

TCP/11/16(337)
Planning Application 14/01467/IPL – Erection of a dwellinghouse, land 40 metres south west of Sallyvonteen, Milnathort

INDEX

- (a) Papers submitted by the Applicant (***Pages 487-508***)
- (b) Decision Notice (***Page 507-508***)
 - Report of Handling (***Pages 511-519***)
 - Reference Documents (***Pages 494-506***)
- (c) Representations (***Pages 521-536***)

TCP/11/16(337)
Planning Application 14/01467/IPL – Erection of a
dwellinghouse, land 40 metres south west of Sallyvonteen,
Milnathort

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name ALASTAIR W DAWSON

Address SALLYVONTEN
TOUCHIE
KINROSS

Postcode KY13 0RS

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: ☐

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

14/01467/1PL

Site address

Land 40 Metres SOUTH WEST OF SALLYVONTEN
MILNATHORP

Description of proposed
development

ERECTION OF CARBON ZERO DWELLING HOUSE

Date of application

26/08/14

Date of decision (if any)

23/10/14

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:

SEE ATTACHED DOC

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:

N/A

Statement

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

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

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

SEE ATTACHED DOC

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.

N/A

List of documents and evidence

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

Notice of Review Statement to LOCAL REVIEW BODY
Planning Application 14/01467/1PL as SUBMITTED
DECISION NOTICE

