Woodside Parker Kirk architects                                                                                                                    |             |
| Mr S Parkinson and<br>Ms R Letby                                                                                |          |      | Client   | 4242 - 46 | Drawing No.                                                                                                                                        |             |



TYPICAL EXISTING WINDOW ELEVATION  
AND SECTION (1:10)

Scale 1:10 0 200 400mm

|                                                                                     |       |          |           |          |             |                                                                                      |                                                                                                                                                    |             |
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|  | North | A3       | Size      | Planning | Status      | Do Not Scale Drawing For Construction Purposes                                       |                                                                                                                                                    | Copyright © |
|                                                                                     |       | 30-07-17 | Date      | 1:10     | Scale       |                                                                                      |                                                                                                                                                    |             |
| TYPICAL EXISTING WINDOW DETAILS                                                     |       |          |           |          |             | Drawing Name                                                                         |                                                                                                                                                    |             |
| Replacement windows at Woodend Cottage,<br>Fairmount Road, Perth, PH2 7AW           |       |          |           |          |             | Project Name                                                                         | Rev    Date                      Amendment                                                                                                         |             |
|                                                                                     |       |          |           |          |             |  | Woodside Parker Kirk Ltd<br>37 Ferry Road, Edinburgh, EH6 4AF<br>07523 963 395<br>admin@woodsideparker-kirk.co.uk<br>www.woodsideparker-kirk.co.uk |             |
|                                                                                     |       |          |           |          |             |                                                                                      |                                                                                                                                                    |             |
| Mr S Parkinson and<br>Ms R Letby                                                    |       | Client   | 4242 - 48 |          | Drawing No. | Woodside Parker Kirk architects                                                      |                                                                                                                                                    |             |

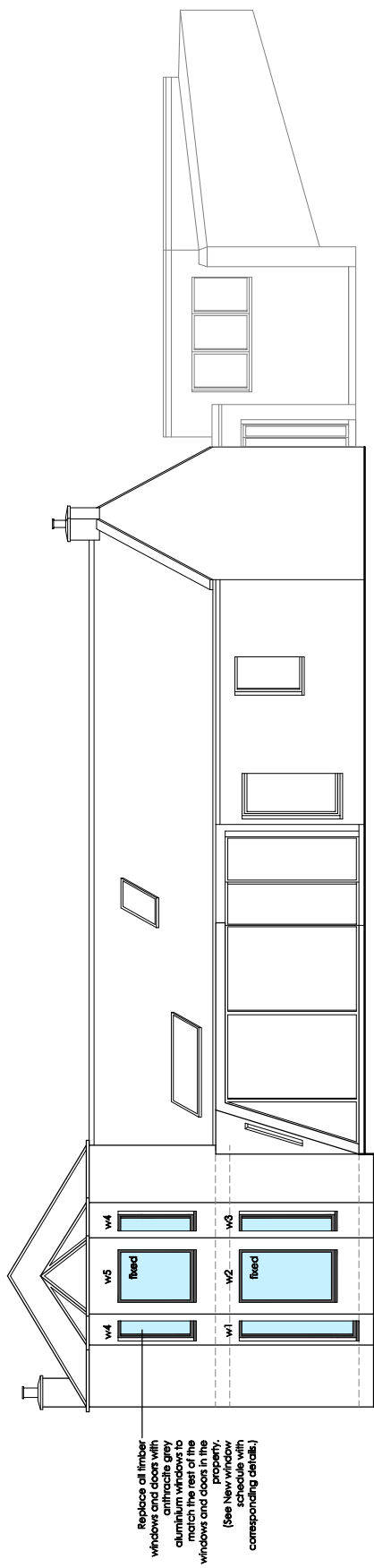


Existing white painted  
timber windows

Existing white painted  
timber door

Existing white painted  
timber windows  
(See typical existing  
window detail)


EXISTING WEST FACING GARDEN ELEVATION



Replace all timber  
windows and doors with  
anthracite grey  
aluminium windows to  
match the rest of the  
property.  
(See New Windows  
schedule with  
corresponding details.)

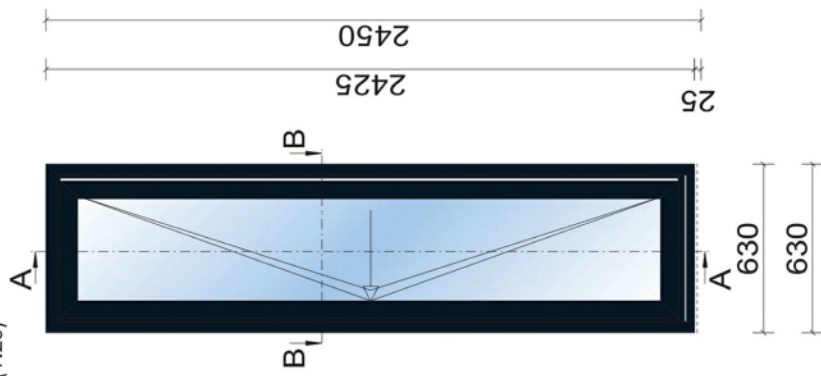
PROPOSED WEST FACING GARDEN ELEVATION

Scale 1:100 0 2000 4000mm

|                                                                                                                                                    |  |      |  |          |  |        |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--|------|--|----------|--|--------|--|
| North                                                                                                                                              |  | A3   |  | Planning |  | Status |  |
| 20-07-17                                                                                                                                           |  | Date |  | 1:100    |  | Scale  |  |
| Drawing Name                                                                                                                                       |  |      |  |          |  |        |  |
| ELEVATIONS AS EXISTING AND PROPOSED                                                                                                                |  |      |  |          |  |        |  |
| Replacement windows at Woodend Cottage,<br>Fairmount Road, Perth, PH2 7AW                                                                          |  |      |  |          |  |        |  |
| Project Name                                                                                                                                       |  |      |  |          |  |        |  |
|                                                                 |  |      |  |          |  |        |  |
| Woodside Parker Kirk Ltd<br>37 Ferry Road, Edinburgh, EH6 4AF<br>07523 963 395<br>admin@woodsideparker-kirk.co.uk<br>www.woodsideparker-kirk.co.uk |  |      |  |          |  |        |  |
| Rev      Date      Amendment                                                                                                                       |  |      |  |          |  |        |  |
| Do Not Scale Drawing for Construction Purposes      Copyright ©                                                                                    |  |      |  |          |  |        |  |

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|----------------------------------|--|--------|--|-----------|--|-------------|--|
| Mr S Parkinson and<br>Ms R Letby |  | Client |  | 4242 - 47 |  | Drawing No. |  |
| Woodside Parker Kirk architects  |  |        |  |           |  |             |  |

