

**TCP/11/16(489) – 17/00636/IPL – Residential development
(in principle) on land at Mains of Stobhall Farm, Cargill**

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**TCP/11/16(489) – 17/00636/IPL – Residential development
(in principle) on land at Mains of Stobhall Farm, Cargill**

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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:

1. Further written submission, if additional information required.
2. If considered necessary by Review Panel.

Site inspection

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

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

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

Unaccompanied site inspection acceptable, but suitable footwear may be required.

Statement

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

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

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

Please refer to separate supporting information.

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.

N/A

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.

1. Reasons for Appeal
2. Location Plan (17/00686/1)
3. Existing Site Plan (17/00686/2)
4. Proposed Site Plan (17/00686/3)
5. Proposed Elevations and Floor Plans (17/00686/4)
6. Supporting Statement
7. Delegated Report
8. Decision Notice

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:

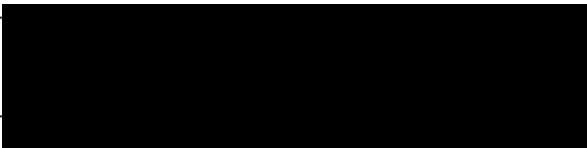
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

15 September 2017

Supporting Statement for Appeal Against the Refusal of Outline Planning Permission for a Residential Development (in Principle), Land at Mains of Stobhall Farm, Cargill, Perthshire

The reasons for refusal, were on the basis of non-compliance with local Planning Policy. We will deal with these three reasons individually.

1. This was the site cannot be considered as “rural brownfield” as the whole site is not formally occupied by buildings, as stated in Policy RD3. We are aware that this particular Policy has been open to various interpretations, depending on individual cases. In some instances, Case Officers have taken the view that although buildings still exist on site, their interpretation of this is that the Applicant could have demolished the buildings to help their case, but this obviously just leaves dereliction. We made this point to the Case Officer during our submission and in particular, drew attention to Planning Application 15/01618/FLL, Dwelling House, 40 metres south west of Pitkindie House, Abernethy. We mentioned that in our opinion, this was a far less deserving cause for approval, as it covered a recently constructed stable block which until recently, was still in use. In this instance, the stable block was and still is, in far better condition than the buildings subject to our Client’s Application. The Case Officer’s report also states, “the site which is currently largely occupied by redundant farm buildings”. It is obviously his view that the buildings were redundant. Their Report also states that “the remaining buildings on site are considered redundant and starting to deteriorate”. The Case Officer goes on to mention that in the Report that the Application could be considered as compliant with Policy, but explains that the Policy quite clearly states “sites which were formally occupied by buildings” and that “as large parts of the site are still technically occupied by buildings – albeit ones which are redundant and unsightly”. The Case Officer then states “nevertheless, I do have sympathy with the Applicant’s position in terms for the rural brownfield argument as the overall site is obviously significantly past its best in terms of the quality of the buildings and their ability to function for modern day farming”.

We have now been informed that Forward Planning are currently reconsidering this Policy as it effectively encourages demolition of existing farm buildings, before applying for use as housing sites. The Policy has caused difficulty in the past and continues to do so.

With regard to design and layout the Case Officer states “considering the regular shape of the site, I see no reason why a development cannot be progressed which is acceptable in terms of visual and residential amenity matters”.

and:

“I am confident that a suitably designed development would have little impact on any existing residential amenity” and “in terms of being able to offer a suitable level of residential amenity for potential occupiers of the site, I am also confident that this can be adequately addressed at a detailed stage”.

With regard to visual amenity, the Report states that “if anything, the proposal would have a positive visual impact on the area”.

2. Reason for Refusal 2. This was that the site does not have a good landscape framework, capable of absorbing the proposal. The main point from which this site is viewed is from the main Blairgowrie to Perth Road directly to the south east. Viewed from this point, the development would be well screened by existing trees to the east, the existing farmhouse and the existing orchard to the west. There are no points on the Stanley to Kinclaven Road to the north west, where the site can be seen. If viewed from the fields to the rear, any new buildings would be seen against the backdrop of existing trees, farmhouse and orchard on the opposite side.