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

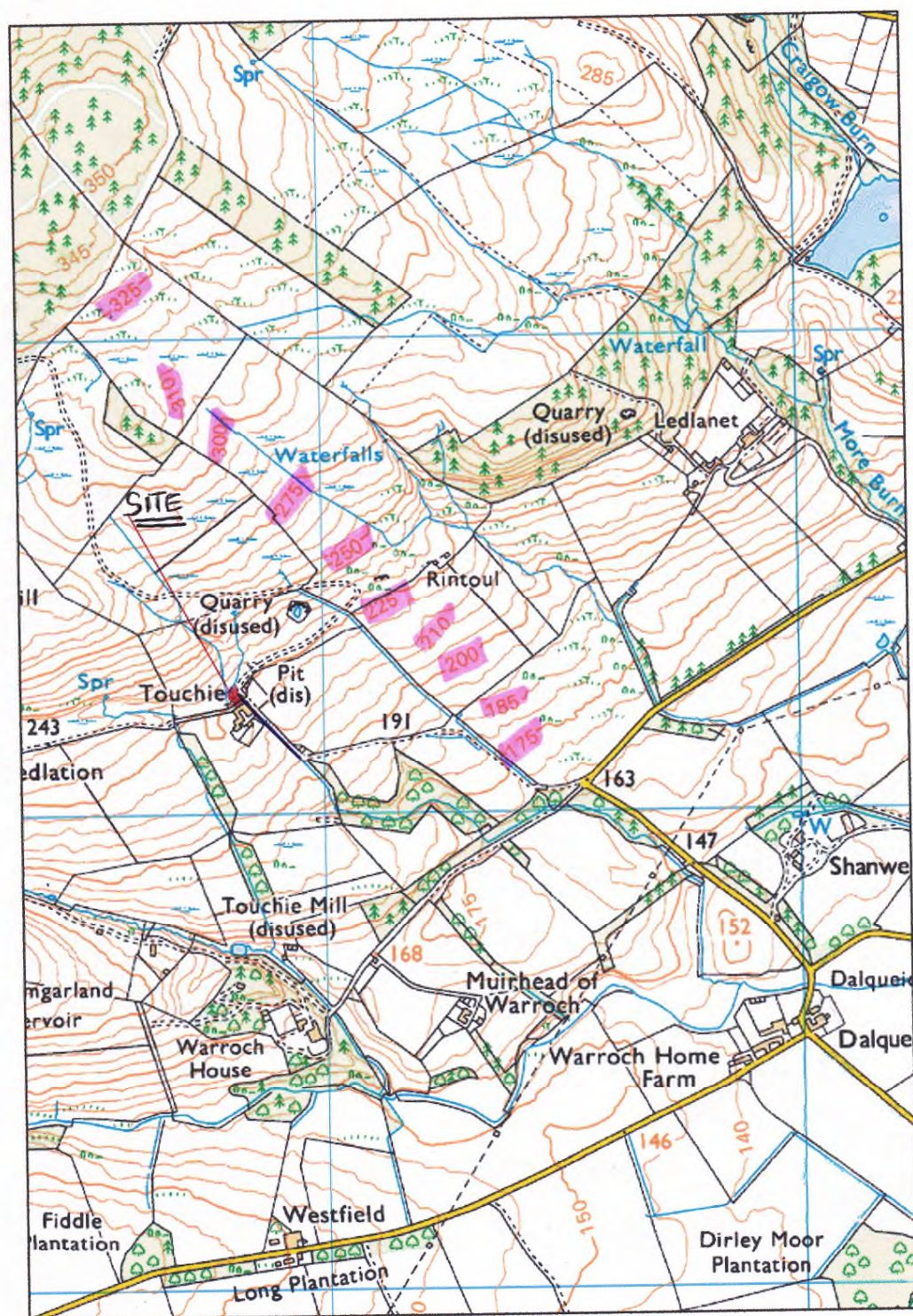
3/01/15

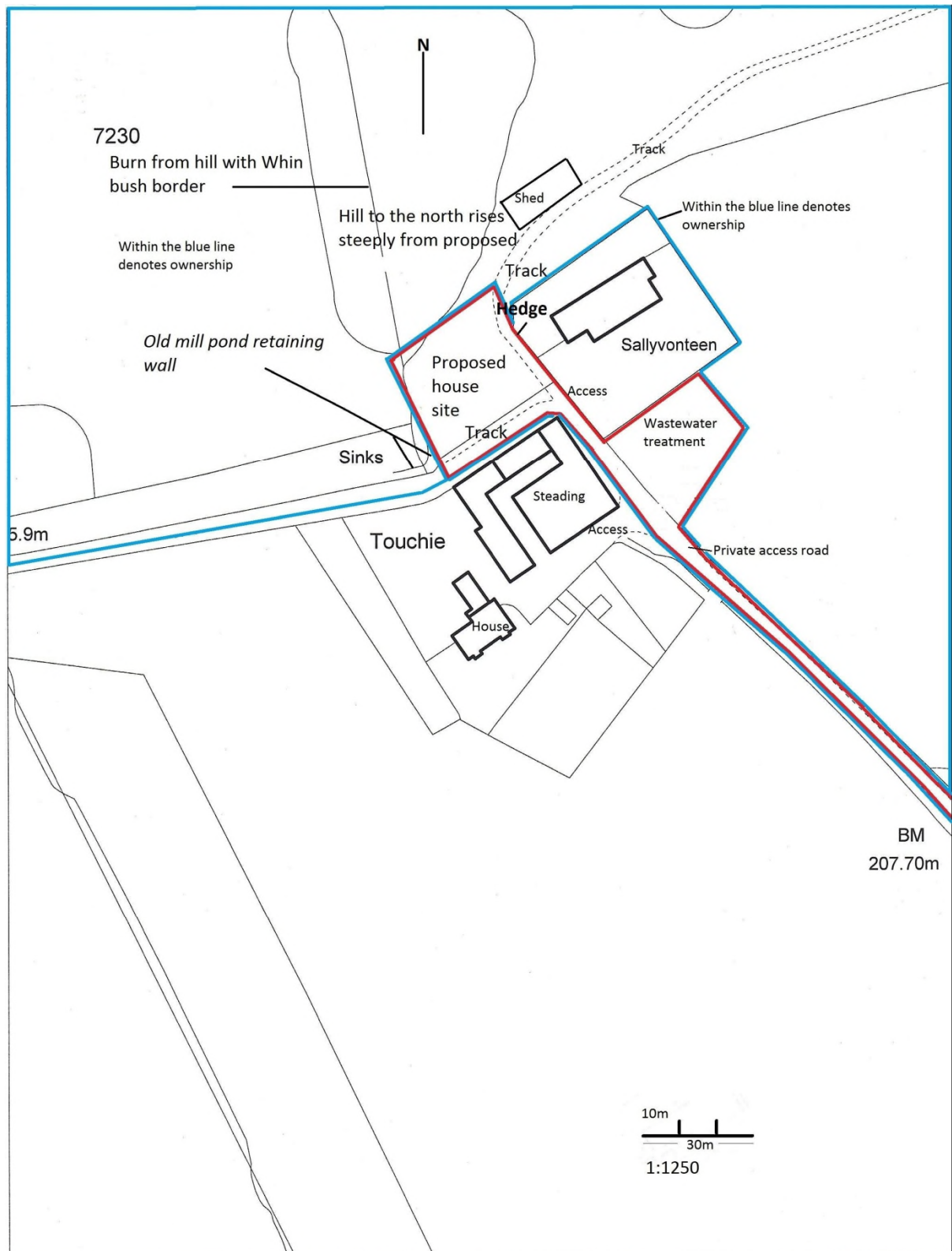
Notice of review statement to the Local Review Body

