

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

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

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name GEORGE JACK

Address OLD BUTTS,
LESLIE ROAD,
SCOTLANDWELL

Postcode KY13 9TE

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]

Postcode [REDACTED]

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

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

Yes ☒ No ☐

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

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

17/01738/FLL

Site address

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

Description of proposed
development

ERECTION OF DWELLING HOUSE
AND GARAGE

Date of application

5 OCT 17

Date of decision (if any)

29 NOV 17

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

No REASONS

Statement

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

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

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

REFER TO ATTACHMENT A.

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

Yes ☐ No ☒

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

List of documents and evidence

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

No Documents Further TO Attachment A.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


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

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

17 DEC 17

PD RIGHTS CONDITION APPEAL.

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

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

- 17_01738_FLL-DECISION_NOTICE-1034450

We wish to appeal against condition 10

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

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

The key reason for the appeal is;

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

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

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

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

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

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

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 29 November 2017

Town and Country Planning (Scotland) Acts.

Application Number **17/01738/FLL**

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


A

Interim Development Quality Manager

Conditions referred to above

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Justification

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

Informatives

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

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

Plan and Document Reference

17/01738/1

17/01738/2

17/01738/3

17/01738/4

17/01738/5

REPORT OF HANDLING

DELEGATED REPORT

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

PROPOSAL: Erection of a dwellinghouse and garage with ancillary accommodation

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

SUMMARY:

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

DATE OF SITE VISIT: 25 October 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

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

SITE HISTORY

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

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

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

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

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

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

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

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

PRE-APPLICATION CONSULTATION

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

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy PM4 - Settlement Boundaries

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

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE1A - International Nature Conservation Sites

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

Policy NE1B - National Designations

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

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

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

Policy EP7A - Drainage within the Loch Leven Catchment

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

Policy EP7B - Drainage within the Loch Leven Catchment

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

Policy EP7C - Drainage within the Loch Leven Catchment

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

OTHER POLICIES

Developer Contributions

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

Housing in the Countryside Guide

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth

and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

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

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

CONSULTATION RESPONSES

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

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

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

Transport Planning – No objection.

Scottish Water – No objection.

REPRESENTATIONS

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

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

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

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

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

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

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

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

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

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Proposals which contribute towards ribbon development will not be supported.

