

**TCP/11/16(271)**  
**Planning Application 13/00762/FLL – Erection of a dwellinghouse and garage, land 20 metres north west of Balleave Farm Cottage, Kinross**

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**TCP/11/16(271)**  
**Planning Application 13/00762/FLL – Erection of a**  
**dwellinghouse and garage, land 20 metres north west of**  
**Balleave Farm Cottage, Kinross**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

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E-mail\* hutton874@btinternet.com

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

Planning authority's application reference number

13/00762/FLC

Site address

LAND 20 METRES NORTH WEST OF BALLEAVE  
FARM COTTAGE, KINROSS

Description of proposed  
development

ERECTION OF A DWELLINGHOUSE AND  
GARAGE

Date of application

25.4.13

Date of decision (if any)

11.7.13

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

**Statement**

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

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

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

PLEASE SEE ATTACHED STATEMENT

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

Yes ☐ No ☒

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

**List of documents and evidence**

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

WRITTEN STATEMENT IN SUPPORT OF APPLICATION  
FOR REVIEW

CONSTRAINTS PLAN

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

13.8.13



**STATEMENT IN SUPPORT OF THE APPLICATION FOR A REVIEW OF THE  
DECISION TO REFUSE THE PLANNING APPLICATION FOR THE ERECTION  
OF A DWELLINGHOUSE AND GARAGE ON LAND 20 METRES NORTH  
WEST OF BALLEAVE FARM COTTAGE, KINROSS.**

**PERTH& KINROSS COUNCIL REFERENCE 13/00762/FLL.**

**R T HUTTON PLANNING CONSULTANT  
AUGUST 2013.**

## **1.0 Background to the Appeal.**

1.1 In December 2012 Mr Stewart Mullan, through his architects Sinclair Watt, applied for planning permission for a new house at the farm where he is employed. The application was refused by the Council in February 2013 with three reasons given for that decision. These related to:

- The principle of a new house in the countryside.
- The lack of fit of the house within the location of the site.
- The non-compliance with policies relating to foul drainage within the Loch Leven catchment area.

1.2 Whilst disappointed by this decision, Mr Mullan responded in a positive way by submitting a revised application in which he sought to address the three matters on which his first application had been refused. In order to address the principle of a new house in the countryside, a report was commissioned from the Scottish Agricultural College, and this explained in detail why the accommodation is required on Balleave Farm. Engineers were engaged to address the drainage issue, and did this in consultation with SEPA who are satisfied by the arrangements now being proposed.

1.3 It is clear from the Report of Handling that the Council now accept that there is a need for a house on the farm, and as a result of this the principle of a new house in a countryside location can be seen as in compliance with relevant policies. Similarly, the acceptance by SEPA of the revised drainage proposals shows that drainage policies relating to Loch Leven are satisfied.

1.4 The final reason for refusal was concerned with the site chosen for the new house. In the opinion of the applicant and his professional advisors the site chosen is the best available, and the revised application explained why other sites on Balleave Farm are less acceptable. Despite this explanation and the need for a house on this farm, the Council planners maintained their view that the proposed site was unacceptable and were not prepared to discuss this issue at the farm where alternative sites could be considered. They refused a site meeting with the application agent to discuss potential sites and their constraints, and a request from Gordon Banks MP for a site meeting went unanswered.

1.5 In light of all of the above Mr Mullan now requests that the Local Review Body consider his application and reverse the decision of planning officers and grant permission for his new house. He also requests that as part of their consideration of his proposal, members of the Local Review Body visit the site in order to fully understand the constraints identified by the applicant as well as the concerns of the Council planning case officer.

## **2.0 The Application Proposal.**

2.1 The applicant, Mr Stewart Mullan, has lived most of his life at Balleave Farm, as his father has been employed on there for the past 42 years. Mr Mullan senior has occupied the house immediately adjacent to the application site for 41 years, and will continue to do so following his retirement in the next couple of years. The applicant moved out of this family home when he married in 2000, but has worked on a full time basis at Balleave Farm for 22 years. He currently lives in Kinross, and this is less than ideal in terms of managing, where a continuous presence is needed at the farm.

2.2 With the retirement of his father it will become even more critical that Mr Mullan lives on the farm in order to attend to any emergencies which may arise, and also to provide an element of surveillance which is increasingly necessary to prevent rural theft and vandalism. A report prepared by the Scottish Agricultural College submitted with the planning application demonstrates the need for this new house on Balleave Farm, and this has been accepted by the case officer.

2.3 Having reached the point where it is accepted that the principle of a new house can be justified in terms of Council policy, the next matter to be considered is the location of the proposed house. Balleave Farm consists of a group of farm buildings, a single house occupied by Mr Mullan senior to the south of these, with the remainder of the farm open agricultural land with some established tree planting. There is no land within or immediately adjacent to the group of farm buildings where it would be possible to site the new house and achieve an acceptable standard of residential amenity. Proximity to buildings where livestock are kept and a sheep dip, could give rise to problems with smell and potentially harmful contamination. There would also be significant noise from the grain dryer and the everyday farming activity which, depending on time of year, can occur over a very long day. Please see the attached "Constraints Plan" which shows the location of these features at the farm.

2.4 For these reasons a site away from the farm buildings was chosen, and in order to avoid what might be seen as isolated development, the land immediately adjacent to the existing house was chosen. This also has the benefit that when seen from the track which provides the only

access to the farm, the new house would be viewed against a background of mature trees. However, in order to further assist integration into the local landscape, new tree planting is proposed around the curtilage of the proposed new house.

2.5 The design approach for the proposed house is described in the delegated report as being “generally ok”, being adjacent to the existing cottage and respecting the established building line and principal elevations. It is only the siting itself which gives any cause for concern. In the following section the applicant will seek to demonstrate why the only sites regarded as acceptable to the case officer are not acceptable and would be inconsistent with Council policy and a recent decision made by this Local Review Body when refusing permission for a new house adjacent to a working farm.

### 3.0 Comment on the Reason for Refusal.

3.1 The planning application was refused under powers delegated to officers on the 11<sup>th</sup> July, and one reason was given for that decision. It is:

**“The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004, Policy RD3 of the Proposed Local Development Plan 2012 and the 2012 Housing in the Countryside Guide: failing to satisfy the associated policy siting criteria through a lack of established boundary definition or site containment where the sub-division of a field or newly planted hedge or tree belt in order to create a site, will not be acceptable.”**

Before going on to examine these policies in detail we would wish to re-iterate the point that the proposed new house is needed to ensure the long term operational needs, and hence viability of this farm unit. It is therefore essential that a site is found on the farm to accommodate the house. Legislation requires that the determination of planning applications **“shall be made in accordance with the plan unless material considerations indicate otherwise”**. In this case we would suggest that the essential need for a house on this farm is a material consideration.

3.2 Policy 64 of the Kinross Area Local Plan is a general policy relating to housing in the countryside. It applies the generally adopted planning position of seeking to restrict new houses in rural areas, and sets out the exceptions to this policy. One of these is where there is an operational need for a house, and this has been accepted in this case. A caveat to this aspect of policy requires that the house should be designed and sited satisfactorily. Again it has been accepted that the design is acceptable, and it is only the lack of a landscape framework which gives any cause for concern.

3.3 Policy RD3 of the Proposed Local Development Plan is again a general policy which is headed Housing in the Countryside, and it lists those circumstances in which the Council will take a positive view of such development. Section c of the policy relates to new houses in the open countryside on defined sites as set out in section 3 of the supplementary guidance. This guidance is the revised version of the Council’s Housing in the Countryside from August 2009, and is the third policy document referred to in the reason for refusal.

3.4 The Housing in the Countryside Guide (referred to now as supplementary guidance), was revised, with the most recent version having been adopted by the Council in November 2012. As with previous versions of this guidance, it states that favourable consideration will be given to a house which is required for “an established countryside activity”. It is explained that the Council must be satisfied of the need for a house, and that any permission will limit the house occupation to an essential worker. It is understood that the Council are satisfied that all of these aspects of this planning application are met.

3.5 The Housing in the Countryside Guide contains a section which lists a series of matters which need to be considered for all proposals. Two of these are particularly relevant to this case, and these are;

- h) New houses on working farms will be approved where a satisfactory residential environment can be created, and where the house will not compromise the operation of the farm, and
- m) The proposal should have a good fit with the local landscape and “demonstrate a specific design approach to achieve integration with its setting”. It also notes that where new tree planting is considered it should be in keeping with the local landscape character.

Nowhere in any of the three policies referred to in the reason for refusal is there mention of boundary definition, site containment or the sub-division of a field, which are matters noted specifically in the refusal. This highlights the subjective nature of assessing an appropriate setting for a new house in the countryside.

3.6 The applicant has, in this second application, sought to address the concerns set out in the refusal of his first application. It is only the issue of fit within the landscape which remains unresolved, and as noted above this relies on a subjective assessment. When choosing the site for his new house Mr Mullan was aware of the need to minimise visual impact whilst achieving a good standard of residential amenity for his family, as set out in Council guidance as explained in paragraph 3.5 above. The planning case officer has stated clearly that only a site north of the burn, in close proximity to the operational farm buildings, will be acceptable. However, no sites are available in this area which would not



subject residents to an acceptable nuisance from operational farming activities. Unfortunately the planning case officer was unwilling to meet on site to discuss this issue.

3.7 It is set out very clearly in Council guidance that a new house will not be approved on working farms unless a satisfactory residential environment can be achieved. This reflects the advice contained in the Scottish Government publication "Prevention of Environmental Pollution from Agricultural Activity", and is a principle which has been adopted by the Council's Environmental Health staff when commenting on planning applications. At the Local Review Body of June 2013 an application for a new house at Balneathill House was refused because of its position close to a working farm, despite the fact that livestock were not kept there.

3.8 Having established that no suitable sites are available in the location suggested by the planning case officer, the application site was chosen with a view to maximising integration into the local landscape. The land south of the burn and the steading buildings is relatively flat, and the only significant feature is the mature belt of woodland adjacent to the burn (as shown on the Constraints Plan). In order to avoid isolated development a site was chosen immediately adjacent to the house of the applicant's father, and this has the benefit that the new house will always be seen against the back drop of the tree belt. This, when allied with tree planting around the curtilage of the new house, will result in a satisfactory landscape situation. Most of the older country houses in the Perthshire countryside benefit from a landscape framework that was established when the houses were built, and did not rely on some previously established planting. It would be a pity if this principle were abandoned completely.



## **4.0 Conclusions.**

4.1 The application subject of this review is the second submitted for this site. Unlike the first, this application was refused for one reason alone, the planning officer considering that the site chosen was unsuitable due to the lack of an established landscape framework. The need for a new house on Balleave Farm has now been accepted by Council planners as being necessary for the ongoing operational activity of the farm. However, they have insisted that the new house be sited adjacent to the existing farm steading buildings. Such a location would not give an acceptable standard of residential amenity, and as such would be contrary to the Council's own policies relating to new housing in the countryside.

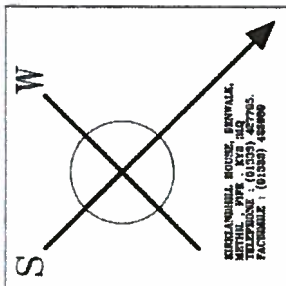
4.2 The application site was chosen to avoid isolated development, being adjacent to an existing house, and having the benefit of being seen against a mature tree belt. New tree planting around the site is in line with Council policy, and would assist landscape integration. As such, the site chosen will give the accommodation needed in a way which the applicant considers complies with Council policies. However, should members of the Local Review Body have doubts that the site chosen will not fully achieve policy requirements with regard to landscape fit, we would point out that the need for a new house being essential to the long term operation of this farm is a material consideration in the determination of this application. The application site is the best which can be achieved in terms of landscape and residential amenity, and will allow a long term employee at Balleave to remain on the farm.





NORTH

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ent

MR S. MULLAN

project

PROPOSED NEW  
DWELLING HOUSE  
at BALLEAVE FARM.  
by KINROSS

drag.

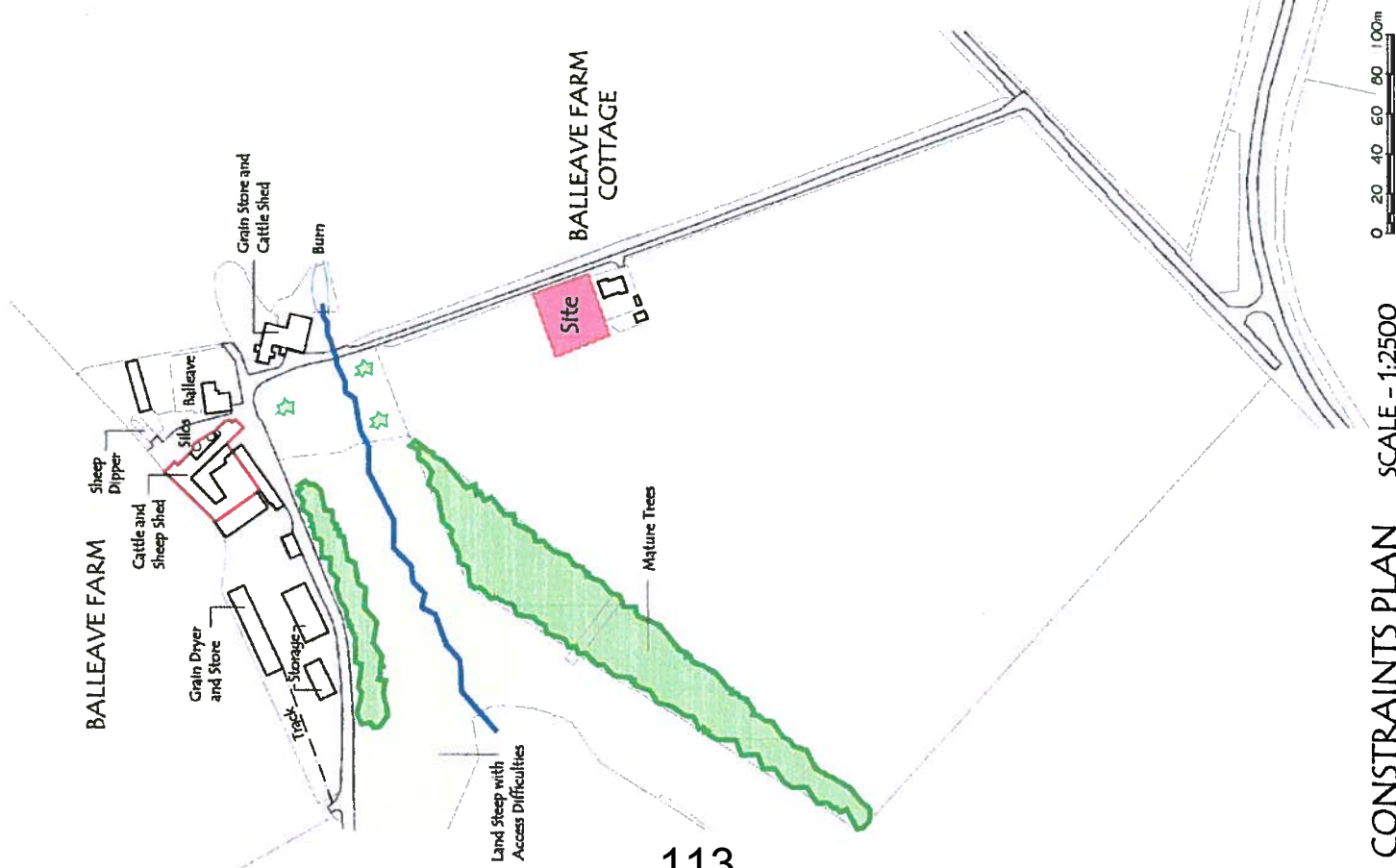
## CONSTRAINTS PLAN

drawn	checked	approved	date
IM/G			Mar '13

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**TCP/11/16(271)**  
**Planning Application 13/00762/FLL – Erection of a dwellinghouse and garage, land 20 metres north west of Balleave Farm Cottage, Kinross**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr Stewart Mullan  
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PERTH  
PH1 5GD

Date 11th July 2013

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00762/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 25th April 2013 for permission for **Erection of a dwellinghouse and garage Land 20 Metres North West Of Balleave Farm Cottage Kinross** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004, Policy RD3 of the Proposed Local Development Plan 2012 and the 2012 Housing in the Countryside Guide; failing to satisfy the associated policy siting criteria through a lack of established boundary definition or site containment where the sub-division of a field or newly planted hedge or tree belt in order to create a site, will not be acceptable.

