

**LRB-2021-14**  
**Planning Application – 20/01602/IPL – Residential**  
**development (in principle), land 30 metres north east of**  
**Oakfield Cottage, Forgandenny**

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**Planning Application – 20/01602/IPL – Residential**  
**development (in principle), land 30 metres north east of**  
**Oakfield Cottage, Forgandenny**

**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 B+N INVESTMENTS

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\* neilcolliss@hotmail.com

## Agent (if any)

Name WOODSIDE PARKER KIRK ARCHITECTS

Address 37 FERRY ROAD  
EDINBURGH

Postcode EH6 4AF

Contact Telephone 1 07523 963 395

Contact Telephone 2

Fax No

E-mail\* hello@woodsideparker-kirk.co.uk

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

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

Yes ☒ No ☐

Planning authority PERTH + KINROSS

Planning authority's application reference number 20/01602 / 1 PL

Site address LAND 30 METRES NORTH OF OAKFIELD COTTAGE, FORCANDENNY

Description of proposed development PLANNING IN PRINCIPLE FOR 2 RESIDENTIAL DWELLINGS

Date of application 3/11/2020 Date of decision (if any) 27/01/2021

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)   | <input type="checkbox"/>            |
| 2. Application for planning permission in principle  | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**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                                    | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input type="checkbox"/>            |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

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:

EXCEPTION TO POLICY 6, GIVEN PROXIMITY TO EXISTING SETTLEMENT BOUNDARY + EXISTING ADJACENT RESIDENTIAL LAND USE + DEVELOPMENT

**Site inspection**

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

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

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

**Statement**

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

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

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

PLEASE SEE ENCLOSED STATEMENT WHICH SETS OUT CASE IN FULL FOR EXEMPTION TO POLICY G.

PROPOSAL IS FOR 2 RESIDENTIAL PLOTS ADJACENT TO EXISTING SETTLEMENT BOUNDARY WITHIN WELL DEFINED AREA OF RESIDENTIAL DWELLINGS.

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

Yes ☐ No ☒

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

**List of documents and evidence**

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

- REPORT IN RESPONSE TO DECISION NOTICE + CONDITIONS WITHIN DELEGATED REPORT
- EXISTING SITE PLAN
- PROPOSED SITE PLAN
- PROPOSED SITE ELEVATIONS
- PROPOSED INDICATIVE FLOOR PLANS (HOUSE TYPE)
- PROPOSED INDICATIVE ELEVATIONS (HOUSE TYPE)
- PROPOSED INDICATIVE SECTIONS (HOUSE TYPE)

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

FOR WOODSIDE PARKER KIRK

Date

19/4/2021

With reference to the letter and delegated report dated 27<sup>th</sup> January 2021 concerning the refusal of our planning application 20/01602/IPL for residential development of two plots with separate accesses from County Place, please see our response below.

## RESPONSE TO ITEMS AS PER THE DECISION NOTICE and CONDITIONS AND REASONS FOR RECOMMENDATION WITHIN THE DELEGATED REPORT

### Item 1. Policy 6: Settlement Boundaries

Forgandenny settlement boundary follows the line of the existing circa 1950's bungalows on County Lane and Kinnaird Road, as defined within LDP2. The proposed site sits directly adjacent to this settlement boundary, within an area of open scrub land between the property at 8 County Place and Oakfield Cottage. There is a long-established, clear and identifiable boundary between these existing properties, and the farmland to the south.

We would consider this pre-existing boundary, separating the residential properties and farmland, to be a natural boundary between the village of Forgandenny, and the extensive agricultural land beyond. We would consider this the case, particularly as Oakfield Cottage sits directly adjacent to this pre-existing boundary. Please refer to marked up Site Plan below, fig. 01, showing current existing boundaries and proximity of existing adjacent dwellings.

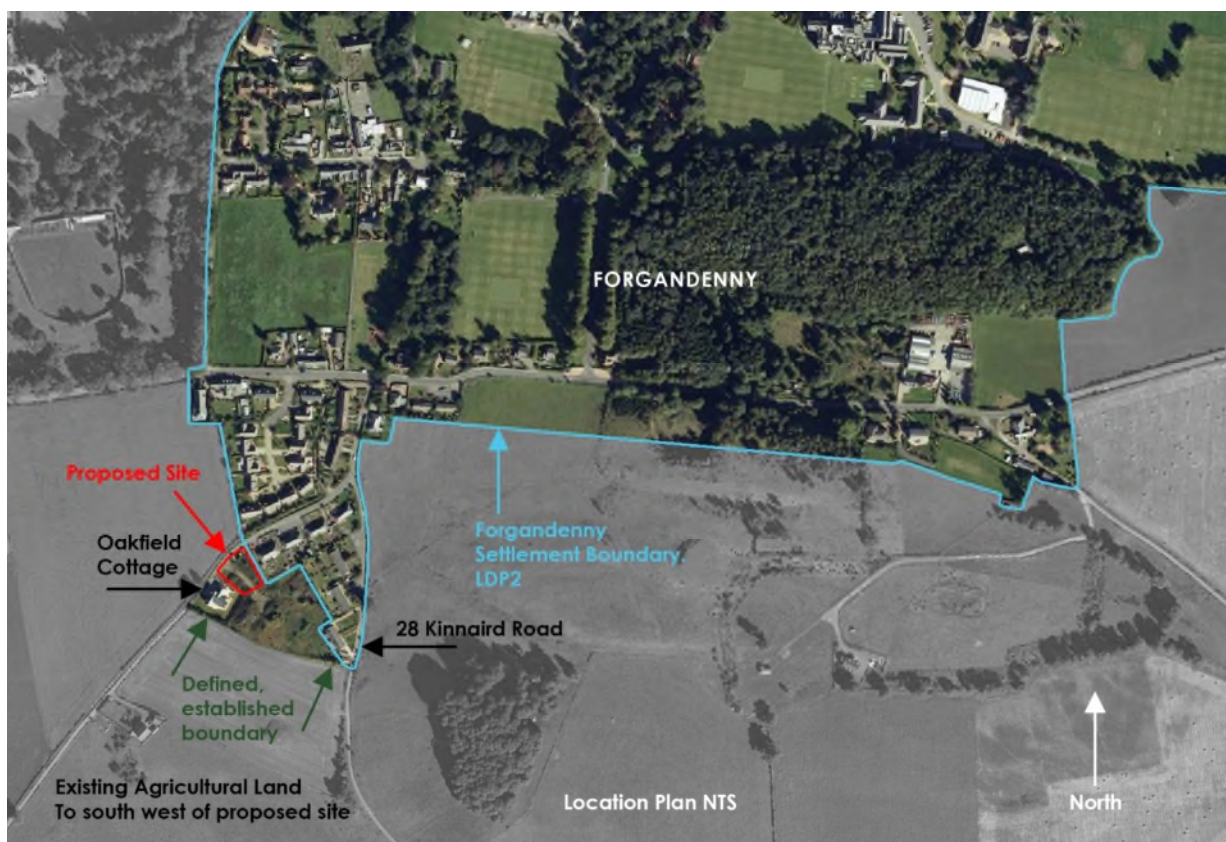


Fig. 01 Site Plan

*Showing the existing Forgandenny Settlement Boundary as per LDP2, the proposed plot, neighbouring context including boundary to adjacent farmland.*



Fig. 02 Existing Boundaries

*The existing LDP2 Settlement Boundary shown as it passes between 8 County Place and 28 Kinnaird Road. Also the existing and established boundary between the agricultural land to the south and the residential area to the north. This boundary is well defined by 28 Kinnaird Road (withing LDP2) to the east and Oakfield Cottage (Outwith LDP2) to the west, as illustrated above. The proposed site for 2 residential properties sits between Oakfield Cottage and 8 County Place.*

Given the proximity of the adjacent buildings, and the aforementioned long-established boundary to the farmland, we request an exemption from Policy 6 in this case and subsequently approval of our proposal which is directly adjacent to Forgandenny's current settlement boundary.

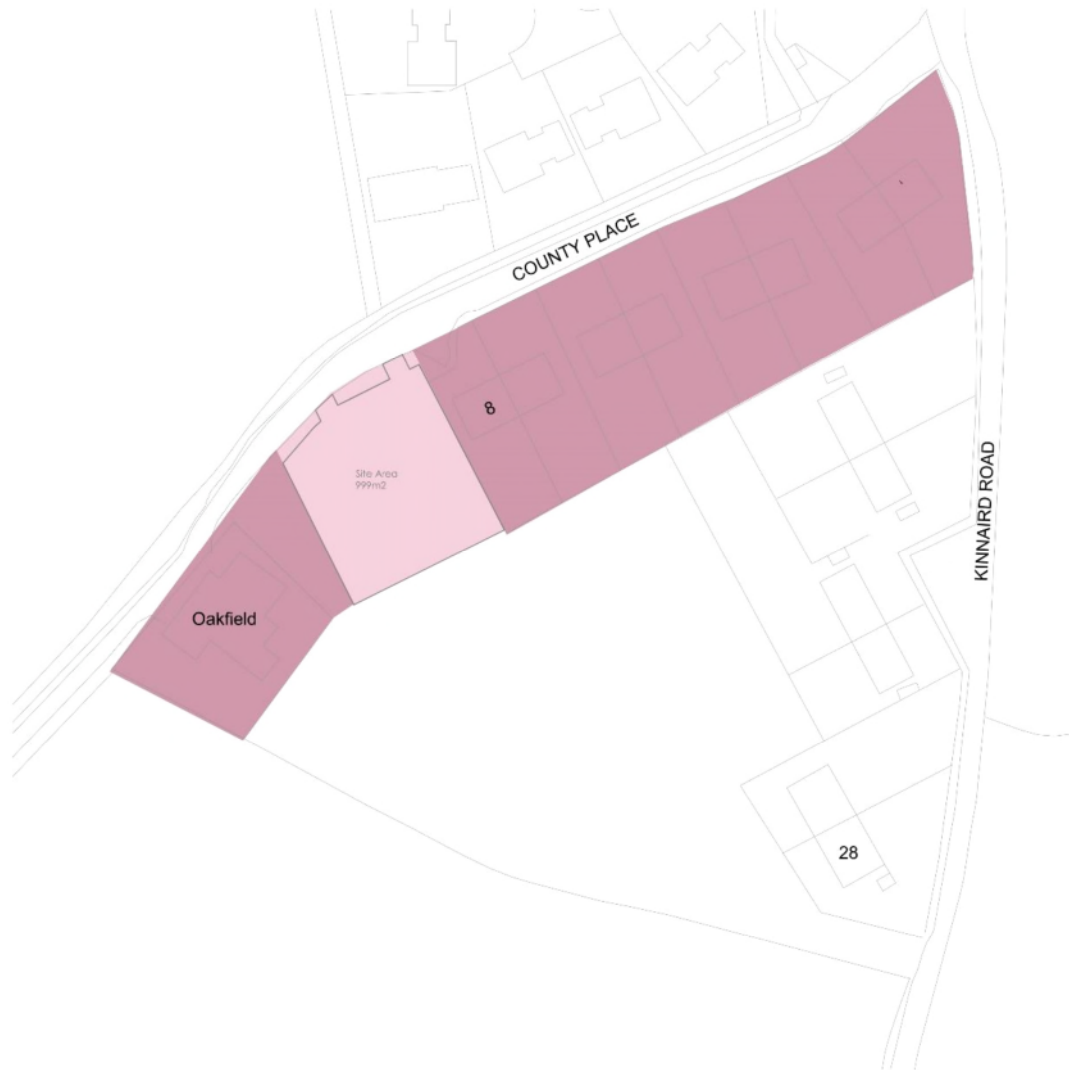


Fig. 03 Existing Development Pattern Along County Place

*Illustration of the existing development pattern along County Place which culminates in Oakfield Cottage as the land changes from residential to agricultural. As show the proposed development for 2 properties sits on a gap site between 8 County Place and Oakfield Cottage*

## **Item 2. Policy 1: Placemaking**

The proposals would respect the character and amenity of Forgandenny, and the neighbouring existing properties, completing the frontage of residential properties on County Place. This will be done in a sympathetic and coherent manner; the design of the proposed properties will compliment it's surrounding in terms of appearance, height, scale, massing, materials, finishes and colours. Given that the proposals are for 2no. plots, we would not consider that the extension to the existing settlement would be done in a haphazard manner. This would be demonstrated further in more detailed proposals in a future detailed application.