Again, referring to the Approval for the dwelling house at Pitkindie (15/01618/FLL) the Case Officer mentioned "the site only has two defined boundaries to the north and east with post and wire fencing following the established garden ground, as the property did not have an established landscaped boundary". Another recent Approval at Westown by Errol (15/01785/IPL) the Case Officer stated "in this instance, one of the boundaries of the site simply merged into the adjacent field". Without even a post and wire fence to form a demarcation line. In this case, the Report stated "it is not unusual not to have sites fully defined on four sides".

As we suggested during the process when this Application was being considered, our Client would be quite happy to agree to installing Beech Hedging and semi-mature trees, in order to "set in" the development to its landscape setting.

3. Reason 3. It was stated at the time that if the Application was likely to be recommended for approval, it could have been conditioned that a Environmental Report be provided to establish if there are protective species, such as Great Crested Newts, Bats or red Squirrels, which are likely to be affected.

PERTH AND KINROSS COUNCIL

Mr John Thompson
c/o LJR+H Architects
Bob Hynd
18 South Tay Street
Dundee
UK
DD1 1PD

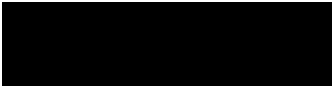
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 16th June 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00636/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 2nd May 2017 for permission for **Residential development (in principle) Land At Mains Of Stobhall Farm Cargill** for the reasons undernoted.


Interim Head of Planning

Reasons for Refusal

1. In relation to 'rural brownfield', as the whole site is not 'formerly' occupied by buildings, the proposal fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Neither Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).

2. As the site does not have a) a good landscape framework which is capable of absorbing the proposal and b) existing boundaries which are capable of providing a suitable enclosure, the proposal is contrary to Part 1 (Building Groups) of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014. Both of these policies seek to ensure that proposals for new development that extend existing building groups takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting and have suitable site boundaries.
3. As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.

Justification

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

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

Plan Reference

17/00636/1

17/00636/2

17/00636/3

17/00636/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/00636/IPL	
Ward No	N2- Strathmore	
Due Determination Date	01.07.2017	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle)

LOCATION: Land At Mains Of Stobhall Farm, Cargill

SUMMARY:

This report recommends **refusal** of a planning in principle application for a residential development on a site which is currently largely occupied by redundant farm buildings at Stobhall Farm, Cargill as the development is considered to be contrary to the relevant provisions of the Development Plan, and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 9 June 2017 (and also in 2016)

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for a residential development at the former Stobhall Farm complex, at Cargill. The farming activities appear to have ceased at Stobhall, and the remaining buildings on site are considered redundant and starting to deteriorate.

On the site at present are two large modern buildings, and a separate concrete base at the western end of the site – which was associated with a further modern building which has been removed over the last year.

In addition to the buildings, the proposed site takes in a private access around the sheds and several metres of agricultural land which surrounds the buildings to the north, east and west.

Access to the site is via an existing private access.

To the south of the site is an existing farmhouse and associated outbuildings, whilst to the north, east and west the site surrounded by farm land with little in the way of physical (or visual) separation between the established farm compound area and the fields.

The application is for a residential development in principle, which will involve the removal of all the existing buildings. No conversions are proposed, and it would nevertheless be the case that conversions could not be considered under a planning in principle application.

An indicative layout which shows three pairs of semi-detached properties has been submitted with the planning application.

SITE HISTORY

None relevant to this proposal.

PRE-APPLICATION CONSULTATION

General advice was offered to the applicant which advised that the key issue for this proposal would be, if the buildings remained on site, the issue with the site not being 'formerly' occupied. Contrary to what the applicant states on the application form, advice that the proposal was maybe compliant with the HITCG was not offered by the Council.

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.