### Justification

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

## Notes

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

### Plan Reference

13/00762/1

13/00762/2

13/00762/3

13/00762/4

13/00762/5

13/00762/6

13/00762/7

13/00762/8

13/00762/9



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	13/00762/FLL
Ward No	N8- Kinross-shire

**PROPOSAL:** Erection of a dwellinghouse and garage

**LOCATION:** Land 20 Metres North West of Balleave Farm Cottage Kinross

**APPLICANT:** Mr Stewart Mullan

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 5 June 2013



#### **OFFICERS REPORT:**

##### **Description & Background**

The application relates to a site extending to 1050 sqm on land associated with Balleave Farm, to the west of Kinross (less than 1.5 km by road), separated by the M90. The site is located immediately north and adjacent to an existing single storey, farm cottage. The site forms a portion of farm land with no existing landscape framework on three of its boundaries.

To the north of the site, in excess of 100m away, separated by Gelly burn and a copse of trees is Balleave Farm building group. The site lies directly within the Loch Leven Catchment Area, approximately 100m south of the Gelly burn.

The previous application 12/02140/FLL was previously refused on the following grounds:

1. The proposal is contrary to Policies 10-12 of the Kinross Area Local Plan and Policies EP7A, EP7B, EP7C of the Proposed Local Development Plan 2012 as it fails to meet all the associated criteria, specifically through lacking drainage details in relation to phosphorus calculations and phosphorus treatment.
2. The proposal is contrary to Policy 6 of the Kinross Area Local Plan 2004 and PM1A and PM1B of the Proposed Local Development Plan 2012 in failing to fully satisfy the aforementioned policy criteria.
3. The proposal is contrary to Policy 64 of the Kinross Area Local Plan, Policy RD3 of the Proposed Local Development Plan 2012 and the 2012 Housing in the Countryside Guide 2012, to which it must apply.

### **Proposal**

This proposal constitutes a re-submission of an earlier application 12/02140/FLL. The application is in full, seeking consent for the creation of a single dwelling house with living accommodation in the roof. The proposed dwelling loosely ties into the building line of the existing farm cottage, slightly larger in scale, with a garage located to the rear. The proposed architecture is relatively traditional and modest in style. Proposed finishes include off-white wet dash render, stained larch cladding, reconstituted stone, concrete roof tiles and UPVC sash and case style windows. The landscape boundary treatment proposed is post and wire fence with some native species tree planting adjacent to the boundary.

### **Policy**

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 Kinross Area Local Plan 2004. The proposed Local Development Plan 2012 is a material consideration. There are no specific policies of strategic importance, relevant to this proposal contained in the TAYPlan.

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.

### **Housing in the Countryside Guide 2012**

The proposed principle of an additional single residential dwellinghouse created on this site is not considered to satisfy policy 64 of the KALP, RD3 of the Proposed Plan 2012, through the associated siting policy criteria of the 2012 adopted Housing in the Countryside Guidance (HICG). Specifically, as part of Criteria 3 of the HICG – 'New Houses in the Open Countryside', siting criteria sub-point c) specifically states the

requirement to ***“use an identifiable site, with long established boundaries which must separate the site naturally from the surrounding ground (e.g. a dry stone dyke, a hedge at a minimum height of one metres, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or newly planted hedge or tree belt in order to create the site, will not be acceptable.”***

In addition, the associated siting criteria goes on to state that ***“a new house site will not be acceptable if when viewed from surrounding vantage points;***

***b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and***

***c) is unable to provide a suitable degree of enclosure for a new house in the countryside.***

### **Building Group**

The proposed situation of the residential dwelling is assessed as being isolated from the building group of Balleave farm, which sits in excess of 100m to the north and is separated physically by tree planting and Gelly burn. This is not therefore considered to constitute an extension to an existing building group. The adjacent farm cottage and outbuilding does not in itself constitute a building group.

### **Agricultural Justification**

A SAC justification has been submitted to support the planning application. This application now includes a labour justification report to justify beyond all reasonable doubt the additional labour requirement as part of this farm unit. Receipt of a fully justified SAC report identifying an additional labour requirement in isolation is still not enough to justify a dwelling to be sited anywhere within the landward area.

### **Alternative Sites**

As part of the previous planning assessment and follow up correspondence, the case officer recommended that alternative sites were investigated and pursued, which more closely related to the farm building group of Baleave Farm. The applicants agents have confirmed that alternative sites were fully investigated, but were not pursued as they were not considered to provide a satisfactory residential environment, which did not compromise ongoing agricultural activity. Other reasons stated include: adjacent land being steeply sloping, requiring bridge access and containing mature trees which add to the landscape setting of the buildings. This site is considered by the applicant to be the only appropriate site to pursue.

The case officer cannot comment on the suitability of the other sites, which are considered to be undevelopable as the assessment is based on the site in question. It can be confirmed however, that in the context of establishing the principle of a residential dwelling on the basis of agricultural justification; the concept of siting a farm workers dwelling adjacent to a working farm is not considered to be unacceptable on the grounds of providing a satisfactory residential environment and may be supported (based on individual site circumstances). In addition, despite any perceived or evidenced siting restrictions with sites identified as part of Baleave Farm unit, the Council would still not be in a position to support a dwelling on the site currently applied for.

## **Drainage**

Background details have now been submitted to show compliance with conditions 10-12 of the KALP and EP7A, B and C. SEPA have removed their original objection through the receipt of additional drainage percolation data. SNH will not object if the following is secured:

*“Separate planning measures are put in place to secure phosphorus loading measures for the long-term ensuring the treatment works are<sup>3</sup> regularly serviced and chemically dosed; and*

*The phosphorus loading mitigation measures are put in place prior to the new dwelling being occupied. To ensure the total phosphorus discharged to the catchment does not increase as a result of the development.”*

In the event of the recommendation for refusal being overturned at Local Review Body, a legal agreement would be required to ensure appropriate drainage measures and associated improvements (in relation to LLC) are put in place and thereafter maintained in perpetuity.

## **Flooding**

As part of the transport planning section memo on this application, it has been noted that the Council Flooding and Structures team have requested that a flood risk assessment be undertaken for this site. This issue was not identified at any point through the earlier application assessment 12/02140/FLL. It is not considered appropriate at this stage, in particular when the proposal is not looking to be supported, to request that a flood risk assessment be undertaken.

## **Landscaping**

No existing landscape framework exists on the site. A proposal for post and wire fence and native tree stock is proposed. The lack of existing boundary treatment reinforces the lack of applicability to wider policy criteria for a house at this location. Notwithstanding a robust agricultural justification and associated drainage details, this site still remains to be assessed as an unacceptable location as part of the wider farm unit. Whilst it is accepted that a single house historically exists adjacent to the application site, this in itself does not justify this to be a good or supportable site selection. The trees to the north west of the site do not provide an immediate backdrop to the site, as per the siting criteria requirements of the HICG.

## **Design**

The basic design approach is considered to be generally ok, although it is assessed that whilst the proposed house sits adjacent to the existing single storey cottage, respects the established building line and principal elevations, it does not sensitively relate to the existing building or necessarily complement the existing dwelling and its surroundings. As a detached dwelling, the proposed dwelling and its overall site relationship with the neighbouring cottage is deemed to closer relate to a suburban setting and context.

## **Traffic/Safety issues**

No objection raised; subject to compliance with associated conditions.

## **Education**

In terms of other material considerations; this involves an assessment against the approved Developer Contributions Policy 2012, which covers Primary Education and New Housing Developments. The developer contributions policy seeks a financial contribution of £6,395 per mainstream residential unit in areas where the local primary school is operating at over its 80% capacity (not formally applied at principle stage of consent). In the event of the recommendation for refusal being overturned at Local Review Body, an upfront contribution or associated legal agreement would be required in this case as the local school is operating at 80% capacity.

## **Conclusion**

In conclusion, there is not considered to be any siting policy criteria to support any dwellinghouse at this location. There is no appropriate landscape fit or established boundary containment for the proposed dwelling to sit within, the proposed dwelling could more sensitively relate to the existing dwelling in-situ and elements of the proposed finishing materials would not be supported at this location; it is however accepted that the material finishing could be conditioned through any recommendation of approval.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the Approved TAYPlan June 2012 and the Adopted Kinross Area Local Plan 2004.

### TAYPlan June 2012

There are no strategic issues of relevance raised by the TAYPlan 2012.

### Kinross Area Local Plan 2004

#### **Kinross Area Local Plan 2004**

The site lies within the landward area as identified in the Kinross Area Local Plan 2004. The principal relevant policies of the Plan are summarised:

**Policy 2 'Development Criteria'** provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework, have regard to the scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

**Policy 5 'Landscape'** – indicates that landscape character should be enhanced through development.

#### **Policy 6**

The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to:-

- a) The use of appropriate high quality materials.
- b) Innovative modern design incorporating energy efficient technology and materials, subject to compliance with d) and e) below
- c) Avoidance of the use of extensive underbuilding on steeply sloping sites.

- d) Ensuring that the proportions of any building are in keeping with its surroundings.
- e) Ensuring that the development fits its location.

The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for rural housing applications and where appropriate for other forms of built development.

### **Policy 7**

Details of landscape treatment should be submitted with development proposals including where appropriate, boundary treatment, treatment of settlement edges, and impact on key views. Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of landscaping.

### **Policy 13**

Proposals for individual septic tanks, bio-disc units or similar treatment facilities will only be permitted in unsewered settlements, sewer areas or immediately adjacent to sewer areas, in the following circumstances:

- a) Where development proposals are for up to a maximum of five houses or house equivalents in settlements identified in this Plan (except Kinross, Milnathort, Crook of Devon, Kinnesswood) a septic tank, biodisc unit or similar will be acceptable providing all the following criteria are met:-
  - i) There is no adjacent public sewerage system which is accessible at reasonable cost or the existing public sewerage system is operating at capacity and there is an embargo on further development, and there is no programmed improvement for it;
  - ii) The proposed septic tank, bio-disc, or similar, and associated soakaway be within the application site and be no less than 15 metres from adjoining habitable properties and no less than 5 metres from the application boundaries for single houses; and
  - iii) The developer enters into a Section 75 Agreement to ensure that:-
    - 1. the septic tank, bio-disc, or similar, serving one or more properties, will remain within the developer's ownership or a single ownership; and
    - 2. a connection to the public sewerage system will be made at the developer's or owner's expense if and when the Planning Authority is advised by Scottish Water that capacity is available; and
    - 3. provision is made to ensure the continued maintenance of the wastewater treatment plant; and
    - 4. where appropriate, the sewerage system is constructed to a specification acceptable for adoption by the East of Scotland Water Authority in order to ensure connection to the public system when capacity becomes available.
  - iv) The development does not conflict with any other policy or proposal contained in the Local Plan.

- b) Where development proposals are for six or more houses or house equivalents in a settlement identified in this Plan with an embargo on development due to a lack of public sewerage infrastructure or capacity, private sewerage arrangements will only be acceptable where the scheme is constructed to meet the full requirements of the guidance notes for developers published by Scottish Water from time to time, including where necessary a Section 75 or similar agreement, if required, to ensure that adoption by the Scottish Water takes place. Communal private sewerage arrangements will not be acceptable within the Loch Leven Catchment Area.

#### **Policy 14**

Where appropriate surface water should be disposed of to closed soakaways or by the adoption of the best management practices highlighted in the SEPA document "Sustainable Urban Drainage Systems - Design Manual for Scotland and Northern Ireland."

#### **Policy 64: Housing in the Countryside**

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into an identified category:

1. Building Groups
2. Renovation or Replacement of Houses
3. Conversion or Replacement of Non-Domestic Buildings
4. Operational Need

#### Perth and Kinross Council Local Development Plan - Proposed Plan January 2012

On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application. The principal relevant policies are in summary:

#### **Policy PM1: Placemaking**

Development must contribute successfully to the quality of the surrounding built and natural environment.

#### **Policy RD3: Housing in the Countryside**

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside.

#### **Policy EP7: Drainage within the Loch Leven Catchment Area**

Policy EP7A, EP7B & EP7C look to seek to assist the ecological recovery of Loch Leven in respect of drainage infrastructure and manage development proposals in the catchment of Loch Leven SPA, through only supporting proposals that have been ascertained to not adversely affect the integrity of the SPA.

#### **Other Policies:**

### Housing in the Countryside Guide 2012

A revised Housing in the Countryside Policy was approved by the Council in August 2012. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

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

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

### Development Contributions 2012

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

### **SITE HISTORY**

12/02140/FLL Erection of a dwellinghouse and garage 22 February 2013 Application Refused.

### **CONSULTATIONS/COMMENTS**

Transport Planning	No objection, subject to standard condition.
Scottish Water	No objection.
Education And Children's Services	Application of contribution where appropriate (capacity concerns).
Scottish Environment Protection Agency	Original objection through lack of drainage details, removed latterly through submission of additional details.
Scottish Natural Heritage	Verbal objection, lack of drainage details (policy 10-13 of KALP).

**TARGET DATE:** 25 June 2013

### **REPRESENTATIONS RECEIVED: Yes**

Number Received: 2

1 letter of support – citing comfort from having neighbours living next door to them in respect of security.

1 letter of objection – concern over the size and scale of the proposed house sitting in-situ with the existing single storey cottage which abuts the site. The site is in a very



prominent position whereby two houses should relate to each other in their associated architecture.

**Summary of issues raised by representations:**

The issue of security and comfort is not considered to be a material planning consideration in this assessment.

The concerns over the size and scale in isolation are not considered to be reasons for refusal, but the relationship of the two properties and the associated architecture comments are seconded by the case officer.

**Response to issues raised by objectors:**

N/A

**Additional Statements Received:**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	None
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Drainage details submitted

**Legal Agreement Required: None (unless approved on appeal)**

Summary of terms - None.

**Direction by Scottish Ministers - None**

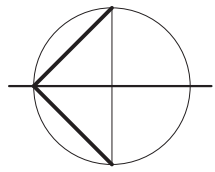
**Reasons:-**

1. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004, Policy RD3 of the Proposed Local Development Plan 2012 and the 2012 Housing in the Countryside Guide; failing to satisfy the associated policy siting criteria through a lack of established boundary definition or site containment where the sub-division of a field or newly planted hedge or tree belt in order to create a site, will not be acceptable.