Index

- 1: Project description and site history/context
- 2: Supporting information and summary of application submitted
- 3: Project proposal as submitted (14/01467/IPL registered 26th August 2014)
- 4: Perth & Kinross Decision Notice
- 5: Rational for review of Decision Notice

Review statement prepared by applicant on 02/01/15





© Crown copyright. All rights reserved. Perth & Kinross Council. Licence number 100013289. 2004

Title: Zero Carbon house 1 Touchie, Milnathort

Contact: Ally Dawson
Date: 23/07/14



Scale:
1:1250

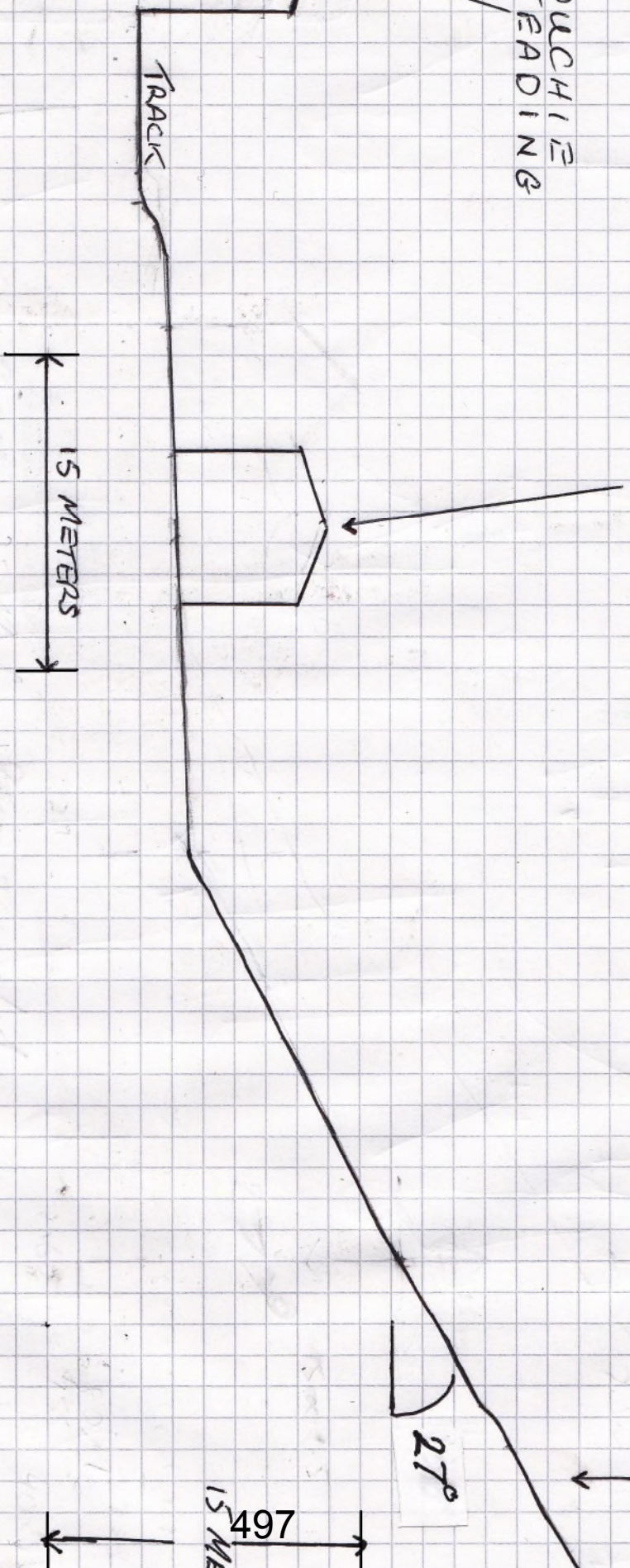
Planning & Transportation
Pullar House, 35 Kinnoull St, Perth PH1 5GD
Telephone (01738) 475300



