

LRB-2022-23**21/02290/IPL - Erection of dwellinghouse (in principle),
land 20 metres north of Powderwells Farm, New Alyth****INDEX**

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LRB-2022-23

**21/02290/IPL - Erection of dwellinghouse (in principle),
land 20 metres north of Powderwells Farm, New Alyth**

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100566850-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:	07717 512203	Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="I"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Milne"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Powderwells, by Alyth"/>			
Northing	<input type="text" value="747036"/>	Easting	<input type="text" value="324636"/>

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse in principle

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to supporting appeal statement and photographs

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning permission forms, location plan, decision notice, report of handling, photographs of site and statement in support of appeal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/02290/IPL

What date was the application submitted to the planning authority? *

06/01/2022

What date was the decision issued by the planning authority? *

05/04/2022

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To allow the LRB members to see the status and condition of the brownfield site for themselves

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark Myles

Declaration Date: 19/05/2022

**ERECTION OF
DWELLINGHOUSE (PPP) AT
POWDERWELLS, ALYTH
NOTICE OF REVIEW APPEAL**

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1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal submitted to Perth and Kinross Council on behalf of Mr & Mrs I Milne.
- 1.2 The appeal relates to the refusal of planning permission in principle for the erection of dwellinghouse on a brownfield site located immediately to the north of the former steading buildings at Powderwells. The application (21/02290/IPL) was refused for a single reason i.e. contrary to the council's housing in the countryside policy, as despite being formerly developed, the site was not considered to meet the definition of rural brownfield land outlined in Category 6.

2.0 Site Description

- 2.1 Powderwells Farm lies approximately 0.5km to the south east of New Alyth and 1km to the south of Alyth. There are concrete hardstandings, foundations and substructures associated with the buildings formerly located on the proposed brownfield site.
- 2.2 The existing farmhouse is located to the south of the former steading block and a farm cottage is located a short distance to the east of the proposed site. Access is taken from the public road from the east via the existing private access road.

3.0 Planning History

- 3.1 A pre-application enquiry (21/00457/PREAPP) had been submitted to PKC and the response from PKC confirmed that the redevelopment of the steading site would be acceptable in principle. The feedback provided on the proposed brownfield site to the north was less positive, but it should be noted that the council's response incorrectly assumed at that time that there were still buildings in situ on the site.
- 3.2 In refusing the application subject of this appeal it became apparent that the appointed officer had not visited the site. We consider that this has been a fundamental issue in the determination of the application particularly as there are no specific restrictions preventing site visits from taking place (and there hasn't been for some time) and especially when the council were intent on refusing the application.
- 3.3 In response to concerns raised by the appointed officer we provided a series of photographs and emails to try and help clarify why we consider that the brownfield site does comply the stated requirements of the policy.

4.0 Development Plan

- 4.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 In this case, the relevant development plans are the Tayplan Strategic Development Plan 2017, of which there are no directly relevant policies, and the Perth and Kinross Local Development Plan 2 (LDP2) (adopted November 2019).
- 4.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy – 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy and Planning Advice Note 72 – Housing in the Countryside, are also considered to be of relevance to this appeal.
- 4.4 The principle of a house on the site is required to be considered under the terms of Policy 19: Housing in the Countryside of LDP2 and Category 6 of the Supplementary Guidance. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.

5.0 Housing in The Countryside Policy and Principle of Development

- 5.1 Policy 19 in LDP2 states that the Council 'will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:
- (1) *building groups;*
 - (2) *infill sites;*
 - (3) *new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;*
 - (4) *renovation or replacement of houses;*
 - (5) *conversion or replacement of redundant non-domestic buildings;*
 - (6) **development on rural brownfield land**

Development on Rural Brownfield Land

- 5.2 Under the Development on Rural Brownfield Land (category 6) of the policy, the council's Supplementary Guidance confirms that for the purposes of this guidance, rural brownfield land is defined as '*derelict land which was at one time occupied by buildings and structures but these have now been removed, **OR (our emphasis)** land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved.*'