**Justification**

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





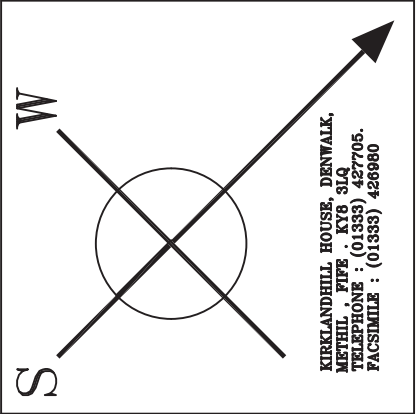
NORTH

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LICENCE NO. 100006363

AMENDMENTS

A - 20.12.2012  
Site boundary extended to include  
proposed drainage works.

SINCLAIR WATT  
CHARTERED ARCHITECTS



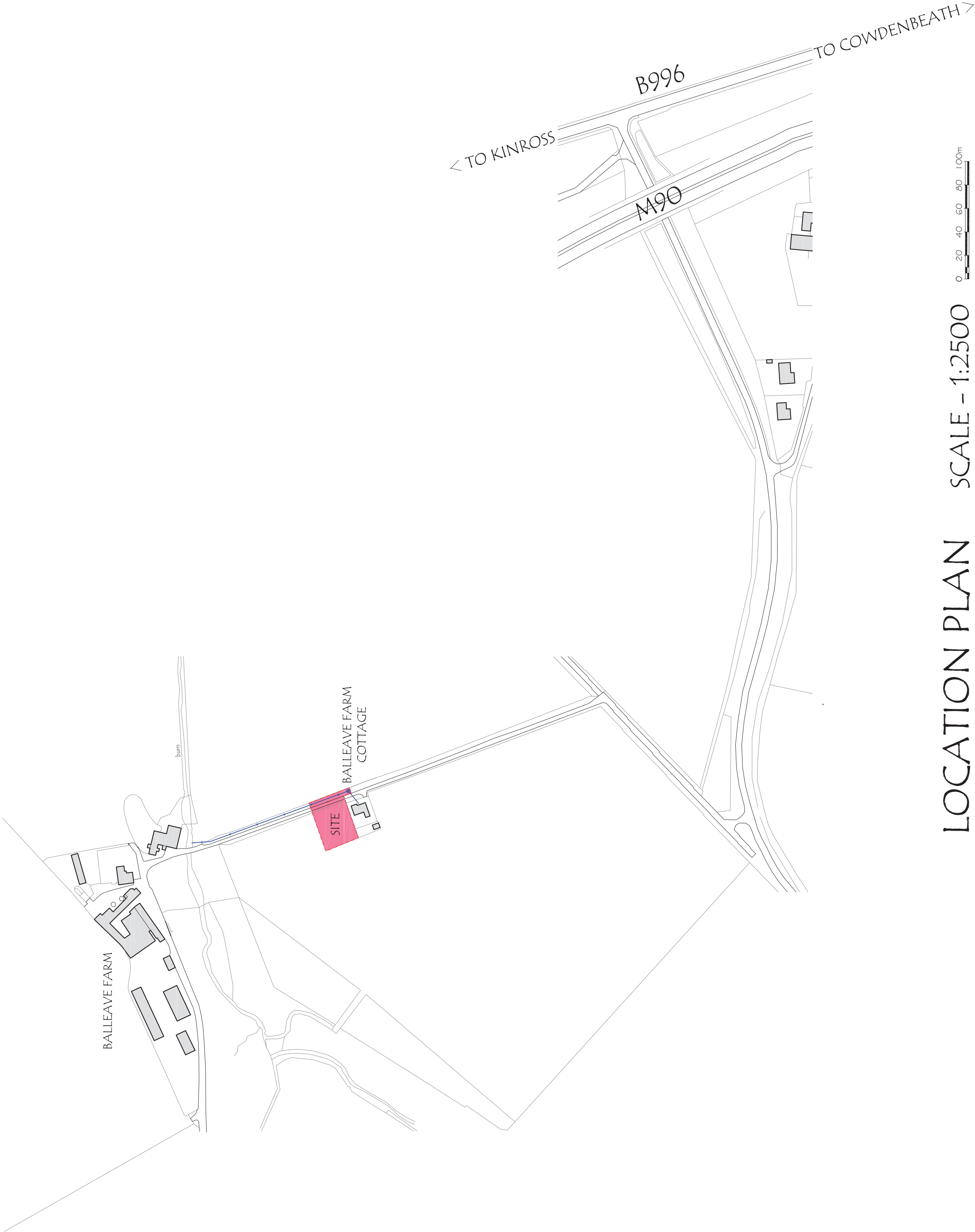
client  
MR S. MULLAN

project  
PROPOSED NEW  
DWELLING HOUSE  
at BALLEAVE FARM,  
by KINROSS

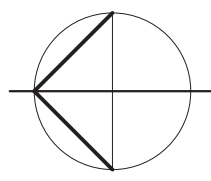
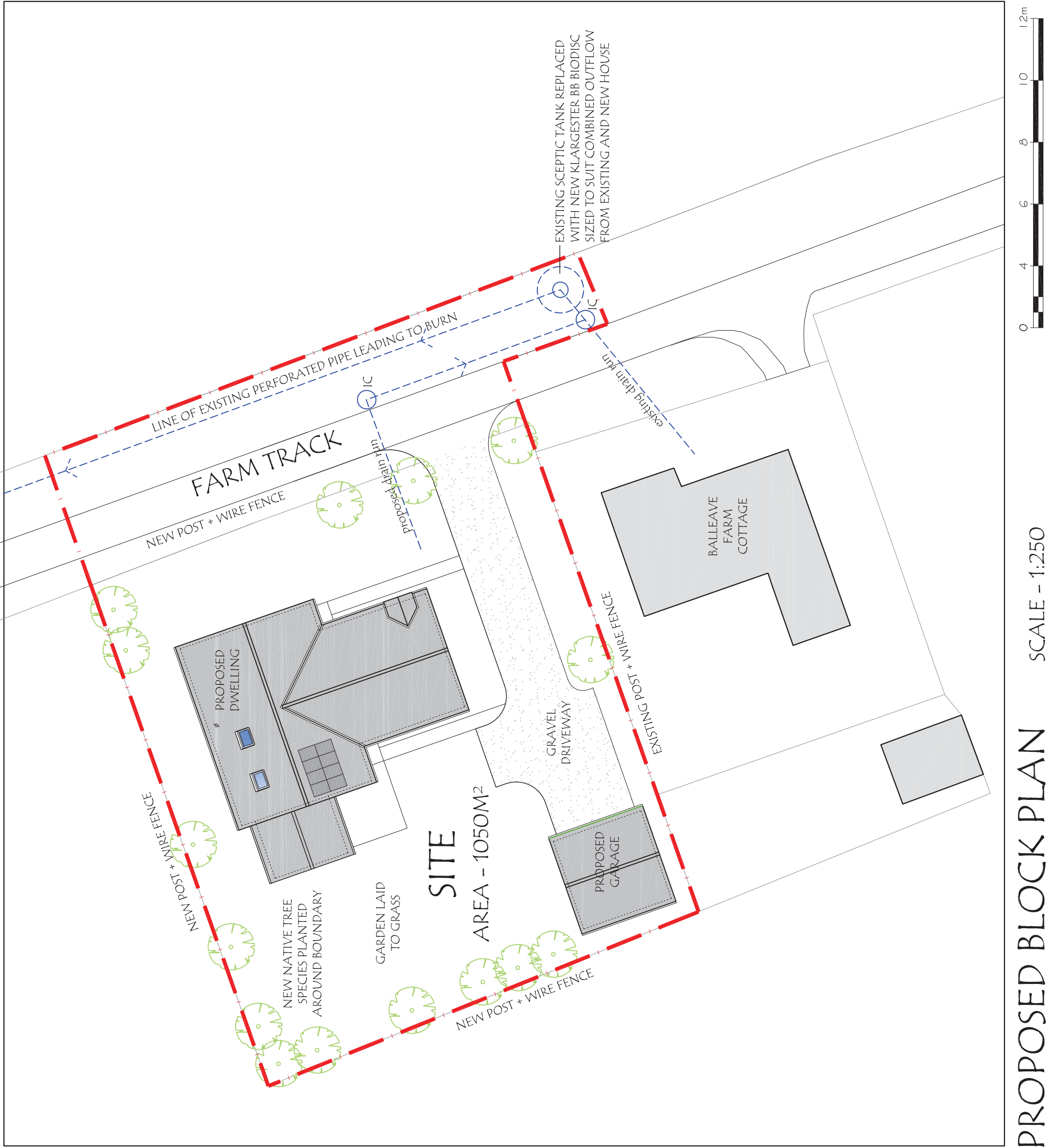
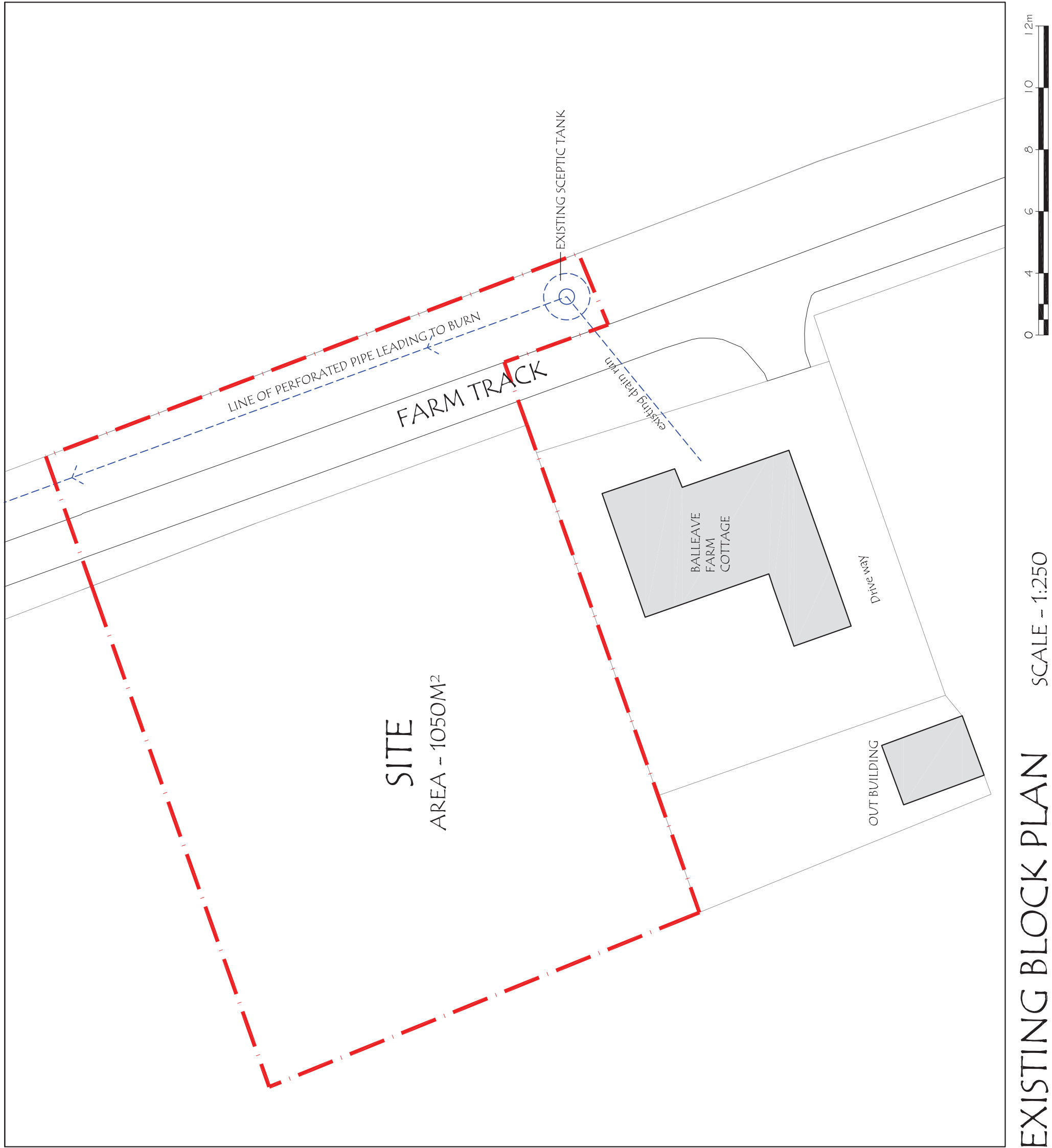
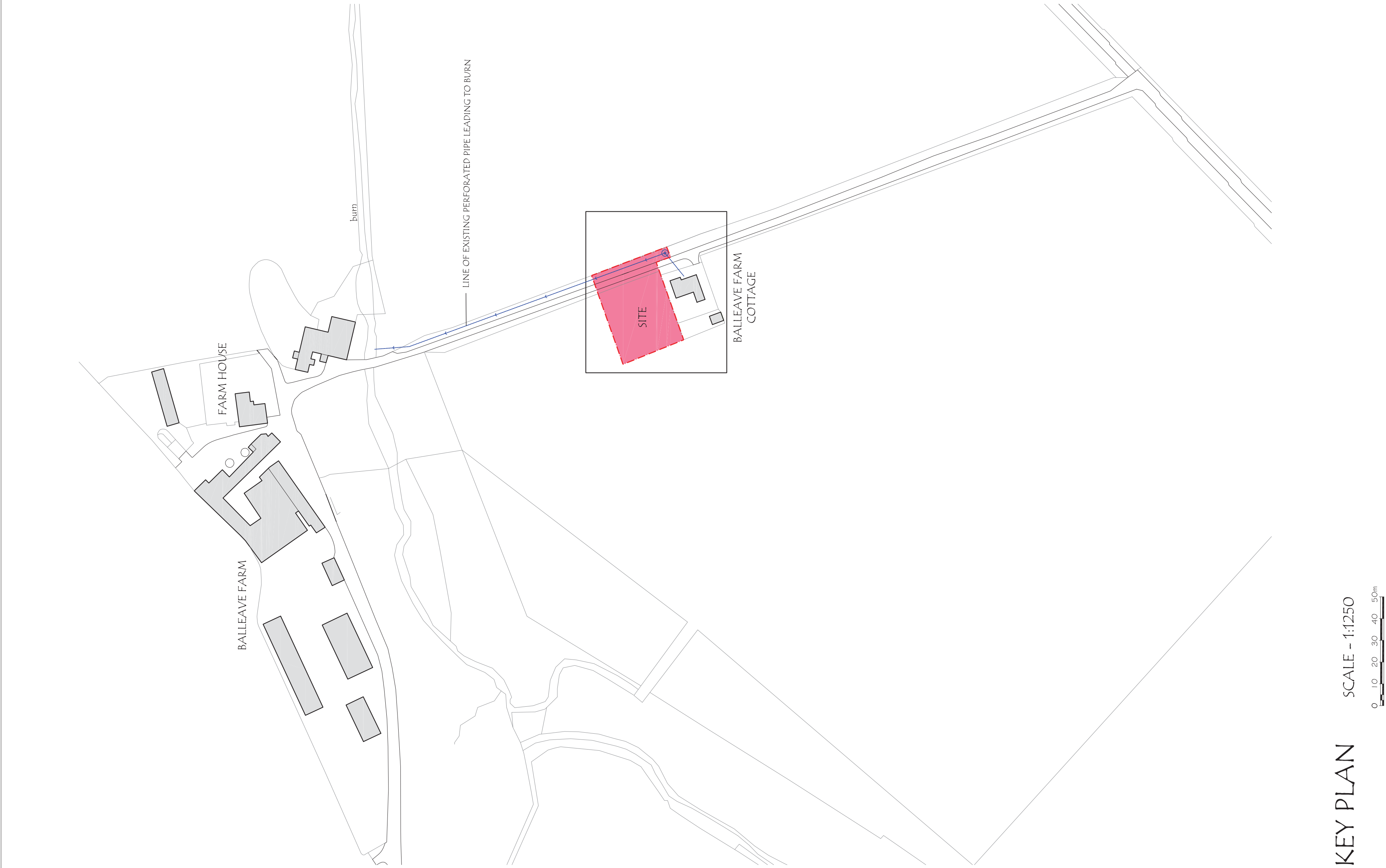
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LOCATION PLAN

drawn	checked	approved	date
HV	IM/G		DEC'12
scales 1:2500 @ A2			

drg.no.  
H.1365 AD (O) 01A



LOCATION PLAN      SCALE - 1:2500



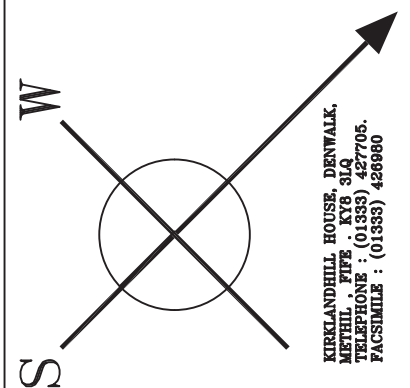
NORTH

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AMENDMENTS

- A - 20.12.2012  
Existing and proposed drainage arrangements indicated. Site boundary extended to include proposed drainage works.
- B - 15.04.2015  
Specification of new Biodisk added.