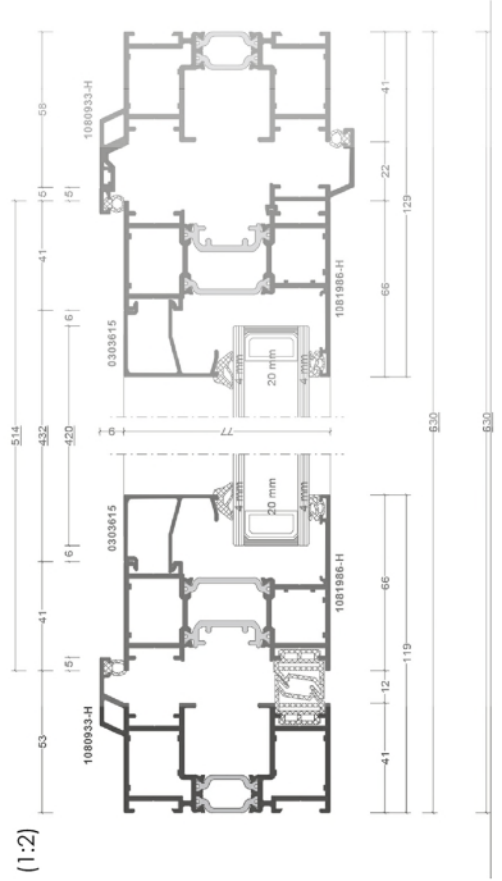
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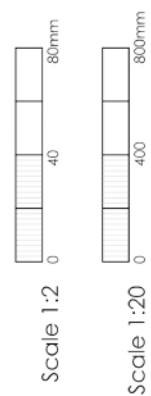
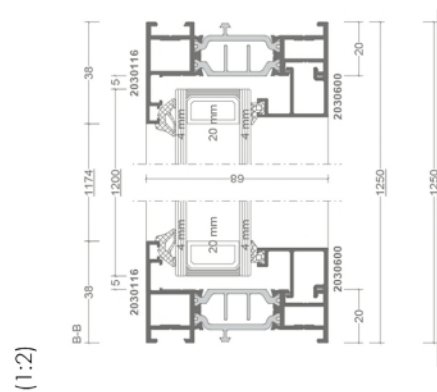
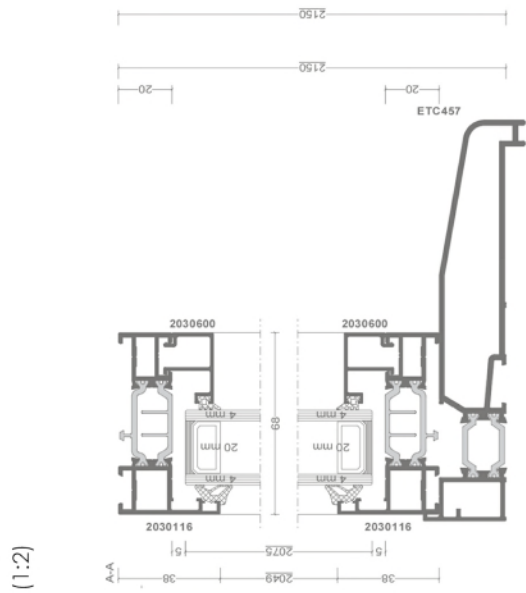
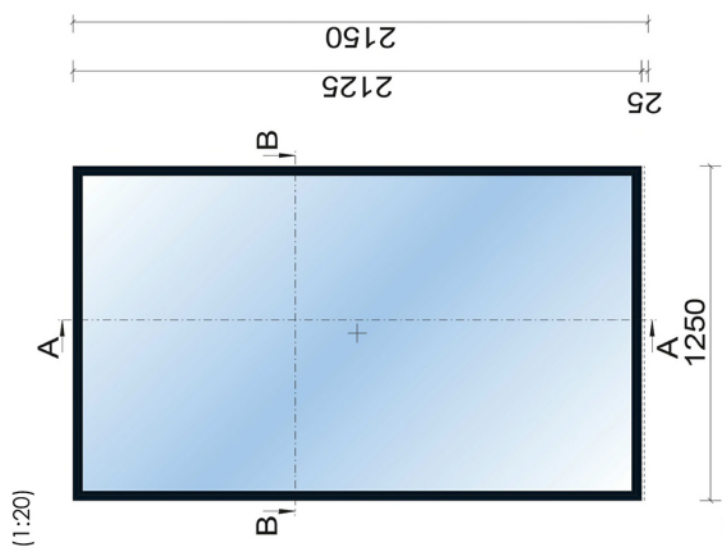


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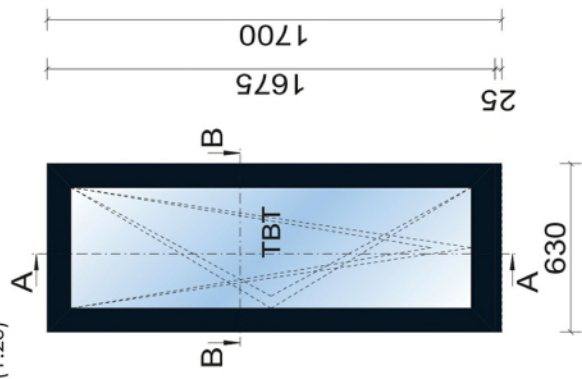
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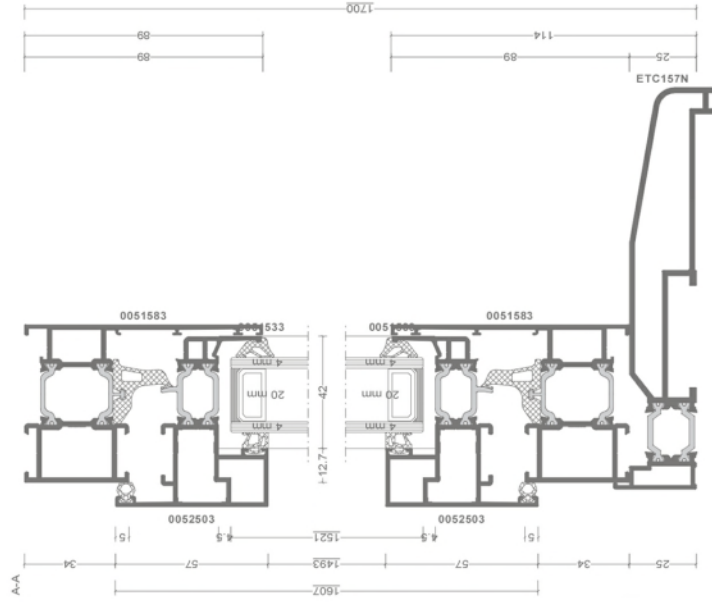




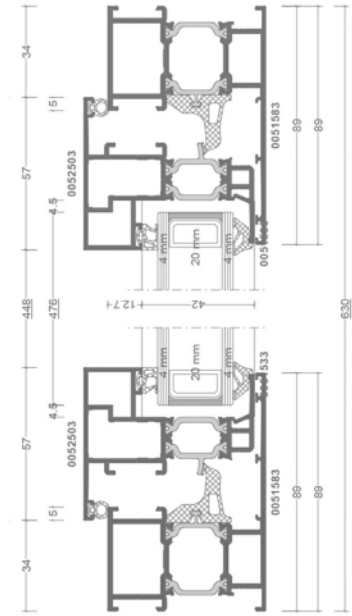
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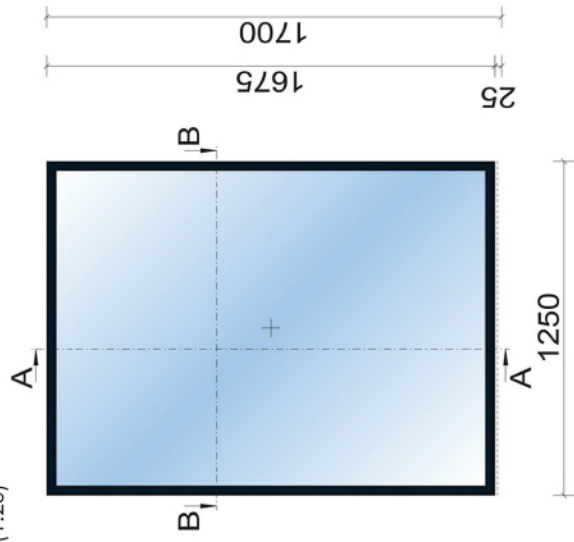