- 5.3 Furthermore, the guidance adds that *‘proposals will be considered under this category for sites which have either been completely cleared of all buildings and structures, **OR (our emphasis)** where some foundations or substructures remain providing that buildings above ground level have been removed’.*
- 5.4 The guidance goes on to state that *‘this category is intended to allow small scale housing proposals on cleared sites which have been significantly degraded by a former use or activity, and where the redevelopment of the site for housing is the only means by which it is viable to remediate the site.’*
- 5.5 The officers Report of Handling clearly acknowledges that *‘from the photographs submitted it is accepted that the site does appear to have been largely cleared although some areas of concrete foundations and brick walls remain, **and this would comply with the definition of rural brownfield land.**’*
- 5.6 Accordingly this site is considered to be exactly the type of site that the rural brownfield sites category of the policy should be capable of accepting i.e. a small scale housing proposal on derelict land which was at one time occupied by buildings or structures which have either been completely cleared or where some foundations or substructures remain providing that buildings above ground level have been removed. As noted above the definition given in the guidance is split into 2 parts and there is no doubt that the proposal can be assessed favourably against both the first part of the definition but also the second part as it involves land linked to former buildings which has been so damaged by the former use.
- 5.7 The Report of Handling justifies the reason for refusal on the basis that *‘no evidence has been submitted that the site is contaminated to the extent that it must be remediated, rather that the site is untidy and would detract from the amenity and setting of the steading site.*
- 5.8 In response to that specific point the Supplementary Guidance clearly does not require a contaminated land investigation to be submitted in all cases. It says *‘**in most cases**’.....*. From the photographs provided and from any inspection of the site, in this particular case we do not believe that a contaminated land investigation report would have added anything to what is evidently a derelict brownfield site that could not be left to naturalise and therefore complies with the definition in the guidance.
- 5.9 The consultation response from the council’s Environmental Health (Contaminated Land) officer also recommends that a suspensive condition be applied to any approval requiring an evaluation of the site to be affected by contamination by a previous use. The application of such a condition would meet the tests set out in Circular 4/1998.
- 5.10 The proposed application for a single house in principle on this site where concrete foundations, and substructures remain is clearly consistent with the council’s policy and guidance. The proposal for a single house on this regular shaped brownfield site is also commensurate with the scale of remediation works required. The site cannot be left to naturalise and leaving the site as it currently is will also detract from the amenity and setting of the adjacent steading site which now benefits from planning permission.

- 5.11 The principle of allowing a house on this rural brownfield site is therefore considered to meet each of the relevant criteria of the council's Supplementary Guidance. The planning permission for the redevelopment of the adjacent former stead site (21/02291/FLL) also removes any potential land use conflicts or amenity issues from being raised for the proposed house plot.

6.0 Conclusions

- 6.1 In this case the principle of development on this brownfield sites reflects what is considered to satisfy the stated requirements of category 6 of Policy 19 (Housing in the Countryside Policy).
- 6.2 The proposed brownfield site is also considered to be consistent with the council's Supplementary Guidance as the proposed plot is on derelict land previously occupied by buildings, where significant areas of hardstanding, foundations and substructures remain and could not be left to simply naturalise without first being removed and the condition of the site improved.
- 6.3 For the reasons set out above and subject to conditions being attached to any approval covering the siting, design, layout, access, drainage and landscaping, the proposal is considered to fully comply with Policy 19 within the Local Development Plan 2.
- 6.4 Accordingly, the LRB are requested to approve this Notice of Review appeal subject to any conditions (including a contaminated land investigation report) that may be considered necessary and appropriate.



01.



02



03



04



05



06



07



08



09



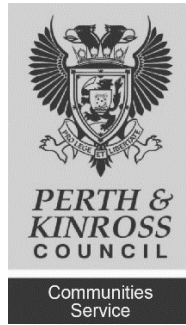
10



11



12



Mr And Mrs I Milne
c/o Bidwells
Mark Myles
Broxden House
Lamberkine Drive
Perth
PH1 1RA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice :**5th April 2022**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/02290/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 6th January 2022 for permission for **Erection of dwellinghouse (in principle) Land 20 Metres North Of Powderwells Farm New Alyth** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories: 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site although being formally developed does not meet the definition of rural brownfield land outlined in Category 6.