SINCLAIR WATT  
CHARTERED ARCHITECTS



client  
MR S. MULLAN

project  
PROPOSED NEW  
DWELLING HOUSE  
at BAILEAVE FARM,  
by KINROSS

drawn  
EXISTING AND PROPOSED  
BLOCK PLANS

drawn	checked	approved	date
IM/G			DEC12

scales  
AS SHOWN @ A1

drawn  
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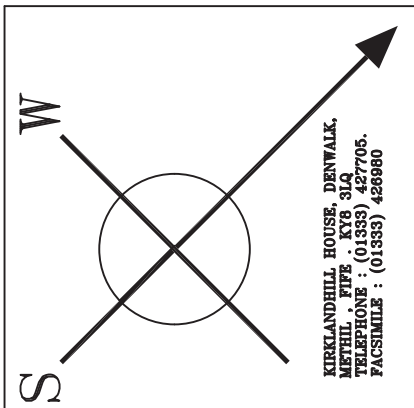
## AMENDMENTS

A - 20.12.2012  
Existing and proposed drainage  
arrangements indicated. Site boundary  
extended to include proposed drainage  
works.

B - 15.04.2013  
Specification of new Biodisk added.

C - 25.04.2013  
Block plans updated to show site levels.  
Site area updated.

SINCLAIR WATT  
CHARTERED ARCHITECTS



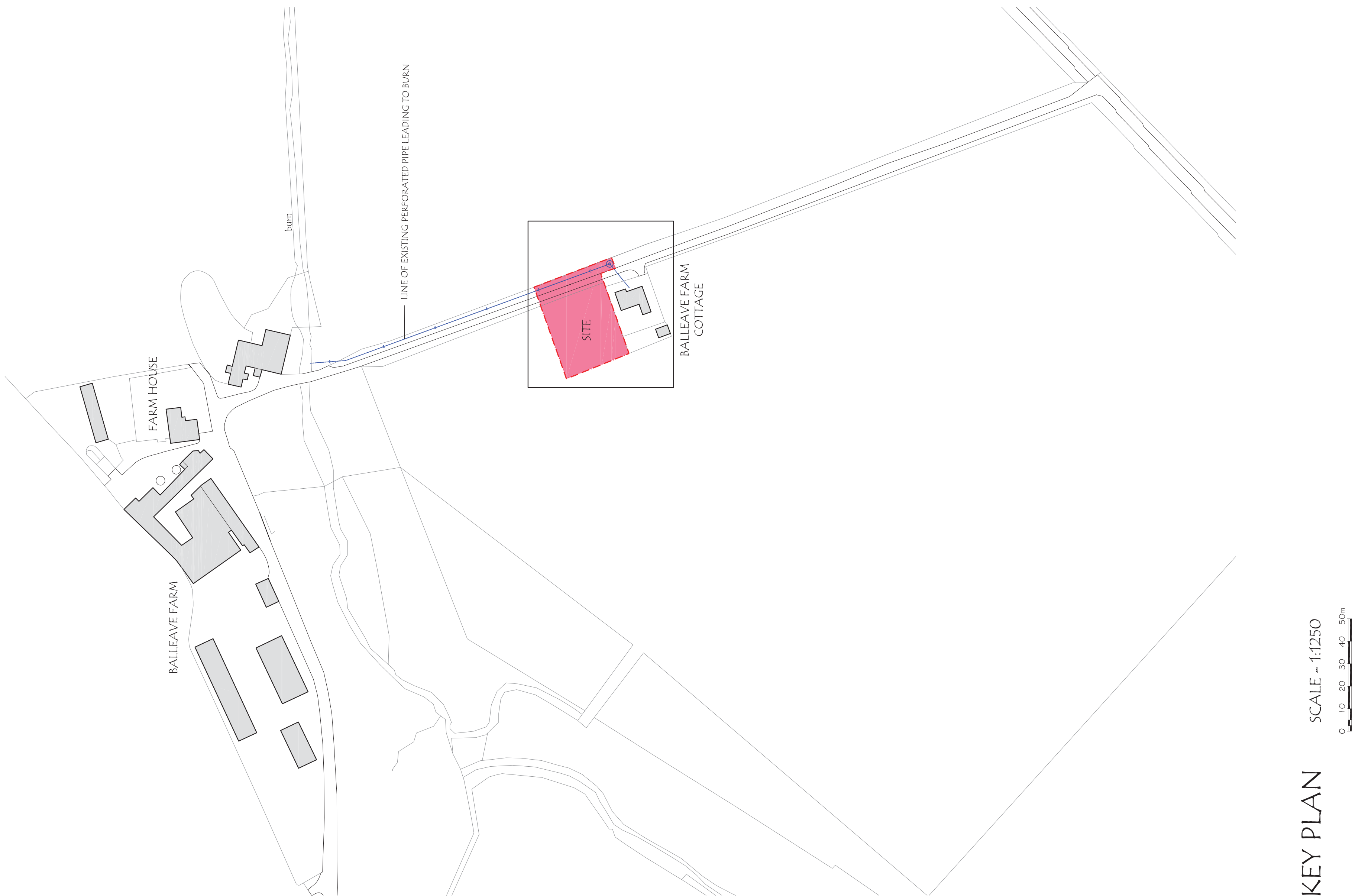
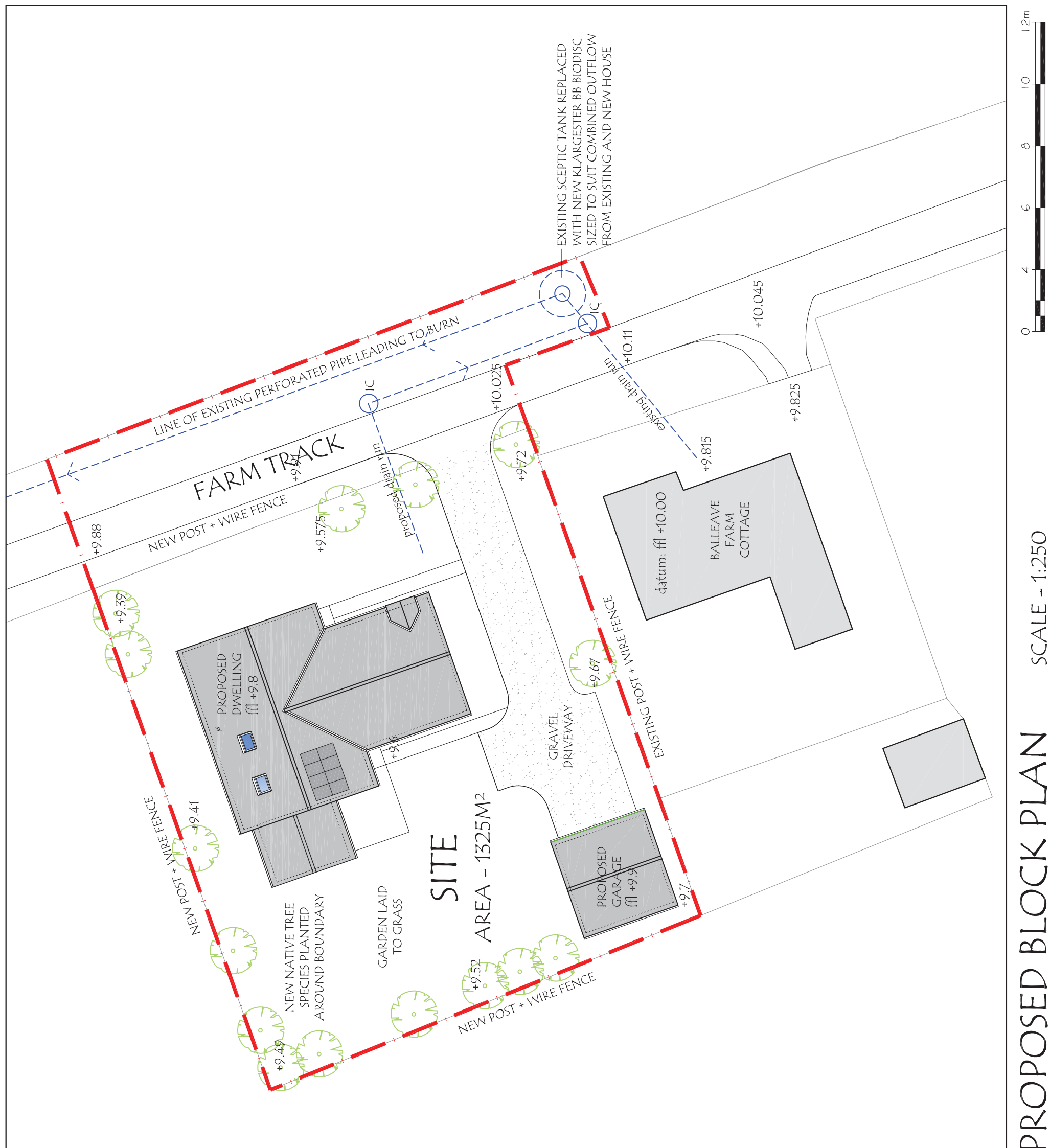
client  
MR S. MUIJAN

project  
PROPOSED NEW  
DWELLING HOUSE  
at BALLEAVE FARM.  
by KINROSS

drq. EXISTING AND PROPOSED  
BLOCK PLANS

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IM/G			DEC'12
scales A5 SHOWN @ A1			

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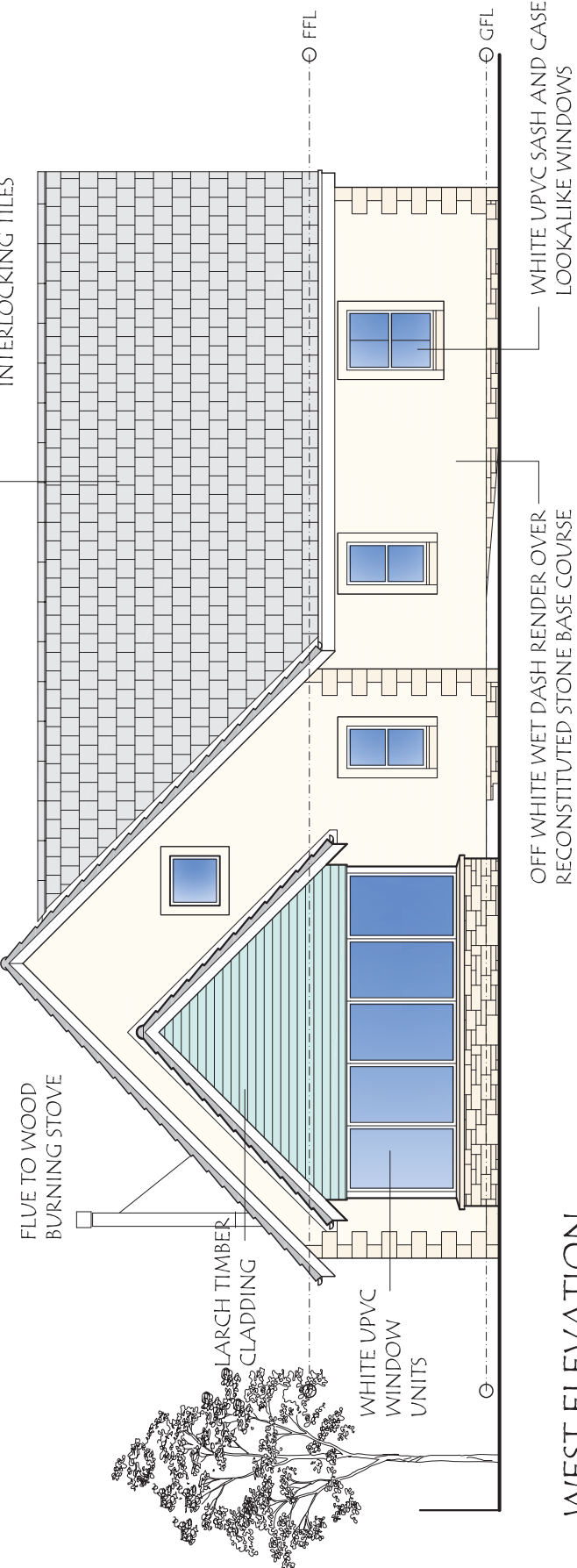
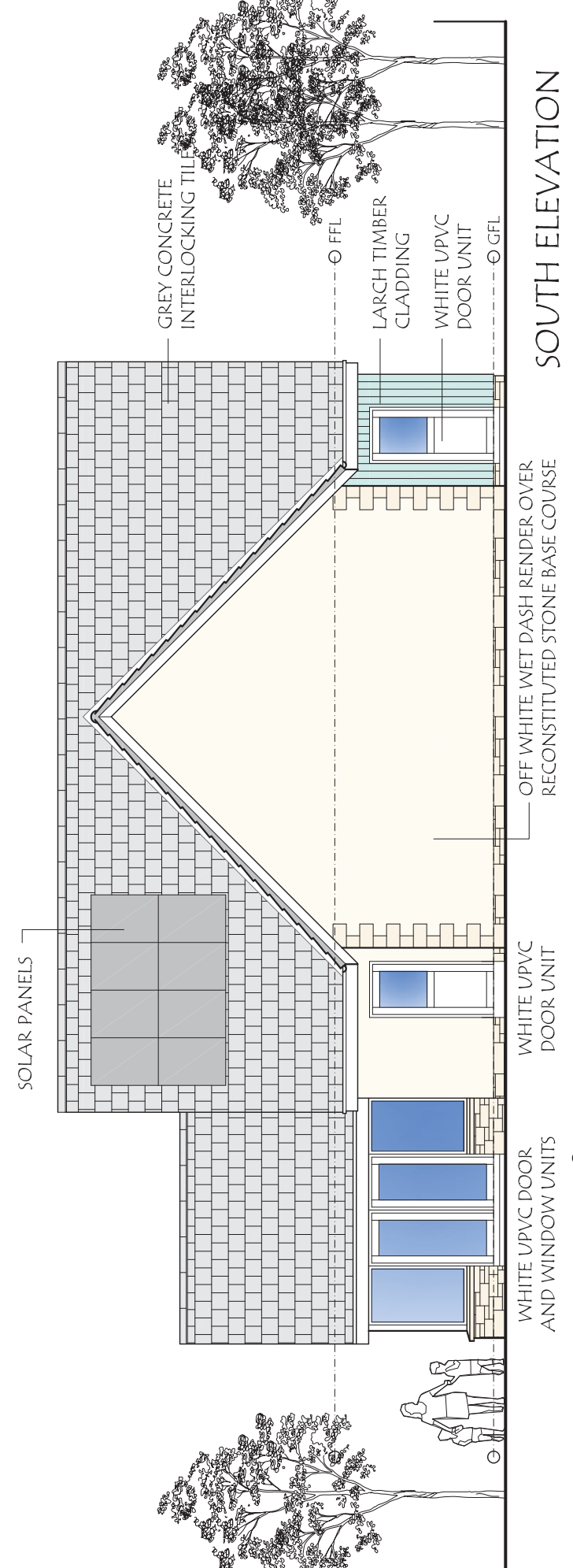