TOUCHIE
STEADING

PROPOSED HOUSE SITE

HILL TO THE NORTH
GRADE 1:2



2; Supporting information and summary of application submitted.

The site for the proposed house lies to the north of the building group at Touchie, situated on a redundant piece of ground. The land is wholly owned by me, Alastair Dawson, and was historically used to store farm equipment; there is no planning history on the site. West and to the north of the site is a stream and woodland that has some mature trees mixed with some younger trees, both broadleaves and evergreens. These will not be affected by the proposed development.

The site has an enclosed feel with natural boundaries to the north and west with established buildings to the south and east. A farm road runs adjacent to the site. This road has light use due to limited farming activity and the use of alternative access points. The proposed house will have good exposure to the sun and should have shelter from the prevailing wind due to the established tree cover. The proposed house will blend in well with the existing buildings adjacent; views from the site look over the countryside to the south/east, trees to the west and north. To the south the Touchie steading buildings would be in view. Looking towards the proposed house from the south/east (Kinross), the site should integrate seamlessly within the existing building group and would not sit strident on the landscape, and from all other angled views, it would be difficult if not impossible to detect.



Photo montage of proposed house on appeal site 14/01467/IPL looking up towards the north to northwest, from a southerly perspective. To the west is Touchie house and steading, with Sallyvonteen house to the east. Two Wind Turbines are situated behind, on the hill, that service the Touchie hamlet with electricity.



Looking south down over the site from the steep hill to the north. This view gives a perspective of the landscape and roofscape of the adjacent buildings: Touchie house and steading to the south with Sallyvonteen house and storage shed to the east. These established landscape features and existing topography defines the proposed house site.



View from the hillside over-looking the site to the south. Notice the established landscape features with Touchie house and steading buildings and Sallyvonteen house with the adjacent tracks and hedge to the east. The Mill Pond/Dam to the west with the Stream from the hill behind, forming further established boundaries. The steep rising hill to the north (1: 2 grade) also provides landscape topography which contains the site.



View of site towards the east boundary. Notice the established tracks and garden hedge that was planted back in 1995 when Sallyvonteen house was built. These tracks form established boundaries that have been in existence for a century or more.



View over the site towards the east with Sallyvonteen house and storage shed in the distance, with the established boundary feature of the old Mill Pond in the foreground. The proposed house will be of comparable scale and positioned on similar levels and orientation to the Sallyvonteen house seen in the distance.



Viewed from the proposed house site towards the south to southwest, Notice the western edge of Touchie House and steading with established wooded boundary and an old Sycamore tree in the foreground.



This view demonstrates the Stream, bordered by Whin bushes, that runs down the hill from north and to the west of the site, that forms a established landscape boundary. The steep slope rising north of the site is at a grade of 1 : 2 as demonstrated on the OS landscape plan and topographical survey drawing.



Purple line denotes stream that runs towards old Mill pond/dam.



View over the old Mill pond/dam, west of the site, with a Sycamore tree in the foreground.



A view looking south over the partially cleared site.