## RESPONSE TO ITEMS AS PER THE DELEGATED REPORT

### Consultation responses

We note that there are no objections from the following consultants, however we acknowledge and will meet recommendations made,

- Transport Planning
- Environmental Health
- Scottish Water

We note objection from Earn Community Council, and response regarding the settlement boundary and previous proposals for the site are discussed below.

### Policy Appraisal

#### Policy 6: Settlement Boundaries

As noted above, we request an exemption from Policy 6 in this case, and subsequently approval of our proposal which is directly adjacent to in Forgandenny's current settlement boundary. Please refer to the Site Plan above, fig. 01 and illustration fig. 02, along with photograph below, fig. 04 showing the boundary to the agricultural land as it extends west from Oakfield Cottage.

We note that our proposal provides frontage to County Place only, with 2no. plots, of comparable size to the neighbouring plots, with similar size frontage to County Place.



Fig. 04 Agricultural Boundary and Oakfield Cottage

*Photograph showing Oakfield Cottage along with establish and defined boundary to agricultural land at the south of Forgandenny.*

### Policy 19: Housing in the Countryside

We accept that this application does not fall under this policy as the proposals are adjacent to a settlement. Oakfield Cottage was built circa 2006, replacing an old cottage, dating from the turn of the century. Oakfield Cottage sits directly adjacent to the established agricultural boundary, and is a clear end point to the Forgandenny settlement. We therefore seek approval for the proposed site to be considered for development.



Fig. 05 Existing Land Use

*Illustration showing the existing land use with the area of residential development along County Place and Kinnaird Road, scrubland between and defined area of agricultural land to the south.*

### Policy 1: Placemaking

The proposals would respect the character and amenity of Forgandenny, and the neighbouring existing properties, completing the frontage of residential properties on County Place. This will be

done in a sympathetic and coherent manner; the design of the proposed properties will compliment it's surrounding in terms of appearance, height, scale, massing, materials, finishes and colours. Given that the proposals are for 2no. plots, we would not consider that the extension to the existing settlement would be done in a haphazard manner. This would be demonstrated further in more detailed proposals in a future detailed application.



Fig. 06 Site from County Place

*Proposed Plots on existing scrubland as viewed from County Place. Oakfield Cottage to the right and existing sheds to the left, located against 8 County Place and the LDP2 settlement boundary.*

### **Design and Layout**

We note that the general scale of the dwellings is considered to be acceptable and that detailed design and layout of the 2no. plots, including material types and proposed landscaping would be submitted for assessment.

### **Visual Amenity**

As noted above, with reference to Policy 6 and Policy 19, we would consider Oakfield Cottage to be the clear end point to the Forgandenny settlement.

Given that the proposals are for 2no. plots, we would not consider that the extension to the existing settlement would be done in a haphazard manner. Meeting requirements under Policy 1 will be demonstrated in more detailed proposals in a future detailed application.

### **Residential Amenity**

We note that the proposals are not deemed to have an adverse impact on the neighbouring amenity. Detailed proposals will take windows on neighbouring properties into consideration. A sunlight assessment will also be carried out and results submitted with a future detailed application.

### **Access and Traffic**

With reference to Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals, we note that there are no objections from Transport Planning.

### **Drainage and Flooding**

With reference to Policy 52 New Development and Flooding, we note that there are no known flood issues within the site.

Under Policy 53B Water Environment and Drainage: Foul Drainage, all foul drainage would be connected into the public drainage system and detailed proposals submitted to Scottish Water for approval.

Under Policy 53C Water Environment and Drainage: Surface Water Drainage, adequate surface water drainage measures will be demonstrated in more detailed proposals in a future detailed application.

### **Biodiversity**

We note that any biodiversity impact would be limited. With reference to Policy 41 Biodiversity, future detailed proposals will show proposed landscaping including planting of native trees and shrub species, and other features including the provision of bird boxes.

### **Loss of Communal Bin Area**

There is currently a communal bin area and 2no. sheds located on the proposed site located towards 8 County Place. These are owned by the adjacent properties and have been positioned on the site without the agreement of the applicant/landowner. These have been allowed to remain whilst the land is unoccupied however we do not believe the removal of these should be a material consideration in this application. We would also query whether this current communal bin area, and 2no. sheds in this location would be considered to be in keeping with Policy 1 or the wider Local Development Plan.

### **Conservation Consideration**

We note that there are no conservation issues raised.

### **Developer Contributions**

#### **Education**

We note that the proposal is within the catchment for Forgandenny Primary School, and detailed proposals will comply with the requirements of Policy 5 Infrastructure Contributions.

#### **Transport Infrastructure**

We note that the proposal is within the identified Transport Infrastructure boundary and as such, Policy 5 Infrastructure Contributions will be met and detailed in a future detailed application.

### **Embedding Low & Zero Carbon Generating Technologies**

Under Policy 32 Embedding Low & Zero Carbon Generating Technologies in New Development, compliance will be demonstrated in more detailed proposals in a future detailed application.

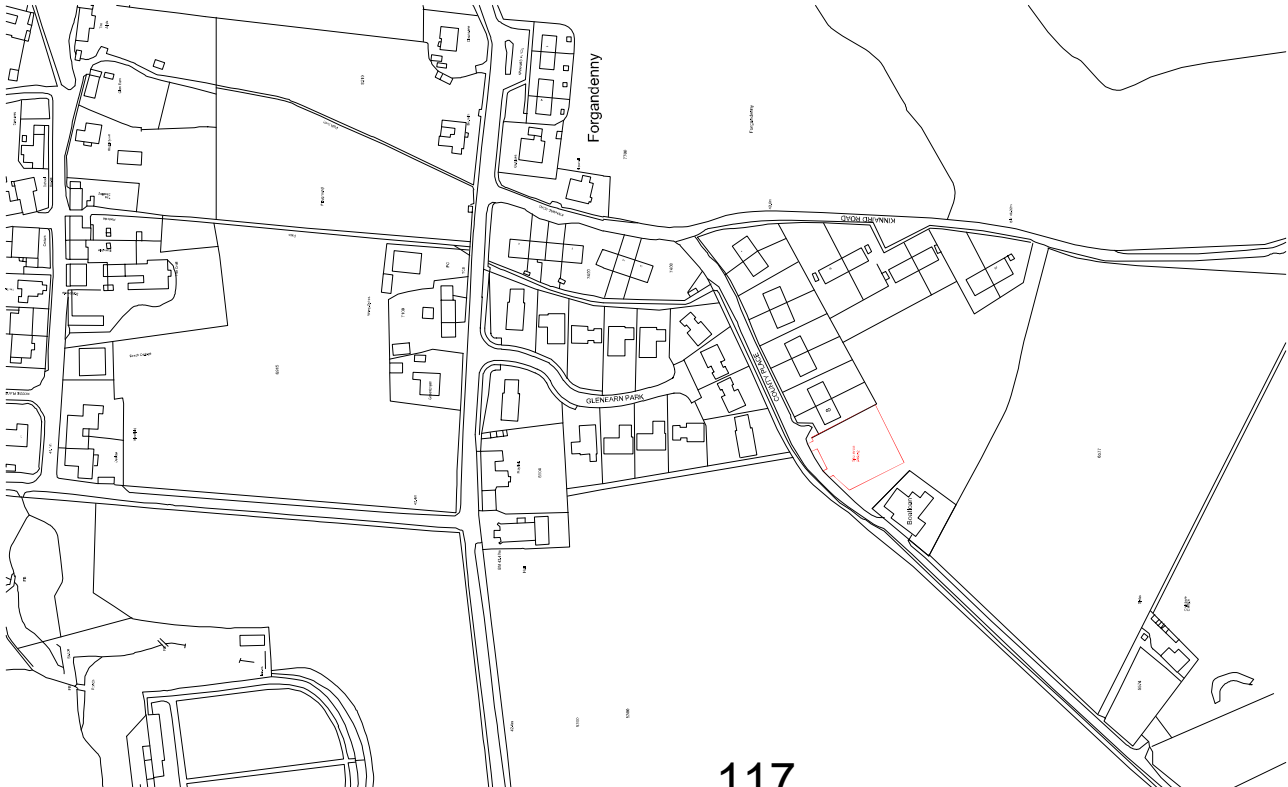
### **Economic Impact**

We note that economic impact would be limited.

## SUMMARY

In summary, we are looking for an exemption to be made for the requirements under Policy 6, to allow our proposals to be considered, which is located directly adjacent to in Forgandenny's current settlement boundary. We would consider Oakfield Cottage to be the clear end point to the Forgandenny settlement, given it's position directly adjacent to the established agricultural boundary. The proposed development of 2no. plots would sit within the existing pattern of residential development along County Place, completing and terminating at Oakfield Cottage where it transitions to agricultural land.

The proposals would respect the character and amenity of Forgandenny, and the neighbouring existing properties, completing the frontage of residential properties on County Place. This will be done in a sympathetic and coherent manner; the design of the proposed properties will compliment it's surrounding in terms of appearance, height, scale, massing, materials, finishes and colours. The proposals will meet all placemaking criteria under Policy 1. We would consider the addition to the existing settlement to be done in a positive manner, and not in a haphazard way, particularly given that the proposals are for 2no. plots. This would be demonstrated further in more detailed proposals in a future detailed application.



