

**LRB-2023-48**

**23/00924/FLL – Part change of use of dwellinghouse to  
nursery business, Dalshian House, Croftinloan, Pitlochry,  
PH16 5TD**

## **REPRESENTATIONS**



## Andrew Rennie

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**From:** Jody Blake  
**Sent:** 26 July 2023 15:27  
**To:** Andrew Rennie  
**Subject:** 23/00924/FLL Dalshian House

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Andrew

This change of use does not include any physical alterations, therefore there are no conservation objections.  
Thanks

### Jody Blake

Conservation Officer (Local Developments)  
Development Management  
Planning & Development  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

☎ 01738 475282

✉ [JBlake@pkc.gov.uk](mailto:JBlake@pkc.gov.uk)

e [www.pkc.gov.uk](http://www.pkc.gov.uk)

Tuesday, 25 July 2023



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Dalshian House, Croftinloan, Pitlochry, PH16 5TD**  
**Planning Ref: 23/00924/FLL**  
**Our Ref: DSCAS-0091143-XSV**  
**Proposal: Part change of use of dwellinghouse to child-minding business.**

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

## **Audit of Proposal**

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

## **Drinking Water Protected Areas**

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

## **Surface Water**

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

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

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

#### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)

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

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

#### **Scottish Water Disclaimer:**

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

# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00924/FLL

Our ref DAT

Date 08 August 2023

Tel No [REDACTED]

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission**

**23/00924/FLL RE: Part change of use of dwellinghouse to allow operation of child-minding business Dalshian House Croftinloan Pitlochry PH16 5TD**

I refer to your letter dated 25 July 2023 in connection with the above application and have the following comments to make.

## **Environmental Health**

### **Recommendation**

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

### **Comments**

This application is for a part change of use of a residential property to incorporate a childminding business. The change of use is for a 2 bedroom annex connected to the main dwellinghouse and I note that the plans include an outdoor play area. The childminding business will have the capacity for up to twelve children, including the applicants own. The intended operating hours are 07:30 to 18:30 hours Monday to Friday.

### **Noise**

As this application includes an outdoor play area there is the potential for neighbouring residential properties to be affected by noise from children playing however I note that the applicant has advised that to reduce any possible noise impact on neighbouring properties, it is intended that this area will not be in use before 08:30.

There is also the possibility for noise issues to occur due to vehicles during pick up and drop off periods however with good management controls this and noise generated from children playing should not affect residential amenity.

Therefore, whilst I have no objections to the application, I would recommend the following conditions be attached to any given consent.

### **Conditions**

**EH01** The hours of operation of the outdoor play area shall be restricted to 0830 hours to 1830 hours Monday to Friday only.

- Prior to the development hereby approved being completed or brought into use a Noise Management Plan shall be submitted for the written approval of the planning authority. The plan shall include all sources of noise associated with the premise, including user noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.



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

<b>Planning Application ref.</b>	23/00924/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Part change of use of dwellinghouse to child-minding business		
<b>Address of site</b>	Dalshian House, Croftinloan, Pitlochry, PH16 5TD		
<b>Comments on the proposal</b>	<p>The applicant is proposing to convert a two bedroomed annex on the main Dalshian House for the purposes of providing childminding facilities.</p> <p>The applicant has a parking area at the front of the dwellinghouse, which is proposed for the purposes of drop off and pick up. The business will operate between 07:30 and 18:30. The applicant could host up to 12 children on site.</p> <p>The vehicle access to the site, will be via the current access onto the C503 public road network.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	14 August 2023		



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

<b>Planning Application ref.</b>	23/00924/FLL	<b>Comments provided by</b>	Andrew Smith
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Part change of use of dwellinghouse to allow operation of child-minding business		
<b>Address of site</b>	Dalshian House Croftinloan Pitlochry PH16 5TD		
<b>Comments on the proposal</b>	<p>Objection.</p> <p>From a review of SEPA flooding maps, the site and access/egress sit in a 200-year flooding extent for surface and river. River Tummel, Middlehaugh and Croftinloan Burn bound the site.</p> <p>The proposal represents increased property vulnerability per the SEPA Flood Risk and Land Use Vulnerability Guidance. Dwelling houses are 'highly vulnerable uses', and Nurseries are 'most vulnerable uses'.</p> <p>From PKC records, there has been a history of flooding at the site and surrounding plots.</p> <p>The proposal is within PKC 'Pitlochry flood study 2018' at 'Dalshian and Ballyoukan Area'. The conclusion indicates that the site could be at risk of flooding from frequent high-flow events.</p>		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	The applicant is advised to refer to Perth & Kinross Council's <a href="#">Supplementary guidance on Flood Risk and Flood Risk Assessments 2021</a> as it contains advice relevant to your development.		
<b>Date comments returned</b>	01/09/2023		