GROUND FLOOR PLAN

FIRST FLOOR PLAN

FIRST FLOOR PLAN



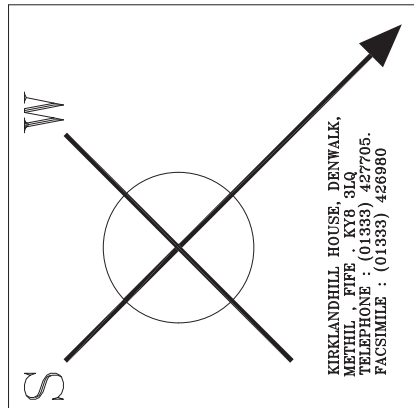
## ELEVATIONS

SCALE - 1:100

EAST ELEVATION

WEST ELEVATION

SINCLAIR WATT  
CHARTERED ARCHITECTS

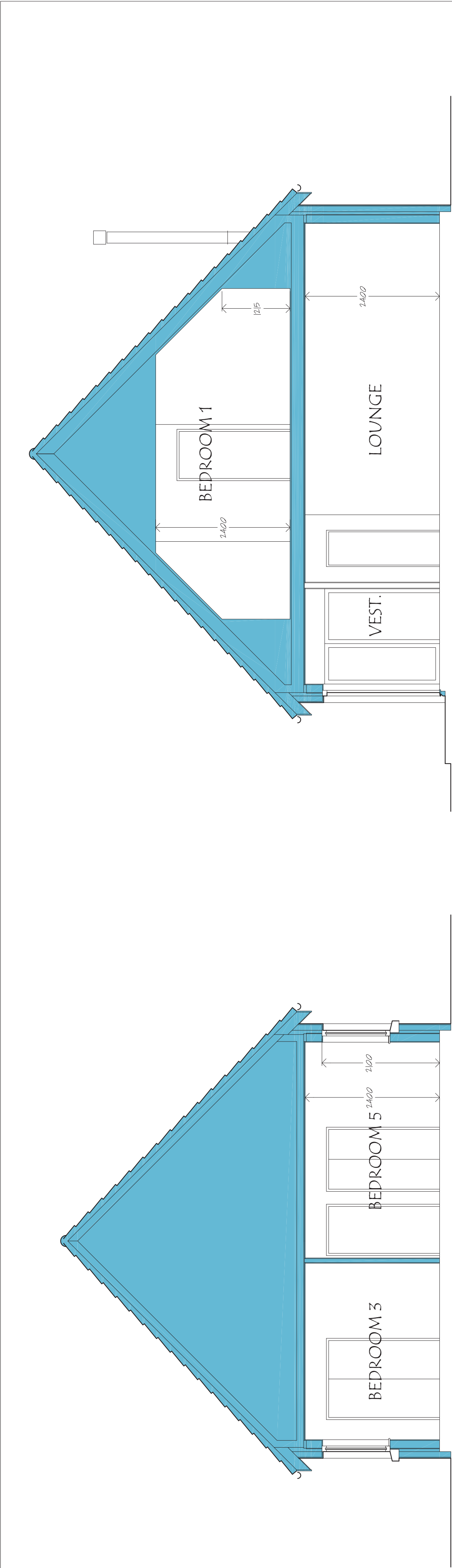


client  
MR. S. MULLAN

project  
PROPOSED NEW  
DWELLING HOUSE  
BALLEAVE FARM,  
by KINROSS

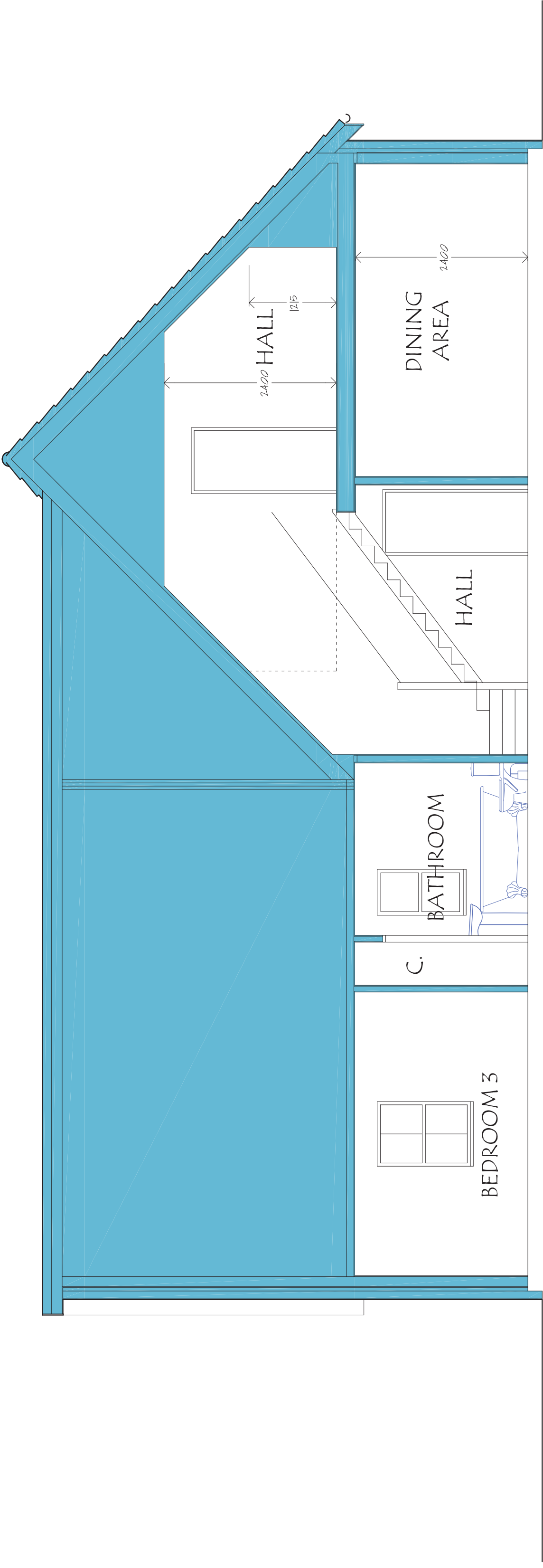
PROPOSED DWELLING  
PLANS AND ELEVATIONS

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SECTION THRU" B

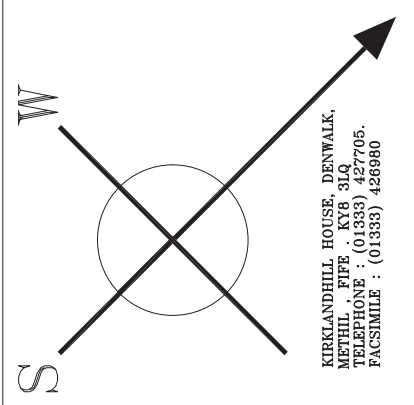
SECTION THRU" A



SECTION THRU" C



SINCLAIR WATT  
CHARTERED ARCHITECTS



client  
MR S. MULLAN

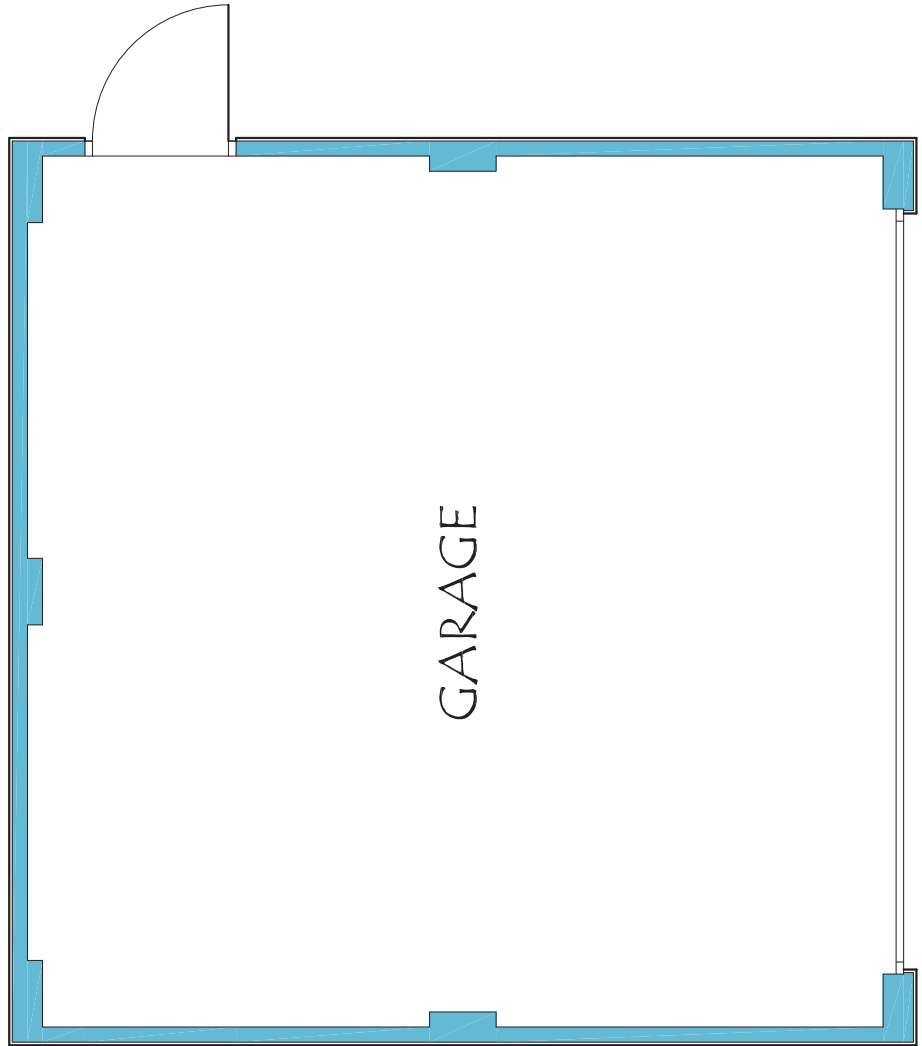
project  
PROPOSED NEW  
DWELLING HOUSE  
at BALLEAVE FARM,  
by KINROSS.

drg.  
PROPOSED DWELLING  
SECTIONS

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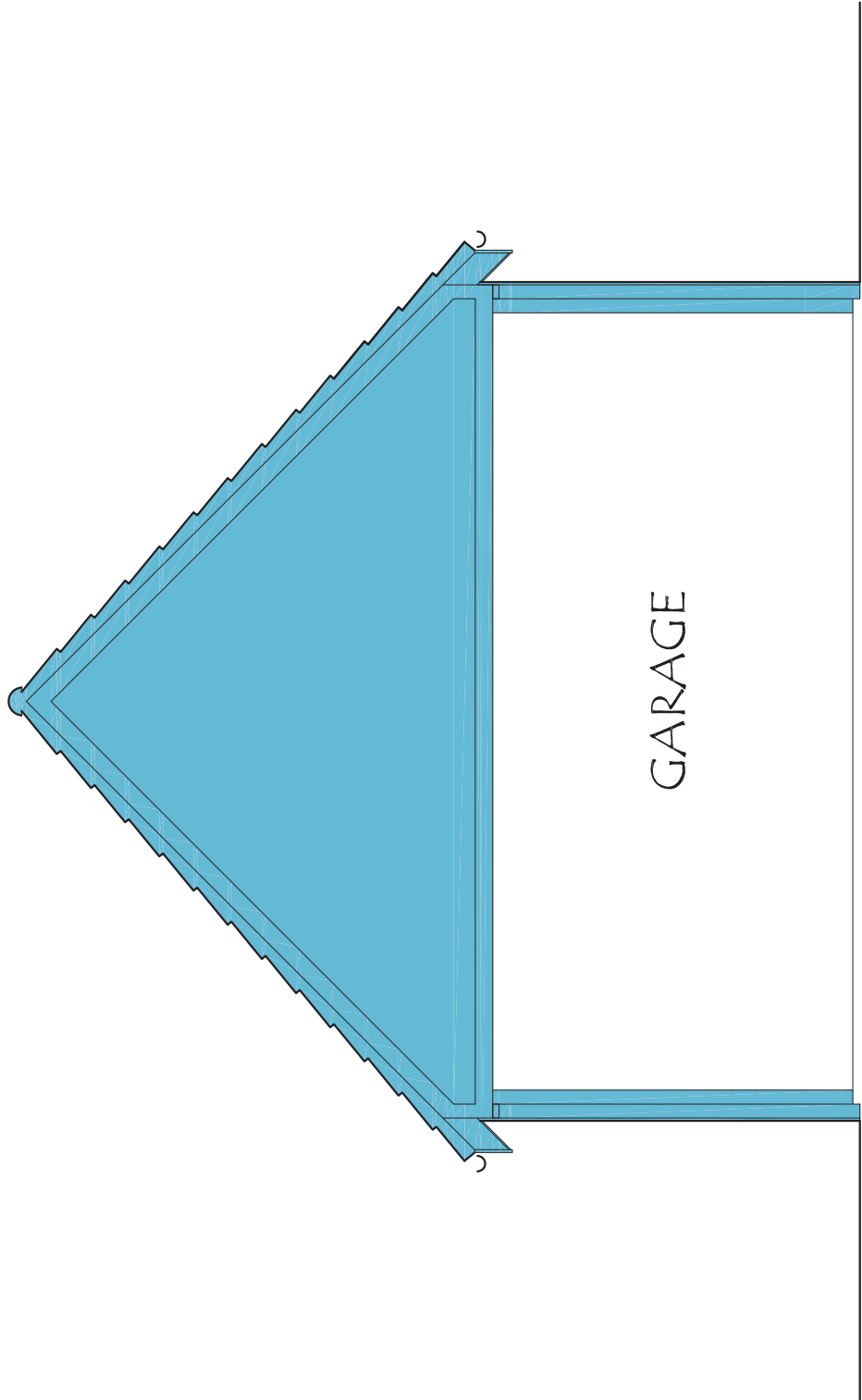
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FLOOR PLAN