Of relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014 and 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. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of specific relevance to this planning application are Paragraphs 109 - 134, which relate to enabling the delivery of new homes

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

Within the LDP, the site lies within the landward area of the plan where the following policies are directly applicable,

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 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 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 RD4 - Affordable Housing

Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy NE3 – Bio Diversity

Seeks to protect both local wildlife and protected species from inappropriate new developments.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met.

Developer Contributions and Affordable Housing 2016

This supplementary guidance seeks to secure financial contributions for both A9 junction improvements and for primary education in certain circumstances, and offers guidance on Affordable Housing provision. This supplementary guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and have made general comments.

INTERNAL COUNCIL COMMENTS

Developer Contributions Officer has commented on the proposal and indicated that standard conditions in relation to Affordable Housing, Primary

Education and also Transport Infrastructure should be attached to any permission.

Transport Planning have commented on the proposal and have raised no concerns in relation to access provision or parking provision at this stage.

Environment Health have been consulted on the planning application but have made no specific response.

REPRESENTATIONS

None received.

ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Submitted
Report on Impact or Potential Impact	A supporting planning statement has been submitted.
Weekly List Comments	None made

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

Other material considerations include compliance with the Council's Housing in the Countryside Policy 2012, and the Council's policies on Developer Contributions.

Policy Appraisal

The principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan (LDP).

Within that plan the site is located within the landward area where *Policies RD3* and *PM1A* are directly applicable to new residential proposals.

Policy RD3 refers to the Housing in the Countryside Policy and is directly linked to the supplementary Housing in the Countryside Guide 2012 (HITCG 2012) whilst *Policy PM1A* seeks to ensure that all new developments within the landward area do not have an adverse impact on the character or amenity of the area concerned.

For reasons stated below, I consider the proposal to be contrary to the Council's Housing in the Countryside Policies.

Land Use

In terms of land use acceptability, the key assessment for this proposal is ultimately whether or not the proposal is consistent with the Council's Housing in the Countryside Policies, as contained in the LDP (*Policy RD3*) and the associated SPG, the HITCG 2012 - which is the most recent expression of Council policy towards new housing in the open countryside.

A large proportion of the site is currently occupied by a range of buildings which are modern, with a small section of the walling of one of the buildings being stone.

Within the HITCG support for the replacement of existing (redundant), non-residential buildings is offered - providing that the proposal is replacing traditional buildings and proposes limited new build elements – generally no more than 25% of the total units or floor area. However, as the existing buildings are not in my view traditional and are largely steel framed with profile sheeting, I consider there to be a clear conflict with this element of the policy.

Notwithstanding this, the HITCG also offers support for the re-development of rural brownfield land to housing. The rural brownfield section of the HITCG is explicit in its requirements, insofar as it looks to offer support for the redevelopment of sites which were formerly occupied by buildings when a proposal would remove dereliction and provide a significant net environmental benefit to the surrounding environs.

It is the case that there are two large buildings still occupying a large proportion of the site. As the existing buildings are still standing and the land therefore isn't 'formerly occupied', there is an obvious conflict with the requirements of this section of the HITCG as the whole site cannot be described as being 'formerly' occupied by buildings as large parts of it are still technically occupied by buildings – albeit one which are redundant and unsightly.

I do accept that at the western end of the site, one building has been recently removed leaving only the former concrete base and some iron work, and that there is visual evidence of its former existence; however the majority of the former building has been successfully removed and there isn't a significant

visual impact – albeit the concrete base is clearly visible and would remain so unless removed. I'm therefore not convinced that this part of the development would comply with the HITCG neither as whilst it would comply with the 'formerly occupied' requirement (by definition), I'm unconvinced that a significant environmental benefit could be delivered.

Nevertheless, I do have some sympathy with the applicant's position in terms of the *rural* brownfield argument as the overall site is obviously significantly past its best in terms of the quality of the buildings and their ability to function for modern day farming, however the requirements of the HITCG is explicit in relation to buildings still being in existence with its reference to 'formerly occupied and as stated previously, it is also questionable as to whether the removal of the concrete base would result in a significant net environmental benefit – particularly bearing in mind that its impact on the environment (from a visual point of view) would be minimal.