Justification

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

The plans 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 Reference

01

02

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/02290/IPL	
Ward No	P2- Strathmore	
Due Determination Date	5th March 2022	
Draft Report Date	22nd March 2022	
Report Issued by	JF	Date 22/03/2022

PROPOSAL: Erection of dwellinghouse (in principle)

LOCATION: Land 20 Metres North Of Powderwells Farm
New Alyth

SUMMARY:

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

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Powderwells Farm lies approximately 0.5km to the south east of New Alyth and 1km to the south of Alyth. To the south of the site there are existing buildings comprising of a derelict traditional steading, ruinous stone walls and a dwelling. To the east, north and west the site is bound by open farmland.

The site consists of concrete hardstanding's, foundations and substructures associated with buildings formerly located on the site.

SITE HISTORY

N/A

PRE-APPLICATION CONSULTATION

Pre application Reference: 21/00457/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

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 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage
 Policy 53E: Water Environment and Drainage: Water Supply
 Policy 1A: Placemaking
 Policy 1B: Placemaking
 Policy 5: Infrastructure Contributions
 Policy 19: Housing in the Countryside

OTHER POLICIES

Housing in the Countryside Supplementary Guidance
 Placemaking Supplementary Guidance
 Developer Contributions Supplementary Guidance

CONSULTATION RESPONSES

Scottish Water	No objection
Transport Planning	No objection
Environmental Health (Contaminated Land)	Condition required
Development Contributions Officer	Condition would be required

REPRESENTATIONS

No letters of representation received

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

Policy 19 - Housing in the Countryside and the Supplementary Guidance 2020, notes that opportunities 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. The development of single houses or groups of houses which fall within the six identified categories will be supported.

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- 1) Building Groups
 - 2) Infill site
 - 3) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
 - 4) Renovation or replacement of houses
 - 5) Conversion or replacement of redundant non-domestic buildings
 - 6) Development on rural brownfield land
- Design and Layout

The supporting statement and follow up discussions with the agent maintain that the development of the site meets the definition of *Derelict land which was at one time occupied by buildings or structures but these have now been removed*. The policy follows on to state *OR land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved*.

The agent considers the emphasis on the OR in the definition splits the consideration of the site for policy, the following section covers when development will be permitted. This section doesn't distinguish and applies to all brownfield land.

From the photographs submitted it is accepted that the site does appear to have been largely cleared although some areas of concrete foundations and brick walls remain, and this would comply with the definition of rural brownfield land. No evidence, however, has been submitted that the site is contaminated to the extent that it must be remediated, rather that the site is untidy and would detract from the amenity and setting of the steading site. The intention of category 6 is to allow development on cleared sites which have been significantly degraded by a former use or activity to the extent that the development of a house is the only means by which it is viable to remediate the site. It is appreciated that the applicant may prefer to develop the site but

unless evidence can be provided that demonstrates the site is in such a poor condition that it requires to be remediated e.g. it's condition is causing risk to human health or the wider environment, then the development of a house would meet that requirement of category 6.

Residential Amenity

The site sits out with the building group and is not bound by any existing dwellings. A dwelling could be accommodated within the site providing adequate amenity and privacy.

Roads and Access

It is considered that an access to the site could be accommodated, and Transport Planning note standard conditions should permission have been granted.

Drainage and Flooding

No flood risk and no drainage considerations for the in principle application.

Developer Contributions

Developer contributions conditions would have been required if the principle of development had been accepted.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, 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 be contrary to the Development Plan. Account has been taken of the relevant material considerations and

none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Reasons

1 The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories: 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site although being formally developed does not meet the definition of rural brownfield land outlined in Category 6.

Justification

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

Informatives

N/A

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100517686-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

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

Erection of dwellinghouse in principle

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:	07717 512203	Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	I	Building Number:	
Last Name: *	Milne	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Powderwells - brownfield site

Northing

747037

Easting

324630

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☒ Email

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

As noted in our supporting planning statement the advice provided by PKC at the pre-application enquiry stage had assumed that buildings were still in situ on the site, which is not the case.