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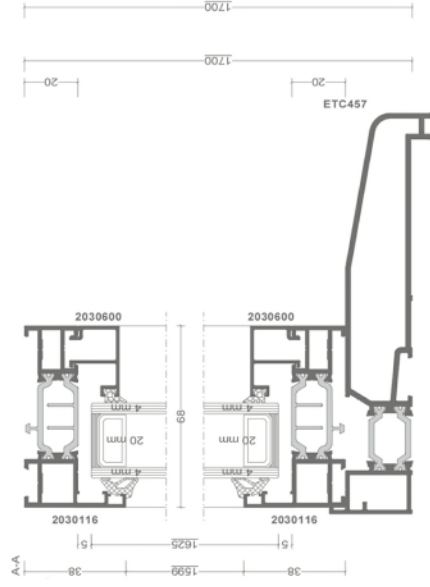
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W4

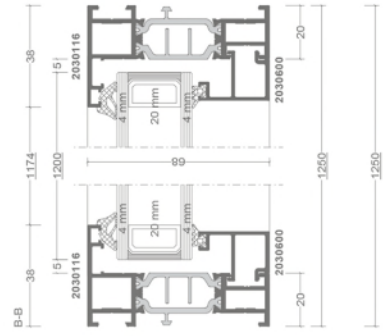
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(1:2)



Scale 1:20



Scale 1:20

W5





483



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www.woodsideparker-kirk.co.uk

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A3 Drawing

Do Not Scale Drawing For Construction Purposes

PHOTOGRAPHS  
Woodend Cottage, Fairmount Road, Perth PH2 7AW  
25.08.17

Woodside Parker Kirk architects





**TCP/11/16(515) – 17/01488/FLL – Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 475-482)*



# PERTH AND KINROSS COUNCIL

Mr Simon Parkinson  
c/o Woodside Parker Kirk Architects  
Gavin Kirk  
37 Ferry Road  
Edinburgh  
EH6 4AF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 20th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01488/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 12th September 2017 for permission for **Installation of replacement windows Woodend Cottage Fairmount Road Perth PH2 7AW** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The removal of the historic windows is not justified as it has not been demonstrated that they are beyond repair, beyond economic repair or that any attempt has been made to retain the historic windows. Approval would therefore be contrary to the Perth & Kinross Placemaking Guide, Policies PM1 and HE3 of the Perth & Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and "Historic Environment Policy Statement" 2016 and Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.

2. Notwithstanding the lack of justification for the removal of the historic windows, the proposed windows are of an inappropriate type as they do not replicate the design, appearance, proportion, opening method or astragal detail. Approval would have a detrimental impact on the character and appearance of the Conservation Area and would therefore be contrary to Policies 2 and 3 of TAYplan, the Perth & Kinross Placemaking Guide, Policies PM1 and HE3 of the Perth & Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and "Historic Environment Policy Statement" 2016 and Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.

## **Justification**

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

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

## **Plan Reference**

**17/01488/1**

**17/01488/2**

**17/01488/3**

**17/01488/4**

**17/01488/5**

**17/01488/6**

**17/01488/7**

**17/01488/8**

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                        |      |
|------------------------|------------------------|------|
| Ref No                 | 17/01488/FLL           |      |
| Ward No                | P12- Perth City Centre |      |
| Due Determination Date | 11.11.2017             |      |
| Case Officer           | Gillian Peebles        |      |
| Report Issued by       |                        | Date |
| Countersigned by       |                        | Date |

**PROPOSAL:** Installation of replacement windows

**LOCATION:** Woodend Cottage Fairmount Road Perth PH2 7AW

### 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:** 21 September 2017

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

Woodend Cottage is an un-listed detached dwellinghouse which is located on Fairmount Road, Perth. The property is located within the Kinnoull Conservation Area and has recently undergone alterations and extensions under a previously approved planning application (Ref: 13/02340/FLL). Planning permission was also obtained recently for the erection of a timber boundary fence and a pair of bi-fold vehicular access gates along the southern (side) boundary.

As part of previous planning approval 13/02340/FLL replacement windows on the original cottage were replaced with aluminium windows, the same profile and style as the windows in the new extension.

Full planning consent is now sought for replacement windows on the west facing garden elevation of the two storey element. The existing windows sought for replacement are timber framed and the proposal is to replace these with aluminium framed windows to match the remainder of the property.

## **SITE HISTORY**

13/02340/FLL            Alterations and extension (Application Permitted)

15/01255/FLL            Erection of fence and gates (Application Permitted)

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 17/00497/PREAPP

An extract of the pre-app response is provide below:

The house has three main character areas; the historic, linear, single storey block, the recent single storey extension and the two storey Victorian block. In my view, the character of the two storey block should be maintained with timber sash and case windows as it has a distinctly separate character from the rest of the property. Maintenance and repair of the windows would not require planning permission.

## **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.

### **Managing Change in the Historic Environment – Windows**

The windows of a historic building form an important element in defining its character... The contribution of the windows in a historic building to its character must be understood before considering alteration. The size, shape and proportion of a window, the reflective sparkle and irregularities of old glass, the pattern of design, the materials and details of construction, the method of opening, the finish, and associated fixtures typically contribute to the character of a historic window.

Maintenance and appropriate repair is the best means of safeguarding the historic character of a window. In almost all cases, repair of components on a like-for-like basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the window.



Where a window is beyond repair, replacements must match the original window design as closely as possible. Significant improvements in energy efficiency can be achieved by discreet draught-stripping, internal secondary glazing and use of shutters/curtains at night. Double-glazing may be acceptable either where the existing windows are beyond repair and the new windows will match the original joinery, or where it can be incorporated within the original joinery.

Where there is no alternative to the replacement of historic windows or elements of their joinery or glazing, the new elements should match the original. This should include replication of the proportion, opening method, astragal dimensions and profiles, and fixing of the glass (e.g. putty). Historic glass should be reused where this contributes to a building's character. Changes in framing materials or types of glazing (e.g. from clear glass to wired glass), the adoption of different opening methods, the insertion of extractor fans and other similar features, or the use of planted-on or sandwiched astragals should be avoided.

### **Scottish Planning Policy (2014)**

Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area (paragraph 143).

### **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2032 - Approved October 2017**

Within the approved Strategic Development Plan, TAYplan 2016, the primary policies of specific relevance to this application are Policies 2 and 3.

#### **Policy 2: Shaping Better Quality Places**

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets... and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets'.

#### **Policy 3: Managing TAYplan's Assets**

Policy 3 seeks to safeguard townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

## **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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **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 HE3A - Conservation Areas**

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

## **OTHER POLICIES**

### **Perth & Kinross Council's Placemaking Guide**

Conservation areas are places of special character where tighter controls apply over developments in order to protect the recognised importance of the existing buildings within or immediately adjacent to the conservation area. These areas may include a space or a street of a settlement, a group of buildings around a space or street of particular townscape merit. Extensions and alterations which might be permitted elsewhere can be unacceptable in conservation areas.

Successful development within conservation areas and within the curtilage of listed buildings depends on the quality of the detailing and materials used. In all cases, full details will be required before an alteration or extension proposal can be considered.

The proposed windows are grey aluminium framed which do not reflect the historic windows in terms of their material and detailing. The proposed windows are of an inappropriate type as they do not replicate the material, design, appearance, proportion, opening method or astragal detail.

Unlisted buildings in conservation areas.

Existing historic windows and doors should be retained and repaired where possible. Replacement historic windows and doors in conservation areas should match the originals as closely as possible in design, detail, materials and opening mechanism.