To this end, I do not consider it necessary to assess whether or not the proposal (as a whole) would provide a significant net environmental benefit as the proposal (as a whole) fails to accord with the core requirements of an acceptable *rural brownfield* site i.e. large parts of the site are not formerly occupied by buildings, and therefore the proposal (as a whole) is contrary to the specific rural brownfield section of the HITCG.

Note - The issue of the replacement of modern farm buildings which are perhaps not fit for modern purposes, but are still physically capable of being used is a common issue. A similar residential proposal at Newhill Farm, Glenfarg (15/00188/IPL) was refused by the Council in 2015 on the grounds that the as the buildings were still in existence (and in use) the site could not reasonably be classed as an acceptable rural brownfield site in the context of the HITCG. This decision was endorsed by the Council's Local Review Body.

Lastly, the HITCG also offers support for new development which is either within or adjacent to an existing building group of buildings. Excluding the buildings which are located within the application site, there are some other buildings in the area such as the applicant's farm house and a large stone outbuilding. It could be argued that taking into these buildings and an extant consent (which has yet to be implemented) for a dwelling to the south of the farmhouse, that there is an existing building group in existence.

However, acceptable development under this particular section of the HITCG still requires new development to extend the group into a definable site which is formed by existing topographical features and / or well established landscape features which in turn, will provide a suitable setting. The site has no definable boundaries to the west, east or north as the site's boundaries simply merges into the surrounding agricultural fields.

To this end, I do not consider the proposal to be consistent with the building groups section of the HITCG policy either, and consider the proposed land use to be contrary to Council policy.

Design and Layout

In terms of design and layout matters, this element is somewhat secondary to the overall principle of a residential development on the site, particularly as this planning application is only in principle. Considering the regular shape of the site, I see no reason why a development cannot be progressed which is acceptable in terms of visual and residential amenity matters.

Residential Amenity

In terms of the impact on any existing residential amenity, whilst this is a planning in principle application only, I'm confident that a suitably designed development would have little impact on any existing residential amenity.

In terms of being able to offer a suitable level of residential amenity for potential occupiers of the site, I'm also confident that this can be adequately addressed at a detailed stage.

Visual Amenity

In terms of the visual impact on the area, the site at the present time is unsightly, and dominated by the existing buildings which are in various states of disrepair. To this end, the redevelopment of this for residential is not likely to have as much more of a visual impact than the existing position, and if anything, the proposal would have a positive visual impact on the area.

Roads and Access

In terms of access and parking related issues, I have no concerns and I note that my colleagues in Transport Planning also share this view.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters which cannot be resolved or controlled via appropriately worded conditions.

Impact on Bats

The proposals are to demolish the existing farm buildings, some of which may provide suitable roost sites for bats and nest sites for birds. It is therefore essential that consideration is given to the protection of birds and bats. No ecological survey work has been submitted to support the application therefore at the present time there is insufficient information to assess the potential ecological impact of the proposals. The presence or absence of protected species, and the extent to which they could be affected by a

proposed development, should be established before planning permission can be granted. As the principle of planning consent is unacceptable, it was not considered necessary request an ecology survey during the course of the planning application to avoid what might be unnecessary work. In the event that the principle of housing was to be established, then surveys should be undertaken prior to consideration.

Contaminated Land

The site has had a former use which could have generated some land contamination. As no details of the ground conditions have been lodged, in the event of any approval being forthcoming a standard planning condition should be attached to any permission.

Waste / Recycling Provision

Collections will be via the road end, and in the event of any approval being forthcoming relevant conditions should be attached to any permission which requires further details to be part of the required reserved matters.

Developer Contributions

Affordable Housing

As this is a planning in principle application which has the potential to involve 5 or more dwellings, a standard condition in relation to Affordable Housing should be attached to any permission.