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

Design and Layout

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

Landscape

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

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

Residential Amenity

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

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

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

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

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

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

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

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

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

Roads and Access

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

Drainage and Flooding

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

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

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

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

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

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

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

Developer Contributions

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

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Justification

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

Informatives

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01738/1

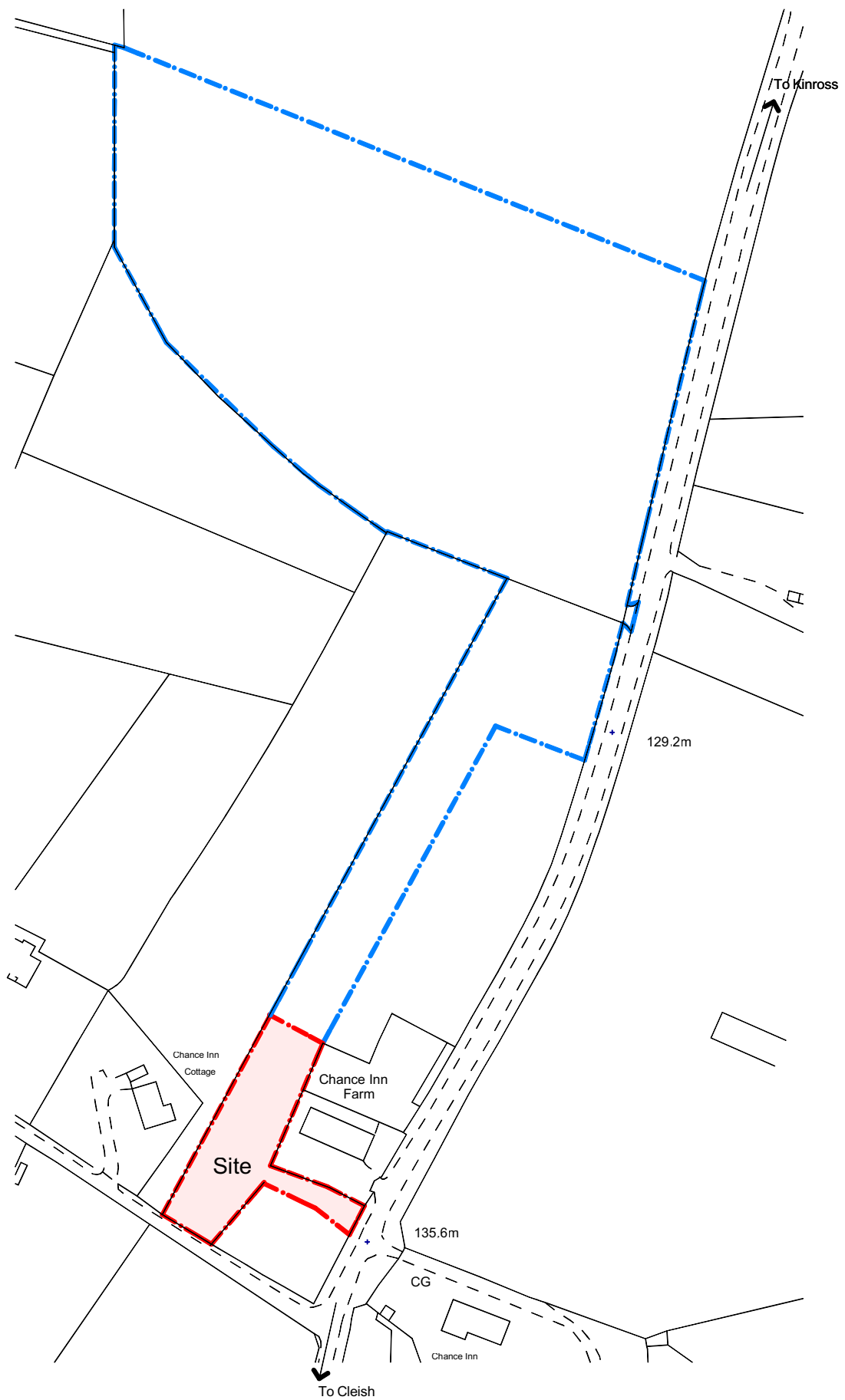
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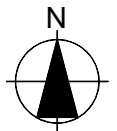
17/01738/5

Date of Report 29 November 2017



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Scale in metres



Shand Architecture Studio One, Crook of Devon, Kinross KY13 0JL www.shandarchitecture.co.uk	Chartered Architect	Project	Drg. Title	Date	Sept. 2016	Scale	1:1250	Drg. No.
		Proposed House	LOCATION PLAN	Stage	Planning			
		Plot 1, Chance Inn		Revision	A	B	C	D
		Cleish, Kinross-shire			E	F	G	H
133								16-14-01

Scale in metres

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SHAND
ARCHITECTURE

Architect

Studio One, Crook of Devon, Kinnos KY13 0UL
E: stuart@shandarchitecture.co.uk
W: shandarchitecture.co.uk
T: 01577-840 202