## **Historic Environment Policy Statement 2016 (replacement of SHEP)**

This policy statement is a document to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent for buildings of all three categories and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment.

## **CONSULTATION RESPONSES**

None required

## **REPRESENTATIONS**

None at time of report.

## **ADDITIONAL INFORMATION RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environmental Impact Assessment (EIA)                         | Not Required |
| Screening Opinion                                             | Not Required |
| EIA Report                                                    | 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

In accordance with Section 65 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997 the application has been advertised in the Local Press as potentially affecting the character or appearance of a conservation area and a site notice has been erected at the site on 21 September 2017.

The determining issues in this case are:- the statutory requirement under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area; whether the proposal complies with the development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

### **Policy Appraisal**

The site is located within the settlement boundary of Perth where Policies RD1: Residential Areas, Policy PM1A and B: Placemaking and HE3: Conservation Areas are directly applicable. Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area. Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place, whilst Policy HE3 seeks to ensure that proposals protect and enhance the Conservation Area. The proposal development is not considered to comply with the above policies for the reasons stated elsewhere in this report.

### **Design, Visual Amenity and Impact on Conservation Area**

The existing dwellinghouse has three main character areas; the historic, linear single storey cottage, the recent single storey extension and the two storey Victorian block. The windows within the new extension are grey aluminium framed and as part of the new extension, replacement windows were also installed in the single storey cottage to match. This part of the dwellinghouse is largely hidden by the new extension and is read independently from the traditional 2 storey element. The remaining two storey Victorian villa has traditional timber sash and case windows, painted white

The application proposes replacement of the 5 historic timber sliding sash and case windows and one door on the west facing (garden elevation) of the two storey Victorian block.

Timber sash windows have a very long life if they are well made, using good quality materials, correctly installed and properly maintained. Many have been in place for at least 100 years, in some cases for considerably longer, and continue to give good service.

Those which are defective are often capable of repair, and this is always preferable to replacement (and frequently much less expensive).

Modern draught-stripping systems are available which now make it possible to deal quickly and effectively with windows which rattle or are draughty. Often double glazing can be installed into the existing frames where this does not result in the loss of historic glass.

Where it is shown that the existing windows are not repairable, or are incapable of economic repair, then replacement windows may be allowed. However, replacements will be required to match the material, design, proportion, opening method, astragal dimensions and profiles, and fixing of the existing historic windows.

In order to make a full and proper assessment of the proposal the replacement of historic windows requires being justified giving consideration as to whether or not they are repairable or are incapable of economic repair.

In this case, no condition survey has been provided with the application for assessment, nor have comparative costings associated with the maintenance and repair of the historic windows, set against the cost of their replacement.

The submission therefore fails to justify the removal of the historic windows.

The proposed windows are grey aluminium framed which do not reflect the historic windows in terms of their material and detailing. The proposed windows are of an inappropriate type as they do not replicate the material, design, appearance, proportion, opening method or astragal detail. This would be entirely unacceptable, even if there was sufficient justification for the removal of the historic windows, as it would adversely affect the historic interest of the building and the character and appearance of the Conservation Area. There are timber framed double glazed windows which would be of a fine enough detail that would be supported in this instance if there was sufficient justification for their removal.

The supporting statement submitted within the application stipulates the two storey part of the house is not in keeping with the original cottage in scale and detailing and it is important to have consistency throughout the property by having the same windows which would tie the elements of the property together rather than appearing as a collection of completely different architecture elements.

In response to the supporting statement submitted, the new extension features a contemporary design in order to provide a contrast between the existing historic character of the property and the new addition, thereby providing differential architectural elements. The design of the extension although modern and contrasting in nature, is sympathetic to the character of the original traditional house and the use of appropriate materials allows the traditional two storey and subsequent enlargements to be “read” separately.

In my view, the contemporary extension has been purposely designed and constructed to read separately and the character of the two storey block should be maintained with timber sash and case windows as it has a distinctly separate character from the rest of the property, which was the original intention.

As such it is not considered to be a justification for over-riding planning policies at both a national and local level in order to replace the windows in this case.

Accordingly, with insufficient justification for the removal of the existing windows and inappropriate proposed windows, I am unable to offer my support of the application.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and 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**



## **Conditions and Reasons for Recommendation**

1. The removal of the historic windows is not justified as it has not been demonstrated that they are beyond repair, beyond economic repair or that any attempt has been made to retain the historic windows. Approval would therefore be contrary to the Perth & Kinross Placemaking Guide, Policies PM1 and HE3 of the Perth & Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and " Historic Environment Policy Statement" 2016 and Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.
2. Notwithstanding the lack of justification for the removal of the historic windows, the proposed windows are of an inappropriate type as they do not replicate the design, appearance, proportion, opening method or astragal detail. Approval would have a detrimental impact on the character and appearance of the Conservation Area and would therefore be contrary to Policies 2 and 3 of TAYplan, the Perth & Kinross Placemaking Guide, Policies PM1 and HE3 of the Perth & Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and " Historic Environment Policy Statement" 2016 and Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.

## **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**

17/01488/1  
17/01488/2  
17/01488/3  
17/01488/4  
17/01488/5  
17/01488/6  
17/01488/7  
17/01488/8

**Date of Report 17 October 2017**



|                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------|
| <b>TCP/11/16(516) – 17/01447/FLL – Alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE</b> |
|--------------------------------------------------------------------------------------------------------------------------|

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 501-512***)
- (b) Decision Notice (***Pages 515-516***)
  - Report of Handling (***Pages 517-524***)
  - Reference Documents (***Pages 511-512 and 525***)
- (c) Representations (***Pages 527-530***)



**TCP/11/16(516) – 17/01447/FLL – Alterations and extension  
to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100063632-002

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                       |                            |                                                      |                  |
|-----------------------|----------------------------|------------------------------------------------------|------------------|
| Company/Organisation: | Joanna Lockhart, Architect |                                                      |                  |
| Ref. Number:          |                            | You must enter a Building Name or Number, or both: * |                  |
| First Name: *         | Joanna                     | Building Name:                                       |                  |
| Last Name: *          | Lockhart                   | Building Number:                                     | 28               |
| Telephone Number: *   | 01592 840771               | Address 1 (Street): *                                | Gamekeepers Road |
| Extension Number:     |                            | Address 2:                                           | Kinnesswood      |
| Mobile Number:        |                            | Town/City: *                                         | Kinross          |
| Fax Number:           |                            | Country: *                                           | Scotland         |
|                       |                            | Postcode: *                                          | KY13 9JR         |
| Email Address: *      | me@joannalockhart.co.uk    |                                                      |                  |

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |         |                                                      |            |
|----------------------|---------|------------------------------------------------------|------------|
| Title:               | Mrs     | You must enter a Building Name or Number, or both: * |            |
| Other Title:         |         | Building Name:                                       | Balnagowan |
| First Name: *        | Arlene  | Building Number:                                     |            |
| Last Name: *         | Kennedy | Address 1 (Street): *                                | Aberargie  |
| Company/Organisation |         | Address 2:                                           |            |
| Telephone Number: *  |         | Town/City: *                                         | Perth      |
| Extension Number:    |         | Country: *                                           | Scotland   |
| Mobile Number:       |         | Postcode: *                                          | PH2 9NE    |
| Fax Number:          |         |                                                      |            |
| Email Address: *     |         |                                                      |            |