Primary Education

As this is a planning in principle application, a standard condition in relation to Primary Education should be attached to any permission.

Transport Infrastructure

As this is a planning in principle application, a standard condition in relation to Transport Infrastructure should be attached to any permission.

A9 Junction upgrades

The site is located outwith the catchment area for A9 junction upgrades.

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 be contrary to the adopted Local Development Plan 2014, and there are no material considerations that would justify overriding the adopted Development Plan.

On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required as the application is recommended of refusal.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reasons,

- 1 In relation to 'rural brownfield', as the whole site is not 'formerly' occupied by buildings, the proposal fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Neither Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).

- 2 As the site does not have a) a good landscape framework which is capable of absorbing the proposal and b) existing boundaries which are capable of providing a suitable enclosure, the proposal is contrary to Part 1 (Building Groups) of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014. Both of these policies seek to ensure that proposals for new development that extend existing building groups takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting and have suitable site boundaries.
- 3 As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.

Justification

The proposal is not in accordance with the Development Plan and there are no material justifications which justify approving the planning application.

Informatives

None

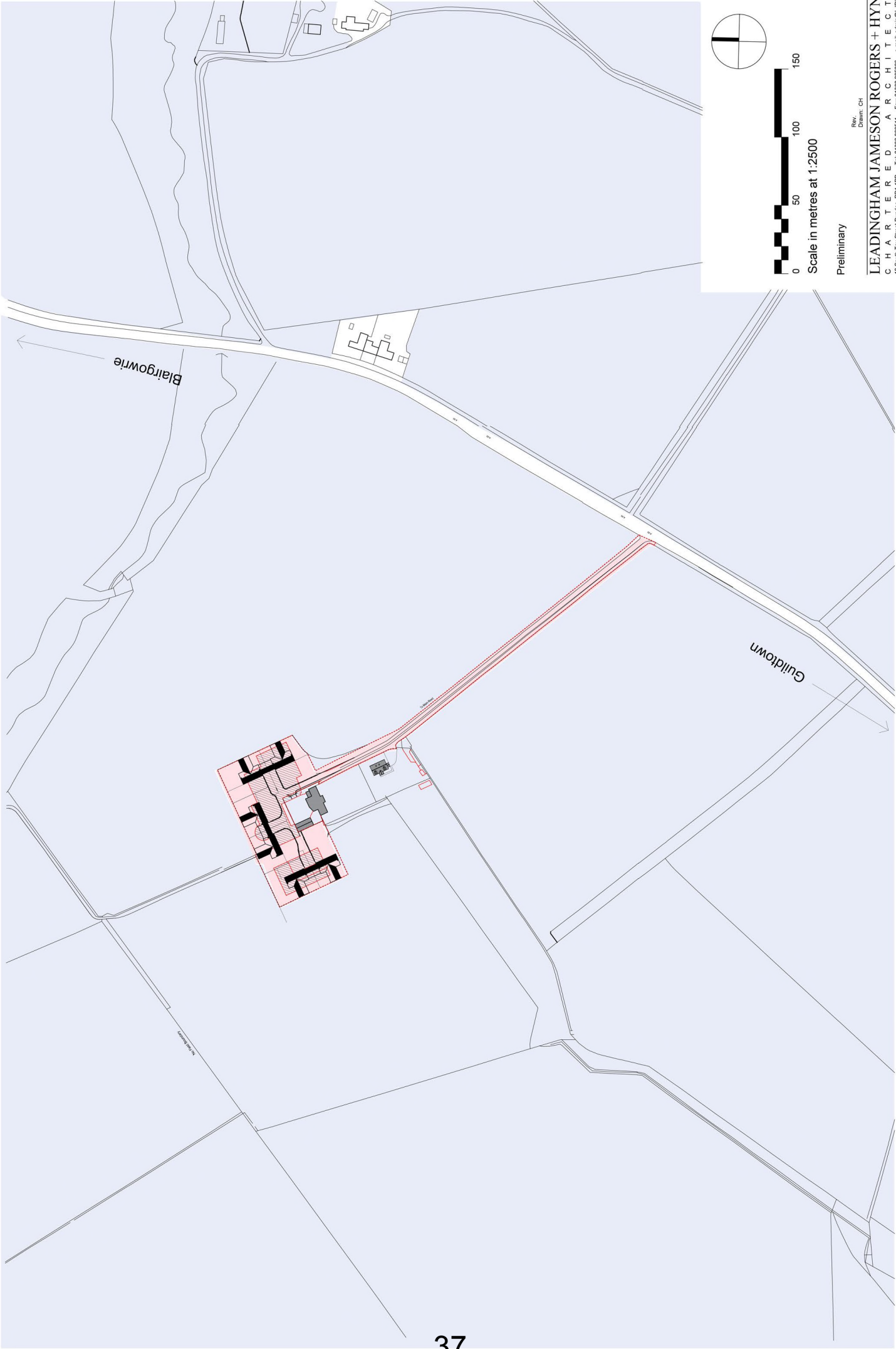
Procedural Notes

None required as the application is recommended of refusal.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/00636/1-17/00636/4 (*inclusive*)

Date of Report – 14 June 2017



Preliminary

Rev. Drawn: CH

LEADINGHAM JAMESON ROGERS + HYND

C H A R T E R E D A R C H I T E C T S

18 South Tay Street Dundee DD1 1PD Tel: 01382 232225 Fax: 01382 232226 email: admin@ljrh.co.uk

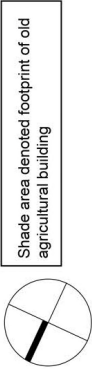
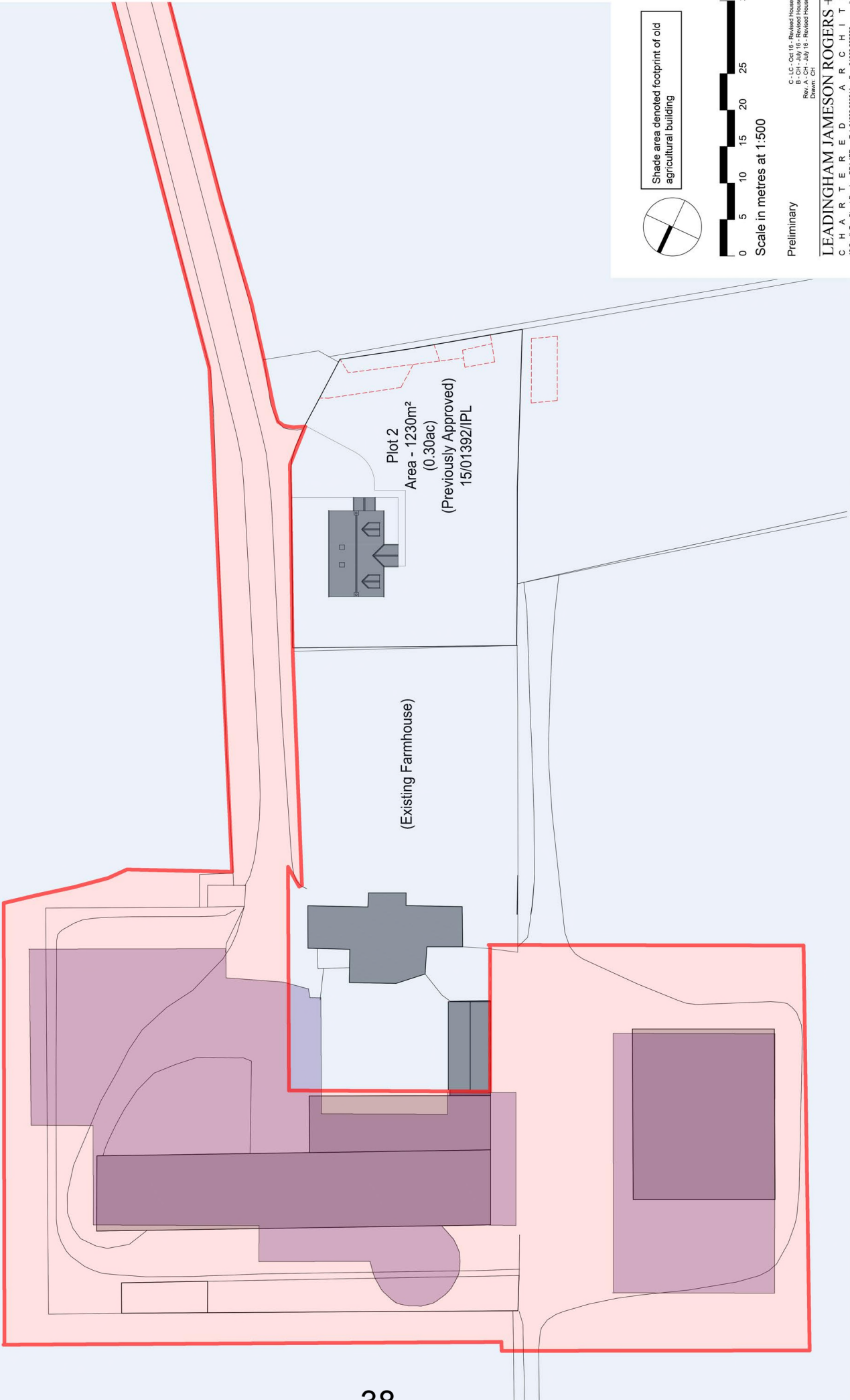
Job No. 0000