Andrew Rennie  
Planning Department  
Perth & Kinross Council

Our Ref: 10414  
Your Ref: 23/00924/FLL

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

SEPA Email Contact:  
[planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk)

25 September 2023

Dear Andrew Rennie

**Town and Country Planning (Scotland) Acts**

**23/00924/FLL**

**Part change of use of dwellinghouse to nursery business**

**Dalshian House Croftinloan Pitlochry PH16 5TD**

Thank you for your consultation which was received by SEPA on 05 September 2023 in relation to the above application. We understand the reason for consultation is flooding.

**Advice for the planning authority**

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023 our position and advice given below is based on NPF4 policy.

We **object in principle** to the application and recommend that planning permission is refused. This is because the proposed development may put people or property at risk of flooding which is contrary to national planning policy. Please note the advice provided below.

If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the [Town and Country Planning \(Notification of Applications\) \(Scotland\) Direction 2009](#)



**Chairman**  
Bob Downes

**CEO**  
Nicole Paterson

**Angus Smith Building**  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

## 1. Flood risk

- 1.1 We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk as a first principle, and this is set out in National Planning Framework 4 (Policy 22).
- 1.2 We therefore **object in principle** to the application and recommend that planning permission should be refused. This is because the proposed development is expected to put people or property at risk of flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4.
- 1.3 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.
- 1.4 Based on the SEPA Future Flood Maps, the entirety of the site is shown to be at risk of flooding from the River Tummel, during a 0.5% AEP + climate change allowance event. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#)
- 1.5 Concurrently, two small watercourses are shown to the north and east of the site which are not captured within the fluvial flood maps due to the small catchment sizes involved (<3km). This does not indicate that there is no risk of flooding from these sources. A notable flood event from these watercourses, coming down off the hill, is known to have occurred in August 2002. This event flooded several homes in the area and carried coarse debris from the hill which also resulted in property and infrastructure damage.
- 1.6 Two further observed flood events were shown within our records. One occurring directly at the site itself and the second 30m to the north. Both events were for the same flood event in January 2016 and indicated flooding of property due to heavy rain and swollen rivers, which necessitated the presence of the fire service.
- 1.7 We note that the application involves alterations to an existing dwellinghouse to form a



shared house and nursery business complex. In line with SEPA's [Land use vulnerability guidance](#), the current use is considered to be a 'Highly Vulnerable Land Use' whereas the proposed part-use as a nursery would be considered to be a 'Most Vulnerable Land Use'. As such, there would be an increase in vulnerability as a result of the proposed change.

- 1.8 In accordance with NPF4 – Policy 22, promotion of flood avoidance as a first principal is key, concurrent to reducing the vulnerability of existing development to flooding. The information derived from our Future Flood Maps indicate that the property is likely to flood and may put people and property at risk. Simultaneously, the proposed re-development does not meet any of the four exceptional circumstances criteria listed in Policy 22 a) i – iv) which can allow development proposals to move forward in a flood risk area.

Silvia Cagnoni

Senior Planning Officer  
Planning Service

- 1.9 The Environment (OFE) database provides confirmation that the area has flooded previously and provides supplementary evidence that the future flood maps are accurate in this location. As such, we **object in principle** to the application and recommend that planning permission should be refused.

## 2. Other planning matters

- 2.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

## **Advice for the applicant**

## 3. Regulatory advice

- 3.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [FASP@sepa.org.uk](mailto:FASP@sepa.org.uk)

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Silvia Cagnoni  
Senior Planning Officer  
Planning Service

Ecopy to: 

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