Photo montage of approved house site 14/01461/IPL to the east of Sallyvonteen House.

6: Rational for review of Decision Notice

The Decision Notice and Delegated Report that was submitted by the assigned Planning Case Officer, we feel in our view, inaccurate.

The application was accompanied by a Design and Access Statement which detailed all the relevant information required.

A number of points were raised by the Case Officer;

The officer agrees that Touchie does constitute a building group as defined in Policy RD3, however, she feels that the proposed site does not result in the expansion of the building group into a defined site formed by existing topography and or established landscape features. As demonstrated above, we feel we have provided sufficient evidence to question the case officer's decision. The evidence shows that given the existing topography and long established landscape features, a house could not be built anywhere in the vicinity other than at the location of the site in question. This in our view demonstrates containment.

Placemaking;

"Central to the creation of sustainable communities is the desire to live in an attractive place which provides for our social, economic and environmental needs, creating and maintaining sustainable communities are key local and national objectives".

Policy PM1A states that "all development should be planned and designed with reference to climate change, mitigation and adaptation".

The proposed house application is for a modest sized 200m² Carbon Zero House.

As the design statement detailed, the house will be built to very high environmental standards being "Passive Solar" and serviced by existing private spring water and renewable energy supply. The materials used in its construction will be from local sources, with many materials reclaimed and of a low-embodied nature. Home working facilities will be provided as well as the implementation of bio-diversity and landscape measures; for example the provision of bat boxes to home existing bat population.

If this review receives a positive outcome all the design and landscape requirements can be dealt with at the detailed application stage.

Regarding Policy PM1A and 1B, we are confident that the proposed can fulfil the criteria.

The second reason for forming the Case Officer's decision was that the "development of the site would detract from the visual amenity of the adjacent traditional steading to the south and would have a detrimental impact on the surrounding landscape". The Touchie building group cannot be seen from the nearest public road and is difficult to detect in the landscape from the nearest "A" road the A91. The proposed site will blend seamlessly within the building group and would be very difficult to isolate from the existing building group, looking from any of the public roads or surrounding landscapes.

Mr Tiso the owner of the mentioned Touchie House and steading has no objections to this proposed site to his north. No buildings at Touchie have any status regarding Historic Scotland or have recognised architectural merit. Sallyvonteen house to the east of the proposed site (no objections), granted permission in 1995 is constructed with materials (concrete tile roof and fifestone) that are not in character with the traditional buildings to its southwest. An associated planning application 14/01461/IPL (see photo montage) was determined by the same Case officer and was approved using the same policy criteria.

As the evidence would suggests, no further erosion of landscape and visual amenity would result, the proposed site as shown on the photo montage would enhance the visual amenity and landscape, providing connection and completion of the building group. Any further concerns can be mitigated at the detailed planning stage, where sensitive design and sympathetic landscape features can be implemented.

In summary

- Evidence provided to demonstrate containment, and that a defined site exists.
- Mitigation of any concerns from a landscape and visual amenity perspective.
- The need for consistency of policy implementation as site to the east of building group approved.
- No objections from any private or public bodies.
- National requirement to provide sustainable homes that are pleasant to live in, protect and enhance bio-diversity and are resource efficient.

We hope that the review body feels, as we do, that the site does have sufficient material reasons, that would justify departing from the Local Development Plan.

PERTH AND KINROSS COUNCIL

Mr Alastair Dawson
Sallyvonteen
Touchie
Kinross
KY13 0RS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 23rd October 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01467/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 26th August 2014 for permission for **Erection of a dwellinghouse Land 40 Metres South West Of Sallyvonteen Milnathort** for the reasons undernoted.


PP Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to policy RD3, housing in the countryside, of the Perth and Kinross Local Plan, adopted February 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. The site is located adjacent to an established building group but the proposed site does not result in the expansion of the building group into a defined site formed by existing topography and or well established landscaped features.
2. Development of the site would detract from the visual amenity of the adjacent traditional steading to the south and would have a detrimental impact on the surrounding landscape.