LOCATION PLAN  
1:2500



SITE PLAN  
1:500

4363	01B	Existing Site Drawings	
B&N Investments Ltd	Planning	County Place, Forgardenny, Perth, PH2 9EP	
A3	30.10.2020	1:500	0 10 20m

Woodside Parker Kirk architects

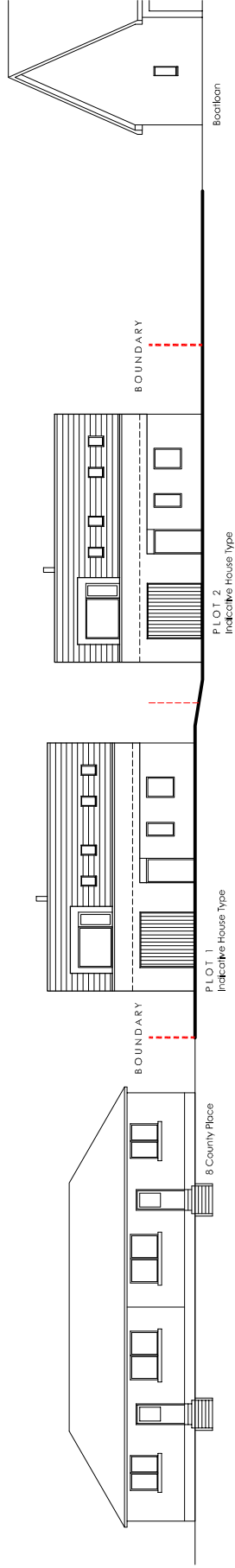


37 Ferry Road,  
Fergburgh, PH4 4AF  
07523 863395  
www.woodsideparkirk.co.uk

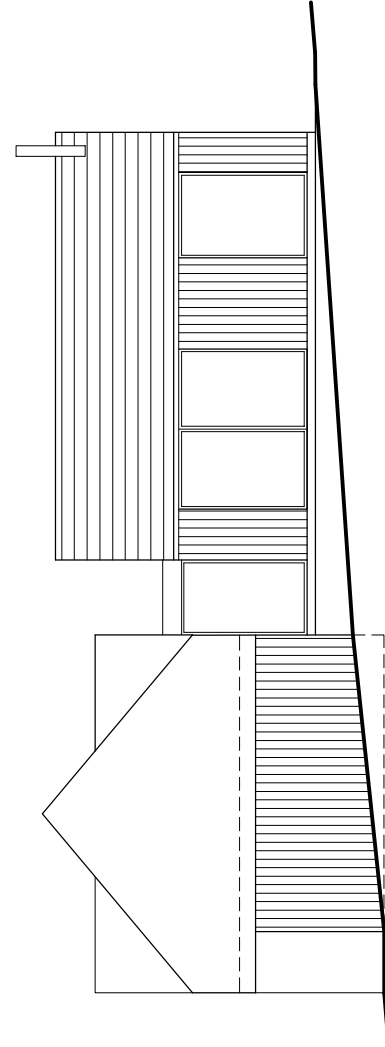


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B&N Investments Ltd	<b>Planning</b>	County Place, Forgardenny, Perth, PH2 9EP	
A3	30.10.2020	1:200 0 4 8m	
		<b>Woodside Parker Kirk architects</b> 37 Ferry Road, Edinburgh, EH4 4AF 07523 363 395 www.woodsideparkirk.co.uk	

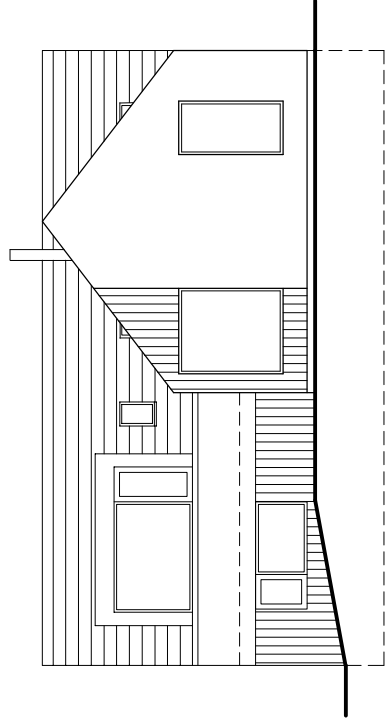
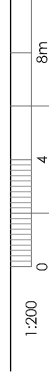




**1**  
NORTH ELEVATION - County Place  
Scale 1:200

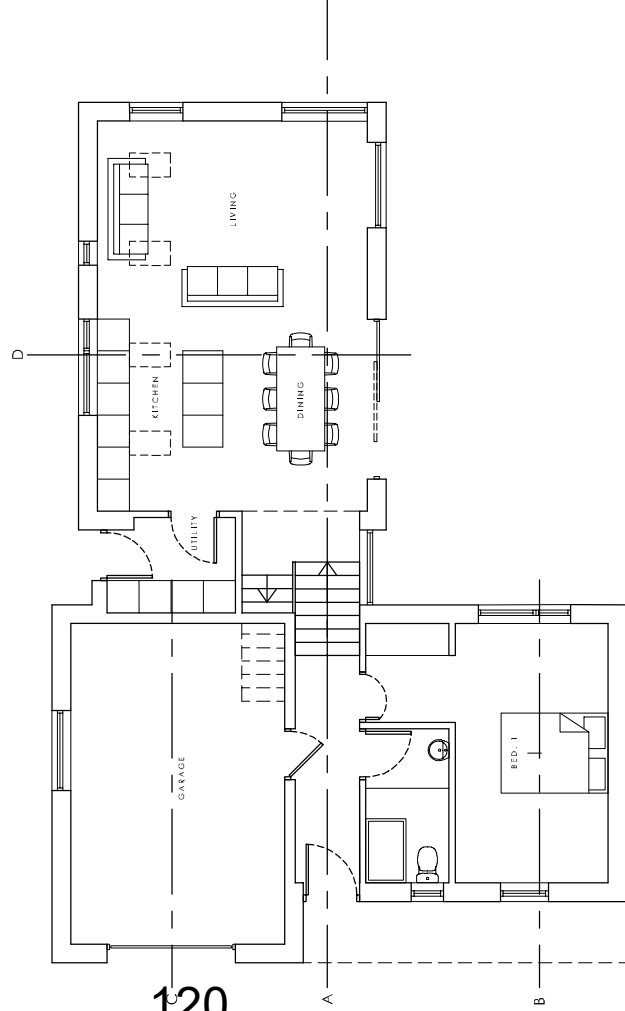


WEST ELEVATION - Plot 1

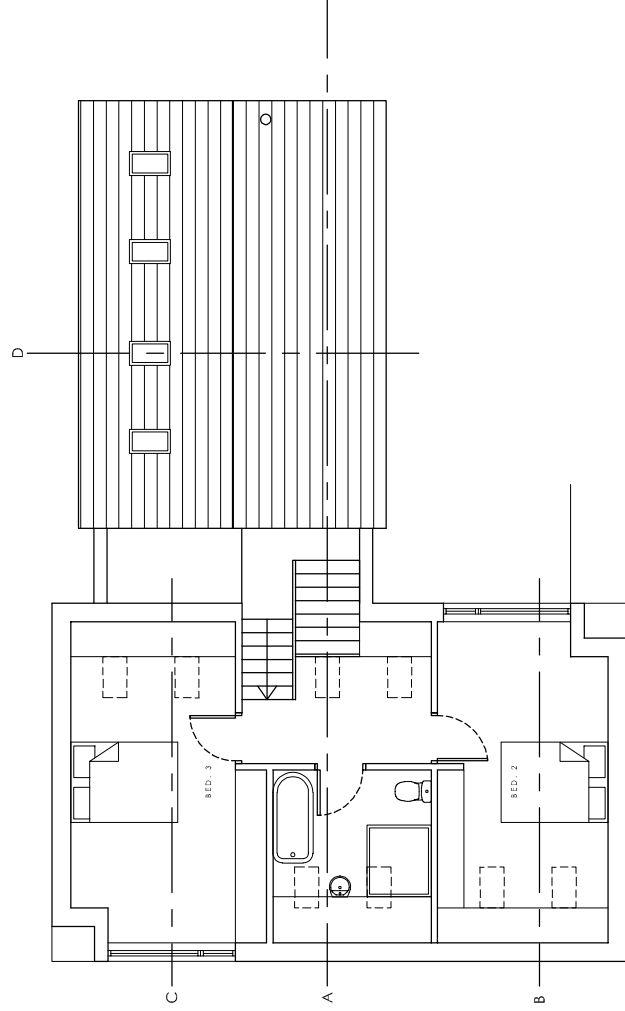


SOUTH ELEVATION - Plot 1

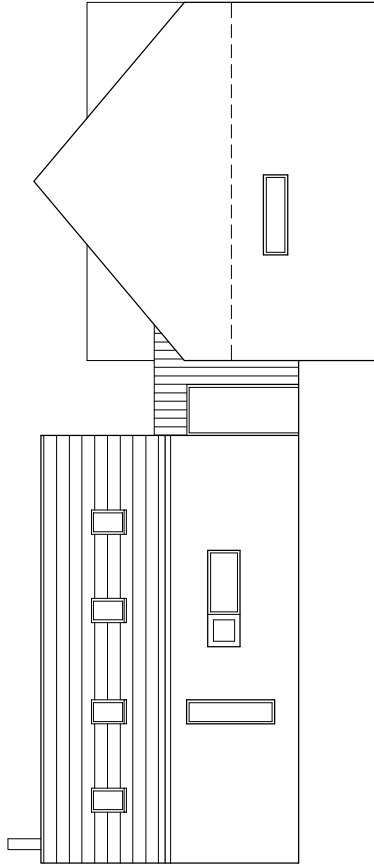
4363	03A	Proposed Site Elevations	
B&N Investments Ltd	Planning	County Place, Forgardenny, Perth, PH2 9EP	
A3	30.10.2020	1:100	0 2 4m