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

Title

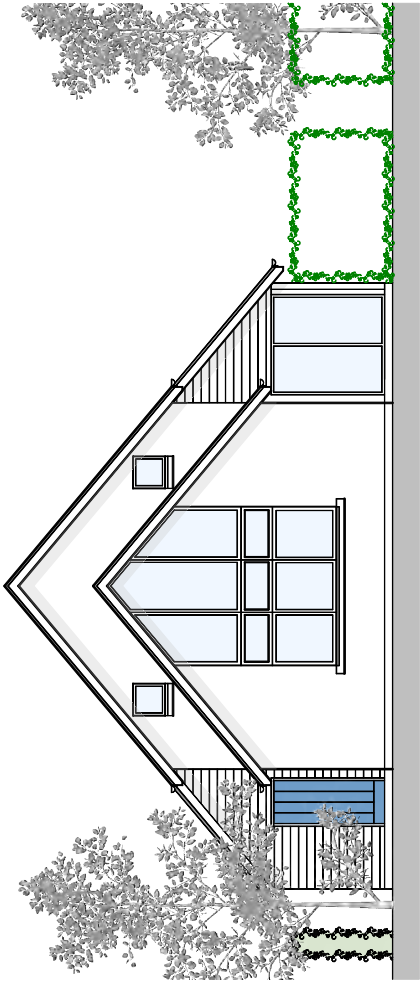
PROPOSED SITE PLAN



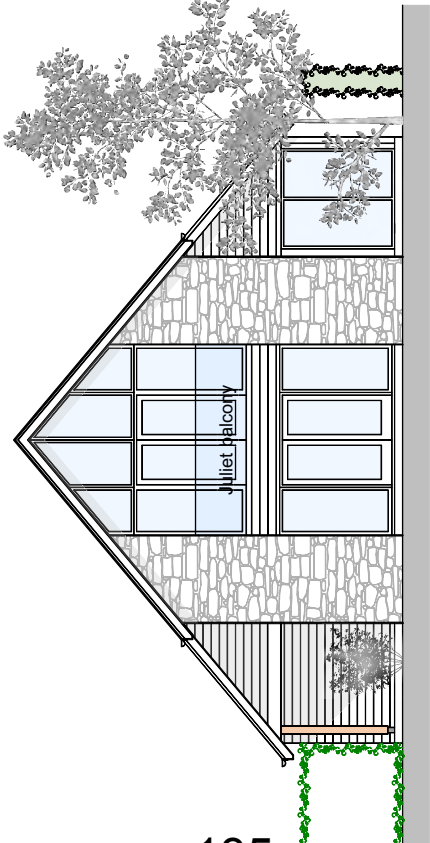
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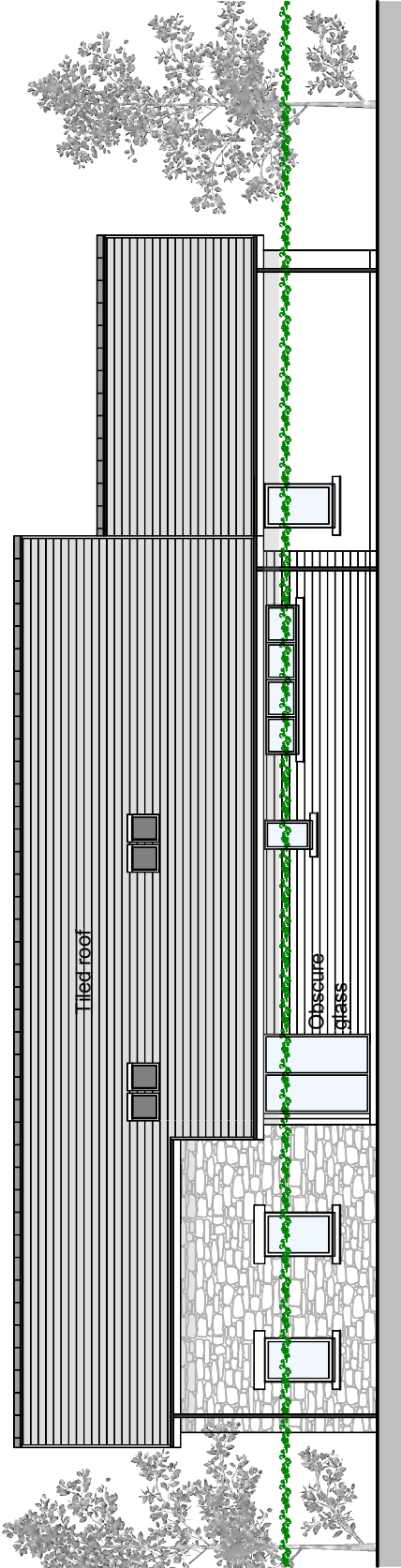
South Elevation



