TCP/11/16(417)
Planning Application – 16/00363/IPL – Erection of a dwellinghouse (in principle) land 30 metres west of Lochend Farmhouse, Scotlandwell

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PAPERS SUBMITTED BY THE APPLICANT

Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100014697-001

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:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Lochend Farmhouse
First Name: *	I	Building Number:	
Last Name: *	McKenzie	Address 1 (Street): *	Scotlandwell
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 9JQ
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:	Lochend Farmhouse
Address 2:	Scotlandwell
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	Kinross
Post Code:	KY13 9JQ

Please identify/describe the location of the site or sites

Northing	700382	Easting	318223

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)

Erection of dwellinghouse (in principle) Land 30 metres West of Lochend Farmhouse, Scotlandwell

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 a 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.

See attached statement and supporting documents

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)

Notice of Review Statement, Planning Application forms, Covering letter and statement, Email exchange with planning officer, Location Plan, Report of Handling and Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? * 16/00363/IPL

What date was the application submitted to the planning authority? * 03/03/2016

What date was the decision issued by the planning authority? * 11/05/2016

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 Mark Myles

Declaration Date: 01/06/2016

Notice of Review Statement 16/00363/IPL
Planning Permission in Principle for Erection of House to the west of Lochend Farmhouse, Scotlandwell, KY13 9JQ

We were appointed following the council's determination of an earlier application on a larger site (15/00115/IPL) and advised the applicants not to appeal against that decision but to consider any alternative sites that would be able to comply with the housing in the countryside policy.

The concerns raised by the Planning Department about that the lack of a defined southern boundary for that earlier application and the potential for further ribbon development were therefore taken into account with the submission of this alternative application.

This proposal was specifically discussed with the planning officer who had dealt with the earlier application 15/00115/IPL and he agreed that this revised proposal satisfied the key policy criteria of RD3. However not for the first time the advice obtained at the pre-application stage was simply ignored by the officer who dealt with this application. In addition and despite the fact that this pre-application process had taken place and was clearly referred to in the supporting letter, attached emails and also in the planning application forms, there was no engagement from the planning department and we were given no opportunity to discuss or respond to any concerns. As can be seen from the attached emails we also expressed our concern about the manner in which this application was determined, but as yet have received no reply.

The principle of erecting a house at this site requires to be considered under the terms of Policy RD3 – Housing in the Countryside (Building Groups) in the adopted Perth & Kinross Local Development Plan. Category 1 of the Supplementary Guidance on the Housing in the Countryside Policy provides the specific advice on 'building groups and states that;

'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). Note: ***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.*** *Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy. Proposals which contribute towards ribbon development will not be supported.'*

The first reason for refusal actually accepts that the site is located within a building group but argues that it does not result in a satisfactory expansion of the group.

The Report of Handling highlights that an internal discussion took place which has effectively resulted in a new interpretation of the policy being used to suit the reason for refusal. The Report states '*I discussed the site with Development Plan colleagues and there was a feeling that whilst the buildings could be considered a group they could more properly be described as a "farm" and*

that the development of a site on the edge of this farm complex for mainstream housing would not be in the spirit of the policy. The policy does not explicitly say this and it is likely that the wording of the policy will be looked at as part of the preparation of the next Local Development Plan.' Whilst the wording of the policy may be looked at and reviewed as part of the emerging LDP, at the current time it must be interpreted fairly and consistently. The Report of Handling accepts that the building group is a group as defined by the existing policy. That is as far as any interpretation should go and the ad-hoc manner in which this application has been interpreted is simply wrong and wholly unreasonable. It has not been interpreted fairly and consistently in accordance with the guidance highlighted above which clearly states that a building group can consist of residential **and/or** business/agricultural buildings.

This proposed site forms part of the existing curtilage of the Lochend Farmhouse located to the west of the farmhouse with the main public road to the west forming the edge to the western boundary and the Lochend farm buildings and their curtilages located to the north and east. The site is set within a strong landscape framework (acknowledged in the Report of Handling) and is a clearly definable site formed by existing established landscape features, vegetation, boundary walls, buildings and roads. The plot size would also be similar to the existing remaining farmhouse and garden. This site would therefore extend the established building group at Lochend into a definable site that is already formed by existing topography and well established landscape features in accordance with the guidance in the housing in the countryside guide and therefore in compliance with the housing in the countryside policy RD3.

In response to the 2nd reason for refusal the trees are not currently protected and no tree survey was ever requested by the planning officer. There are very few trees of any significance other than those on the western edge of the site adjacent to the boundary with the public road. These would be retained as part of any development to provide shelter and a continued robust framework to the site and the wider area (and as such could be conditioned to be retained as part of any approval).

The 3rd reason for refusal further compounds the lack of justification given in the 1st reason by then suggesting that future occupiers of any house would suffer a loss of amenity due to noise and odours from the farm. Given that the existing house is already in separate ownership from the farm, the fact that there is a farm shop already situated closer to the farm and that the access to the proposed plot is from the public road to the south which would only be shared by the existing residential property and would therefore not require any resident to travel through any part of the working farm, indicate that this concern has also been over exaggerated. There are many instances where new housing has been accepted in close proximity to working farms. It is also significant that Environmental Health did not object to the application and actually stated that any noise and odour should not adversely affect residential amenity.