SCALE - 1:50

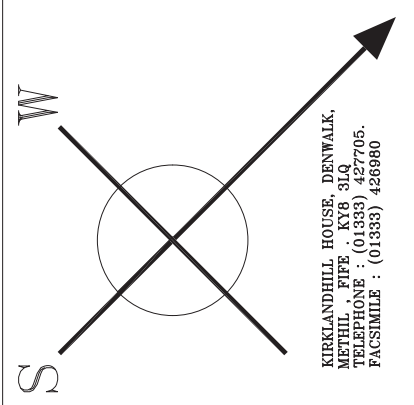


SECTION THRU

SCALE - 1:50



SINCLAIR WATT  
CHARTERED ARCHITECTS



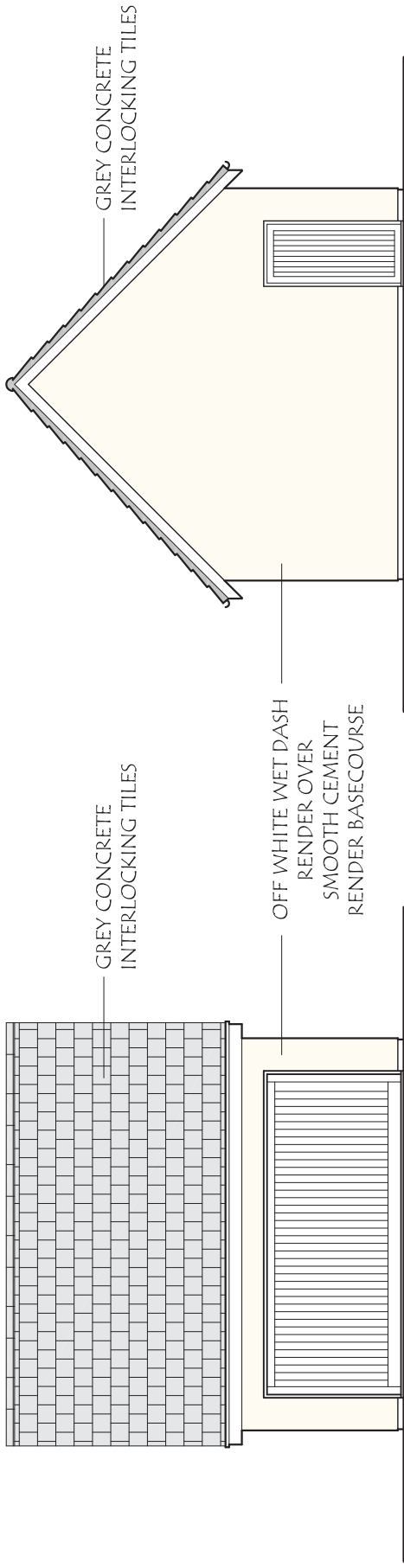
client  
MR S. MULLAN

project  
PROPOSED NEW  
DWELLING HOUSE  
at BALLEAVE FARM,  
by KINROSS

drg  
PROPOSED  
GARAGE LAYOUTS

drawn	checked	approved	date
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scales	AS SHOWN @ A2		

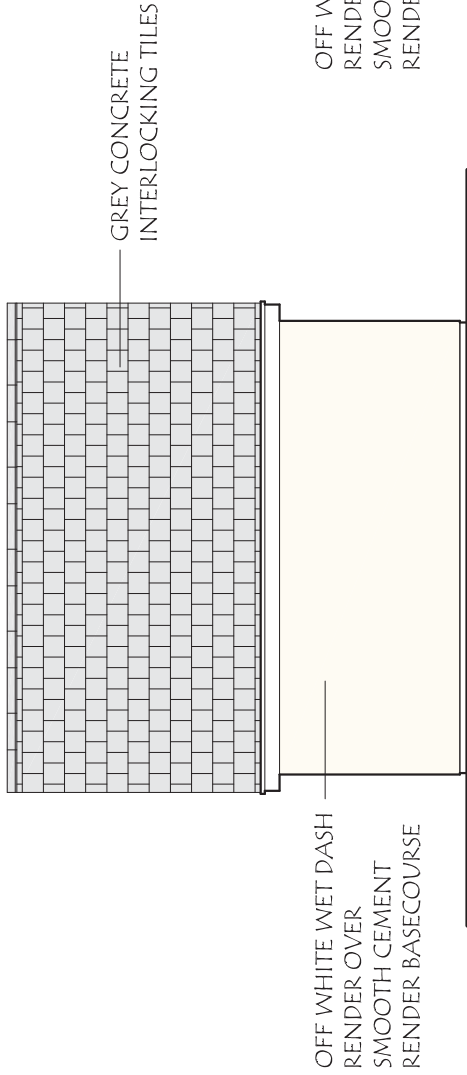
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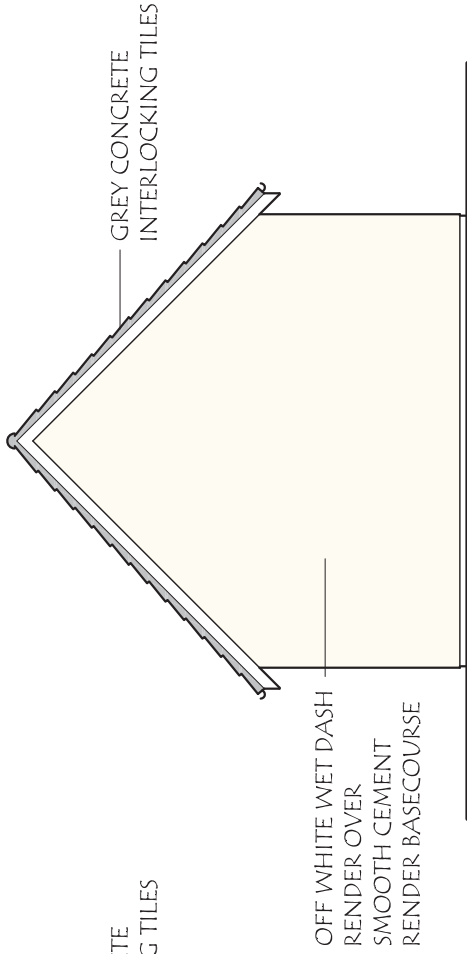
EAST

NORTH

SCALE - 1:100



WEST



SOUTH

ELEVATIONS





REGISTERED OFFICE  
KIRKLANDHILL HOUSE, DEN WALK, METHIL, FIFE KY8 3LQ.  
TELEPHONE: (01333) 427705 FACSIMILE: (01333) 426980  
EMAIL: architects@sinclairwatt.co.uk

**Site Adjacent to Balleave Farm Cottage  
Balleave Farm,  
By Kinross  
Perth and Kinross  
KY13 0LD**

**Proposed Erection of Dwelling House**

**Date : 15.04.2013**

## **DESIGN STATEMENT – Amendment A**

### **1.0 PROPOSAL**

The proposal is to build a new family home and domestic garage on land at Balleave Farm to the south west of Kinross. The proposed house will be located immediately to the north of an existing farm cottage and in close proximity to the existing farm steading and farm house. The new dwelling house would be a mixture of single and two storey elements with the first floor accommodation located in the roof space.

### **2.0 THE SITE**

The application site which extends to approximately 1050 m<sup>2</sup> is located within a rural part of the Kinross area on an existing farm and adjacent to a long established farm cottage and close to the existing farm steading and farmhouse.

### **3.0 PLANNING POLICY**

The Council are under an obligation to deal with the application in accordance with the provisions of the Development Plan which consists of the Strategic Development Plan, TAYplan and the adopted local plans. The relatively small scale nature of the proposal is such that the most relevant and specific planning policy guidance is contained within the Kinross Area Local Plan 2004.

This plan contains policies which relate specifically to new housing in the countryside and this clearly provides the most relevant indication of Perth & Kinross Council's approach to the subject.

Policy 64 - *Housing in the Countryside*, explains that the Council will normally only support a proposal for the erection of an individual house in the countryside when it falls into at least one of 4 categories. The applicant draws support for his planning application from 2 of the 4 categories i.e.

*Category 1 – Building Groups.*

- i) Development within existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to an extension of the group.*
- ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable 'sense of place'.*

The application site is located between an existing farm cottage and the existing farm steading and farm house. The scale of the buildings and the grouping is shown clearly on the site plan which forms part of the application. By virtue of the fact that the application site is contained within the boundary of this cluster and because the proposed new house would not be seen as an isolated development we consider that the principle being proposed in this application is in compliance with the requirements of the policy.

*Category 4 - Operational Needs*

The applicant has been employed by the owner of Balleave Farm for more than 30 years. His responsibilities have grown over the years and there is now a need for the applicant to be resident on the farm to look after and maintain the welfare of livestock. A Planning Support Statement by R T Hutton, Planning Consultant and a report by SAC Consulting Farm & Rural Business Services is included with this application.

#### **4.0 DESIGN**

Care has been taken over the design, scale, siting and setting of the new dwelling house to reduce the visual impact of the house in the countryside.

The design of the house provides steep roof pitches, robust walls and a vertical emphasis to windows and doors thereby respecting the traditional local building characteristics and the pattern, form and style of the adjacent cottage.

The house, located on a flat site will not be visually intrusive and a landscaped setting will be created to further reduce the scale and visual impact of the development and to provide shelter and a sense of place and enclosure.

A simple pallet of materials will be used consisting of concrete plain tiles, reconstituted stone, wet dash roughcast and timber in appropriate natural colours in keeping with the adjacent house and countryside setting.

#### **5.0 ACCESS & PARKING**

Proposed vehicular access would be from the private track serving the existing farm and farm cottage. More than adequate parking spaces will be accommodated with the provision of a double garage and private drive.

## **6.0 SERVICES**

6.1 A new public water supply is available and the private electrical supply presently serving the farm will be extended to serve the new house.

6.2 The proposed site is within the Loch Leven Special Protection Area and as such all new development must comply with SEPA's drainage requirement for the area.

### **Foul Drainage**

SEPA require that for all new development in the SPA, there must 125% reduction in the existing phosphorous loading to allow for the phosphorus loading generated by the new development.

There is an existing 3 bedroom house adjacent to the site of the proposed house. The foul drainage from the existing house is drained to a septic tank which has a perforated pipe discharging to an unnamed watercourse to the north. The existing house is to be retained.

### **Proposed Foul Treatment**

We propose to replace the existing septic tank with a new Klargester BB Biodisc which has a phosphorous outflow level of 2mg/l. Foul drainage will be designed to flow to the BioDisk with outfall to the burn all in accordance with SEPAs regulations

Based on the method of calculation in the SPA & RAMSAR Document we would submit the following calculations.

Existing Phosphorous discharge ( 3 bed dwelling)=  $5 \times 1800 = 9000\text{mg/day}$

Discharge after upgrade =  $5 \times 180 \times 2 = 1800\text{mg day}$

Reduction in Phosphorous Discharge =  $7200\text{mg/day}$

New Dwelling Phosphorous Discharge(5 bed dwelling) =  $7 \times 180 \times 2 = 2520\text{mg/day}$

New discharge @ 125% =  $3150\text{mg/day}$

Actual Reduction in phosphorous discharge = 228%

We would propose to utilise the existing perforated drain outlet from the existing septic tank

### **Surface Water Discharge**

The SPA & RAMSAR Guideline document does not stipulate anything for surface water treatment and in accordance with GBR 10 & 11 of the CAR Regulations a single development does not require a SUDS scheme.

Surface water will be drained via attenuation to the adjacent burn.



**STATEMENT IN SUPPORT OF THE REVISED PLANNING  
APPLICATION FOR THE ERECTION OF A DWELLINGHOUSE  
ON LAND NORTH WSET OF BALLEAVE FARM, KINROSS FOR  
MR STEWART MULLAN.**

**R T HUTTON \_PLANNING CONSULTANT**

**APRIL 2013**

## **Background to the revised proposal.**

In December 2012 Sinclair Watt Architects Ltd submitted a detailed planning application to Perth and Kinross Council for the erection of an agricultural workers house on land at Balleave Farm near Kinross. The applicant, Mr Stewart Mullan, grew up on the farm and has worked on the farm for more than 30 years along with his father who is now nearing retirement age. Mr Stewart Mullan has lived off the farm since his marriage, and with the imminent retirement of his father, accommodation is needed at the farm, especially to cope with livestock.

The planning application which was submitted in December included full details of the proposed house and a letter of support for the proposal from Mr J Buchanan, a farm business consultant with the Scottish Agricultural College. Despite this information the application was refused, with three reasons given for the decision. These relate to the lack of sufficient justification for a new house; lack of information on how the required phosphate mitigation would be achieved, and concerns over the proposed house design and location.

Further information has now been obtained to satisfy that required in connection with the phosphate mitigation, and this is included with this new application. Matters relating to the principle of a new house on this farm, the choice of its location and the house design are considered further in the information now detailed below.

## **The principle of a new house at Balleave Farm.**

The Council policies relating to new housing in the countryside are set out in the adopted Kinross Area Local Plan 2004; the Housing in the Countryside Guide which was adopted by the Council in November 2012, and in the Proposed Local Development Plan which has yet to complete its passage to adoption and so cannot be given the weight that applies to policies in adopted plans. That having been said, that aspect of policy on development in the countryside which deals with the issues of housing needed in connection with a rural economic activity, is consistent. Essentially, where it relates to an established business, it requires the applicant to demonstrate to the satisfaction of the Council that the house is needed on the site. Where such houses are approved, their occupation will be limited to that of the essential worker.

It is appreciated that the information from SAC supplied with the first

application did not provide full details of the operation at Balleave Farm, and as a result the Council were not convinced that there was a case for a new house which would satisfy the terms of their relevant policies. In an effort to address this Mr Mullan has now commissioned a full report from SAC and this is attached as part of the revised planning application.

From this report it is clear that the labour requirement of the farm; the availability of housing, and the need for an on-site presence is more than sufficient to justify the house which is the subject of this planning application. Mr Mullan fully understands that any permission granted will be subject to an occupancy restriction, and he is prepared to accept such a limitation. We trust that the justified need for a house and the limit on its occupation is sufficient to satisfy the Council that this proposal is fully in line with their policy relating to new housing in the countryside.

### **The location for the new house.**

When considering the options for the site of the proposed house, Sinclair Watt were very aware of the need to provide an acceptable residential environment whilst at the same time ensuring that the new building would integrate well with the local landscape, as explained in the Housing in the Countryside Guide. Item h) of the siting criteria contained in the guide makes specific reference for the need to avoid locating a new house on a working farm where it will not achieve a satisfactory residential environment, and also to ensure that the location does not compromise the activities of the farming activity.

It is perhaps unfortunate that Sinclair Watt were not given the opportunity to explain the rationale behind the choice of site, as this may have overcome the concerns expressed by the planning case officer. In selecting a location for the new house they sought to avoid sites which are isolated from existing buildings or established landscape features, but also those which would not be adversely affected by the operation of the farm. All of the land around the existing farm steading has the potential to be affected by odour nuisance from the animal rearing operations, which take place in the very middle of the site. A sheep dip facility on the east of the steading rules out any new house adjacent. To the west a track dissects the area with the result that there is insufficient space to accommodate a house.

Other land adjacent is steeply sloping, would require bridge access, and

contains some mature trees which add to the landscape setting of the buildings. For all of these reasons locating the new house in this area is ruled out. All of these points are shown on the plan attached at the end of this statement.

It was therefore necessary to consider other options, and in doing so preference is given to sites with a visual relationship to other buildings in order to avoid isolated development. It is on this basis that the application site was chosen, as it is considered that the new house would sit alongside the existing cottage in an acceptable manner. In addition, the mature trees to the north will form a backdrop for the new house such that anyone coming to the farm will see the house against this strong landscape feature. There are no other sites available which would give these benefits. There is also the additional advantage that the house location as proposed provides surveillance over the access to the farm steading, and this is becoming increasingly important with the recent increase in rural theft and vandalism.