Title:

Mrs

Other title:

First Name:

Joanne

Last Name:

Ferguson

Correspondence Reference
Number:

21/00457/PREAPP

Date (dd/mm/yyyy):

03/09/2021

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

Site Area

Please state the site area:

1667.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Site of former agricultural buildings and now a brownfield site

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

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

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Septic tank and soakaway will be provided on site - further details would be provided as part of any future MSC application

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mark Myles

On behalf of: Mr & Mrs I Milne

Date: 23/12/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Planning Statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr Mark Myles

Declaration Date: 22/12/2021

Payment Details

Pay Direct

Created: 23/12/2021 11:11



LRB-2022-23

**21/02290/IPL - Erection of dwellinghouse (in principle),
land 20 metres north of Powderwells Farm, New Alyth**

PLANNING DECISION NOTICE *(included in
applicant's submission, pages 481-482)*

REPORT OF HANDLING *(included in applicant's
submission, pages 483-488)*

REFERENCE DOCUMENTS *(part included in
applicant's submission, page 497)*

PROPOSED DEVELOPMENTS AT POWDERWELLS, ALYTH PLANNING POLICY STATEMENT

Table of Contents

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1.0 Introduction

- 1.1 This supporting statement should be read in conjunction with two separate planning applications that have been submitted to Perth and Kinross Council on behalf of Mr & Mrs I Milne.
- 1.2 The first application relates to the erection of a dwellinghouse in principle on a brownfield site located immediately to the north of the steading buildings at Powderwells.
- 1.3 The second application relates to the change of use and alterations to former agricultural buildings to create a dwellinghouse and the erection of a dwellinghouse, on the site of the former steadings at Powderwells, Alyth.

2.0 Site Description

- 2.1 Powderwells Farm lies approximately 0.5km to the south east of New Alyth and 1km to the south of Alyth. The existing buildings comprise a derelict traditional steading and ruinous stone walls. The farm steadings have not been in any use for over 20 years. In addition, there are also concrete hardstandings, foundations and substructures associated with buildings formerly located on the proposed brownfield site.
- 2.2 The existing farmhouse is located to the south of the main former steading block and a farm cottage is located a short distance to the east of the planning application sites. Access is taken from the public road from the east via the existing private access road.

3.0 Planning History

- 3.1 There is no previous planning history relating to the proposed application sites.
- 3.2 A pre-application enquiry (21/00457/PREAPP) had been submitted to PKC in respect of a larger scale proposal (4 houses) that had included additional land to the west. The proposals have therefore been modified and reduced to take account of the feedback received from the planning officer at the pre-application enquiry stage.
- 3.3 The pre-app enquiry response from PKC confirmed that the redevelopment of the steading would be acceptable in principle. The feedback provided on the proposed brownfield site to the north was less positive, but it should be noted that the council's response incorrectly assumed that there were still buildings in situ on that site.
- 3.4 The pre-application enquiry also confirmed that an ecological survey (bat survey) would be required as part of any application submission. A bat survey has been prepared by Emma O'Shea Ecologist and is therefore also submitted in support of the steading site planning application.

4.0 Planning Policy

National Policy and Guidance

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

National Planning Framework

- 4.2 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and its plans for development and investment in infrastructure. In addition to this, the Planning etc. (Scotland) Act 2006 is now a statutory document which acts as a material consideration in any planning application. These documents provide a national context for development plans and planning decisions, as well as informing the on-going programmes of the Scottish Government, public agencies, and local authorities.
- 4.3 Published in November 2021, the draft NPF4 provided insight into the key themes of the new framework: where climate change was most prominent. The amended Town & Country Planning (Scotland) Act 1997 directs that NPF4 must contribute to a series of 6 outcomes including most notably, increasing the population of rural areas.
- 4.4 Draft NPF4 details policy relating to rural developments which support and sustain growth in rural areas.
- 4.5 The draft is available for consultation until March 31st, 2022 and is expected to be approved by Scottish Parliament in the summer of 2022. NPF4 will form part of the new Development Plan system in Scotland and help to guide the next generation of LDP's.