## Site Address Details

|                                                                       |                           |
|-----------------------------------------------------------------------|---------------------------|
| Planning Authority:                                                   | Perth and Kinross Council |
| Full postal address of the site (including postcode where available): |                           |
| Address 1:                                                            | Balnagowan                |
| Address 2:                                                            | Aberargie                 |
| Address 3:                                                            |                           |
| Address 4:                                                            |                           |
| Address 5:                                                            |                           |
| Town/City/Settlement:                                                 | Perth                     |
| Post Code:                                                            | PH2 9NE                   |

Please identify/describe the location of the site or sites

|  |  |
|--|--|
|  |  |
|--|--|

|          |        |         |        |
|----------|--------|---------|--------|
| Northing | 715781 | Easting | 316121 |
|----------|--------|---------|--------|

## Description of Proposal

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

Alterations and extension to existing dwelling house

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Refer to 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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Statement of justification for review

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01447/FLL

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

30/08/2017

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

30/10/2017

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Ms Joanna Lockhart

Declaration Date: 22/01/2018





Joanna Lockhart  
Architect

28 Gamekeepers Road  
Kinnesswood  
Kinross  
KY13 9JR  
Tel: 01592 840771

e-mail: [me@joannalockhart.co.uk](mailto:me@joannalockhart.co.uk)  
[www.joannalockhart.co.uk](http://www.joannalockhart.co.uk)

### **Notice of Review for Balnagowan, Aberargie, Perth, ref 17/01447/FLL**

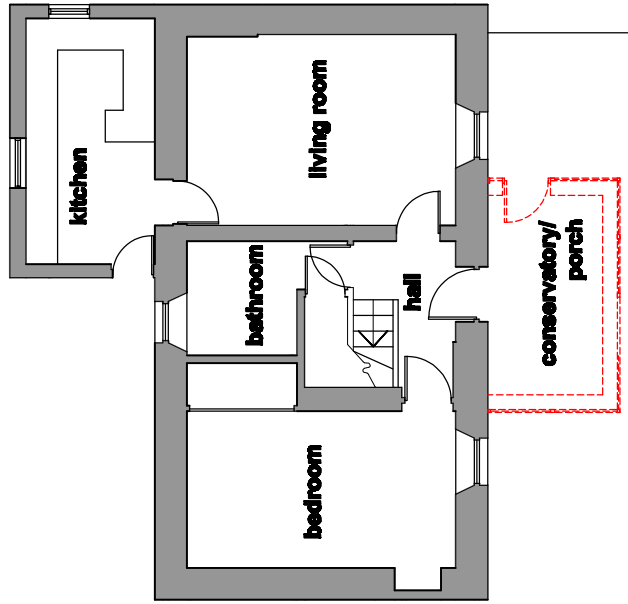
This application seeks to appeal against the refusal of planning consent for a replacement porch at Balnagowan, Aberargie. The planning application concerned the replacement of an existing sunroom to the front of the building.

The existing sunroom has come to the end of its useful life, and is a flat roofed structure, tacked onto the front of the existing traditional cottage, which also has a flat roofed dormer extending along its full width to the front. The proposed replacement porch would be 0.8m wider than the existing porch and 2 m longer. It would have a pitched roof and stone walls and would tie in with the existing one, particularly in terms of the roof, which would be natural slate with a fairly steep pitch, which would reinforce and enhance the character of the original house and lessen the impact of the existing, rather incongruous, flat roof dormer.

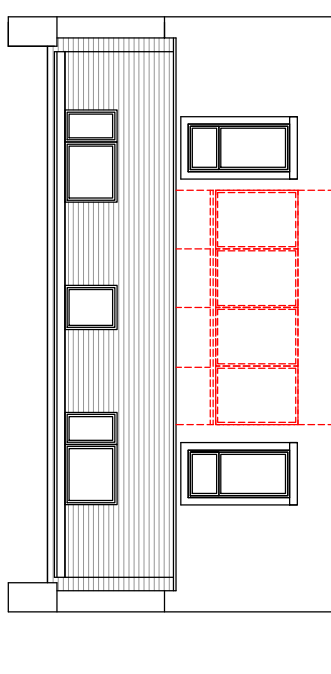
The cottage is located rurally, along a dead end lane with 3 other cottages. It cannot be seen from the front from either of the 2 nearby main roads (A912 and A913). It does not form part of a streetscape in the usual sense and for this reason, it is felt that the Development Plan guidelines for a property in a street in a town or village should not apply as the property is simply part of a small cluster of rural houses. Furthermore, the house next door to this one has a much larger conservatory, also to the front and there have been no objections from neighbours.

In summary, it is felt that the proposed replacement porch would in fact greatly enhance the appearance of this house, as well as its necessary functionality, by being more in keeping with the original house's appearance as well as enhancing the rural aesthetic of the area. Traditional cottages and farmhouses often have large porches to the front. This proposal, though increasing the existing footprint by a small proportion, is modest in scale, and would create a balanced and harmonious design.

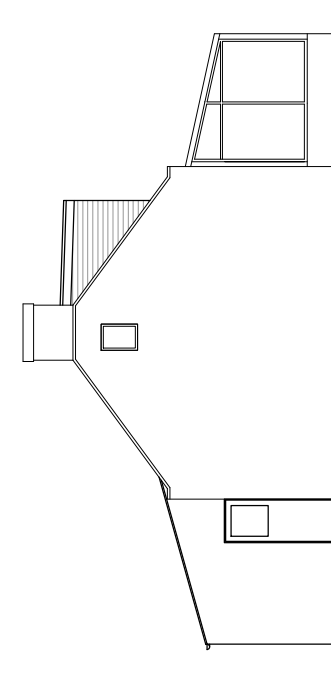




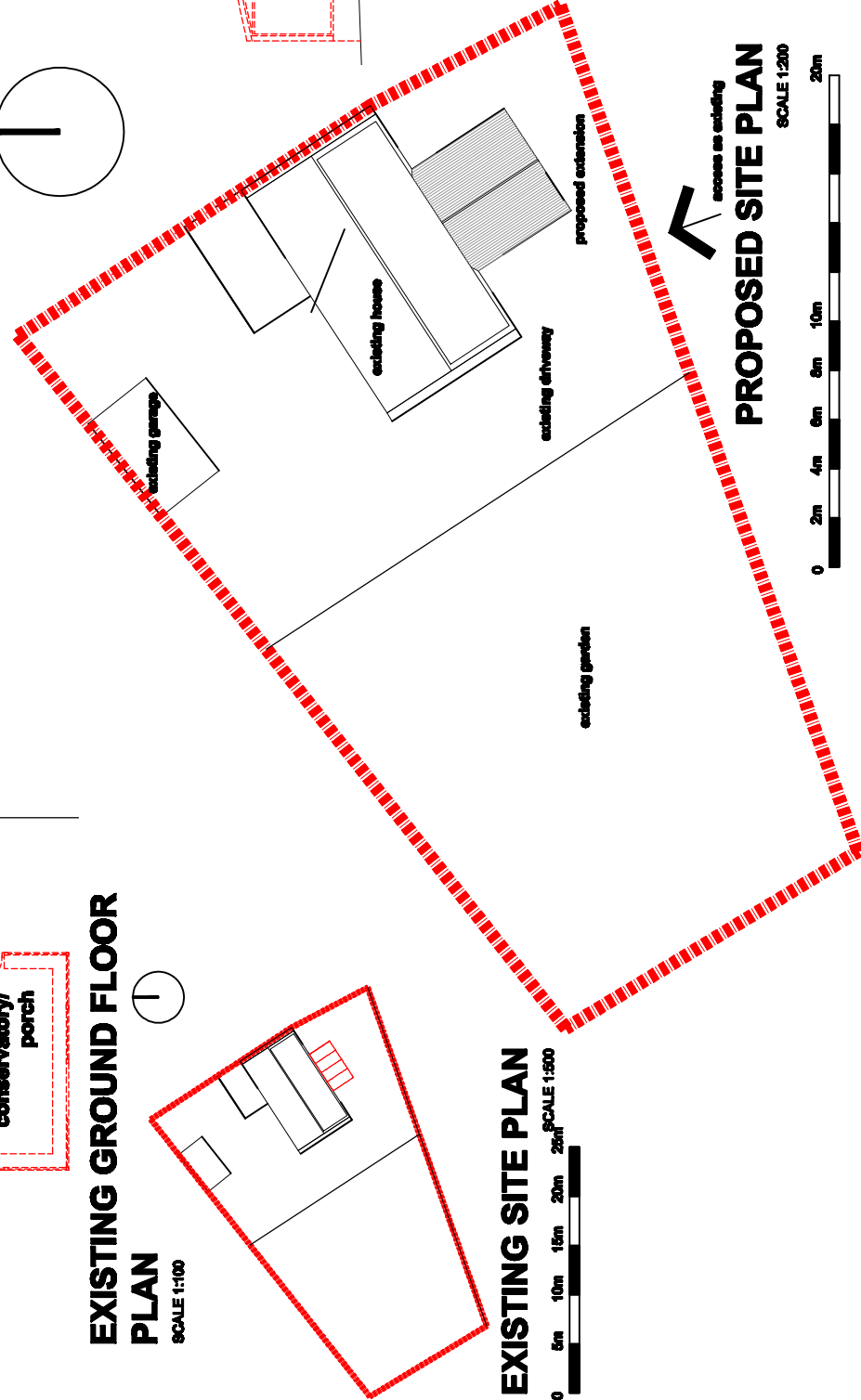
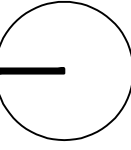
**EXISTING GROUND FLOOR PLAN**  
SCALE 1:100