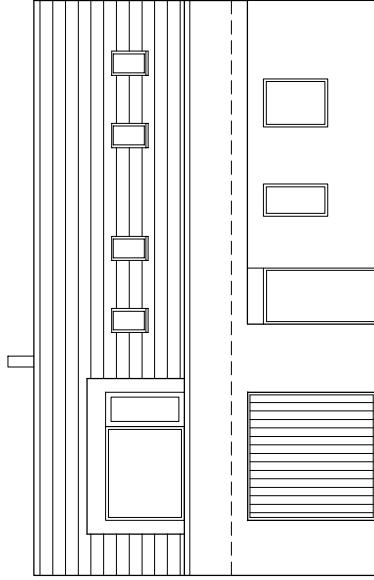
GROUND FLOOR PLAN



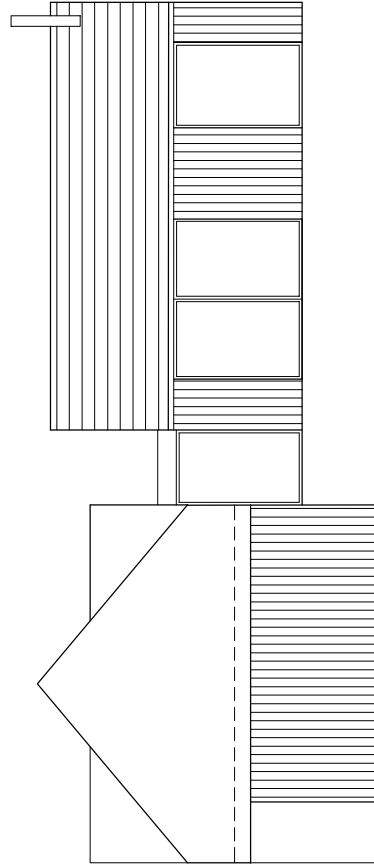
FIRST FLOOR PLAN



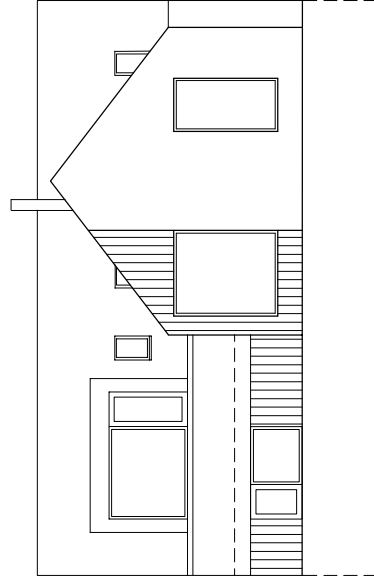
EAST ELEVATION



NORTH ELEVATION

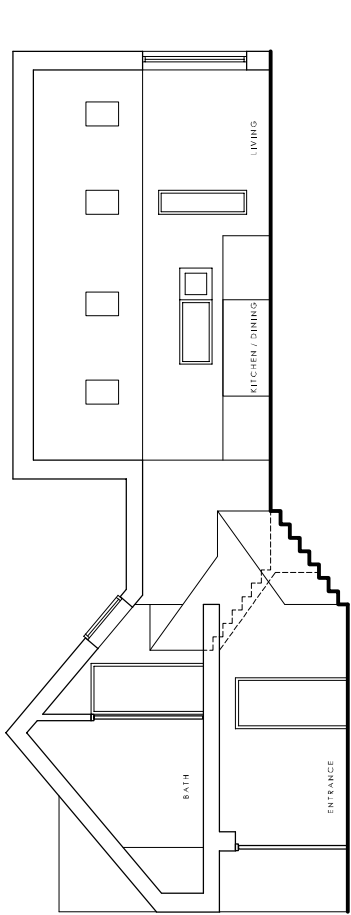


WEST ELEVATION

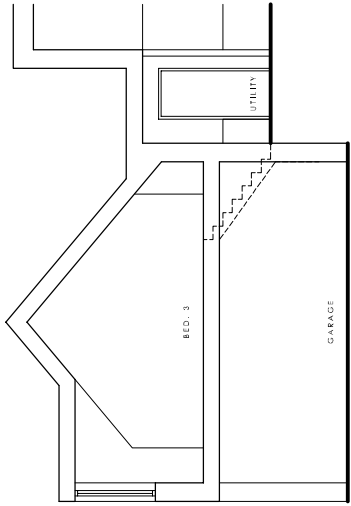


SOUTH ELEVATION

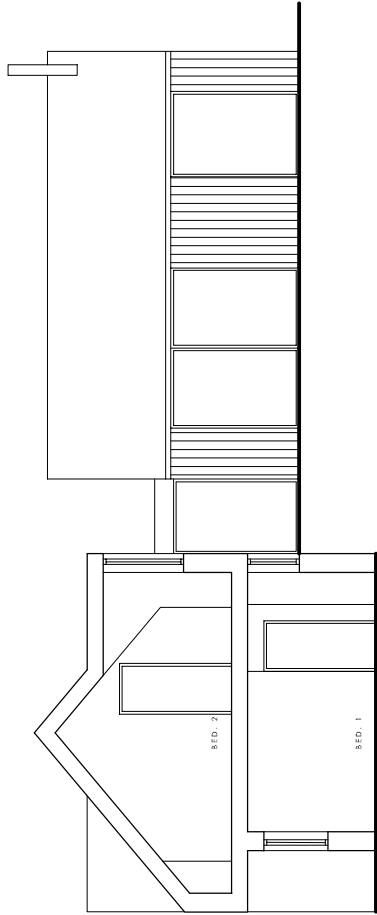
4363	05A	Proposed Elevations - Indicative House Type	Woodside Parker Kirk architects
B&N Investments Ltd	Planning	County Place, Forgardenny, Perth, PH2 9EP	37 Ferry Road, Edinburgh, EH4 4AF 07523 863395 www.woodsideparkirk.co.uk
A3	30.10.2020	1:100	
		0	2
			4m



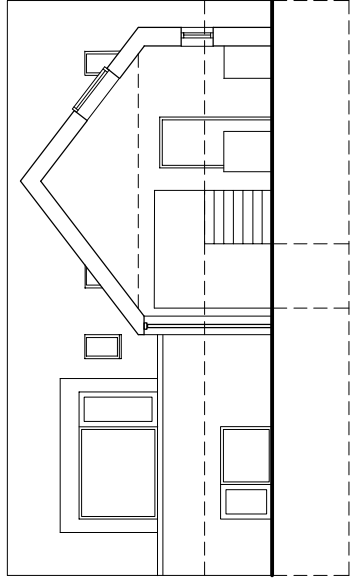
SECTION A  
122



SECTION C



SECTION B



SECTION D

4363	06A	Proposed Sections - Indicative House Type		
B&N Investments Ltd	Planning	County Place, Forgardenny, Perth, PH2 9EP		
A3	30.10.2020	1:100	0 2 4m	

**LRB-2021-14**

**Planning Application – 20/01602/IPL – Residential development (in principle), land 30 metres north east of Oakfield Cottage, Forgandenny**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, pages 117-122)*





B&N Investments Ltd  
c/o Woodside Parker Kirk  
Robert Lansberry  
37 Ferry Road  
Edinburgh  
EH6 4AF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice : 27<sup>th</sup> January 2021

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **20/01602/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 20th November 2020 for permission for **Residential development (in principle) Land 30 Metres North East Of Oakfield Cottage Forgandenny** for the reasons undernoted.

**David Littlejohn**  
**Head of Planning and Development**

### Reasons for Refusal

- 1 The proposed development is contrary to Policy 6 'Settlement Boundaries' of the Perth and Kinross Council Local Development Plan 2019 which seeks to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan. The site is located adjacent to the settlement boundary of Forgandenny. Furthermore, the proposal does not involve rural business and diversification, is not considered to be justifiable on operational need and is not considered to address a shortfall in housing land supply and therefore does not meet any of the development types which may be considered to be acceptable on a site adjacent to a settlement boundary as outlined in Policy 6.
- 2 There is clear beneficial physical separation between Forgandenny and the detached house at Boatloan to the west of the application site and development of this site would create visually obvious ribbon development extending from the settlement boundary along County Place resulting in the extension of the village of Forgandenny in a haphazard manner along a country road to the detriment of the visual amenity of the area and impacting on the rural landscape character of this edge of settlement location. The proposal is therefore contrary to Policies 1A and B of the Perth and Kinross Local Development Plan 2019.

## **Justification**

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

## **Notes**

- 1 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

**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](http://www.pkc.gov.uk) "Online Planning Applications" page**

## **Plan Reference**

**01**

**02**

**03**

**04**

**05**

**06**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	20/01602/IPL	
Ward No	P9- Almond And Earn	
Due Determination Date	19th January 2021	
Report Drafted Date	26th January 2021	
Report Issued by	DN	Date 27/01/2021

**PROPOSAL:** Residential development (in principle)

**LOCATION:** Land 30 Metres North East Of Oakfield Cottage  
Forgandenny

### 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.

**DATE OF SITE VISIT:**

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought residential development on a site measuring 0.1 hectares at the top of County Place which is located within an area of open land immediately adjacent to but outwith the settlement of Forgandenny. The application site is a rough, overgrown area of land positioned between the property at 8 County Place to the east and Boatloan to the west. The northern boundary is defined by the existing road whereas the eastern boundary is defined by a post and

wire that runs along the mutual boundary with 8 County Place. The southern and western boundary are undefined and open out on the adjacent land.

An indicative plan has been submitted based on the formation of two roughly equal plots with separate accesses taken from County Place. The plans also provide indicative elevations showing two detached L shaped single storey houses with an upper floor of accommodation served by flat roofed dormers and a large single storey rear extension. No finishing materials have been indicated at this stage.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by aerial imagery and Google Streetview. Together this information means that it is possible and appropriate to determine the application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

None

## **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 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 (2019) – Adopted November 2019**

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

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 41: Biodiversity

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

National Roads Development Guide

Developer Contributions and Affordable Housing Supplementary Guidance

## **CONSULTATION RESPONSES**

Internal:

Transport Planning

No objection subject to conditions.

Development Contributions Officer

Developer contribution policy applies. Conditions in respect to both education and transport infrastructure.

Environmental Health (Noise Odour)

No objection but recommend informative note regarding the operation of any stove.

External:

Scottish Water

No objection. Advise that there is capacity within the water network but cannot confirm capacity within the Forgandenny Waste Water Treatment Works.

## Earn Community Council

Site is outwith village settlement boundary as defined within LDP2 and therefore is contrary to Policy 6. The site also forms part of proposals put forward by the applicant to include the wider parcel of land for residential development during the preparation of LDP2 but proposed allocation was excluded from the plan and the reporter dismissed the proposals during the examination.

## REPRESENTATIONS

The following points were raised in the 6 representations received:

- Outwith settlement boundary – contrary to Policy 6 of LDP2
- Site formed part of proposals put forward by the applicant to include the wider parcel of land for residential development during the preparation of LDP2 but proposed allocation was excluded from the plan and the reporter dismissed the proposals during the examination.
- Additional traffic on restrictive country road.
- Loss of communal bin store area.
- Inappropriate design.
- Impact on biodiversity.
- Impact on visual amenity.
- Lack of services within the village.
- Lack of capacity within the public sewer.

The above points, with the exception of services within the village, are addressed the report below. The concerns raised regarding the lack of local services is not considered to be a valid material planning consideration in this instance.

## ADDITIONAL STATEMENTS

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

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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

## **Policy Appraisal**

The local plan through Policy 6 'Settlement Boundaries' specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. It goes on to state that development which is located on sites which adjoining that boundary will only be accepted in certain circumstances. If the site lies out with a settlement boundary, the principle of development is normally considered under Policy 19 Housing in the Countryside and the associated Housing in the Countryside supplementary guidance. However, in this instance only Policy 6 'Settlement Boundaries' applies as the Housing in the Countryside Guide under "category 1 - building groups" and "category 2 - infill sites" makes it clear on pages 10 and 11 that:

"proposals adjacent to and outwith a settlement which has a defined boundary in the Local Development Plan 2 will be assessed under Policy 6 Settlement Boundaries and not Policy 19 Housing in the Countryside".

This particular proposal for two dwellinghouses fails to meet any of the categories within Policy 6 where development may be accepted adjacent to settlement boundaries. It does not involve rural business or diversification, is not justified under operational need and no evidence of a shortfall in housing land supply has been provided.

The purpose of policy 6 is to specifically to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan. This view is supported by other recent decisions where refusals have been issued in similar circumstances as being contrary to Policy 6. These decisions have also been backed by the Council's Local Review Body upon appeal. It is therefore the established view of the Council to refuse applications adjacent to settlement boundaries which is reflected in Policy 6 of LDP2.

If the applicant does wish to pursue development on this site, the most appropriate means to do so would be to seek for an alteration of the settlement boundary through review of the Local Development Plan. However, it is noted that the applicant previously sought to promote this site as part of a wider allocation for housing within the LDP2 but upon review the Council did not include the site and this view was supported during the examination of plan by the Government Reporter.

Given the information contained within the Housing in the Countryside Guide regarding sites adjacent to settlement boundaries, there is no requirement to assess this proposal against the Housing in the Countryside Guide as the guide makes it clear that Policy 6 'Settlement Boundaries' is the relevant policy in this instance.

As outlined above, the proposal is contrary to Policy 6 'Settlement Boundaries' and therefore the principle of residential development fails to comply with the Perth and Kinross Local Development Plan 2019.

## **Design and Layout**

The general scale of the dwellings is considered to be acceptable and whilst the design (particularly in relation to the flat roofed wallhead dormers) could be improved, given that this application is only in principle it is not considered to be a significant issue at this stage. The layout of the house within the plots also doesn't raise any particular issues in relation to garden space or access but again these plans are purely indicative at this stage and it would be upon the submission of a detailed application that the design and layout of the proposed house would be assessed in any detail.

## **Visual Amenity**

There is clear beneficial physical separation between Forgandenny and the house at Boatloan as the development of this site would create visually obvious ribbon development extending from the settlement boundary along County Place, extending the village in a haphazard manner along a country road to the detriment of the visual amenity of the area and impacting on the rural landscape character of this edge of settlement location contrary to the placemaking policies of the LDP2.