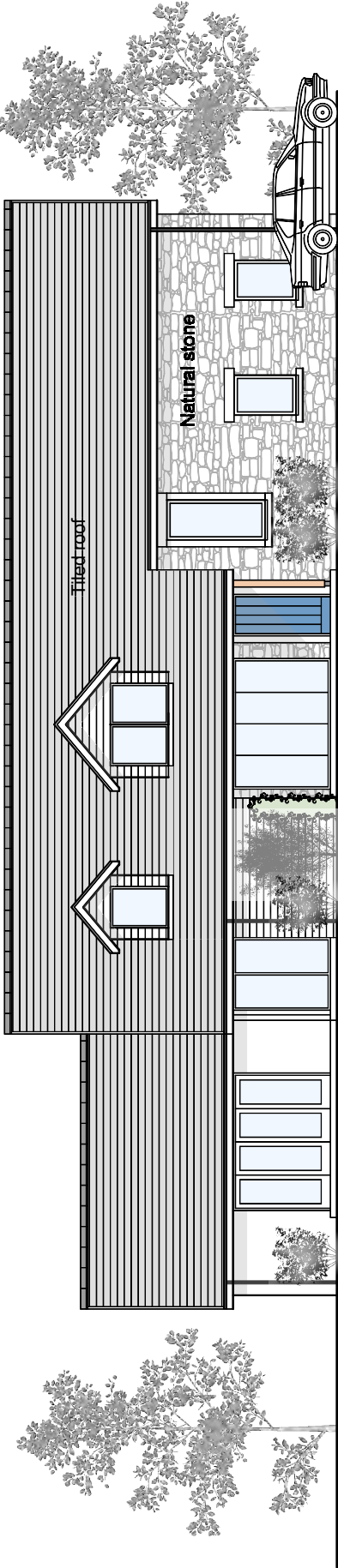
North Elevation



West Elevation



East Elevation



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Revisions

G	
F	
E	
D	
C	
B	
A	Various revisions

13/12/16

Architect

SHAND
ARCHITECTURE

Studio One, Crook of Devon, Kinross KY13 0UL
E: stuart@shandarchitect.co.uk
W: shandarchitecture.co.uk
T: 01577-840 202

Project

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

Title

PROPOSED GARAGE
- Plans and Elevations

Scale

1:50:1:100

Date

November 2016

Dwg. No.