Justification

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

Notes

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

Plan Reference

14/01467/1

14/01467/2

14/01467/3

TCP/11/16(337)
Planning Application 14/01467/IPL – Erection of a dwellinghouse, land 40 metres south west of Sallyvonteen, Milnathort

PLANNING DECISION NOTICE *(included in applicant's submission, see page 507-508)*

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see pages 494-506)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/01467/IPL	
Ward No	-	
Due Determination Date	25.10.2014	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 40 Metres South West Of Sallyvonteen Milnathort

SUMMARY:

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

DATE OF SITE VISIT: 11 September 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for the erection of a dwellinghouse on land 40 Metres South West Of Sallyvonteen, 5 km west of Milnathort. There is a related application on a site to the east of Sallyvonteen (14/01461/IPL).

Touchie comprises a number of buildings. The main core of the group comprises a traditional farm house with steading that has been converted into residential use and a large modern single storey dwelling erected to the north east of the steading. To the north of this dwelling is a large storage building with a static caravan sited to the east.

The site of the proposed house is to the west of the single storey dwelling and to the north of the farmhouse/steading. The site is currently in a run down condition and appears to be used for discarded materials. The area around the barn and static caravan is similarly relatively unkempt.

SITE HISTORY

None recorded.

PRE-APPLICATION CONSULTATION

Pre application Reference: 14/00317/PREAPP

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, 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 was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy 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 PM3 - Infrastructure Contributions

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

Policy EP7A - Drainage within the Loch Leven Catchment

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

Policy EP7B - Drainage within the Loch Leven Catchment

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

OTHER POLICIES

Loch Leven Supplementary Guidance

PKC Developer Contributions Supplementary Planning Guidance

PKC Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

Education And Children's Services – the development falls within the Milnathort Primary School catchment area. As this application is only "in

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

Environmental Health – no objection subject to conditions.

Scottish Environment Protection Agency - no objection subject to satisfying Loch Leven catchment policy.

REPRESENTATIONS

Three representations of support were submitted in relation to this application.

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The site is located within a countryside area where policy RD3, housing in the countryside, of the Perth and Kinross Local Development Plan, is the most relevant policy.

The housing in the countryside policy supports development subject to satisfying a number of criteria. In particular consent will be granted for houses which extend a group into a definable site formed by existing topography and or well established landscape features which will provide a suitable setting.

The key consideration in this case is whether the existing buildings on the site consist of a group in terms of the policy. Pre-application discussion on the application site concluded that the existing cluster of buildings at Touchie consisted of a building group and that the key test as to whether the application complied with policy was whether or not the proposal would comply with the criteria allowing the extension of an existing group into a definable site.

In this case I do not consider that the proposed site meets with the policy criteria. The site is located adjacent to an established building group but the proposed site does not result in the expansion of the building group into a defined site formed by existing topography and or well established landscaped features.

The application site is also located within the Loch Leven Catchment Area where Policy EP7 applies. The proposal must satisfy SEPA and SNH with regard to phosphorus discharge into the catchment.

Design and Layout

The site is located to the north of the steading building and to the west of a modern single storey dwellinghouse. In both cases the site is separated from the buildings by a farm track. The site is on the corner of a piece of land that relates to a relatively unmanaged area of landscape and has a different character to the farm land to east and south of the building group. The site does not have any defined boundaries in terms of topography or landscape features as required by the housing in the countryside policy.

Landscape

The site is close to the boundary of two landscape character areas; igneous hills to the north and lowland loch basin to the south. The site is within the upland area and has that feel to it. Whilst it is close to the building group I do not feel that the site has suitable containment to meet the housing in the countryside policy. The steading building presents a definite boundary to the group to the south and I do not consider that this site is an appropriate extension to the group.

Residential Amenity

Environmental Health has commented that there is a record of an area of infilled ground on the proposed development site. The nature and volume of

the infill material is unknown and therefore may contain contaminated material and may also cause ground gas issues. Likewise there may be ground gas issues associated with the former infilled gravel pit located 60m north east.