## **Residential Amenity**

Given the size of the site and position relative to the neighbouring plots, it is considered that the development of two plots could be achieved without having an adverse impact on neighbouring amenity. There is one window on the rear extension that faces onto the neighbouring plot to the east and this is something that may need to be reconsidered as part of any detailed proposals should permission be granted. A sunlight assessment would also be required to demonstrate any overshadowing of neighbouring plots, but this is not necessary at this stage and could be made subject to condition.

## **Access and Traffic**

The proposal requires to meet the criteria outlined in the National Roads Development Guide (NRDG) in relation to parking provision and turning facilities. The site plan indicates the provision of two separate accesses from Country Place serving each plot.

Transport Planning have been consulted and consider the development to be acceptable in terms of road safety subject to a condition relating to the detailed proposals meeting with the requirements of the National Roads Development Guide.

## **Drainage and Flooding**

There are no known issues in relation to the flooding or drainage within the site. The site is also not located within any areas at risk to a 1 in 200 year flood event, as per SEPA's indicative flood maps.

As per the requirements of Policy 53B, the use of a private drainage system is unlikely to be acceptable and all foul drainage should be connected into the public

drainage system that serves Forgandenny. It is noted that concerns have been expressed regarding issues with the existing drainage capacity. This is a matter that the applicant will need to investigate further but it is not considered to be a relevant factor at this stage. If there is an issue with drainage capacity, then this will need to be resolved separately with Scottish Water.

Regarding surface water drainage, the application form states that there will be no provision for SUDS within the site. The lack of SUDS treatment within the site would not normally be acceptable given that all proposals including developments of just one house require SUDS treatment.

As this application is only in principle, there is no requirement for this information at this early stage. However, if permission were to be granted, a condition would be required to ensure that adequate surface water drainage measures are provided as part of any detailed submission.

### **Biodiversity**

It is noted that the biodiversity value of the site has been raised as a concern in one of the representations. The proposed site in question is not protected by any designation but as with sites of this nature, it will provide an important habitat for wildlife. It is accepted that the loss of this site would have an impact on the value of the site for wildlife, but it is considered that this would be relatively limited and the remaining area of open ground to the south will remain untouched. Nevertheless, there are opportunities to enhance the site for biodiversity through planting native trees and shrub species in the proposed landscaping plan. Planting a boundary hedge of native species such as hawthorn, guelder rose and hazel would increase the biodiversity value of the site. This could be secured by a planning condition should permission be granted. A condition could also be added to ensure the provision of bird boxes within the development.

### **Loss of Communal Bin Area**

It is noted that there are several bins located within the site on the road edge which serve the properties further up County Road. Residents have raised concerns regarding the loss of this facility and the lack of any details regarding the provision of a replacement bin area. Having reviewed the plans it would appear that there should be adequate space to provide an area of hardstanding to accommodate the existing bins on the verge or within part of the adjacent area of land. If approved, a condition could be applied requiring details of a replacement area of hardstanding for the relocation of the waste bins.

### **Conservation Considerations**

There are no issues or concerns in relation to conservation related matters.

## **Developer Contributions**

### Education

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.

This proposal is within the catchment of Forgandenny Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however if this application were to be approved a condition should be applied to ensure that any future detailed development complies with the requirements of Policy 5 and its associated supplementary guidance.

### Transport Infrastructure

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.

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.

## **Embedding Low & Zero Carbon Generating Technologies**

Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.

As this application is only in principle, there is no requirement for this information at this early stage. However, if permission were to be granted, a condition would be required to ensure that adequate measures are submitted as part of any detailed submission.

## **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 fails to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period, however, the processing of this application has been significantly affected by the coronavirus (COVID-19) pandemic restrictions causing a significant delay to its output.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Conditions and Reasons for Recommendation**

The proposed development is contrary to Policy 6 'Settlement Boundaries' of the Perth and Kinross Council Local Development Plan 2019 which seeks to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan. The site is located adjacent to the settlement boundary of Forgandenny. Furthermore, the proposal does not involve rural business and diversification, is not considered to be justifiable on operational need and is not considered to address a shortfall in housing land supply and therefore does not meet any of the development types which may be considered to be acceptable on a site adjacent to a settlement boundary as outlined in Policy 6.

There is clear beneficial physical separation between Forgandenny and the detached house at Boatloan to the west of the application site and development of this site would create visually obvious ribbon development extending from the settlement boundary along County Place resulting in the extension of the village of Forgandenny in a haphazard manner along a country road to the detriment of the visual amenity of the area and impacting on the rural landscape character of this edge of settlement location. The proposal is therefore contrary to Policies 1A and B of the Perth and Kinross Local Development Plan 2019.

## **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**

- 1 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

## **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02

03

04

05

06

**LRB-2021-14**  
**Planning Application – 20/01602/IPL – Residential**  
**development (in principle), land 30 metres north east of**  
**Oakfield Cottage, Forgandenny**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	20/01602/IPL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 30 Metres North East Of Oakfield Cottage Forgandenny		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></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 Forgandenny Primary School.</p> <p><b>Transport Infrastructure</b></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>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; 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><b>RCO00</b> 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>		

	<p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> 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>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	21 December 2020

Tuesday, 22 December 2020



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

Dear Sir/Madam

**SITE: Land 30 Metres North East Of Oakfield Cottage, Forgandenny, PH2 9ER**  
**PLANNING REF: 20/01602/IPL**  
**OUR REF: DSCAS-0029267-L8L**  
**PROPOSAL: Residential development (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 Turret 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.

## Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by Forgandenny Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.



SW Public  
General

To find out more about connecting your property to the water and waste water supply visit:



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### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

## Surface Water

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

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

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

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ 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](http://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 the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@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

<b>Planning Application ref.</b>	20/01602/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 30 Metres North East Of Oakfield Cottage, Forgandenny		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	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. All matters 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.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	24 December 2020		



# Comments for Planning Application 20/01602/IPL

## Application Summary

Application Number: 20/01602/IPL

Address: Land 30 Metres North East Of Oakfield Cottage Forgandenny

Proposal: Residential development (in principle)

Case Officer: David Niven

## Customer Details

Name: Mrs Kate Marshall

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development

Comment: Dear Sir,

I wish to lodge an objection to planning application 20/01602/IPL. Before outlining my objection, I would like to point out that although validated on 20 Nov 2020 no neighbour notification was received until 29 December 2020. This appears to be an unacceptable delay.

Grounds for objection in principle

1. The site is located immediately outwith the settlement boundary and is contrary to policy 6 of the recently adopted LDP.
2. There is a requirement to determine in line with the development plan unless there are material circumstances dictate otherwise, the applicant has offered no justification for a departure.
3. The appropriate means of establishing the principle of development in this location would be through the next review of the LDP.
4. The applicant indicated they do not intent to provide a SUDS scheme this is contrary LDP 53C and it is unclear whether it will be connected to the public sewage system which is a requirement of policy 53B
5. Access arrangements are unclear as this is close to a public road the development should be required to extend the public road network.
6. The site currently accommodated bin storage for several properties further along the track and

the loss of this facility will create a problem. The applicant should be required to demonstrate how this will be accommodated in addition to their own bin storage arrangements.

#### Objection to details provided

It is acknowledged that this is an in-principle application however having provided details it demonstrated a lack of desire to adopt the principles of policy 1 Placemaking.

1. With regard to 1B (c) the development is out of scale with the cottage developments to the east, and may represents over development of the site.

2. The prosed box dormer on the north elevation is out of character with the area and window openings should be limited to roof lights.

3. The large window in the dormer on the north elevation is again out of character and this large window on a north elevation is not good practice from an energy conservation point of view.

4. The wall head is out of proportion to surrounding buildings extending significantly above the window height. The design should echo local character with the roofline starting within about 30cm of the top of the window.

5. The Council as part of its general statutory responsibility to maintain or enhance biodiversity, there is need to ensure that the biodiversity value of the site is maintained and enhanced, this becomes challenging given the potential developed area of the site. Also see LDP policy 41

It is acknowledged that the development is contrary to policy in principle, however, were consent to be granted the design is not appropriate and the details should be conditioned to ensure compatibility with the local character.

I trust the above will be taken into consideration in the determination of this application.

Kate Marshall

# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	20/01602/IPL	Our ref	OLW
Date	6/01/2021	Tel No	

Communities

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

**Consultation on an Application for Planning Permission  
RE: Residential development (in principle) Land 30 Metres North East Of Oakfield  
Cottage Forgandenny for B&N Investments Ltd**

I refer to your letter dated 18 December 2020 in connection with the above application and have the following comments to make.

## **Recommendation**

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

## **Comments**

This application is for a residential development including two dwellinghouses with the provision of a flue within each dwellinghouse. Though the applicant has not submitted any information with regards to any proposed stoves to be installed, it is likely the flues will be connected to woodburning stoves.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. Though the application does not include any information on any stoves, they are likely to be domestic sized and therefore I have no adverse comments to make with regards to air quality.

Another matter pertaining to any stove which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the flues terminate above roof ridge and therefore this will aid dispersion of emissions. I would advise that smoke/odour could be further minimised by the use of fuel recommended by the manufacturer.

In light of the above, the residential amenity at neighbouring dwellinghouses should not be adversely affected by smoke/odour.

I would therefore have no objections to this development provided that the following informative is attached to the consent.

**Informative**

The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacture's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990

[REDACTED]

8<sup>th</sup> January 2021

[REDACTED]

To whom it may concern

**Planning Application 20/01602/IPL**

I write to express my objection to the planning application referenced above [REDACTED]. I note also that the application was actually submitted to you on 3<sup>rd</sup> November and validated on the 20<sup>th</sup> November. Given the many activities that take time and focus over the festive period this has actually given a relatively short time to consider, consult and respond to this application.

[REDACTED]

The fundamental basis for objecting is that this application is in direct contravention of the Policies as set out in the Perth and Kinross Local Development Plan 2 and the supplementary guidance notes.

Specifically

**A. The Local Development Plan 2: Adopted 29 November 2019.**

On page 200 we find the "Settlement Summary" for Forgandenny (see Figure 1 below). In particular this identifies,

1. That the "Settlement Boundary" for Forgandenny runs along the fence line of number 8 County Place (see Figure 2 for enlarged section of map).
2. The Settlement Summary also states that, "The settlement boundary has been drawn to offer the potential to accommodate some further development". Examples of this are
  - a. In "gaps" that are contained entirely within the boundary, for example, the two recently constructed houses opposite Strathallan School entrance and the plots advertised for sale adjacent to them there or,
  - b. On larger plots that fall entirely within the boundary such as the development of 7 houses in Forgan Grove on the right-hand side of the main road on entering Forgandenny from the west.

**B. Housing in the Countryside: Supplementary Guidance Notes.**

This guidance, has a section, **Category 2**, on "**Infill Sites**", (Figure 3). This is for planning proposals that intend to build up to 2 houses in gaps between established houses. This I believe would be the intended categorisation that the developer is seeking for two houses built between Number 8 County Place and Oakfield Cottage.

However, this guidance states specifically; ***"For the avoidance of doubt, proposals adjacent to and outwith a settlement which has an identified boundary in Local Development Plan 2 will be assessed under Policy 6: Settlement Boundaries and not the Housing in the Countryside Policy."***

The proposed houses are indeed adjacent to and outwith the identified boundary of the Forgandenny Settlement. Therefore, they must be assessed under Policy 6 of LDP2.