16-14-10

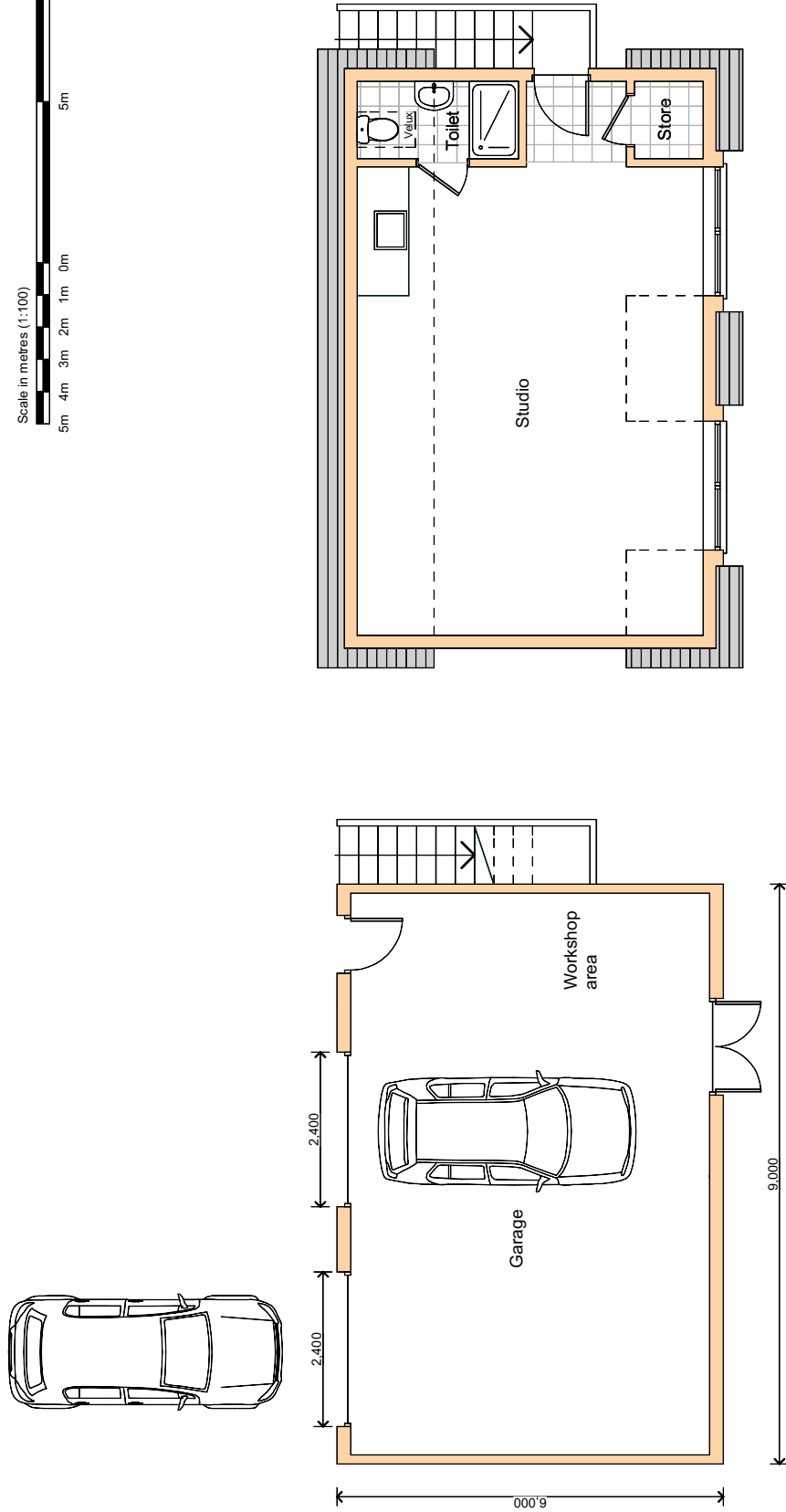
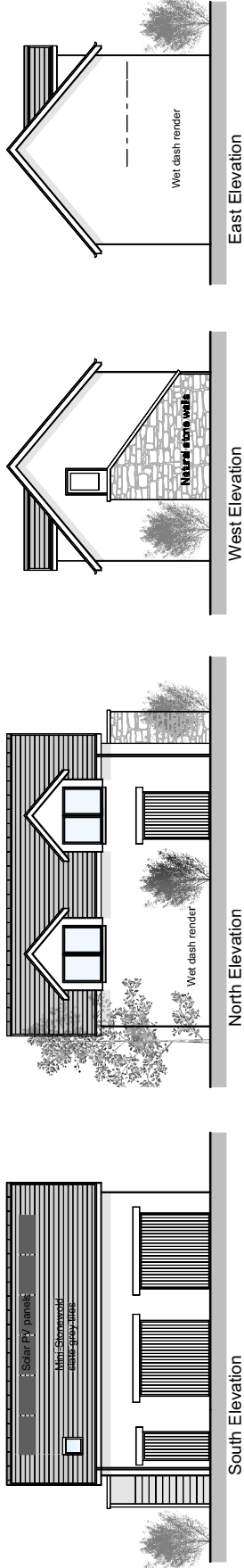
Stage