Scottish Planning Policy

- 4.6 Scottish Planning Policy (SPP) was originally published in June 2014, and later updated in December 2020, however in a decision issued by the Court of Session in July 2021 it was ruled that the Scottish Government's consultation process on the updated version had been unlawful. SPP sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system, and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.
- 4.7 The following sections of the SPP are of importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74-83
- 4.8 SPP is an important material consideration, and paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 4.9 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraph 81 advocates that *'plan and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*

- 4.10 Furthermore, paragraph 81 highlights that planning and decision-making should include provision for small scale housing and other developments which support sustainable economic growth in a range of locations; considering environmental protection policies and addressing issues of location, access, siting, design, and environmental impact. Appropriate allowance should also be made for the construction of single houses outwith settlements, provided they are well sited and designed to fit with local landscape character.

Scottish Government Advice – Creating Places and Planning Advice Note (PAN) 72

- 4.11 The Scottish Government advice contained within Creating Places was published in 2013 and is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value that good design principles can deliver. Noting that successful places can unlock opportunities, build vibrant communities, contribute to a flourishing economy, and set out actions that can achieve positive changes in our places.
- 4.12 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but is an important material consideration as it highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 4.13 The document refers to important criteria such as design, landscape setting, layout, and access. The PAN states that: 'the overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive, and sensitive design process.' The PAN concludes by stating: 'that there will continue to be a need for new houses in the countryside, and this demand will have to be accommodated. This change can be positive: if it is well planned. The location and appearance of each new home must be determined with care and thought as short-term thinking can have a long-term impact on the landscape.'
- 4.14 The council's supplementary guidance on Housing in the Countryside acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

5.0 Development Plan

- 5.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 5.2 In this case, the relevant development plans are the Tayplan Strategic Development Plan 2017, of which there are no directly relevant policies, and the Perth and Kinross Local Development Plan 2 (LDP2) (adopted November 2019).
- 5.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy – 2020 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy and Planning Advice Note 72 – Housing in the Countryside, are also considered to be of relevance to this application and these are set out in more detail in chapters 4 and 6 respectively.
- 5.4 The principle of housing on the two sites is required to be considered under the terms of Policy 19: Housing in the Countryside of LDP2. The policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, new houses in the countryside, renovation or replacement of houses, conversion or replacement of non-domestic buildings, and rural brownfield land.

- 5.5 The brownfield site proposal can be considered under the terms of Section 6 of 'rural brownfield sites' of Policy 19 within LDP2 and category 6 of the Supplementary Guidance. The planning application on the site of the former steading site can be considered under Section 5 'Conversion or replacement of traditional non domestic buildings' within LDP2 and category 5 of the Supplementary Guidance.
- 5.6 Policy 1: Placemaking, in the LDP2, requires all developments to contribute positively to the quality of the surrounding environment and respect the character and amenity of the place through careful design and siting.
- 5.7 The Development Plan policy position covering this site is therefore up to date and relevant. Having regard to the provisions of the development plan, the main points raised by the proposal are;
- Whether the proposals can be considered compatible with the council's Housing in The Countryside policy in compliance with Policy 19 of the LDP2 and the council's associated Supplementary Guidance on Housing in the Countryside, which was adopted in March 2020;
 - Whether the proposed design and layout respects the landscape, character, and amenity of the area in accordance with Policy 1: Placemaking in the LDP2 and the council's associated Supplementary Guidance on Placemaking adopted in March 2020; and

6.0 Housing in The Countryside Policy and Principle of Development

- 6.1 Policy 19 in LDP2 states that the Council 'will support proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside which fall into at least one of the following categories:
- (1) building groups;*
- (2) infill sites;*
- (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;*
- (4) renovation or replacement of houses;*
- (5) conversion or replacement of redundant non-domestic buildings;*
- (6) development on rural brownfield land.*

Development on Rural Brownfield Land

- 6.2 Under the Development on Rural Brownfield Land (category 6) of the policy, the council's Supplementary Guidance confirms that for the purposes of this guidance, rural brownfield land is defined as 'derelict land which was at one time occupied by buildings and structures but these have now been removed, or land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved.'
- 6.3 The guidance goes on to state that 'this category is intended to allow small scale housing proposals on cleared sites which have been significantly degraded by a former use or activity, and where the redevelopment of the site for housing is the only means by which it is viable to remediate the site.'