The 4th reason for refusal appears to also have been added to supplement the 2nd reason and claims that development to the west of the existing farmhouse would detract from the landscape setting and from the character of the area. The landscape setting and character of the area can be maintained by the fact that the existing trees along the western and southern boundary of the site would be retained to maintain the landscaped separation from the public road. It is also evident that

the farm buildings and farm shop located to the north are already situated closer to the public road and further west than the existing farmhouse and they have minimal landscaping around their boundaries.

For whatever reason the council took the view that this application was to be refused despite the fact that it is acknowledged that the site accords with the current building groups category of the housing in the countryside policy. Portmoak Community Council also acknowledge that the site accords with the building groups category of the policy.

If this type of ‘new’ implicit interpretation of the wording of a policy which doesn’t currently exist is allowed to take place without any prior knowledge or discussion, then this sets a very dangerous precedent for the future.

We therefore respectfully request that the LRB consider the proposal on its merits in accordance with current clearly stated wording of Policy RD3 and HICG 2012.

PERTH AND KINROSS COUNCIL

Mr And Mrs I McKenzie
c/o MBM Planning And Development
Mark Myles
Algo Business Centre
Glenearn Road
Perth
Scotland
PH2 0NJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 11.05.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00363/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 3rd March 2016 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres West Of Lochend Farmhouse Scotlandwell** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to policy RD3, housing in the countryside, of the adopted Perth and Kinross Local Development Plan 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 a satisfactory expansion of the building group.

2. The proposal is contrary to policy NE2 of the adopted Perth and Kinross Local Development Plan 2014 which requires a tree survey to be provided where there are existing trees on a development site. No tree survey has been submitted to demonstrate that the site can be developed without having an adverse impact on existing trees.

3. The proposal is contrary to the Perth and Kinross Council's Housing in the Countryside Guide 2012 clause h). By virtue of its location adjacent to a working farm future occupiers will suffer a loss of amenity due to noise and odours from the farm that would not provide a satisfactory residential environment and the introduction of a dwelling in this location would compromise the continuation of legitimate agricultural and related activities.

4. The proposal is contrary to policy ER6 of the Perth and Kinross Local Development Plan 2014 in that development of this site would conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

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 "Online Planning Applications" page

Plan Reference

16/00363/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**16/00363/IPL**	
Ward No	**N8- Kinross-shire**	
Due Determination Date	**02.05.2016**	
Case Officer	**Persephone Beer**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 30 Metres West Of Lochend Farmhouse Scotlandwell

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: 30 March 2016

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for the erection of a dwellinghouse on land to the west of Lochend Farmhouse which is located on the east side of the B920 public road around 1.5 km south of Scotlandwell. There is a related application for planning permission in principle for another dwellinghouse to the east of the farmhouse.

An application for two dwellinghouses was refused in October 2015 (15/00115/IPL) on land to the east of the farmhouse.

This site is within a grassed area which is part of the existing garden ground of the farmhouse and contains a number of mature trees and shrubs. A low stone wall divides the site off from a large grassed field to the south. A low wall and fence forms the western boundary with the public road. The eastern boundary partly runs along an existing driveway and then runs undefined through the garden ground to join the stone wall to the south. A new access track is proposed through the grassed field to the south.

SITE HISTORY

15/00115/IPL Erection of 2no dwellinghouses (in principle) 28 October 2015 Application Refused

16/00362/IPL Erection of a dwellinghouse (in principle)

15/00115/IPL Erection of 2no dwellinghouses (in principle) 28 October 2015 Application Refused

16/00362/IPL Erection of a dwellinghouse (in principle)

00/01329/FUL Extension to dwellinghouse at 10 November 2000 Application Permitted

02/02005/FUL Erection of a farmhouse at 24 June 2004 Application Withdrawn

97/00142/FUL Extension to dwellinghouse at 19 March 1997 Application Permitted

98/01233/FUL Extension to house, change of use from agricultural land to form new access and amenity tree planting at 18 December 1998 Application Permitted

04/00882/FUL Proposed erection of farm shop and associated car parking and landscaping 24 August 2004 Application Permitted

16/00362/IPL Erection of a dwellinghouse (in principle)

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 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 EP13 - Airfield Safeguarding
Developments will be refused if they are likely to have an unacceptable impact on the safe operation of aircraft from listed airfields.

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 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.

OTHER POLICIES
Perth and Kinross Council Housing in the Countryside Guide 2012

Perth and Kinross Council Developer Contributions Policy 2016

Perth and Kinross Council Landscape Supporting Guidance 2015

CONSULTATION RESPONSES

Environmental Health
Future residents will at times be aware of air traffic noise from Portmoak airfield and also from noise and odour from the daily workings of the farm, but that this should not adversely affect residential amenity.