### **The design of the new house.**

The house design submitted with this application is the result of Sinclair Watt taking their client's brief and considering this alongside the Council's guide on the siting and design of houses in rural areas. The result is a building which respects the local design tradition whilst providing the standard of accommodation sought by the applicant. It is appreciated that the concern of the Council when assessing this planning application is the external appearance of the building, and so this is now considered in terms of the design guide.

The location of the house has been discussed above with the conclusion that it is the optimum site for achieving the required standard of residential amenity for the occupants and best fit within the landscape. However, to achieve a site benefit in terms of landscaping, tree planting is proposed around the site boundary, not in an attempt to screen the building but simply to assist integration into the local area. This is advised in the design guide.

The new house and garage are positioned to respect the arrangement found in the adjacent cottage, and also the scale of the house can be reduced by providing the garage as a separate building. The house has robust walls and a steep roof pitch which allows accommodation to be provided in the attic space. The overall composition is broken up into



three elements, all of which have a distinct and separate roof, to give the interest sought in the design guide. The windows have a vertical emphasis except in the sunroom where the intention is to achieve maximum passive solar gain. External finishes are kept simple with off white rendered walls and grey roof tiles. Two areas of larch timber cladding are proposed on the west and east elevation, but it is appreciated that whilst the design guide advocates the use of timber it also suggests that combining materials on walls should be avoided. The architects consider that the larch adds interest to these two elevations, but would be happy to discuss this matter of detail with the Council should they take a different view.

## **Conclusions.**

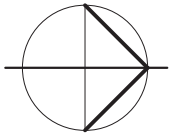
The need for an additional house at Balleave Farm is clearly set out in the report from SAC which details the labour requirements of the business and the current accommodation position. It also makes clear why the house needs to be located on-site. The applicant, Mr Stewart Mullan, was brought up on the farm and has spent all his working life there, and so has a long establishment connection with it.

The position chosen for the house is limited in so far as the land around the grouping of buildings which form the steading would not give an acceptable standard of amenity for residents due to the presence of a cattle/sheep shed in the group. The presence of a grain dryer and a sheep dip also limit where a new house could be built. This is a point specifically made in the housing in the countryside policy. The only other area not within an open field is steeply sloping and would require a bridge crossing to give access. The selected site is adjacent to an existing cottage and will be seen against a background of mature trees.

The house design proposed has been strongly influenced by the Council design guide, and follows many of the points made in the “guiding principles” section of the guidance. It is considered that the site and design chosen are appropriate and will make a positive contribution to the local environment.

R T Hutton BSc(Hons) MRTPI





NORTH

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W

KIRKLANDHILL HOUSE, DENWALK,  
METHIL, FIFE, KY8 3LG  
TELEPHONE : (01333) 427705.  
FACSIMILE : (01333) 426980

client

MR. S. MULLAN

project

PROPOSED NEW  
DWELLING HOUSE  
at BALLEAVE FARM.  
by KINROSS

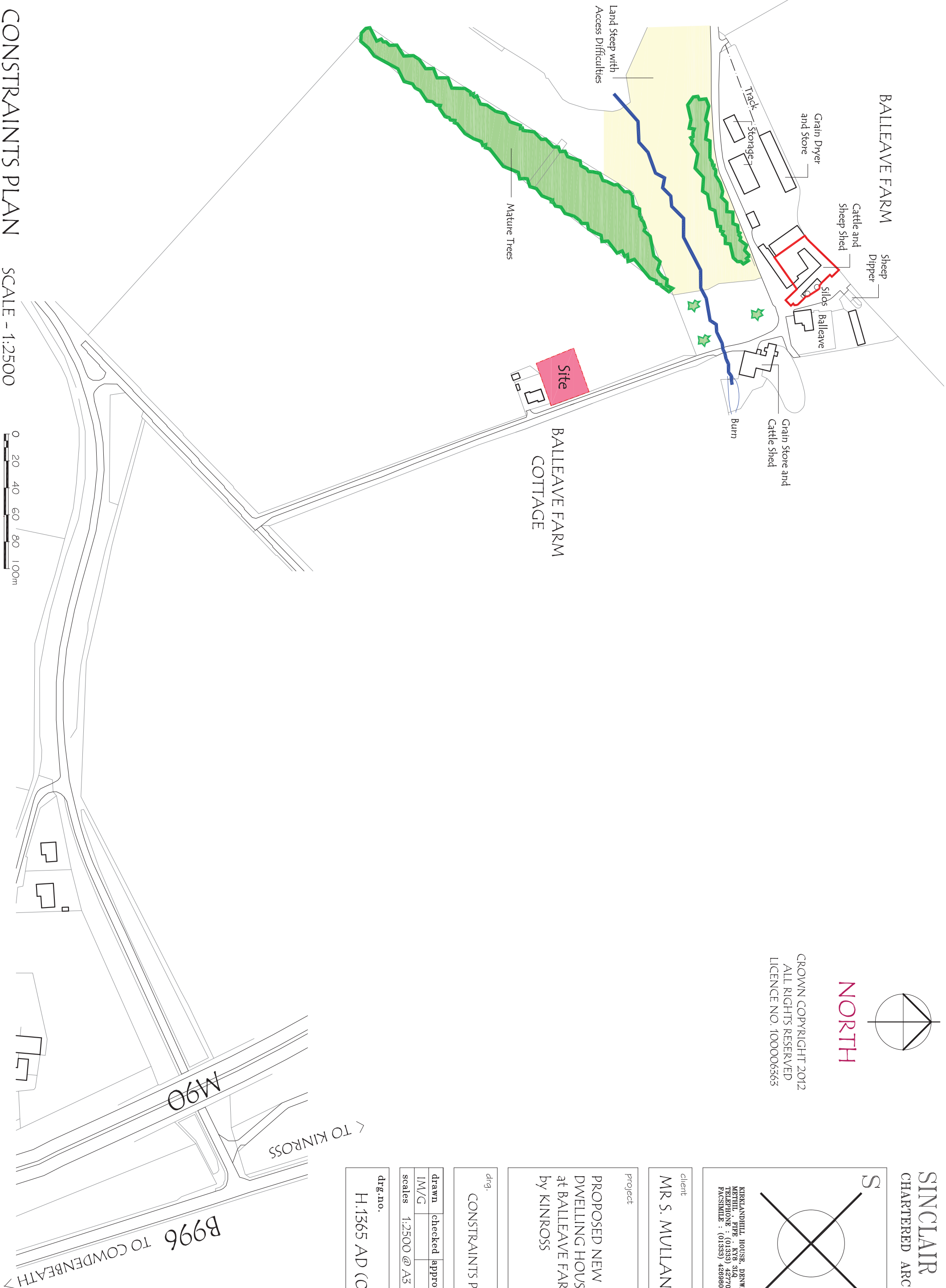
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CONSTRAINTS PLAN

drawn	checked	approved	date
IM/G			Mar'13
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# **Planning Proposal Justification**

**at**

**Baleave Farm  
Kinross  
KY13 0LD**

This report has been prepared exclusively for the use of S Mullan on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if he does, then he relies upon it at his own risk. No responsibility is accepted for any interpretation which may be made of the contents of the report.

Report prepared by:

James Buchanan  
SAC Consulting  
Sandpiper House  
Ruthvenfield Road  
Inveralmond Industrial Estate  
Perth PH1 3EE

April 2013

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## **Introduction**

This report has been prepared at the request of Stewart Mullan to supplement a planning application for the construction of a new agricultural dwelling house at Baleave Farm.

Information was gathered by James Buchanan, SAC Consulting, Perth in discussion with Stewart Mullan. Data for enterprise labour requirements is based on the standard figures found in the SAC Farm Management Handbook 2012-13.

The need for the justification for the additional dwelling houses is based around the existing agricultural business at Baleave Farm. The applicant Stewart Mullan works for the existing farming business at Baleave Farm and the house which if permission is granted will be owned by Stewart Mullan. There is the main farm residence which is occupied by the owner of the business and no other habitable dwelling houses on the farm owned by the land owner.

## **Summary & Conclusions**

Baleave extends to approximately 145ha (360 acres). The main enterprises on the farm consist of a breeding sheep flock and spring sown cereals. Cattle are also wintered for a third party. The majority of the work associated with the farming system is carried out by the business with minimal use of contractors and casual labour during peak workloads such as sowing, harvest and silage making time.

The farming business owns one farm house which accommodates the elderly owner of the farming business. The business owns no other habitable dwelling houses on the farm. The other dwelling house within the boundaries of the business is owned by the part time worker who is 63 years old and due to retire in a couple of years.

**This report shows that there is justification for additional dwelling houses at Baleave based on the current farming activity described in the report.**



## **Background Information**

Baleave is situated to the South West of Kinross on the Western side of the M90 and is accessed from old Cleish Road off the B996.

The farm extends to more than 145ha with 145.07ha declared in the SAF (Single Application Form) 2012.

The farm is a mix of grassland and cereal enterprises. The majority of the cereals grown on the land are sold with some retained for feeding to the livestock enterprises which are grazed on the land at Baleave and housed in the steading at Baleave during the winter.

The majority of the workload is carried out by the farm staff, which consists of one full time member of staff and one part time member of staff who is 63 years old and lives in his own house within the boundaries of the farming business.

With the business owner less able to carry out work on the farm there is a need for the full time farm worker (who currently lives off farm) to live on farm. Stewart Mullan is the business employee and has worked for the farming business at Baleave since leaving school some 21 years ago. The owner of the business at Baleave is willing to sell Stewart the plot of land to allow him to live on farm to meet the agricultural need for an essential worker to live on farm. The owner is not in a financial position build a house for Stewart. Allowing Stewart to build his own house allows him to retain the ownership of his own house, as he currently lives in his own, owned property off farm and it prevents him from having to suffer the disadvantage of having to live in a tied house to secure his employment and give up the asset he owns.

The majority of the land is classified as non LFA.

With justification for 2.7 people working full-time in the business and no houses available for employees to live in there is justification in building other dwelling houses for members of staff to live in on site.

## **Labour Requirements at Baleave**

The labour profile is shown in Appendix I. The Standard Work Capacity is taken as 1900 hours/man/year. This is calculated on the assumption that one person would work 39 hours per week and takes illness, public holidays, etc into account.

This calculation is viewed as a modest assessment of the labour needed because no allowance has been made for the ever increasing administrative tasks that all farmers now face.

The calculation shows that the current farming system at Baleave Farm has the justification for 2.7 full-time labour units.

Contractors are used for other operations in an ad-hoc fashion with the business partners having the equipment to carry out all other tasks if the weather allows them the opportunity to get tasks carried out with their own equipment.

With the business only having the owners residence and no other habitable dwelling houses there is justification for further dwelling houses for members of staff to live in on site.

## **The Need for On-Site Accommodation**

### **Business Control**

The business has been owned by the same family for a number of years. If the staff taking the business decisions are not located at Baleave this business could quickly reverse into a loss making business. Key personal should always be on site to cover for the other staff and partners holidays.

### **Efficiency**

On-site accommodation eliminates the need to travel to and from the farming unit.

During peak working periods such as the grain harvest and the lambing period some of the farming operations take place 24 hours a day. Operations such as the lambing period need to have supervision available 24 hours a day.

Residential workers are essential to conduct other aspects of running the farm business e.g. taking delivery of supplies such as seeds, feeds, fertilisers and chemicals and the loading of cereals and livestock going off the farm

### **Security**

Security is an important consideration. Opportunist theft and vandalism are increasing and vehicles and equipment must be safe guarded. The more people living on site the greater deterrent this is. The farm is close to Kinross and has been the targeted by the undesirables in recent years, leaving the owners of the land in state of fear and distress.

Large quantities of Nitrogen fertiliser are often stored on the farm. Farmers are expected to store this in safe and secure manner.

### **Food Safety**

Cereals such as barley are food products. As such the producer is required to prove “due diligence” under the Food Safety Act. This means they must do everything within their power to ensure that food is free from foreign bodies and contamination. An on site presence enforces the business commitment to meeting this “due diligence”

## **Health and Safety**

Visitors to farms often arrive unannounced. If no one is present, there is always a risk that someone could wander round the farm and cause themselves harm. The farm operates dangerous machinery such as teleporters and combines. Visitors often do not recognise the dangers and approach these with little awareness of the risk.

## **Appendix I**

### **Labour Profile**

Area/Number (ha)	Enterprise	Proposed coefficient (hours per ha or head per year)	Total Hours
	Land		
70	Grass > 5 years old	4	280
30	Silage	12	360
0	Rough Grazing	1.5	-
72	Cereals	20	1,440
	Livestock		
0	Dairy Cows	26	-
0	Suckler Cows	12	-
20	Other Cattle	9	180
350	Ewes and Gimmers	5.2	1,820
310	Other Sheep	3.3	1,023
	Total Hours Justified		5,103
	Standard Labour Unit (hours per annum)		1,900
	Number of standard labour units justified		2.7

Source: Farm Management Handbook 2011/12 calculated February 2004 by the UK Agricultural and Rural Affairs Department using a range of data sources, but relying predominantly on DEFRA Special studies and analysis of England's FBS data.

**TCP/11/16(271)**

**Planning Application 13/00762/FLL – Erection of a dwellinghouse and garage, land 20 metres north west of Balleave Farm Cottage, Kinross**

## **REPRESENTATIONS**

- Representation from Education and Children's Services, dated 30 April 2013
- Representation from Environmental Health Manager, dated 7 May 2013
- Objection from Scottish Natural Heritage, dated 14 May 2013
- Letter of support from Mr and Mrs Mullan, dated 16 May 2013
- Objection from Kinross-shire Civic Trust, dated 19 May 2013
- Objection from SEPA, dated 20 May 2013
- Representation from Transport Planning, dated 14 June 2013





# Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	13/00762/FLL	Our ref	GR/CW
Date	30 April 2013	Tel No	(4) 76395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Planning Application Ref No 13/00762/FLL

This development falls within the Kinross Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	530
Highest projected 7 year roll	420
Potential additional children from this and previously approved/yet to be determined applications	36.99
Possible roll	456.99
Potential % capacity	86.2%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

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



# Memorandum

To Development Quality Manager

From Environmental Health Manager

Your ref PK13/00762/FLL

Our ref NK

Date 7 May 2013

Tel No (01738) 476 444

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK13/00762/FLL RE: Erection of a dwellinghouse and garage Land 20 Metres North West Of Balleave Farm Cottage Kinross for Mr Stewart Mullan**

I refer to your letter dated 30 April 2013 in connection with the above application and have the following comments to make.

### Recommendation

**I have no objection in principle to the application.**

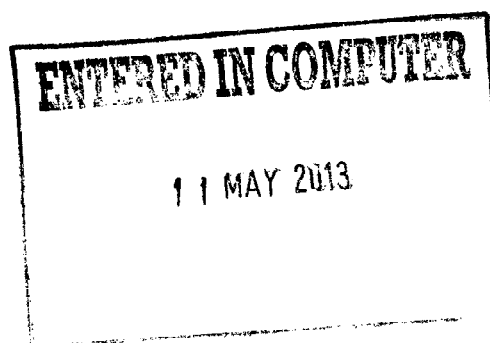
### Noise / Odours

This application is a resubmission of a previous application 12/02140/FLL for a cottage with a garage located to the rear which was refused due an objection from SEPA with regards to insufficient information relating to the drainage system of the property and the potential for phosphate leakage into the Loch Leven catchment area.