**C. LDP2 Policy 6. (Figure 4)**

This states that “For those settlements which have a boundary defined in the plan, built development will be contained within that boundary.”

It is clear therefore that the proposed development lies outside the defined boundary for Forgandenny contained within the plan (LDP2), further, the last sentence in Policy 6 Note 2 states ***“Proposals for houses which are not directly linked to an economic activity will not be permitted on sites that adjoin settlement boundaries”***,

I see nothing in the application that refers to any specific economic activity that this proposal is intended to be linked to.

**In summary therefore, it seems clear to the undersigned that this application is fundamentally at variance with stated Perth and Kinross Council policies and should therefore be rejected.**

In addition, preventing further development in this south west corner of the Forgandenny settlement will also prevent placing additional loading on poor quality roadways with junctions which have compromised views affecting their safety in use.

Both Kinnaird Road and County Place are single track roads, and both have “blind spots”. The junction with Kinnaird Road and the B935 has a very poor line of sight to the east. Here, cars travelling west can be hidden from view as they round the corner immediately prior to the Kinnaird Road entrance. This can result in vehicles exiting Kinnaird Road pulling forward into the oncoming traffic’s path before it becomes visible to them. In addition, vehicles wishing to turn into Kinnaird Road from the B935 are often forced to stop on the main road to allow the egress of a vehicle before they can turn in.

The junction of Kinnaird Road with County Place similarly has a restricted view for southbound vehicles of the approaching traffic travelling towards them from the north as they execute a turn into County Place. Also, the roadway to the west end of County Place, adjacent to the proposed development site, is unmade and in a very poor state of repair. Any additional permanent loading on these accessways would further increase the risks associated with these issues.

Finally, there is currently a bin store located on the proposed site that services the 6 houses located further along the track from the end of County Place. This is currently shielded from view from both Oakfield Cottage and the houses on County Place. The loss of this facility or its relocation to a more intrusive and objectionable location would both be detrimental to living standards currently enjoyed by the residents in its vicinity.

Yours faithfully

Dr William Scott and Mrs Janice Scott

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

**Figure 1:** Page 200 of LDP2 showing the Settlement Boundary for Forgandenny.

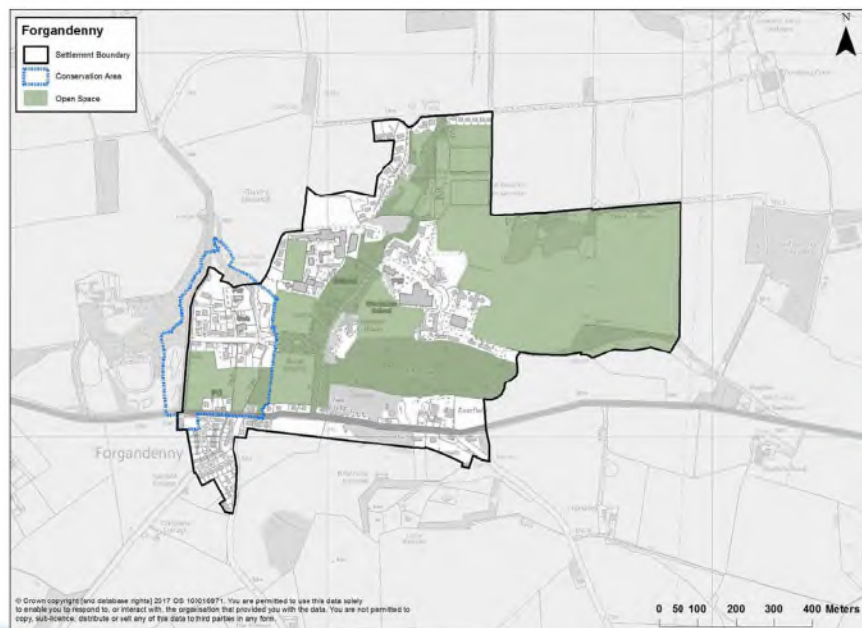
## Forgandenny

### Settlement Summary

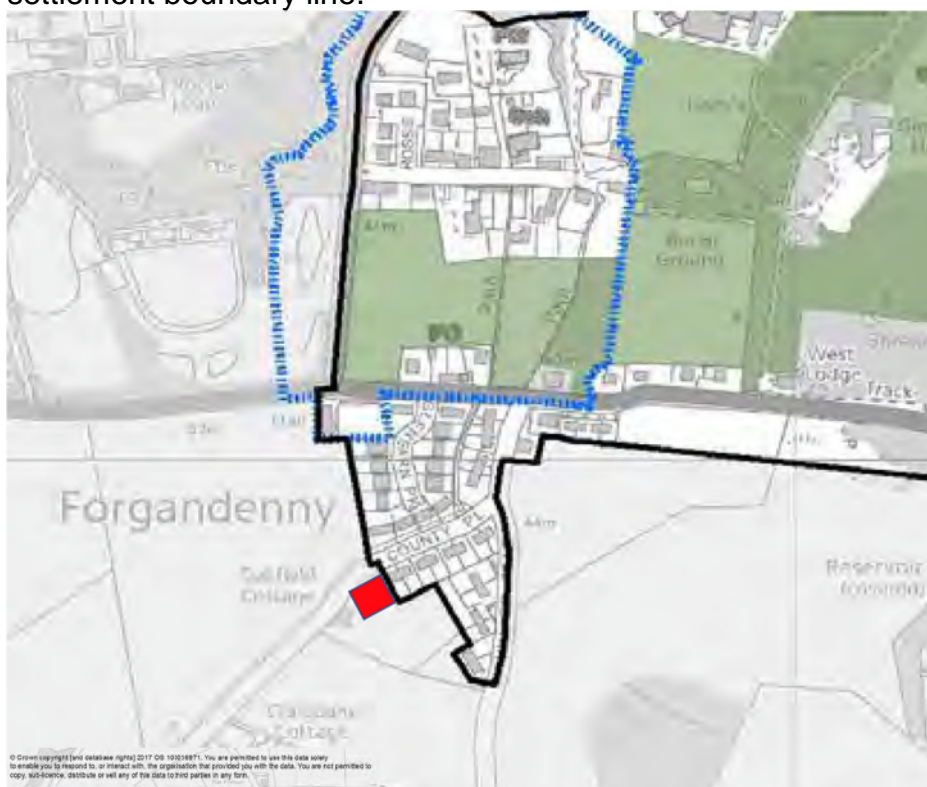
Forgandenny is a small settlement close to Perth. It has a Conservation Area designation to reflect the historic character of the village. It has some services with a village shop, school, and the Strathallan private school.

The settlement has two distinct groups of buildings north and south of an area of open space, while the Strathallan school occupies an extensive site to the east of the settlement centre.

The settlement boundary has been drawn to offer the potential to accommodate some further development.



**Figure 2:** Expanded view of Boundary Line for Forgandenny. This shows clearly that the location pertaining to the planning application, shown in red, falls outside the settlement boundary line.



**Figure 3: Housing in the Countryside Guidance, page 11, Category 2 Infill Sites.**  
***Infill sites outwith a settlement boundary must be dealt with under LDP2 Policy 6.***

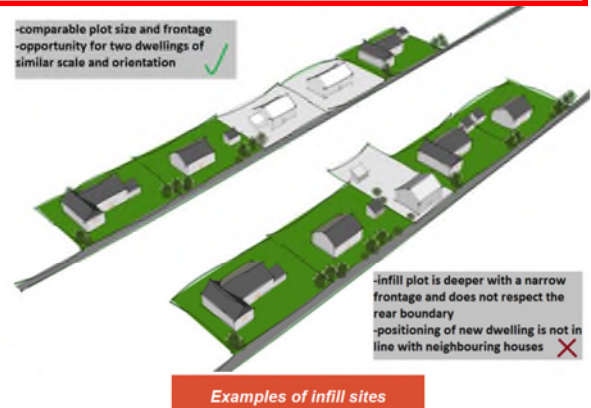
## Category 2 - Infill Sites

The development of up to 2 new houses in gaps between established houses, or a house and another substantial building at least equivalent in size to a traditional cottage, may be acceptable where:

- The plot or plots created are comparable in size to the neighbouring plots and have a similar size of road frontage.
- The proportion of each plot occupied by the infill house or houses is no greater than that of the neighbouring plots.
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the infill house or houses, and the amenity of any existing neighbouring house is maintained.
- The size and design of the infill house or houses is sympathetic to the neighbouring buildings.
- The full extent of the gap is included within the infill plot or plots – for the avoidance of doubt, the retention of a field access within the infill plot or plots will not be permitted.

Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported.

For the avoidance of doubt, proposals adjacent to and outwith a settlement which has an identified boundary in Local Development Plan 2 will be assessed under Policy 6: Settlement Boundaries and not the Housing in the Countryside policy.



Examples of infill sites

11

**Figure 4: Policy 6 from LDP 2.** This states specifically that development must be contained within the settlement boundary and that any development adjacent to a boundary that is not specifically linked to an economic activity ***will not be permitted.***

### Policy 6: Settlement Boundaries

For those settlements which have a boundary defined in the Plan, built development will be contained within that boundary. Development on sites that adjoin these settlement boundaries will only be permitted where the proposal is:

- in accordance with **Policy 8: Rural Business and Diversification** and does not adjoin a principal settlement boundary;
- justifiable on the basis of a specific operational and locational need and it can be demonstrated that there are no suitable sites available within the settlement boundary; or
- required to address a shortfall in housing land supply in line with **Policy 24: Maintaining an Effective Housing Land Supply**; and
- will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).

Where there is no defined boundary, or for proposals on sites that do not adjoin a settlement boundary, **Policy 19: Housing in the Countryside**, or **Policy 8: Rural Business and Diversification** will apply.

#### Notes:

- Principal settlements are those defined in TAYplan.
- Specific operational and locational need is where it is demonstrated that the development must be located on a particular site. It may include essential infrastructure works, and single houses where these are required on a particular site for a local or key worker associated with either a consented or an established economic activity. The need for the house must be demonstrated. Proposals for houses which are not directly linked to an economic activity will not be permitted on sites that adjoin settlement boundaries.

[REDACTED]

13<sup>th</sup> January 2021

To Perth & Kinross Council Planning and Development department,

**Planning Application 20/01602/IPL**

I am writing to object to the planning application 20/01602/IPL as notified to me [REDACTED]  
[REDACTED]

As I understand it this application is not in line with the Policies as set out in the Perth and Kinross Local Development Plan 2.

Specifically

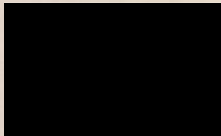
1. The proposed development of two houses is located outside the settlement boundary for Forgandenny and the local plan states that housing developments must take place within the settlement boundary.
2. The possibility of building houses outside the local boundary will only be considered if they are linked to a specific economic activity. There is no such linked activity here and therefore no justification on this basis
3. This part of Forgandenny village is serviced by single track roadways with no pedestrian walkway along either side of Kinnaird Road. Placing additional pressure on these roadways with either vehicular traffic and / or pedestrian traffic accessing the village of Forgandenny will further raise the risks associated with the use of these roads.

On a personal note I enjoy the peace and quiet that the location of my house gives me. I do not wish to see any additional noise and disturbance associated with the construction of new housing and then the ongoing disturbances that a permanently occupied residence would inevitably bring.

Yours faithfully

Ms Janette Fotheringham  
[REDACTED]





13<sup>th</sup> January 2021

To Perth & Kinross Council Planning and Development department,

**Planning Application 20/01602/IPL**

We are writing to object to the planning application 20/01602/IPL as notified to us in your letter dated 18<sup>th</sup> December 2020.