Client: Stobhall, Cargill, Perthshire

Drawn: CH

Scale: 1:2500 @ A3

Location Plan



Shade area denoted footprint of old agricultural building

Preliminary

C - LC - Oct 16 - Revised House Types
B - CH - July 16 - Revised House Types
Rev. A - CH - July 16 - Revised House Types
Cargill, Perthshire

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18 South Tay Street Dundee DD1 1PD Tel: 01382 225226 Fax: 01382 225226 e-mail: admin@LJRht.co.uk

Job No. 3983
Series: Main of Stobhall, Cargill, Perthshire
Dwg Title: Existing Site Plan
Scale: 1:500 @ A3
Date: Mar '17
Rev: B
Dwg No: 01



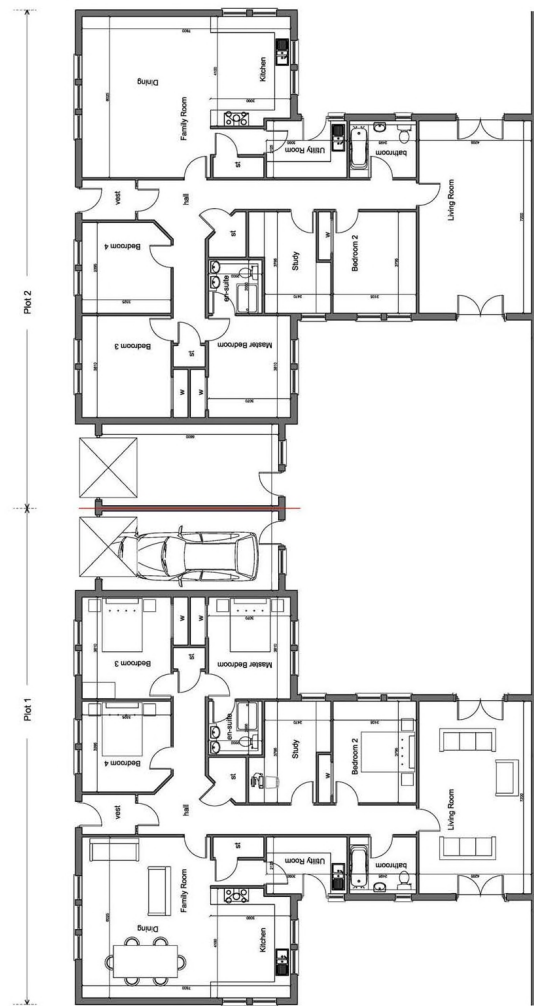
C - LC - Oct 16 - Revised House Types
B - CH - July 16 - Revised House Types
Rev. A - CH - July 16 - Revised House Types
Drawing Code: 15/01392/IPL