The proposed cottage is adjacent to another property to the south and farmland to the north, west and east. Balleave Farm is located to the north of the proposed cottage at a distance of 130 metres. The cottage lies on a main access route to the working farm.

It is my contention that future occupants of the proposed development will be aware of the use and character of the area and that there is potentially a certain amount of noise and odour associated with such a location, and therefore I do not foresee this presenting a problem.

I have no objections to the approval of the application.







## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

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

14 May 2013

Our ref: CNS/DC/PKC (CDM122968)

Your ref: 13/00762/FLL

Dear Mr Brian

### Town And Country Planning (Scotland) Act 1997

Erection of a dwellinghouse and garage - Land 20 Metres North West Of Balleave Farm Cottage - Balleave House - Planning Application Consultation - 13/00762/FLL

Thank you for your consultation of 30 April 2013 regarding the above application.

### Summary

This proposal could be progressed if the mitigation measures, as proposed by the applicant, are made subject to conditions or legal agreements as set out in our annex A. However, the proposal could have adverse impact on the water quality of Loch Leven Special Protection Area (SPA). **We consider that this raises issues of national interest and we therefore object to this proposal unless it is made subject to these mitigation measures.** If the planning authority intends to grant planning permission against this advice, without the suggested mitigation, you must notify Scottish Ministers.

### Our appraisal of the impacts of the proposal

The development lies within the catchment area of Loch Leven Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and Ramsar Site. *Further details of the legislative requirements are available from <http://www.snh.gov.uk/docs/A423286.pdf>.*

In our view, without adequate and secured mitigation measures, there may be an increase in phosphorus loading on Loch Leven SPA and Ramsar site arising from this proposal. As this may result in detrimental impacts on water quality, it is likely to have an adverse effect on the integrity of the site should the mitigation not be put in place before the proposed new discharge into the catchment starts. *(Please refer to Annex A for our full appraisal of the potential impacts.)* This potential impact of the development is also likely to adversely affect the protected natural features of the SSSI.

Loch Leven is the largest naturally nutrient rich freshwater loch in lowland Scotland, internationally important for its wintering and breeding wildfowl. Phosphorus entering the loch from manmade sources has caused problems with water quality for many years. This has resulted in a negative impact on the conservation, economic, and social interests of the loch and local area. Much work has been undertaken over the last 30 years to reduce the input of phosphorus into the loch. Recent monitoring has shown this is leading to an improvement in the ecological quality of the loch. However, this improvement is still



INVESTOR IN PEOPLE

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW  
Tel 01738 444177 Fax 01738 45 8611 [www.snh.org.uk](http://www.snh.org.uk)

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vulnerable to set backs so there is a continuing need to reduce both phosphorus and nitrogen inputs to the loch. *You can find more details on the story of Loch Leven's water quality in Annex B.*

If you need any further information or advice from us in relation to this proposal please contact Helen Taylor at this office in the first instance. I would be grateful if you could let us know of your Council's decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

*Gavin Clark*

Gavin Clark  
Operations Manager

Enc

## ANNEX A

### SNH APPRAISAL OF THE PROPOSALS

#### Appraisal of the likely impacts of the proposal on Natural Heritage Interests:

The proposed development site lies within:

- The catchment area of the Loch Leven Special Protection Area (SPA);
- The catchment area of the Loch Leven Ramsar site; and
- The catchment area of the Loch Leven Site of Special Scientific Interest (SSSI).

For information on the SSSI, SPA and Ramsar qualifying features and Conservation Objectives please visit our Sitelink website at <http://gateway.snh.gov.uk/sitelink/>.

#### Loch Leven SPA and Ramsar site

Loch Leven's status as a SPA and Ramsar site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") apply.

The proposal is not directly connected with, or necessary to, conservation management of the site.

#### The proposal

Proposal is for one 5 bed house at Balleave Farm. Foul Drainage is to a packaged treatment plant Klargestor BB Biodisc discharging at 2mg/l. Tertiary treatment works with chemical dosing are able to consistently deliver concentrations lower than 2mgP/l but require routine maintenance and dosing for this to be achieved.

#### Phosphorus mitigation

The proposal will result in an increase of Phosphorus input to the Loch Leven catchment. However the applicant proposes mitigation by upgrading the foul drainage system at the neighbouring 3 bedroom cottage to a new package treatment plant, discharging at 2mg/l. This mitigation will result in an overall reduction of P inputs amounting to over 125% of the input provided by the proposed development.

In our view, this proposal is likely to have a significant effect on the qualifying interests of the site. As a consequence Perth & Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is difficult to conclude whether or not this proposal alone will result in an adverse effect on the integrity of Loch Leven, but an important precedent will be set which will nullify the Development Plan and the Loch Leven Catchment Management Plan, which aim to ensure that the requirements of the Birds and Habitats Directives are met. This is likely to lead to cumulative effects of further developments with net increases of phosphorus discharge leading to further adverse effects on site integrity. If there is an increase in phosphorus discharging to the loch there would be a deleterious effect on water quality. This in turn would adversely affect the SPA and Ramsar qualifying features as the conservation objectives will not be met. It is, therefore, imperative that the policy framework in the plan is sustained if the overall objective of a continuing reduction in pollution is to be achieved.

However, if the proposal is amended so that the works are undertaken strictly in accordance with the following issues to be the subject of conditions or legal agreements, this significant effect can be avoided and therefore an appropriate assessment will not be required:

- Separate planning measures are put in place to secure the phosphorus loading mitigation measures for the long-term ensuring the treatment works are regularly serviced and chemically dosed; and



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- The phosphorus loading mitigation measures are put in place prior to the new dwellings being occupied. To ensure the total phosphorus discharged to the catchment does not increase as a result of the development.

This proposal could be progressed with the changes/mitigation measures as set out above. However, because it has significant impacts on natural heritage features of national importance, we **object** to this proposal unless it is made subject to these changes/mitigation measures.

#### **National Interests:**

Loch Leven SSSI is notified for natural features including:

- its wintering and breeding wildfowl;
- the eutrophic water body and associated aquatic plants and invertebrates.

The site was designated for these features on account of their condition and extent/number and to ensure that representative examples were safeguarded across their GB range.

Consistent with the arguments above, the proposal is likely to adversely affect some of the natural features specified in the SSSI. Our advice is that any increase in phosphorus levels would hinder the ecological recovery of the loch, and is likely to assist in returning it to its previously more polluted and damaged state.

#### **POLICY CONTEXT**

##### **The Loch Leven Catchment Management Plan**

The Loch Leven Catchment Management Plan (March 1999) was drawn up by Scottish Natural Heritage, Scottish Environmental Protection Agency, Perth & Kinross Council, and Scottish Agricultural Colleges. The project's aim was to promote the sustainable management of the Loch Leven catchment area through the development, promotion and implementation of an integrated Catchment Management Plan. The plan was developed following consultations with key influential organisations, and local or affected parties. The plan sets Water Quality Standards for the loch and aims to reach a point where the loch could be said to have recovered ecologically.

##### **Kinross Local Plan**

Recommendations from the Management Plan were translated into a range of policies in the approved Kinross Area Local Plan 2004 that as a whole aim to "assist the ecological recovery of Loch Leven".

The proposal is contrary to Policies 10 and 12 for the following reasons:

- a. Policy 10 – as a new development it would produce measurable amounts of additional phosphorus in the Loch Leven catchment;
- b. Policy 12 – having failed Policy 10, the application does not indicate any secured mitigation measures that will remove 125% of the phosphorus loading likely to be generated by the development.

These policies operating together seek to ensure that Policy 10 can be achieved. If one of these policies fails then there is a risk that there will be an increase in phosphorus loading on Loch Leven.



## ANNEX B

### LOCH LEVEN WATER QUALITY

Loch Leven is the largest naturally eutrophic freshwater body loch in lowland Scotland. It is also one of the most important sites in the UK for waterfowl, with the largest population of breeding ducks and thousands of migratory ducks, geese and swans resident over winter<sup>1</sup>. Although the overall water quality of the site is good, the loch has suffered for many years from periodic dense growths of algae, known as algal blooms. These have occurred, largely, as a result of substantial amounts of phosphorus entering the loch from man-made sources, combined with a relatively low flushing rate and a favourable light-climate<sup>2</sup>. The blooms have a direct impact on the various users of the loch, on the local economy, and occasionally pose a potential risk to human health. In terms of conservation interest, algal blooms also reduce light penetration into the water, reducing plant growth. Reduced plant growth would have direct and indirect impacts on invertebrates, fish and bird communities which depend upon the diverse and abundant aquatic plant communities for food and shelter.

The Loch Leven Catchment Management Plan's ultimate goal is the long-term ecological recovery of the loch, through the sustainable management of the catchment's resources<sup>3</sup>. The underlying principle behind this is the reduction of the phosphorus load entering Loch Leven. By lowering the phosphorus available to the algae this will crucially reduce the frequency, duration and impact of the algal blooms thereby improving water quality. Three "water quality standards" have been set: water clarity, chlorophyll concentrations, and total phosphorus concentrations.

Work since the late 1970s has been undertaken to reduce the phosphorus input into the loch including diverting sewage out of the catchment area and phosphate stripping. The recovery in the ecological quality of the loch is evident in reports into the long-term water quality<sup>4</sup> and recent water quality monitoring (2008 – 2010)<sup>5</sup>:

- the results from monitoring Loch Leven between 2008 and 2010 appear to show a sustained improvement in water quality. The target for phosphorus set by the Loch Leven Area Management Group is now being met;
- Cyanobacterial blooms continue to occur in late-summer and autumn in Loch Leven. During these blooms, cyanobacterial abundance often exceeds the WHO 'Low Risk' threshold, but has not exceeded the 'Medium Risk' threshold since 2004.
- submerged macrophytes are showing an improving trend in terms of extending their coverage into deeper water; and macro-invertebrate species richness has greatly increased. The most recent annual mean value for growing depth of submerged macrophytes is very close to the Loch Leven Area Management Group (LLAMAG, 1993) target of 2.5 m.

<sup>1</sup> Scottish Natural Heritage 2007. *The Story of Loch Leven National Nature Reserve*, 24 August 2007

<sup>2</sup> Bailey-Watts A.E. & Kirika A. 1999. Poor water quality in Loch Leven (Scotland) in 1995, in spite of reduced phosphorus loadings since 1985: the influences of catchment management and inter-annual weather variation. *Hydrobiologia*, **403**, 135-151.

<sup>3</sup> Scottish Natural Heritage 1999. *Loch Leven Catchment Management Plan*. (SNH – Corporate author) Edinburgh.

<sup>4</sup> Carvalho, L., Kirika, A. and Gunn, I. 2004. *Long-term patterns of change in physical, chemical and biological aspects of water quality at Loch Leven*. Scottish Natural Heritage Commissioned Report No. 031 (ROAME No. F01LH03C).

<sup>5</sup> Dudley, B.J., Spears, B.M., Carvalho, L., Gunn, I.D.M. & May, L. (2012). Water quality monitoring at Loch Leven 2008-2010 – report of results. *Scottish Natural Heritage Commissioned Report No. 12642*.

However, chlorophyll concentrations are still below the target thresholds, and although phosphorus concentrations have now met the target this could easily slip if nutrient inputs from industry, farming or households were to rise. Therefore to sustain these benefits, there is still a need for continued catchment management at Loch Leven to reduce inputs of both nitrogen and phosphorus in order to improve water clarity further and enhance ecological recovery.

CP.

**Tracy McManamon**

---

**From:** veronica mullan [REDACTED]  
**Sent:** 16 May 2013 14:21  
**To:** Development Management - Generic Email Account  
**Subject:** Application approval

To whom it may concern , We Mr and Mrs Mullan of Balleave Farm Cottage Kinross.  
Fully support the proposed the application No 13/00762/FLL on neighbouring Land more  
so due to the rise in Rural Crime of which have been a Victim of such Rural Crimes  
.As we are totally situated on our own A house next door would be of a value and a  
comfort to have someone living next door knowing someone was about at all times .Thank  
you Mr and Mrs Mullan





# KINROSS-SHIRE CIVIC TRUST

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

Ashtrees  
Wester Balgedie  
KINROSS  
KY13 9HE  
01592 840215  
e-mail: [info@kinross-shirecivictrust.org](mailto:info@kinross-shirecivictrust.org)  
19<sup>th</sup> May 2013.

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

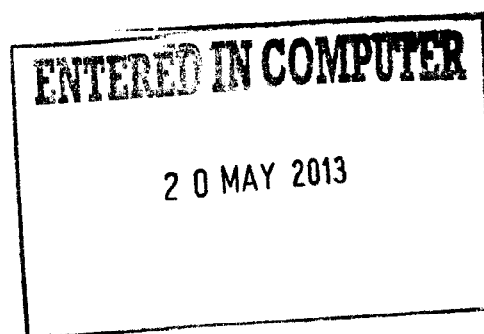
Dear Mr Brian

**13/00762/FLL: Erection of a dwellinghouse and garage at Land 20 metres north west of Baleavie Farm Cottage.**

The Trust is concerned at the size and scale of this proposed house along side the existing small single cottage which abuts the site. A 5 bedroom house seems very large for its proposed use. The site is in a very prominent position and the 2 houses should relate to each other in their architecture

Yours sincerely

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





Our ref: PCS/126400  
Your ref: 13/00762/FLL

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

If telephoning ask for:  
Alasdair Milne

20 May 2013

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

Dear Sir

**Town and Country Planning (Scotland) Acts**  
**Planning application: 13/00762/FLL**  
**Erection of a dwellinghouse and garage**  
**Land 20 Metres North West of Balleave Farm Cottage, Kinross**

Thank you for your consultation letter of 29 April 2013 which SEPA received on 29 April 2013.

We **object** to this planning application on the grounds of a lack of information relating to foul the drainage strategy. We will remove this objection if the issues detailed in Section 1 below are adequately addressed.

**Advice for the planning authority**

**1. Foul Drainage**

- 1.1 We note and welcome the proposed method for the mitigation of phosphorus from the sewage effluent – the applicant is proposing to achieve more than the required 125% of phosphate reduction. This satisfies the concerns we raised when consulted on the previous planning application for this site.
- 1.2 We would, however seek clarification on the method proposed for the discharge of treated effluent – the applicant is proposing to use the existing discharge pipe and discharge to a watercourse. This is not in accordance with the SEPA hierarchy of waste water disposal. We would expect to see porosity tests to explain why the discharge is not going to soakaway as per the general SEPA position on foul water drainage. We therefore **object** to the proposal until the applicant clarifies their proposals in this regard.
- 1.3 The applicant may wish to discuss the drainage strategy direct with our regulatory staff who have provided input to this planning response. They are urged to contact Ashely Clunny at our Glenrothes Office (contact details below) who will be able to assist in this regard.



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](http://www.sepa.org.uk)

## **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](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Pentland Court, The Saltire Centre, Glenrothes, Fife, KY6 2DA, tel 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01355 575665 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Yours faithfully

Alasdair Milne  
Senior Planning Officer  
Planning Service

E Copy to: [iain@sinclairwatt.co.uk](mailto:iain@sinclairwatt.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

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# MEMORANDUM

To	Callum Petrie Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/00762/FLL	Date	14 June 2013

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 13/00762/FLL for planning consent for:- **Erection of a dwellinghouse and garage Land 20 Metres North West Of Balleave Farm Cottage Kinross for Mr Stewart Mullan**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

In addition, colleagues within the Council Flooding and Structures team have requested that a Flood Risk Assessment be undertaken for this site.

I trust these comments are of assistance.