Portmoak Community Council
No objection in principle. Request that the height of house be confined to single storey or to one and a half storeys to better enable the houses to integrate with their setting where the adjoining original farmhouse is little more than a one and a half storey cottage.

Transport Planning
No objections subject to conditions.

Local Flood Prevention Authority
No objection.

Scottish Water
No response.

Community Waste Advisor - Environment Service
This property would be on the two bin system only, general waste and recycling. No garden and food waste collection is available in this area.

Bins should be presented on the B920.

The Coal Authority
The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
Informative note required.

Health And Safety Executive
No response.

Shell UK Exploration And Production
There is no reason why the development would directly affect the pipeline servitude stirp or the safety of the pipeline. However the developer should be made aware that we should be consulted prior to the laying of any services, associated with the development, that would need to cross the pipeline.

Contributions Officer
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.

REPRESENTATIONS

Two letters of representation were received raising the following issues:

- contrary to the Housing in the Countryside Policy Guidance;
- the access roads might be considered a defined boundary and lead to future housing;
- within an Airfield Safeguarding Zone;
- impact on amenity woodland which was created for privacy for Lochend Farmhouse. Development would be contrary to that desire for privacy.
- impact on mature trees that would be close to any new house.
- impact on Lochend Farm well which is in the area where the new house is to be built. This is over 300 years old and should be protected.

- road safety - Council had investigated straightening the bend in the road which is the site of numerous accidents. Couldn't do this is a new house is built. Also, if a new house is built in this area any vehicle could potentially collide with this house in the event of an accident.

Portmoak Community Council commented on the proposal and have no objection in principle as long as the proposed houses are of single or one and a half storey in height.

The above issues are covered in the appraisal section of the report below.

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The Council's Housing in the Countryside policy sets out a number of categories against which housing developments in the countryside will be judged. The policy seeks to safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Support will be given for proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the following categories:

a) Building Groups.
b) Infill sites

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

Proposals must also satisfy a number of criteria including:

h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.
j) The proposed development should not conflict with any other policy or proposal in the Local Plan.
k) Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Requirement for appropriate surveys where protected sites or species may be present.
m) Proposal must have a good fit with the landscape character of the area.

In this case the application does not fall within 5 out of the 6 categories but could be considered in terms of the building group section of the housing in the countryside policy. This states 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).

A building group is defined as being comprised of 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. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

The group of buildings here comprises of a number of large agricultural sheds, a farm shop and an existing house. Whilst this seems to fit with the description of building group within the policy I discussed the site with Development Plan colleagues and there was a feeling that whilst the buildings could be considered a group they could more properly be described as a “farm” and that the development of a site on the edge of this farm complex for mainstream housing would not be in the spirit of the policy. The policy does not explicitly say this and it is likely that the wording of the policy will be looked at as part of the preparation of the next Local Development Plan.

I therefore accept that the building group is a group as defined by the existing policy however any development must be seen to extend the group into

definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. In this case I do not consider that the site would meet the criteria within the policy. The site selected is in an area detached from the group. This site has a strong landscape framework that currently makes a strong contribution to the setting of the existing farmhouse and other farm buildings. Development within the site could compromise this landscape framework. The site also contains number of mature trees. Policy NE2B requires a tree survey to be submitted where there are existing trees on site so that a full assessment of any potential impact on the trees can be taken into account.

I also have concerns with the proximity to operational agricultural buildings and the possible impact on residential amenity to future occupiers of the site. I do not consider that the site is a logical extension to the building group for general market housing. The primary function of the group is as a farm and I am not convinced that a satisfactory residential environment can be created, and that the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.

Design and Layout

The site identified for development is within existing garden ground to the west of the existing farmhouse. There are currently a number of mature trees in this area. As this is an application in principle the scale and design of any proposal is not shown. This would be submitted at the detailed planning stage. However I do have concerns that housing development on this site would have an adverse impact on the existing setting of the building group and on the existing trees within the site. Development in this area would be contrary to Placemaking policy PM1A in that development of this site would not contribute positively to the quality of the surrounding built and natural environment.

A comment submitted refers to the proposed development affecting Lochend Farm well. I understand that this is to the north of the plot and could be retained if the site is developed.

Landscape

The site is within an area designated as being of special landscape value under policy ER6 of the adopted Local Development Plan. Policy ER6 requires proposals to be compatible with maintaining or enhancing the landscape qualities of Perth and Kinross and particularly the qualities of the Loch Leven and Lomond Hills Special Landscape Area as set out in the guidance. This application is in principle. However I do have concerns that the proposal would impact on the landscape character of the area. The existing garden ground provides an appropriate setting for the farm buildings. Development to the west of the existing farmhouse would detract from this setting and from the character of the area.

Residential Amenity

I have some concerns with the residential amenity of future occupants of this development with regard to the proximity of the proposal to the operational farm buildings. Environmental Health were consulted and whilst they did not object they did note that future residents would at times be aware of noise and odours from the farm operations as well as the nearby Portmoak airfield.