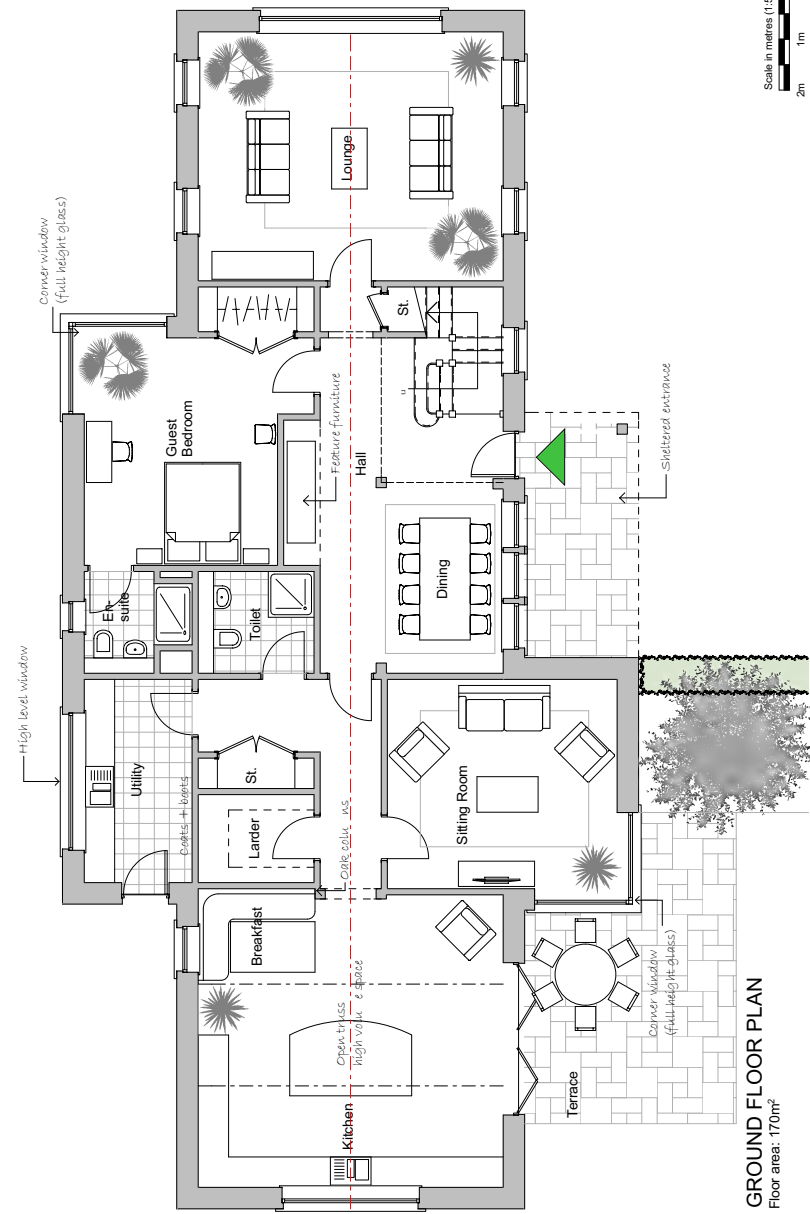
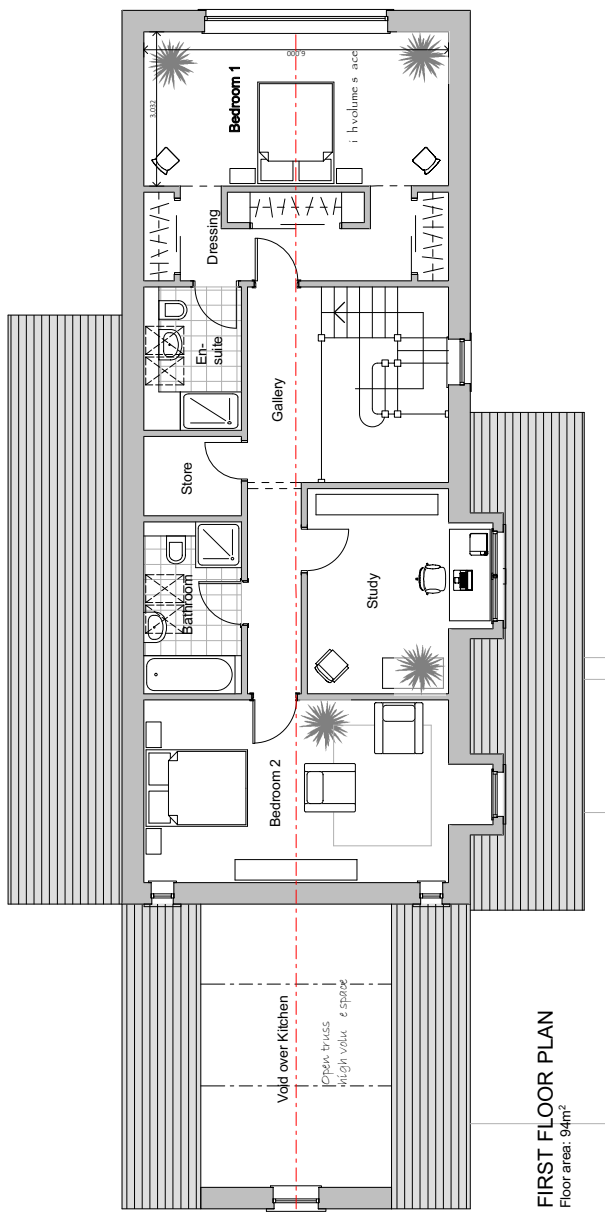
Planning