- 6.4 Furthermore, the guidance adds that 'proposals will be considered under this category for sites which have either been completely cleared of all buildings and structures, or where some foundations or substructures remain providing that buildings above ground level have been removed'.
- 6.5 The proposed application for a single house in principle on this site where concrete foundations, and some substructures remain is clearly consistent with this policy and guidance. The proposal for a single house on this regular shaped site is also commensurate with the scale of remediation works required.
- 6.6 The principle of allowing a house on this rural brownfield site is therefore considered to meet each of the relevant criteria of the council's Supplementary Guidance. The redevelopment of the adjacent former steading site (which is subject to a separate planning application) also removes any potential land use conflicts or amenity issues from being raised for the proposed house plot.

Steading Site

- 6.7 In terms of the planning application on the former steading site, all of the stone and slate buildings are of a traditional form and construction but have clearly been redundant for some time (over 20 years). The better quality buildings that remain are proposed to be converted and altered to accommodate a new house and a second house is to be developed on the site of the derelict and previously dilapidated buildings. The new house is generally faithful to the design, form, scale, siting and materials of the existing and former buildings on the site.
- 6.8 Although in a rural location the proposed development is in a location that is sufficiently close to existing facilities and services such as the school and shops in Alyth.
- 6.9 The proposed layout shows that the conversion and reconstruction has at its core, the footprint and layout of the existing buildings. The proposal will result in a development of high design quality that is of a scale appropriate to its location in accordance with category 5 of Policy 19 and the Supplementary Guidance.
- 6.10 The new build house reinforces the architectural integrity and external appearance of the original buildings and infills an appropriate area within the limits of the existing steading grouping and on the footprint of the former stone buildings.
- 6.11 In addition, due to the age and structure of the former steading buildings, a stage 2 bat survey also accompanies the planning application.
- 6.12 In terms of impact on the landscape and the general character and visual amenity of the area, Policy 1A – Placemaking states 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 design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.'*
- 6.13 Policy 1B also states that all proposals should meet all the following placemaking criteria:
- (a) *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) *Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*

(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

(d) Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.

(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle, and public transport.

(f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

- 6.14 The detailed design, siting and layout of the development, protection of the character and amenity of the wider surroundings and the existing properties alongside the definition of a proper setting and curtilage for the proposed new properties and the existing farmhouse, contributes positively to the quality of the surrounding built and natural environment and in doing so achieves compliance with all of the relevant criteria of Policy 1.

7.0 Conclusions

- 7.1 In this case the principle of development across both sites reflects what is considered to meet with the stated requirements of categories 5 and 6 of Policy 19 (Housing in the Countryside Policy).
- 7.2 The proposed brownfield site is also considered to be consistent with the council's Supplementary Guidance as the proposed plot is on derelict land previously occupied by buildings, where significant areas of hardstanding, foundations and substructures could not be left to simply naturalise without first being removed and the condition of the site improved.
- 7.3 The redevelopment of the adjacent former steading site which has, at its core, the footprint and layout of the existing buildings and will result in a development of high design quality, also removes any potential land use conflicts or amenity issues from being raised. The proposed size and design of the new houses is sympathetic to the neighbouring traditional buildings and the rural character of the area.
- 7.4 For the reasons set out above and subject to the detailed planning considerations e.g. siting, design, layout, access, drainage and ecology, the proposals are considered to fully comply with Policies 1 and 19 within the Local Development Plan 2.
- 7.5 Accordingly, the council are requested to approve both planning applications subject to any conditions may be considered necessary and appropriate.

LRB-2022-23

**21/02290/IPL - Erection of dwellinghouse (in principle),
land 20 metres north of Powderwells Farm, New Alyth**

REPRESENTATIONS

Tuesday, 18 January 2022



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
www.scottishwater.co.uk



Dear Customer,

Land 60M N of Powderwells Farm, Alyth, New Alyth, PH11 8ND
Planning Ref: 21/02290/IPL
Our Ref: DSCAS-0056397-HLC
Proposal: Erection of dwellinghouse (in principle)

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 and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Lintrathen Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ The nearest public main is approx. 700m from the proposed site

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ 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 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 information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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-Domestic 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely 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 [here](#).
- ▶ 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

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.