It is stated in the application that the ground is currently being used for storage of agricultural equipment. It is possible that there may be localised ground contamination associated with this land use, in particular leaks/spills of oil. In addition historical mapping shows a sheepfold immediately north east of the site. If this area was used for sheep dipping there will be the potential for the ground to have become contaminated with the chemicals which were used.

Environmental Health has requested that, if the application is recommended for approval, a condition be attached requiring that the site be investigated for ground contamination prior to any development.

Visual Amenity

The proposed site is currently used for ad hoc storage although is generally overgrown and relates more to the surrounding countryside than the building group. Development of the site would detract from the visual amenity of the adjacent traditional steading to the south and would have a detrimental impact on the surrounding landscape.

Roads and Access

The site is accessed along around 800m of tarmac track from the public road. Full details of access, arrangements, parking and turning provision would be required as part of a subsequent detailed submission should the application be recommended for approval.

Drainage and Flooding

The development site lies within the Loch Leven catchment and therefore, phosphorus mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross Local Development Plan 2014 and the Loch Leven Supplementary Guidance (125% phosphorus removal).

SEPA has assessed the Phosphate mitigation calculations which have been made using Flows and Loads 3. However, this has now been replaced by Flows and Loads 4. Calculations have been worked out using the new standards and there is still sufficient phosphorus mitigation. SEPA note that they will licence to 2mg/l as a maximum allowable discharge based on these phosphate mitigation calculations. Consequently, the applicant should ensure with the supplier of their treatment system that it can meet 2mg/l at all times.

The drainage discharge will require authorisation from SEPA under [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(as amended\) \(CAR\)](#)

Should the application be approved SEPA's information would be attached as an informative along with planning conditions with regard to satisfying the requirements of SNH and SEPA in relation to the Loch Leven Catchment.

The Council's Environmental Health Officer has also commented and notes that the development is for a dwelling house in a rural area with a private water supply namely Touchie Farm Supply known to serve adjacent properties, it is assumed that the new house will be connected to this existing supply. To ensure the new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance Environmental Health request informatives be added to any planning permission. No public objections relating to the water supply were noted at the date above.

Developer Contributions

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

This proposal is within the catchment of Milnathort Primary School.

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

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 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

Reasons for Recommendation

- 1 The proposal is contrary to policy RD3, housing in the countryside, of the Perth and Kinross Local Development Plan, adopted February 2014 and is contrary to the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the policy categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. The site is located adjacent to an established building group but the proposed site does not result in the expansion of the building group into a defined site formed by existing topography and or well established landscaped features.
- 2 Development of the site would detract from the visual amenity of the adjacent traditional steading to the south and would have a detrimental impact on the surrounding landscape.

Justification

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

Informatives

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/01467/1

14/01467/2

14/01467/3

Date of Report 22.10.2014

TCP/11/16(337)
Planning Application 14/01467/IPL – Erection of a dwellinghouse, land 40 metres south west of Sallyvonteen, Milnathort

REPRESENTATIONS

- Representation from Development Negotiations Officer, dated 4 September 2014
- Representation from Education and Childrens Services, dated 9 September 2014
- Representation from Regulatory Services Manager, dated 11 September 2014
- Representation from Scottish Environment Protection Agency, dated 22 September 2014
- Letter of support from Mr and Mrs Ashcroft
- Letter of support from Ms Dawson
- Letter of support from Mr and Mrs Reid

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin
Date: 04 September 2014
Planning Reference: 14/01467/IPL
Description of Proposal: Erection of a dwellinghouse Land 40 Metres South West Of Sallyvonteen Milnathort for Mr Alastair Dawson

NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.

Primary Education

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

This proposal is within the catchment of Milnathort Primary School.

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

Contacts

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

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

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

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

Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Assistant Asset Management Officer
Your ref	14/01467/IPL	Our ref	
Date	09 September 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/01467/IPL

This development falls within the Milnathort Primary School catchment area.

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

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

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 14/01467/IPL

Our ref MA/LJA

Date 11 Sept 2014

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse Land 40 Metres South West Of Sallyvonteen Milnathort for Mr Alastair Dawson

I refer to your letter dated 2 September 2014 in connection with the above application and have the following comments to make.