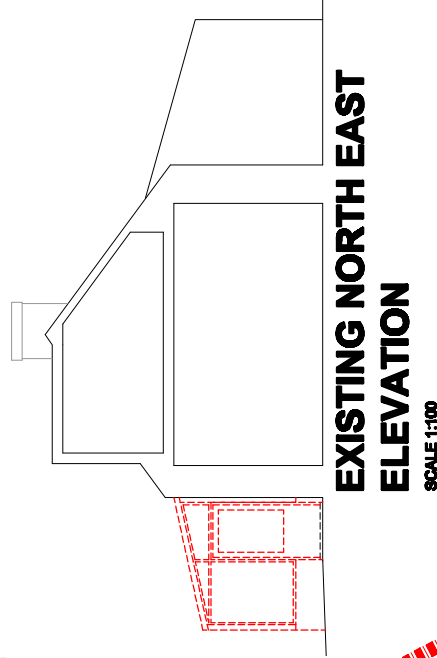
**EXISTING SOUTH EAST ELEVATION**  
SCALE 1:100



**EXISTING SOUTH WEST ELEVATION**  
SCALE 1:100



**PROPOSED SITE PLAN**  
SCALE 1:200



**EXISTING NORTH EAST ELEVATION**  
SCALE 1:100



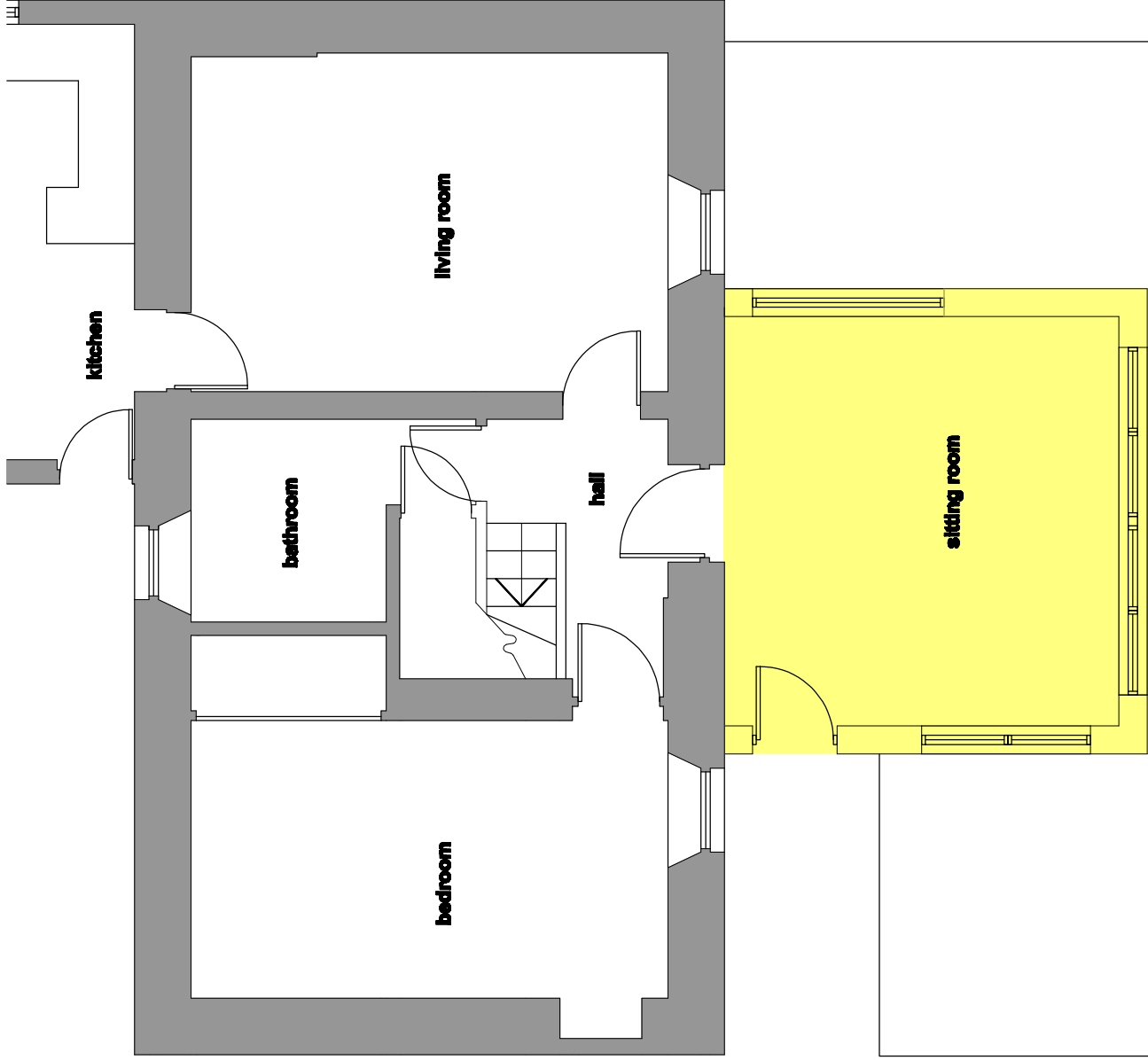
**EXISTING SITE PLAN**  
SCALE 1:500

**planning**

**joanna lockhart:architect**

28 Cambridge Road  
Kilnwood, KY13 5JR  
Tel: 01852 846771  
e mail: me@joannalockhart.co.uk

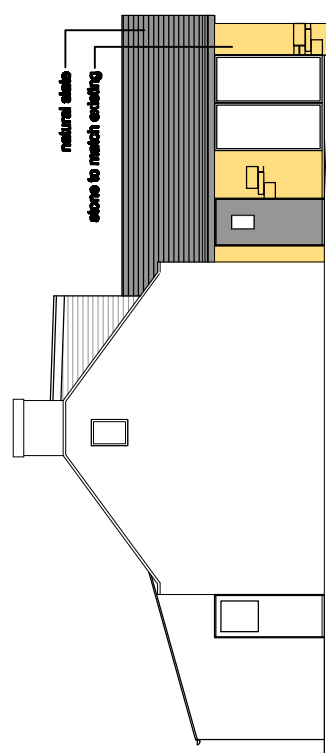
Project Name : Proposed Extension to Balmagowan, Alesbury  
Client : Ariane Kennedy  
Drawing Name : Existing Ground Floor plan and Elevations.  
Proposed Site Plan.  
Scale : 1:100, 200  
Date: Aug17  
Drawing No: 0971/01  
Revised: B