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C H A R T E R E D A R C H I T E C T S

Job No. 3983
Name of Stobhall, Cargill, Perthshire
Dwg Title
Scale 1:500 @ A3
Date
Rev. 01
Series
Mar-17

18 South Tay Street Dundee DD1 1PD Tel: 01382 225226 Fax: 01382 225228 e-mail: admin@LJRH.co.uk

Preliminary



Areas Ground Floor (Each Plot):	
Living Room:	7.2m x 4.2m
Dining / Family Room:	6.0m x 4.8m
Kitchen:	4.1m x 3.0m
Utility Room:	3.0m x 2.1m
Master Bedroom:	3.8m x 3.1m
En-Suite:	2.0m x 2.0m
Bedroom 2:	3.8m x 3.1m
Bedroom 3:	3.8m x 3.3m
Bedroom 4:	3.4m x 3.3m
Study:	3.8m x 2.5m
Bedroom:	2.5m x 2.1m
Garage:	6.6m x 3.1m

LEADINGHAM JAMESON ROGERS + HYND
C H A R T E R E D A R C H I T E C T S

18 South Wy Street Dundee DD1 1PD	Tel: 01382 200511	Fax: 01382 225226	e-mail: admin@JRRH.co.uk
Job Name • Mans of Stobhall - House at Steading	Job No. • 3682	Series	Dwg. No. •
Dwg Title Proposed Plans and Elevations	Scale • 1:200 @ A3	Date • March '17	Rev.



Scale in metres at 1:200

**TCP/11/16(489) – 17/00636/IPL – Residential development
(in principle) on land at Mains of Stobhall Farm, Cargill**

PLANNING DECISION NOTICE *(included in
applicant's submission, see pages 23-24)*

REPORT OF HANDLING *(included in applicant's
submission, see pages 25-36)*

REFERENCE DOCUMENTS *(included in applicant's
submission, see pages 37-40)*

**TCP/11/16(489) – 17/00636/IPL – Residential development
(in principle) on land at Mains of Stobhall Farm, Cargill**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00636/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Land At Mains Of Stobhall Farm, Cargill		
Comments on the proposal	<p>Affordable Housing</p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p>The application proposes 6 dwelling houses, which would mean that the Affordable Housing Policy would apply.</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 Guildtown Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Affordable Housing</p> <p>CO02 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4:</p>		

	<p>Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> <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 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> <p>Transport Infrastructure</p> <p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	09 May 2017

14th May 2017



Perth & Kinross Council
5 Whitefriars Crescent
Perth
PH2 0PA

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

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

Dear Sir/Madam

SITE: PH2 Cargill Land at Mains of Stobhall Farm
PLANNING REF: 17/00636/IPL
OUR REF: 744680
PROPOSAL: Residential development

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:

- There is currently sufficient capacity in the Lintrathen Water Treatment Works to service your development. Please note further investigations may be carried out once formal application submitted and number of properties confirmed.
- 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.

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

National One-Call

Tel: 0844 800 9957

Email: swplans@national-one-call.co.uk

www.national-one-call.co.uk/swplans

- 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.

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. 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.

The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website using the following link.

www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

- **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. 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

Carole McLaughlin
Development Operations Analyst
Carole.mclaughlin@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00636/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	██████████ ██████████████████
Description of Proposal	Residential development (in principle)		
Address of site	Land At Mains Of Stobhall Farm Cargill		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	12 June 2017		