A representation submitted suggests that the amenity woodland was planted for privacy reasons but that this will be lost if the site is developed. Should a detailed application be submitted for the site the proposal would be assessed with regard to residential amenity issues such as overlooking, overshadowing and privacy.

Visual Amenity

I consider that visual impact would be adversely affected by the development of this site. The setting of the existing farm grouping would be compromised by bringing development to the west of the group onto this site. The site is visually attractive due to the presence of a number of mature trees which may be compromised if the site is developed.

Roads and Access

The proposal shows a new access track running through the grassed area to the south of the site. This will connect with an existing access to join the public road. There has been a public comment relating to possible road safety improvements proposed a number of years ago on the bend by the site. However the Transport Planner does not object to the proposal. A condition would be required to ensure details of access, car parking, layout, design and specification, including the disposal of surface water, are in accordance with the Council's standards.

An objection has been received expressing concern that other parts of the land to the south may be developed between the two access roads. Whilst this may put pressure on the remaining land I would also comment that the provision of such a long length of track in close proximity to an existing track does not seem to be a good use of land.

Drainage and Flooding

No issues have been identified with regard to drainage or flooding. A small section of the access track is within the 1 in 200 year SEPA flood maps however the Council's Flood Team does not object.

Archaeology

There was a possibility of there being archaeological remains on the site of the previously refused application. However as this application is mainly within already disturbed ground there is no requirement for an archaeological investigation with regards to this application.

Airfield Safeguarding

The SGU was consulted on the previous application and at that time they confirmed that the proposal 15/00115/IPL would not have any aircraft safety implications for Portmoak Airfield. This site is close to existing buildings and within some tall trees. It is unlikely to have implications for the airfield at Portmoak. It is noted that the SGU considered that further development to the south of the previous application site would impact on the safe operation of the airfield.

Developer Contributions

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 Portmoak Primary School

The Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. As this application is only “in principle” the determination of appropriate contribution, if required, will be based on the status of the school when a full application is received.

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 not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Reasons for Recommendation

1 The proposal is contrary to policy RD3, housing in the countryside, of the adopted Perth and Kinross Local Development Plan 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 a satisfactory expansion of the building group.

2 The proposal is contrary to policy NE2 of the adopted Perth and Kinross Local Development Plan 2014 which requires a tree survey to be provided where there are existing trees on a development site. No tree survey has been submitted to demonstrate that the site can be developed without having an adverse impact on existing trees.

3 The proposal is contrary to the Perth and Kinross Council's Housing in the Countryside Guide 2012 clause h). By virtue of its location adjacent to a working farm future occupiers will suffer a loss of amenity due to noise and odours from the farm that would not provide a satisfactory residential environment and the introduction of a dwelling in this location would compromise the continuation of legitimate agricultural and related activities.

4 The proposal is contrary to policy ER6 of the Perth and Kinross Local Development Plan 2014 in that development of this site would conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

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

16/00363/1

Date of Report 05.05.2016

From: Persephone Beer <PRBeer@pkc.gov.uk>
Sent: Friday, May 13, 2016 4:44 PM
To: Mark Myles
Subject: RE: Planning Applications 16/00362/IPL & 16/00363/IPL - Lochend,
Scotlandwell

Dear Mark
I acknowledge receipt of your email and will respond to the specific points next week.
Kind regards
Seph

Persephone Beer
Planning Officer – Development Management
The Environment Service
Perth & Kinross Council
The Environment Service
Pullar House, 35 Kinnoull St, Perth, PH1 5GD
Tel: 01738 475354 / Fax:01738 475310
E-mail: PRBeer@pkc.gov.uk
www.pkc.gov.uk
Follow us

From: Mark Myles [mailto:mm@mbmplanning.co.uk]
Sent: 13 May 2016 10:16
To: Persephone Beer
Cc: Nick Brian
Subject: RE: Planning Applications 16/00362/IPL & 16/00363/IPL - Lochend, Scotlandwell

Dear Seph

I've just noticed that you have decided to refuse both of the above planning applications without any
prior warning, notice or correspondence on the matter.

Given that I had specifically undertaken pre-application communication with the council prior to
submitting these applications (contrary to what is stated in your Reports of Handling), provided a
supporting statement and also provided you with a further response below to the feedback that had
been received, I would have at least expected the courtesy of a phone call to explain your concerns.

I also find it incredible that your reasons for refusal disagree with the advice obtained from
Environmental Health and at no time did you request the submission of a tree survey even though the

trees are not protected. To also say that the eastern plot has no defined boundaries to the south and
west is also simply incorrect.

Once again I find PKC's approach frustrating, apparently focused solely on determination timescales and
providing those who regularly use the system with no opportunity to properly discuss or debate any
issues.