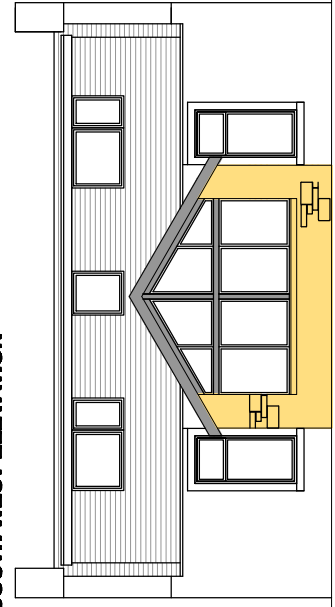
proposed extension

# PROPOSED PART GROUND FLOOR PLAN

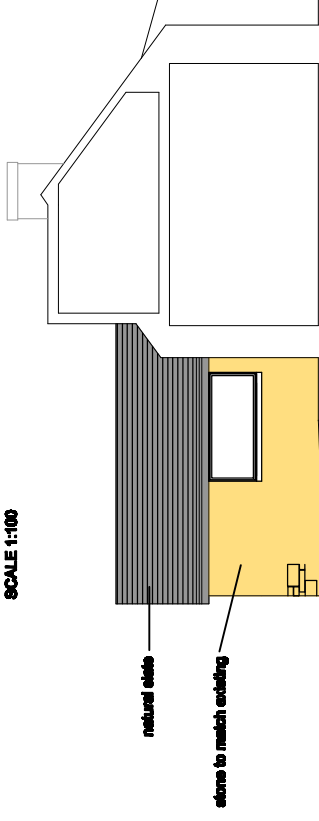
SCALE 1:50  
 0 1m 2m 3m 4m 5m



PROPOSED SOUTH WEST ELEVATION  
 SCALE 1:100



PROPOSED SOUTH EAST ELEVATION  
 SCALE 1:100



PROPOSED NORTH EAST ELEVATION  
 SCALE 1:100

0 1m 2m 3m 4m 5m 10m

**joanna lockhart:architect**

28 Gamblepans Road  
 Kinnearwood, KY13 5JR  
 Tel: 01852 846771  
 e mail: me@joannalockhart.co.uk

Project Name : Proposed Extension to Balmagowan, Alesample  
 Client : Arlene Kennedy  
 Drawing Name : Proposed Part Ground Floor plan, Proposed Elevations  
 Scale : 1:50, 100  
 Date: Aug17  
 Drawing No: 0071/02

Revised: C

planning

**TCP/11/16(516) – 17/01447/FLL – Alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, see pages 511-512)*





# PERTH AND KINROSS COUNCIL

Mrs Arlene Kennedy  
c/o Joanna Lockhart, Architect  
Joanna Lockhart  
28 Gamekeepers Road  
Kinnesswood  
Kinross  
Scotland  
KY13 9JR

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 30th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01447/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 August 2017 for permission for **Alterations and extension to dwellinghouse Balnagowan Aberargie Perth PH2 9NE** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposed development by virtue of its scale and unbalanced design, is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policies RD1, PM1A and PM1B (c and d) of the Perth and Kinross Local Development Plan 2014.

### Justification

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

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

**Plan Reference**

**17/01447/1**

**17/01447/2**

**17/01447/3**

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/01447/FLL        |      |
| Ward No                | P9- Almond And Earn |      |
| Due Determination Date | 29.10.2017          |      |
| Case Officer           | Gillian Peebles     |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** Balnagowan Aberargie Perth PH2 9NE

#### **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:** 28 September 2017

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site relates to a semi-detached dwellinghouse known as Balnagowan which is located to the east of the A912 within the settlement of Aberargie. Full planning consent is sought to remove the existing conservatory on the principal elevation and replace it with a single storey sitting room extension.

## **SITE HISTORY**

None recent.

## **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 TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Within the approved Strategic Development Plan, TAYplan 2012, the primary policy of specific relevance to this application is:-

#### **Policy 2: Shaping Better Quality Places**

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary'.

### **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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

**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.

**OTHER POLICIES**

None

**INTERNAL CONSULTATION RESPONSES**

Local Flood Prevention Authority – response below

Small scale alterations and extensions are generally out with the scope of Scottish Planning Policy.

The SEPA flood maps indicate a significant fluvial flood risk at the site during the 1:200 year event, however the proposals are not increasing the number of persons potentially at risk, so we have no objection to the development.

The applicant may wish to consider the use of flood resilient/resistant construction techniques.

**REPRESENTATIONS**

None at time of report.

**ADDITIONAL INFORMATION RECEIVED:**

|                                       |              |
|---------------------------------------|--------------|
| Environmental Impact Assessment (EIA) | Not Required |
| Screening Opinion                     | Not Required |
| EIA Report                            | 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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The site is located within the settlement boundary of Aberargie where Policies RD1: Residential Areas and Policy PM1A and B: Placemaking are directly applicable.

Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A of the Local Development Plan seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B are;

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

The proposal is not considered to comply with the above policies for the reasons stated elsewhere in the report.

### **Design and Layout**

The existing property has a modest porch/conservatory on the principal elevation (south east) of a semi-detached cottage. The footprint of the existing porch is approximately 10 square metres, glazed on all 3 elevations and has a gently sloping roof. The property has also been extended in the past, both to the front and rear.



The principal elevation currently features an overwhelming box dormer which extends almost the full length of the south eastern roof slope.

The proposal is to demolish the conservatory/porch and replace it with a pitched roof extension. The footprint of the proposal measures approximately 22 square metres and will reach an approximate height of 3.8 metres to the ridge. It will have glazing up to the eaves on the principal elevation and glazing also on the other 2 remaining elevations. The roof will be finished in natural slate and the walls will be finished in stone, both to match existing.

The footprint of the proposal is conducive to a new room which is differential to an entrance porch and by its very scale its use is intensified. Front extensions are generally not favoured as they often detract from the design of what is considered to be the most important and prominent elevation, as well as the collective appearance of the streetscene.

Whilst I acknowledge, given its cul-de-sac location and restricted number of properties, there is no repeating rhythm within the street and there is no defined building line. however, very rarely can large front extensions be assimilated in a visually acceptable manner, invariably appearing out of place. The property is very much of its time, with no significant architectural features, but it does contribute to the wider character of the area.

Constructing an extension on the front elevation of this house would detract from the appearance of the existing property. I feel that the proposed extension is out of scale with the existing property resulting in an unbalanced and unsympathetic extension, which is out of keeping with the character and appearance of the existing cottage and the surrounding area. Having taken cognisance of the surrounding area I do not consider the extension fits its location or acknowledges the form and massing of the original house. It will be located approximately 2.5 metres in from the edge of the public footpath at its closest point and 3.7 metres at its furthest and due to its limited distance will appear as an overwhelming addition when viewed from the public domain.