We believe that this application is not in line with the Policies as set out in the Perth and Kinross Local Development Plan 2.

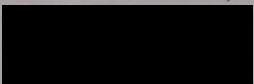
Specifically

1. The proposed development of two houses is located outside the settlement boundary for Forgandenny and the local plan states that housing developments must take place within the settlement boundary.
2. The possibility of building houses outside the local boundary will only be considered if they are linked to a specific economic activity. There is no such linked activity here and therefore no justification on this basis
3. This part of Forgandenny village is serviced by single track roadways with no pedestrian walkway along either side of Kinnaird Road. Placing additional pressure on these roadways with either vehicular traffic and / or pedestrian traffic accessing the village of Forgandenny will further raise the risks associated with the use of these roads.

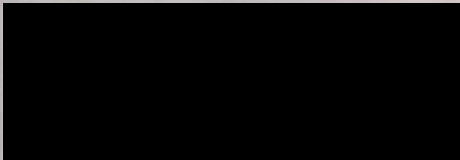
We would also wish to point out that this part of Forgandenny is a very quiet and peaceful space. We do not wish to see any additional noise and disturbance associated with the construction of new houses and then the inevitable ongoing disturbance that would arise from the activities in and around any new houses located alongside ours.

Yours faithfully

Mr Robert Morrison



Mrs Irene Morrison





## Development Management - Generic Email Account

---

**From:** MARK GRAY [REDACTED]  
**Sent:** 20 January 2021 19:17  
**To:** Development Management - Generic Email Account  
**Subject:** 20/01602/IPL

Dear Sir/ Madam,

I am writing to object to the residential development proposal 20/01602/IPL. My reasons are as follows 1/ The proposal is outside the settlement boundary of Forgandenny.

2/ The visual amenity of Oakfield cottage would be greatly affected.

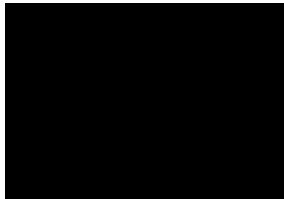
3/ The services and amenities in Forgandenny do not warrant an expansion of the village even on a small scale like this. Last year the village shop closed and the bus service was reduced even further.

4/ There are no safe walking and cycling routes linking Forgandenny to the nearest facilities in Bridge of earn. And there are no continuous pavements from the proposal to the school or the nearest bus stop.

5/ It is my understanding that the current sewage arrangements for Forgandenny struggle to cope at present .

Your Faithfully

Mr M Gray

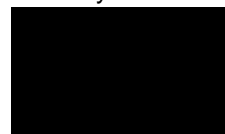




# EARN COMMUNITY COUNCIL

*Serving the Parishes of Aberdalgie, Dron, Dunbarney, Forgandenny, Forteviot & Rhynd*

Secretary Earn Community Council



David Niven  
Planning Officer, Planning & Development  
The Environment Service  
Perth & Kinross Council  
35 Kinnoull Street  
Perth  
PH1 5GD

26<sup>th</sup> January 2021

Contact details not to be published

**20/01602/IPL | Residential development (in principle) | Land 30 Metres North East Of Oakfield Cottage Forgandenny**

Dear Sir/Madam

## **Planning Application 20/01602/IPL - Out with local settlement boundary plan - Forgandenny**

Earn Community Council wish to object this planning application, based on the historical and statutory planning process to date on this plot of ground, out lined below.

- Reporters Conclusions DPEA (Scottish Government) - 9<sup>th</sup> July 2019  
Perth & Kinross Local Development Plan 2  
Forgandenny - Planning Plot H220 - LDP2 Boundary Change Request

Scottish Government DPEA Report for Greater Perth South and West Settlements – Out with Core/Forgandenny, **concluded** that;

- H220 had not “been the subject of stakeholder engagement or public consultation.”
- There is no justification “to amend the settlement boundary to incorporate site H220.”
- No modification required.

Following the reporter’s conclusions, Perth & Kinross Local Development Plan was later adopted by the Council on 29<sup>th</sup> November 2019.

Perth & Kinross Local Development Plan 2 states in the Introductory notes, Page 7 of the Local Development Plan,

- *“The Local Development Plan (LDP) is the Council's statutory corporate document that guides all future development and use of the land. It acts as a catalyst for changes and improvement in the area and shapes the environment and economy of Perth and Kinross.”*

Earn Community Council therefore concludes that to grant this application which is clearly out with the settlement boundary would be contrary to the Perth & Kinross Local Development Plan 2 and in conflict with the Council’s own statutory corporate document.

We trust these comments will be considered in the determining of this application.

Yours faithfully  
J Sloan  
ECC Secretary






11<sup>th</sup> May 2021



Dear Lisa

**Planning Application 20/01602/IPL**

I was very pleased to receive my copy of the letter from David Littlejohn dated 27<sup>th</sup> January confirming that the planning application above had been refused as it is in direct contravention of Policies 1A, 1B and 6, of the Perth and Kinross Local Development Plan 2019 (LDP2).



I was also heartened to see that the severe impact to and loss of “beneficial physical separation” between my house and the proposed development had been noted and taken into consideration.

Having now received your email on 30<sup>th</sup> April informing me that B&N Investments have appealed their refusal, I feel it necessary to write again with additional information that I believe points to a much greater risk than this initial two-house proposal.

By way of introduction however let me note that in the Notice of Review signed and dated 19<sup>th</sup> April 2021 submitted by Woodside Parker Kirk Architects on behalf of B&N Investments, in the section headed “Response To Items As Per The Delegated Report” they correctly state that their proposal falls outside policy 19 as it sits adjacent to the settlement boundary. They state however that ***in their opinion*** they believe that Oakfield Cottage (a renamed dwelling, built on the site of an existing property designated “Boatloan” on original plans) should be considered as the end point for the Forgandenny settlement. Any objective observation of the location of Oakfield Cottage however would clearly indicate why, in the development of LDP2, the Settlement Boundary was drawn as it is.

Oakfield Cottage sits approximately 50 Metres away from the last house (number 8) on the contiguous development along County Place. It is oriented in a completely different direction to the houses on County Place and not visible from these dwellings. It is quite clearly a separate and unique dwelling house, located well outside the settlement boundary of Forgandenny. In LDP2 the boundary has been drawn alongside the edge of the existing housing developments. It was clearly not considered sensible or appropriate to arbitrarily stretch the boundary to encompass Oakfield Cottage. The fact that Oakfield Cottage is not connected to mains sewerage or gas and the paved road ends at the end of County Place points to where the “clear end point” of Forgandenny Settlement is and should remain.

I believe, for the reasons outlined below that this application and appeal by B&N is but a Trojan Horse seeking to unlock the ability to develop all of the land under their ownership of which the two house proposal under consideration is just a small part.

1. During the period in which the LDP2 was being developed B&N Investments submitted a proposal to

- a. Enlarge the settlement boundary for Forgandenny.
- b. Build an 8-10 house development covering all of the land that they own. This covers the land adjacent to and behind Boatloan (Oakfield Cottage) and also along the rear of numbers 6 to 8 County Place and numbers 18 to 28 Kinnaird Road. The plot boundary and a layout for eight houses as submitted at that time can be seen in Figure1 attached.
- c. In the examination into LDP2 the Reporter rejected B&N Investments proposal for housing on this site stating that

*“Site H220 at County Place is an area of overgrown land between housing and an agricultural field. in view of recent development and windfall permissions there is no justification to allow additional housing to amend the settlement boundary to incorporate site H220. Given the above, and in particular the provision of adequate housing sites elsewhere to meet the strategic housing needs of the Greater Perth Housing Market Area, I conclude that the allocation of sites H402 and H220 is not currently justified. I conclude that any further growth of Forgandenny would be a matter for consideration in the next review of the local development plan”*

- d. To circumvent the Plan led process and, in the absence of any material change in circumstances, by seeking consent through a planning application, particularly given the relatively recent result of the examination, is an abuse of due process.
  - e. It is clear that the current application 20/01602/IPL is merely a cut down version of this fuller intended development previously submitted. It includes only the houses between 8 County Place and Boatloan from the eight shown on B&N’s original submission (Figure 1).
2. I spoke personally to one of the owners of B&N Investments in 2015. This happened by chance when I observed two people on the land at the rear of my house complete with clipboard and clearly surveying the area. When I approached, he confirmed that he was indeed the owner of the land, accompanied by his architect and that it is his firm intention to fully develop the whole plot with houses.

I submit therefore that whilst the current application is clearly contrary to the LDP, should planning permission be granted under appeal for this initial two-house development it would be the thin edge of the wedge that would make it extremely difficult to refuse future planning permission to build more housing on this land. B&N Investments have clearly signalled by prior applications and in direct conversation that it is their intention to build houses across the whole of this plot in their possession.

This application, 20/01602/IPL has already been judged to be in fundamental contravention of Council Policies with a significant negative impact on the rural landscape character of this edge of settlement location.

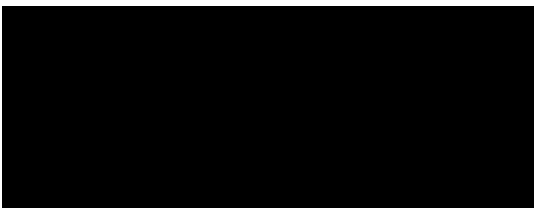
It remains a fact also that the single-track roadway access to this area, much without pedestrian pavement would be detrimentally affected by any increase in traffic volumes as a result of additional housing being built. I have amended the plot plan as submitted by B&N in their appeal to include further relevant information (Figure 2).

One further thought before closing. As the Reporter noted, the site is overgrown, I would suggest that this description underplays the value of this naturally regenerated site. There is a significant biodiversity value which, to date, I don't believe has been fully explored by Perth & Kinross Council. At a time when biodiversity is under severe threat from human activity it is surely important to retain as many naturally occurring examples, even of a modest size, as possible so that their contribution to carbon sequestration and climate change amelioration can be sustained.

In conclusion, if all of the logic and policy contraventions that led to B&N's two-house development application being rejected remain true, then how much more must that logic apply for an almost certain subsequent application to expand the development, if permitted by exception, to eight or ten houses?