Regards

Mark Myles
MBM Planning & Development
Algo Business Centre
Glenearn Road
PERTH
PH2 0NJ

01738 450506
07887 801965

From: Mark Myles
Sent: Wednesday, April 13, 2016 11:02 AM
To: 'Persephone Beer' <PRBeer@pkc.gov.uk>
Subject: Planning Applications 16/00362/IPL & 16/00363/IPL - Lochend, Scotlandwell

Dear Seph

I note that you are the officer who is dealing with both of these applications which I had pre-application
discussions with Mark Williamson on prior to his departure from the council (as he was the officer who
had dealt with a nearby application 15/00115/IPL)

I note that no objections have been received from any of the consultees who have responded to date.

Prior to the end of the neighbour notification deadline a total of 3 representations were received to the
applications.

Contrary to the views expressed by the Kinross-shire Civic Trust, these two applications are not on the
same site as the previously refused planning application and are not gap sites but form an extension to
an existing building group as explained in our covering letter of 3rd March.

Portmoak Community Council recognise that the applications conform to the housing in the countryside
policy as there will be suitable containment of the proposed developments to the south and therefore

they do not object to the applications. The community council are just seeking an assurance that any
future houses are restricted to single or 1.5 storey in height which I can confirm would be an acceptable
condition on any approval.

In terms of the objection from Mr Silvera and as way of background information I would advise that he is
the applicant's younger brother and was furious when the applicant's resumed the land 17 years ago.
The applicant's did this for their own and their family's safety as Mr Silvera had repeatedly made access
through the original common driveway difficult by putting potato boxes in the way, putting up a gate
and covering the locks in grease, as well as positioning irrigators in the field so they hit the house, as
well as combining or ploughing as close to the house as possible, creating a lot of nuisance and dust etc.
He also was prosecuted for an incident involving the applicant's son's car.

As regards application 16/00362/IPL, the only 'old' building is a 1955 Nissen hut, which is in poor
condition and may well fall down in the next few years.

As regards application 16/00363/IPL, there are very few mature trees of any significance other than
those on the western edge of the site adjacent to the boundary with the public road and these would be
retained as part of any development to provide shelter and a robust framework to the site (and as such
could be conditioned to be retained). The well is on the north side of the proposed plot and could easily
be preserved or used as a feature in a garden.

The straightening of the road, is not relevant to the consideration of this planning application and I note
that your colleagues in the transportation department have not raised any objections to the application
or the proposed means of access to the site.

I trust this is helpful and I look forward to hearing from you in connection with these applications in due
course.

Many thanks

Kind regards

Mark Myles
MBM Planning & Development
Algo Business Centre
Glenearn Road
PERTH

PH2 0NJ

01738 450506
07887 801965

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

Development Quality Manager
The Environment Service
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

3rd March 2016

Our ref: MCK001
Your ref: (100005230-001)
Dear Sir

Planning Application (100005230-001)
Planning Permission in Principle for Erection of House to the west of Lochend Farmhouse, Scotlandwell, KY13 9JQ

On behalf of Mr & Mrs I McKenzie please find attached a planning application in respect of the above development for which the following documents are enclosed;

- Planning Application Forms and Land Ownership Certificate;
- Site Location Plan including land ownership;
- The planning application fee of £401 plus the necessary advert fee of £61.10 (£462.10) for the application.

This application along with another separate planning permission in principle application to the east of Lochend Farmhouse are being submitted following the council's determination of an earlier application on a different site (15/00115/IPL).

The concerns raised by the Planning Department about that the lack of a defined southern boundary for that earlier application and the potential for further ribbon development have been taken into account with the submission of these alternative applications.

The principle of erecting any house(s) at Lochend Farmhouse would require to be considered under the terms of Policy RD3 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan. That policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, renovation or replacement of houses, conversion or replacement of non-domestic buildings, operational or economic need and also on brownfield sites.

Having visited the site and discussed the proposals further with Mark Williamson it is evident that any proposal would have to be considered under the terms of category a) of Policy RD3 which relates to 'building groups'.

Category 1 of the Supplementary Guidance on the Housing in the Countryside Policy provides the specific advice on 'building groups. It states 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). Note: 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. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy. Proposals which contribute towards ribbon development will not be supported.'*

Policy PM1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of any development should respect the character and amenity of the place.

This proposed site forms part of the existing curtilage of the Lochend Farmhouse located to the west of the farmhouse with the main public road to the west forming the edge to the western boundary and the Lochend farm buildings and their curtilages located to the north and east. The site is set within a good landscape framework and is a clearly definable site formed by existing established landscape features, vegetation, boundary walls, buildings and roads. The plot size would also be similar to the existing remaining farmhouse and garden. This site would therefore extend the established building group at Lochend into a definable site that is already formed by existing topography and well established landscape features in accordance with the guidance in the housing in the countryside guide and therefore in compliance with the housing in the countryside policy RD3.

Development of this site would also not impact on the amenity of the existing property and the existing access to the public road would be shared with a new access driveway to the site proposed from the existing driveway as shown on the attached plan.

We therefore trust that this application can be supported as being in accordance with the Local Development Plan subject to any conditions that may be considered necessary.