I contacted the Applicant's Agent with a view to reducing the size of the extension, however, the applicants desire was for an extension of this size and as such wanted the application to be assessed as submitted. I am in no doubt that a replacement modest porch is an acceptable addition, however, the footprint should not exceed that of existing otherwise will have a visual impact on not only the existing property, however, that of the surrounding area. The distance from the principal elevation to the road is extremely limited and anything larger will have an overbearing impact.

## **Landscape**

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

## **Residential Amenity**

Windows are proposed on all 3 elevations within 9 metres of the boundary, however, as these overlook front gardens and not rear private amenity space I have no concerns.

Overall, I have taken account of overshadowing and overlooking and consider this proposal would have no material effect on the amenity of neighbouring properties, as regards privacy, or loss of daylight or sunlight.

## **Visual Amenity**

The location, scale and massing of the extension, forward of the principal elevation and within such close proximity to the public footpath/public road will have a detrimental impact on the appearance of the existing property and will have a significant impact on the character of the area.

It may be argued that the proposed replacement will be a visual enhancement due to the age and condition of the existing conservatory/porch. I do not share the same opinion as the scale and massing will overwhelm the existing property to the detriment of the visual amenity of the existing cottage and surrounding area.

As stated in the Placemaking Guide, front extensions should generally be avoided, in particular where visual impact on an established streetscape is evident. Modest porches or canopies may be an acceptable addition, however, as previous indicated the footprint of this proposal by far exceeds what could be seen as an acceptable addition on the principal elevation of this property.

It is not considered that the proposal satisfies the policy requirement in relation to the Placemaking Policies and therefore refusal reasons based on the impact the development would have on the character of the surrounding area is sustainable.

## **Roads and Access**

No changes are proposed to the existing parking or access arrangements.

## **Drainage and Flooding**

No drainage or flooding implications from the proposal.

## **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and 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**

### **Conditions and Reasons for Recommendation**

1. The proposed development by virtue of its scale and unbalanced design, is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policies RD1, PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014.

## **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**

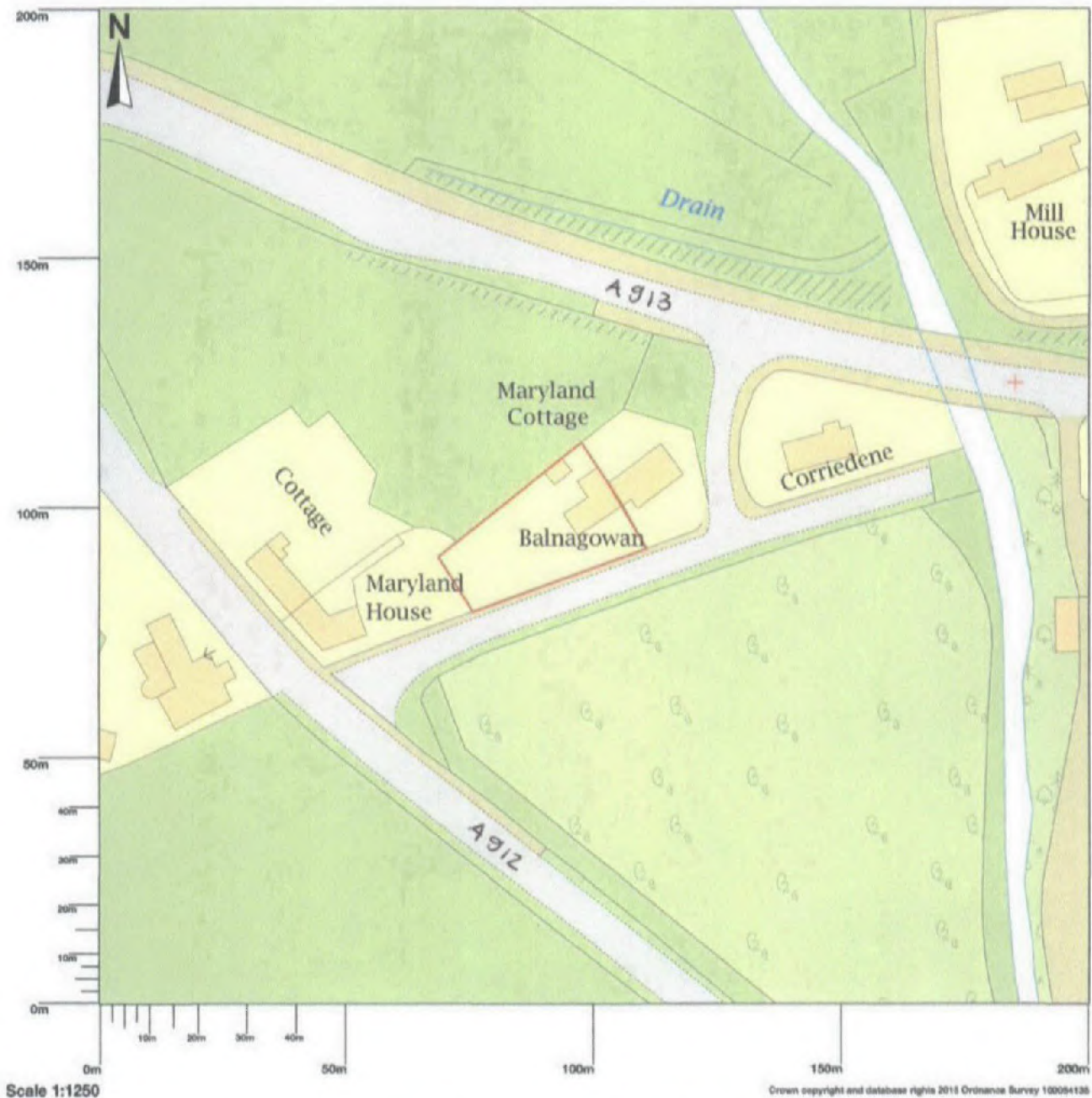
17/01447/1

17/01447/2

17/01447/3

**Date of Report 30 October 2017**

## Balnagowan, Aberargie, Perth, PH2 9NE



Map shows area bounded by: 316021.0,715681.0,316221.0,715881.0 at a scale of 1:1250. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**TCP/11/16(516) – 17/01447/FLL – Alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE**

## **REPRESENTATIONS**



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                    |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------|
| <b>Planning Application ref.</b>                | 17/01447/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Comments provided by</b> | Gavin Bissett                      |
| <b>Service/Section</b>                          | TES/Flooding                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Contact Details</b>      | ██████████<br>████████████████████ |
| <b>Description of Proposal</b>                  | Alterations and extension to dwellinghouse                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                    |
| <b>Address of site</b>                          | Balnagowan Aberargie Perth PH2 9NE                                                                                                                                                                                                                                                                                                                                                                                                                                |                             |                                    |
| <b>Comments on the proposal</b>                 | <p>Small scale alterations and extensions are generally out with the scope of Scottish Planning Policy.</p> <p>The SEPA flood maps indicate a significant fluvial flood risk at the site during the 1:200 year event, however the proposals are not increasing the number of persons potentially at risk, so we have no objection to the development.</p> <p>The applicant may wish to consider the use of flood resilient/resistant construction techniques.</p> |                             |                                    |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                             |                                    |
| <b>Recommended informative(s) for applicant</b> | PKC Flooding and Flood Risk Guidance Document (June 2014)                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                    |
| <b>Date comments returned</b>                   | 04/09/2017                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                    |