FIRST FLOOR PLAN

GROUND FLOOR PLAN

Scale in metres (1:50)





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

REPRESENTATIONS



11th October 2017

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

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

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

Dear Local Planner

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

Please quote our reference in all future correspondence

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

Water

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

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely

Megan Innes

Technical Analyst

Megan.Innes2@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

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

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01738/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of dwellinghouse and garage with ancillary accommodation		
Address of site	Land 30 Metres South East Of Chance Inn Cottage, Kinross		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p> <p>A contribution towards Primary Education was paid in relation to the current application 16/00014/FLL on 27/04/16. This proposal is for a revised design and will not increase the overall number of units with consent on site. No additional contributions towards Primary Education are required.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total:</u> £0</p>		
Recommended informative(s) for applicant			

Date comments returned	16 October 2017
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Comments for Planning Application 17/01738/FLL

Application Summary

Application Number: 17/01738/FLL

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

Proposal: Erection of a dwellinghouse and garage with ancillary accommodation

Case Officer: John Russell

Customer Details

Name: Mr John Stevenson

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

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

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

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

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

John Stevenson, Gellybank House, Kinross.

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

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

If telephoning ask for:
Anna Gaffney

30 October 2017

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

Dear Sir/Madam

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

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

Advice for the planning authority

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

Regulatory advice for the applicant

1. Regulatory requirements

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

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

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

Yours sincerely

Anna Gaffney
Planning Officer
Planning Service

ECopy to: Stuart Shand, Shand Architecture, stuart@shandarchitect.co.uk;

Disclaimer

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



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

152

Perth Strathearn House

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

www.sepa.org.uk • customer enquiries 03000 99 66 99

Comments for Planning Application 17/01738/FLL

Application Summary

Application Number: 17/01738/FLL

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

Proposal: Erection of a dwellinghouse and garage with ancillary accommodation

Case Officer: John Russell

Customer Details

Name: Mrs Karen Elwis

Address: Chance Inn Cottage, Kinross KY13 0LE

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

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

Comment: Dear Sir/Madam,

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments to the Development Quality Manager on a Planning Application

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

FAO: The Local Review Body, Perth and Kinross Council

Tuesday 23rd January, 2018

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

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

Dear Sir/Madam,

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

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

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

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

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

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

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

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

Thank you for your consideration. Yours faithfully,

Karen and Alister Elwis