We look forward to hearing from you in due course.
Yours faithfully

Mark Myles
MBM Planning & Development

Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100005230-001

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.

Type of Application

What is this application for? Please select one of the following: *

☐ Application for planning permission (including changes of use and surface mineral working).

☒ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

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:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Lochend Farmhouse
First Name: *	I	Building Number:	
Last Name: *	McKenzie	Address 1 (Street): *	Scotlandwell
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 9JQ
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: Lochend Farmhouse

Address 2: Scotlandwell

Address 3:

Address 4:

Address 5:

Town/City/Settlement: Kinross

Post Code: KY13 9JQ

Please identify/describe the location of the site or sites

Northing 700382 Easting 318223

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

The proposal was considered to be acceptable as an extension of the building group contained by existing boundary/framework

Title: Mr Other title:

First Name: Mark Last Name: Williamson

Correspondence Reference Number: Date (dd/mm/yyyy): 15/02/2016

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area: 0.10

Please state the measurement type used: ☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Garden ground of existing domestic property

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * ☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mark Myles

On behalf of: Mr & Mrs I McKenzie

Date: 03/03/2016

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☐ Yes	☒ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☐ Yes	☒ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

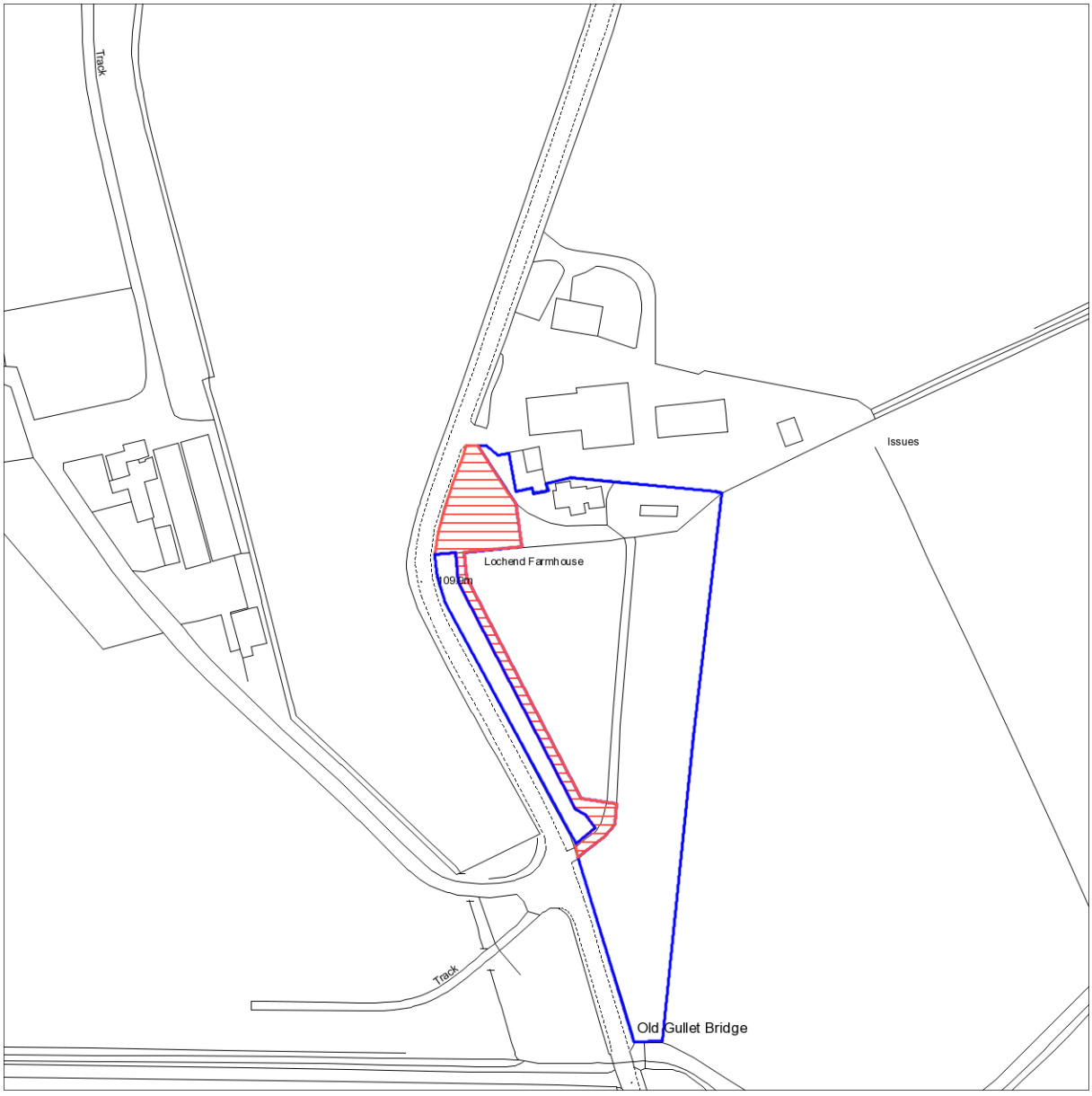
Declaration Name: Mr Mark Myles

Declaration Date: 03/03/2016

Payment Details

Online payment:
Payment date:

Created: 03/03/2016 12:06



Lochend Farmhouse, Scotlandwell, Kinross

Scale 1:2500

0 20 40 60 80 100

Metres

Date Of Issue: 03 March 2016
Supplied By: Getmapping
Supplier Plan Id: 158138_2500
OS License Number: 100030848
Applicant: Mark Myles
eDevelopment.Scot Reference: 100005230-001

TCP/11/16(417)
Planning Application – 16/00363/IPL – Erection of a dwellinghouse (in principle) land 30 metres west of Lochend Farmhouse, Scotlandwell

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 549-550)*

REPORT OF HANDLING *(included in applicant's submission, see pages 551-562)*

REFERENCE DOCUMENT *(included in applicant's submission, see page 577)*

TCP/11/16(417)
Planning Application – 16/00363/IPL – Erection of a dwellinghouse (in principle) land 30 metres west of Lochend Farmhouse, Scotlandwell

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00363/IPL	**Comments provided by**	Euan McLaughlin
Service/Section	Strategy & Policy	**Contact Details**	**Development Negotiations Officer:** Euan McLaughlin [redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Lochend Farmhouse Scotlandwell for Mr And Mrs I McKenzie		
Comments on the proposal	**Primary Education** With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Portmoak Primary School.		
Recommended planning condition(s)	**Primary Education** 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.		
Recommended informative(s) for applicant	N/A		
Date comments returned	10 March 2016		

The Coal Authority

INVESTOR IN PEOPLE

RTPI Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: **01623 637 119 (Planning Enquiries)**

Email: **planningconsultation@coal.gov.uk**

Web: **www.gov.uk/coalauthority**

For the Attention of: Ms P Beer

Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

16 March 2016

Dear Ms P Beer

PLANNING APPLICATION: INV - 16/00363/IPL

Erection of a dwellinghouse (in principle); LAND 30 METRES WEST OF, LOCHEND FARMHOUSE, SCOTLANDWELL, KINROSS

Thank you for your consultation notification of the 09 March 2016 seeking the views of The Coal Authority on the above planning application.

The Coal Authority Response: **Material Consideration**

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

The Coal Authority Recommendation to the LPA

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Yours sincerely

Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*
Chief Planner / Principal Manager
Planning and Local Authority Liaison

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00363/IPL	**Comments provided by**	D.Lynn
Service/Section	TES - Flooding	**Contact Details**	[redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 20 Metres East Of Lochend Scotlandwell		
Comments on the proposal	No Objection		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	N/A		
Date comments returned	16/03/16		

PB.

Shell U.K. Limited
Onshore Pipelines
Orchardbank Industrial Estate
Forfar
Angus DD8 1TD
United Kingdom
Switchboard +44 (0) 1307 462225
Tel +44 (0) 1307 475351
Fax +44 (0) 1307 468522
Internet http://www.shell.com/eandp

Mr N Brian
Development Quality Manager
Perth & Kinross Council
The Environment Service
Planning and Development
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date: 16th March 2016

Your ref: 16/00363/IPL
Our ref: UPO/W/PTS/CB/kc

Dear Sir

The Town and Country Planning (Scotland) Act 1997 as Amended by Planning etc (Scotland) Act 2006
Consultation on an Application
Erection of a Dwellinghouse (in principle), Land 30m West of Lochend, Scotlandwell for Mr and Mrs I McKenzie

Thank you for your recent consultation regarding the above planning application. From the information provided on your website, there is no reason why the development would directly affect our pipeline servitude strip or the safety and integrity of our pipeline. However, the developer should be made aware that we should be consulted prior to the laying of any services, associated with the development, that would need to cross our pipeline.

Yours faithfully
Shell U.K. Limited

[redacted]

Colin Ballantine
ROW Inspector (South)

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

Ashtrees
Wester Balgedie
KINROSS
KY13 9HE

e-mail [redacted]

20th March 2016.

Mr Nick Brian
Perth and Kinross Council
Development Control
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Dear Mr Brian

16/00362/IPL Erection of a dwellinghouse (in principle) at Land 20 Metres East of Lochend, Scotlandwell, and 16/00363/IPL Erection of a dwellinghouse (in principle) at Land 30 Metres West of Lochend Farmhouse, Scotlandwell,

The Trust continues to object to the proposed development at this site, which has previously been rejected as it considers this is contrary to the Local Development Plan, particularly to the Housing in the Countryside Policy.

The 2 proposed house sites do not constitute Gap infill sites as defined by the HitC Policy. The Trust also is concerned that the two proposed access roads may be used in the future as an argument as a defined boundary for future housing.

The development is also under the Airfield Safeguarding Zone.

For these reasons, the Trust objects to these 2 applications.