Water (assessment date – 3/9/14)

Recommendation

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

Comments

The development is for a dwelling house in a rural area with a private water supply namely Touchie Farm Supply known to serve adjacent properties, it is assumed that the new house will be connected to this existing supply. To ensure the new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informatives. No public objections relating to the water supply were noted at the date above.

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.

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.

Contaminated Land (assessment date – 05/09/2014)

Recommendation

There is a record of an area of infilled ground on the proposed development site. The nature and volume of the infill material is unknown and therefore may contain contaminated material and may also cause ground gas issues. Likewise there may be ground gas issues associated with the former infilled gravel pit located 60m north east.

It is stated in the application that the ground is currently being used for storage of agricultural equipment. It is possible that there may be localised ground contamination associated with this land use, in particular leaks/spills of oil. In addition historical mapping shows a sheepfold immediately north east of site. If this area was used for sheep dipping there will be the potential for the ground to have become contaminated with the chemicals which were used.

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

Condition

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

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

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



Our ref: PCS/135651
Your ref: 14/01467/IPL

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

If telephoning ask for:
Stephanie Balman

22 September 2014

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sirs

Town and Country Planning (Scotland) Acts
Planning application: 14/01467/IPL
Erection of a dwellinghouse
Land 40 Metres South West of Sallyvonteen, Milnathort

Thank you for your consultation letter which SEPA received on 2 September 2014.

We have **no objection** to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Waste water drainage

- 1.1 The application details that waste water from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, phosphorus mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross Local Development Plan 2014 and the Loch Leven Supplementary Guidance (125% phosphorus removal).
- 1.2 We have assessed the Phosphate mitigation calculations which have been made using Flows and Loads 3. However, this has now been replaced by Flows and Loads 4. We have worked out the calculations using the new standards and there is still sufficient phosphorus mitigation. We would highlight to the applicant that we will licence to 2mg/l as a maximum allowable discharge based on these phosphate mitigation calculations. Consequently, they should ensure with the supplier of their treatment system that it can meet 2mg/l at all times.
- 1.3 The drainage discharge will require authorisation from SEPA under [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(as amended\) \(CAR\)](#).

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you



Chairman
David Sigsworth

Chief Executive
James Curran

Strathearn House
Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997
www.sepa.org.uk

need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office (tel: 01592 776910).

If you have any queries relating to this letter, please contact me by telephone on 0131 449 8559 or e-mail at planning.se@sepa.org.uk.

Yours faithfully

Stephanie Balman
Planning Officer
Planning Service

ECopy to:
Alastair Dawson earthshipally@hotmail.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 the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning 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 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. **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 in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*



Chairman
David Sigsworth

Chief Executive
James Curran

Strathearn House
Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997
www.sepa.org.uk

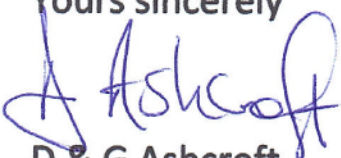
Development Management
Perth & Kinross Council
Pullar House,
35 Kinnoull Street
Perth, PH1 5GD,

To whom it may concern

Proposed development at Touchie, Milnathort, KY130RS

We David and Gill Ashcroft residing at Ledlation house, Milnathort KY13 0RS
have no objection to the proposed house development at Touchie.

Yours sincerely



D & G Ashcroft

Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH15GD

To whom it may concern

Proposed development at Touchie, Milnathort, KY130RS

I Christine Dawson residing at Sallyvonteen house, Touchie, Milnathort KY13 0RS have no objection to the proposed house development at Touchie.

Yours sincerely

C. R. Dawson

C R Dawson

Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth PH15GD

To whom it may concern

Proposed development at Touchie, Milnathort, KY130RS

We Ian and Sheila Reid residing at Touchie, Milnathort KY13 0RS have no objection to the proposed house development at Touchie.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Ian Reid', with a stylized flourish at the end.

I Reid