I would ask that in addition to relying on my original objection, that this additional letter be taken into account by the Local Review Body

Yours sincerely,

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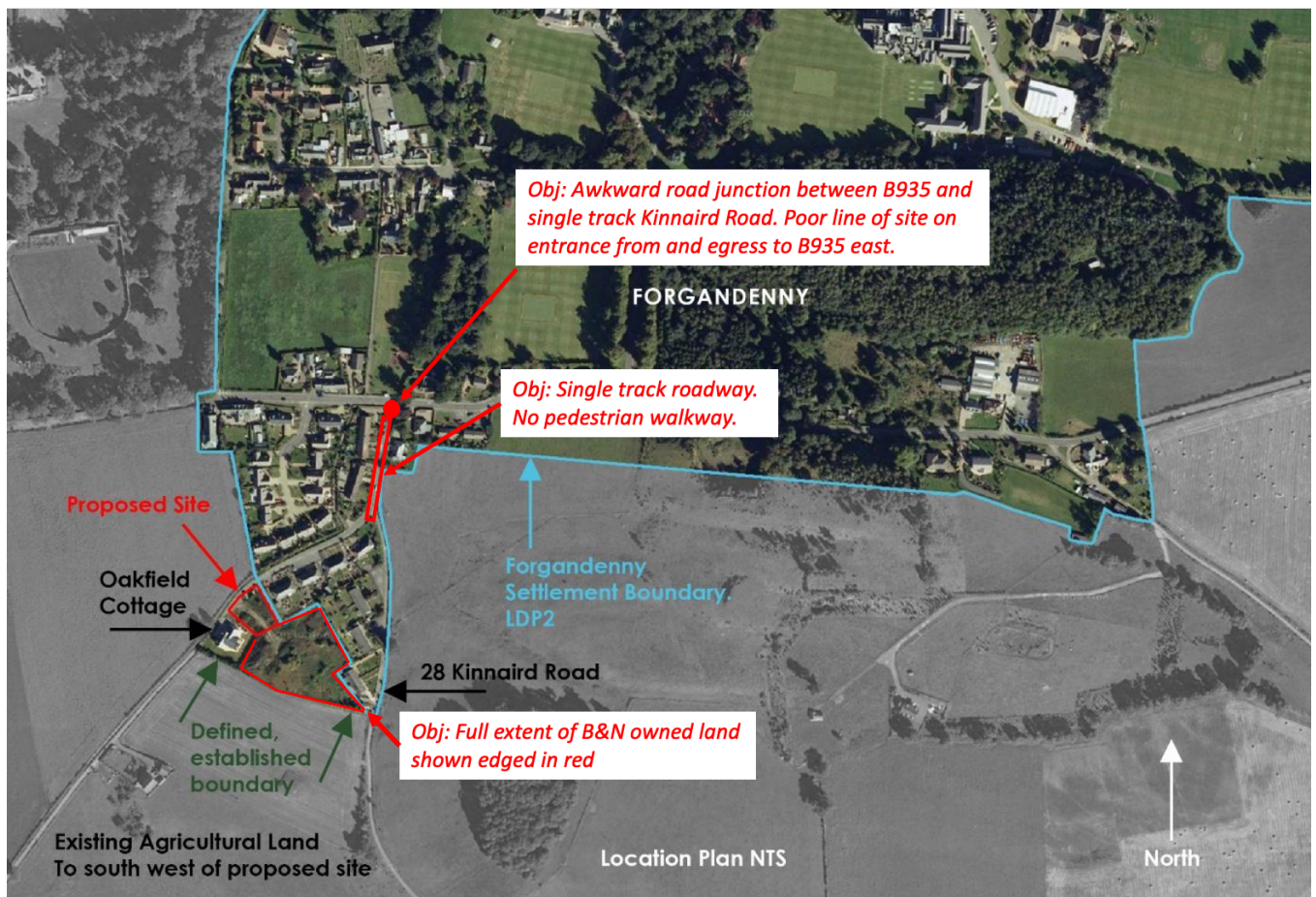
Dr William Scott,

A black rectangular redaction box covering the address area.

**Figure 1: Original Eight House Proposal**



**Figure 2: Plot Plan submitted by B&N as Figure 1 in their appeal documentation.**  
 Further annotated in red text prefaced by *Obj:* to include relevant information omitted in B&N submission.







13<sup>th</sup> May 2021



Dear Lisa,

**Planning Application 20/01602/IPL- Increased Flood Risk**

In addition to the issues addressed in my previous objection letter submitted 11<sup>th</sup> May, I believe that flood risk is a further significant issue that ought to be considered as part of this review process.

As I read again the supporting document included by B&N Investments in their Notice of Review application, I was struck by a comment in the section headed “Drainage and Flooding”. Here, on page 7 they state that, “there are no known flood issues ***within the site***” (italics emphasis mine). Whilst this is certainly true for the site in question which is an open area of scrubland with a large water absorption capacity, it is absolutely not true for many properties that are located a few metres away from their proposed site on the other side of the stream that runs between their site and the Glenearn Park housing estate (See stream location and direction of flow in Figure 1).

Also shown in Figure 1 are the locations of houses that have been variously affected over the years by flooding caused by overflowing of the stream, either adjacent to their properties or, in more recent events, by the stream overflowing further upstream into the field to the west of Glenearn Park. From there it has flowed downhill through the field towards the settlement and breached the defences of some of the houses there. Indeed, the occupants of the homes from numbers 4 to 10 Glenearn Park had to move out for periods between 10 days to over 6 months to allow for remediation of the damage.

The stream in front of the B&N plot flows onwards behind the Glenearn Park houses and executes a sharp 90 degree bend towards the end of County Place. From here it proceeds behind the houses in Kinnaird Road (some of which have also been impacted by flooding over the years), it then goes under the B935, from where it traverses the village, with much of the route underground. It emerges clearly once more near the northeast corner of Forgandenny Church. Figure 2 shows this route and also an area shown in red, where when the stream combined with another flowing from the west, the volume of water was such that there was a major collapse of roadway in August. This affected people in and around this area and forced the use of Strathallan School grounds as an alternative route through the village for an extended period during its remediation.

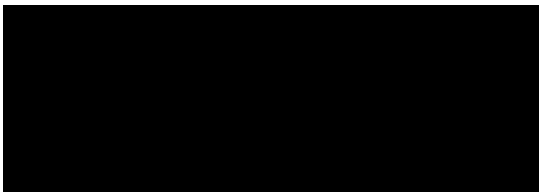
The rain event in 2020 was so severe and its impact in flooding the Glenearn Park houses and destroying a roadway so significant that an on-line communication event for

the residents of Forgandenny was held by Perth & Kinross Council officers shortly thereafter. Door to door visits and consultations have also taken place and there is an active ongoing investigation into how to mitigate the impact of any future heavy rainfall events. I think that building additional housing, upstream of already impacted areas is unlikely to be a recommended outcome.

It would seem unwise therefore to approve any planning application that would eliminate existing soakaway capacity and create large areas of hard surface that will generate additional surface water run-off upstream of those areas already severely impacted by flooding as recently as last year.

**Any** development of the land owned by B&N Investments that creates additional hard surfaces will put additional burden on a watercourse that clearly cannot cope at times of high demand. This is especially true because all of the land owned by B&N is elevated, lying above the level of the stream. The current 2-house plan under consideration can only be detrimental. If, however, as I believe to be the intention of B&N as outlined in my previous letter, the approval under review were to lead to a much larger housing development (See Figure 3 for B&N's original 8 house proposal) then the consequences would be even worse.

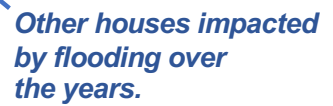
Building on land that has a high capacity for the absorption of rainwater and replacing it with multiple hard-surface run-off water generating buildings and roadways can only make a known, hazardous situation that has already badly impacted the lives of people living nearby, much worse.



Dr William Scott,



Diagram shows direction of travel, houses that have been impacted over the years with one circled red being severely impacted by August 2020 high rainfall event.



**Figure 2: Confluence of stream from in front of B&N land with watercourse from west, site of road collapse in 2020.**



**Figure 3: Original Eight House Proposal and location of watercourse.**







37 Ferry Road  
Edinburgh  
EH6 6ET

07523 963 395  
admin@woodsideparker-kirk.co.uk  
www.woodsideparker-kirk.co.uk

Lisa Simpson  
Clerk to the Local Review Body  
Perth and Kinross Council  
Council Building  
2 High Street  
Perth  
PH1 5PH

08 May 2021

Dear Lisa

**PLANNING APPLICATION REF: 20/01602/IPL – RESIDENTIAL DEVELOPMENT (IN PRINCIPLE)**

Thank you for your letter dated 27 May 2021 with reference to representations made by Dr William Scott in response to our request to review the Planning Application for Residential Development (In Principle) for two plots at County Place Forgandenny.

Dr Scott is correct to comment that previous discussions have been held with Perth and Kinross Council regarding the development of privately owned shrubland. Following feedback from the Council the Applicant is proposing 2 residential plots only. The plots will continue the existing residential development along County Place continuing the existing development along County Place accessed from Kinnaird Road.

The proposed site plan referred to by Dr Scott in both letters is now historical, we can only reiterate again that this application is for two residential plots only, with separate access from County Place.

Our Application for Review is for an exemption to be made to Policy 6 given the proximity to the Settlement Boundary to allow these two plots to be developed, as detailed within our report previously submitted to the LRB on 19<sup>th</sup> April 2021.

With reference to comments made regarding access, both vehicular and pedestrian, biodiversity, and drainage; Full Planning Applications would be required for both plots prior to any development, at which stage detailed information would be submitted to address these matters as well as other material considerations such as scale, height, and finishes.

However, for information, please see the extract on the following page taken from the latest SEPA Maps which do not show any flooding concerns, a full drainage impact assessment would be carried out and submitted at the relevant stage.

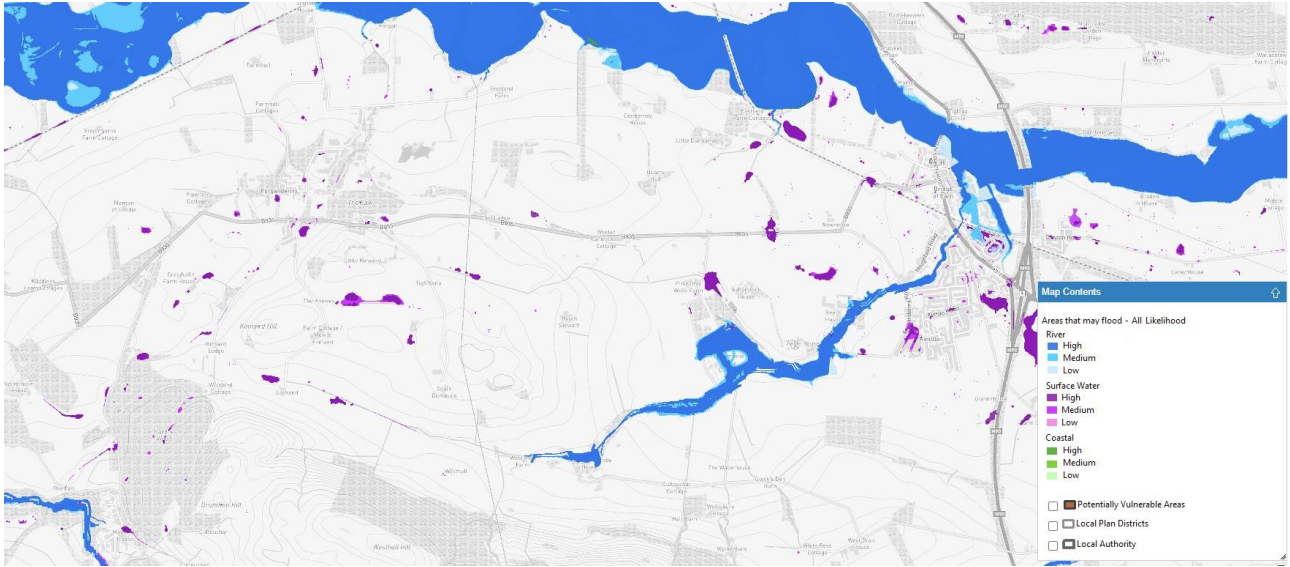


Fig. 01 Flood Map

Extract taken from <https://map.sepa.org.uk/floodmap/map.htm>

We thank you again for the opportunity to respond to these representations and hope that this further clarifies matters regarding the application made and the subsequent request to review the decision by the Planning Case Officer.

Yours sincerely

[Redacted Signature]

Gavin Kirk  
For **Woodside Parker Kirk** architects  
By Email only