Yours sincerely

For and on behalf of Kinross-shire Civic Trust
Cc PKC Local Members
Portmoak CC

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00363/IPL	**Comments provided by**	Shona Alexander
Service/Section	Waste Services	**Contact Details**	0[redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Lochend Farmhouse Scotlandwell		
Comments on the proposal	This property would be on the two bin system only, general waste and recycling. No garden and food waste collection is available in this area. Bins should be presented on the B920.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	24/3/2016		

PB.

Tracy McManamon

From: Michael Silvera <[redacted]>
Sent: 29 March 2016 21:10
To: Development Management - Generic Email Account
Subject: Planning application 16/00363/IPL

Dear Sir

Planning application 16/00363/IPL
Erection of dwellinghouse (in principle)

I write with regards to the above planning application and wish to comment as follows:

1. A new access road will be required through amenity woodland, which was created for privacy for Lochend Farmhouse. I was forced to revoke an agricultural tenancy on the ground to allow this amenity woodland to be created. The building of the road would surely negate its use as an amenity woodland, and this house along with that of planning application 16/00362/IPL would be in stark contrast to the need for privacy.

2. I am concerned that there will be damage to mature trees due to the close proximity of the new house.

3. Lochend Farm well is situated within the area on which the new house is to be built. This well is a part of Scottish history, being over 300 years old, and must be protected.

4. Several years ago the council looked into straightening the sharp bend in the road, which is the site of numerous accidents. If a new house is built in this area, it would prevent any such straightening of the road. It could also potentially be very dangerous, as any vehicle coming round the bend could potentially collide with the house in the event of an accident.

Should you have any queries regarding my comments please do not hesitate to contact me.

Yours faithfully

Michael Silvera
Farm Chalet
Lochend Farm
Scotlandwell
Kinross
KY13 9JQ

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00363/IPL	**Comments provided by**	Niall Moran
Service/Section	Transport Planning	**Contact Details**	[redacted]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Lochend Farmhouse Scotlandwell		
Comments on the proposal	Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied, in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant			
Date comments returned	30 March 2016		

Portmoak Community Council

Robin Cairncross - Secretary
Kantara, Wester Balgedie, Kinross KY13 9HE
[redacted]
www.portmoak.org

4th April, 2015

Mr Nick Brian
Perth and Kinross Council
Development Control
Pullar House
35 Kinnoull Street
PERTH PH1 5GD

Dear Mr Brian

16/00362/IPL, erection of a dwelling house in principle, Land 20 metres East of Lochend Farmhouse, Scotlandwell; and

16/00363/IPL, erection of a dwelling house in principle, Land 30 metres West of Lochend Farmhouse, Scotlandwell

Notice of comment

This application is for the erection of two detached dwellinghouses, in principle, on land some 30 metres west and 20 metres east of Lochend Farmhouse, Scotlandwell.

The Community Council does not in principle object to the erection of these two houses. It recognises that the position of the houses will comply with the Housing in the Countryside policy and that in particular there will be suitable "containment" of this development to the south.

It is however concerned that the height of both houses be confined to that of a single storey or to one and half storeys. This is in line with planning consent granted to other houses in this area and will better enable these houses to achieve integration within their setting where the adjoining original farmhouse is little more than a one and half storey cottage.

Yours sincerely

[redacted]

Robert G Cairncross
For
Portmoak Community Council

M e m o r a n d u m

To	Development Quality Manager	From	Regulatory Services Manager
Your ref 16/00362/IPL		Our ref	LRE
Date 7 April 2016		Tel No	[redacted]

The Environment Service **Pullar House, 35 Kinnoull Street, Perth PH1 5GD**

Consultation on an Application for Planning Permission
PK16/00362/IPL RE: Erection of a dwellinghouse (in Principle) land 30 metres west of Lochend Scotlandwell for Mr and Mrs I McKenzie

I refer to your letter dated 15 March 2016 in connection with the above application and have the following comments to make.

Environmental Health (assessment date –07/04/16)

Recommendation
I have no adverse comments in relation to the application.

Comments
This Service made no adverse comments in memorandum dated 9 February 2015 in relation to previous application 15/00115/IPL for the erection of two dwellinghouses 80 metres south of Lochend Farmhouse: with regards to the affect of residential amenity from odour.

This application is for the erection of a dwelling house 30 metres west of Lochend Scotlandwell, the applicant has also submitted another application at Lochend 16/00362/IPL to the land to the east of Lochend.

Noise
There is Scottish Gliding Portmoak airfield which is approximatley 190 metres away from the application site. It is my contention that future residents will be at times aware of airtraffic noise from airfield.. There are existing properties closer to the airfield and to my knowledge this Service have not received any complaints with regards to aircraft noise.
However please note that this Service has no powers to deal with airtraffic noise

Odour
The application site is within the curtlage of Lochend Farm and this application site is closer to agricultural buildings, than the previous application.
A site visit dated 6 April 2016 showed that the agricultural buildings are for general agricultural storage use.

It is my contention future residents will at times be aware of noise and odour from the daily workings of the farm, but should not adversley affect residential amenity.