Yours sincerely,

Angela Allison

Development Services Analyst

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."

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/02290/IPL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner <div style="background-color: black; width: 150px; height: 1.2em; margin-top: 5px;"></div>
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	Land 60 Metres North Of Powderwells Farm New Alyth		
Comments on the proposal	<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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Alyth Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	28 January 2022		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 21/02290/IPL

Our ref CHF

Date 04/02/2022

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

21/02290/IPL RE: Erection of dwellinghouse (in principle) at LAND 60 METRES NORTH OF POWDERWELLS FARM, New Alyth, for Mr And Mrs I Milne c/o Bidwells Mark Myles, Broxden House, Lamberkine Drive, Perth, PH1 1RA

I refer to your letter dated 24 January 2022 in connection with the above application and have the following comments to make.

Contaminated Land

Recommendation

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

Comments

A previous land use that has led to the contamination of a site is generally identifiable from historical records. However, consideration needs to be given to situations where this is not so apparent and there is the potential for contamination to cause a constraint in the redevelopment of specific sites. A good example of this is where there is a proposed use change from agricultural to residential.

Under the contaminated land research programme administered by the Department of the Environment, Food and Rural Affairs, Science Reports 2, 3, and 7 set out the framework for deriving Soil Guideline Values or SGV's for proposed changes in land use and sets targets based on the sensitivity of receptors and the land use function. Originally these soil guideline values were restricted to what was considered to be "priority pollutants" but the research programme has now been extended to include other contaminants and respective toxicological data. These soil guideline values are based on risk evaluation in specific circumstances which are a standard function of land use i.e. residential with plant uptake, residential without plant uptake and commercial and industrial.

The most sensitive land use recognised by the soil guideline values is "residential with gardens", where there is likely to be a greater contact between those at risk, in this case the residents and any contaminants contained within the soil. SGV's for this land use type are therefore at their most conservative and the potential for contaminants to be present and cause a constraint to development are greater.

Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

Therefore, if planning permission is granted in respect of this development I would recommend that the following condition is applied within the consent.

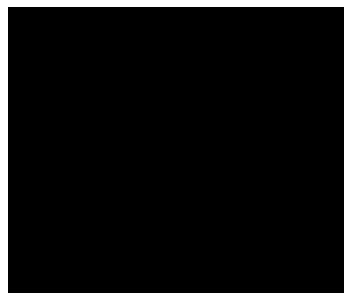
Condition

EH41

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

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

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



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/02290/IPL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	LAND 60 METRES NORTH OF POWDERWELLS FARM New Alyth		
Comments on the proposal	<p>The applicant is proposing the erection of a dwellinghouse on the location of where two farm buildings previous stood. No details have been provided as to the size of dwellinghouse or location of the proposed vehicle access onto the existing private access.</p> <p>The applicant should consider the following when submitting a detailed planning application:</p> <ul style="list-style-type: none"> • The number of car parking spaces being provided for the dwellinghouse should be in accordance with The National Roads Development Guide. • Should a garage be proposed for parking, the size of space within the garage must be a minimum of 7.0m x 3.0m (internal dimensions), as set out in the standards defined in The National Roads Development Guide. • Turning facilities shall be provided within the site • A passing place shall be installed along the frontage of this development and consideration shall also be given for vehicle passing places between the development site and the public road network, if there isn't already on the private track. <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.</p>		
Recommended planning condition(s)	<p>The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</p> <p>As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed design showing the location of passing places on the existing private access shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing places shall provide suitable intervisibility to and from the public road network. The passing places, as approved in writing, shall be</p>		

	<p>implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the commencement of construction associated with the AMSC or detailed application.</p> <p>Reason – In the interests of pedestrian and traffic safety</p> <p>As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail with 3 metre radius kerbing. The Type B Road construction detail shall continue onto the existing private access for a minimum distance of 5 metres. The vehicle access shall be formed prior to the development approved with the AMSC or detailed application being completed or brought into use.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>
Recommended informative(s) for applicant	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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.</p>
Date comments returned	<p>03 February 2022</p>