

TCP/11/16(602) – 19/00048/IPL - Erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot

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**TCP/11/16(602) – 19/00048/IPL - Erection of a dwellinghouse
(in principle), land 120 metres north west of Loakmill Farm,
Bankfoot**

**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.**

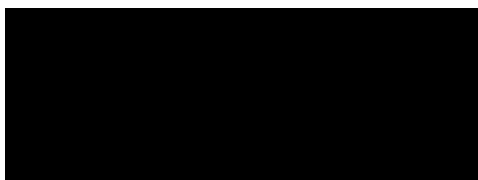
Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

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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 COUNCIL

Planning authority's application reference number

19/00048/IPL

Site address

LOAK MILL, BANICFOOT, PERTHSHIRE PH1 4EB

Description of proposed
development

ERECTION OF A SINGLE DWELLINGHOUSE IN PRINCIPLE
AND DEMOLITION OF EXISTING MILL BUILDING

Date of application

14 JAN 2019

Date of decision (if any)

20 FEB 2019

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

2 REASONS FOR REFUSAL ARE BASED ON A POLICY INTERPRETATION AND AN ASSESSMENT OF VISUAL IMPACT & LANDSCAPE CHARACTER WHICH ARE INHERENTLY SUBJECTIVE & OPEN TO INTERPRETATION. A HEARING & SITE VISIT THEREFORE WOULD ALLOW A MORE OPEN, COMPREHENSIVE AND FAIR ASSESSMENT & BETTER INFORMING OF THE DECISION MAKING PROCESS.

Site inspection

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

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

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

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.

* SEE STATEMENT ATTACHED

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.

DOC 1. DECISION LETTER 19/00048/IPL
 DOC 2. DELEGATED REPORT 19/00048/IPL
 DOC 3. E MAIL CORRESPONDENCE FROM FLOODING SECTION 10/12/18
 DOC 4. INDICATIVE SITE LAYOUT 19/00048/IPL
 DOC 5. ELEVATION HEIGHT COMPARISON OF REVIEW PROPOSAL &
 CONSENTED SCHEME 07/00766/FUL.
 PHOTOS 1-6

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

Checklist

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

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

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

Declaration

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

Signed



Date

17 MAY 2019

Statement

Notice of Review

Erection of a dwellinghouse (in principle) on Land 120 Metres North West of Loakmill Farm Bankfoot

Application Ref: 19/00048/IPL

Introduction & Background

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 20th February 2019 for the erection of a dwellinghouse (in principle) on land 120m north west of Loakmill Farm Bankfoot 19/00048/IPL (Doc 1) This was based upon the recommendation in the Report of Handling (Doc 2).

The Review site is a 1.18 ha area of ground and includes the site of a historic former corn mill building Loakmill, which has been on the site since at least 1843 according to past map records. The Review site is situated 2km to the south of Bankfoot adjacent to the Garry Burn with access from a de-classified section of the A9. The access also serves the nearby Loakmill farmhouse and former steading which has been converted to housing. The new A9 main road lies further to the east and the Review site is not visible from this road.

The reason for the Review application was for the erection of a dwellinghouse in an alternative location from that of a previously approved dwellinghouse under 07/00766/FUL, where the application site was within a flood risk area and the consent involved significant land raising and provision of compensatory flood storage in order to mitigate the flood risk. The Review application for a dwellinghouse in principle would be on a site close to the previous site but to the west of it by about 26m on slightly more elevated ground. The previous consent was not implemented and had lapsed.

The Review application was made instead of re-submitting a similar application to the 07/00766/FUL consent, as it would involve land raising in the functional flood plain to gain freeboard which is contrary to Policy EP2 New Development and Flooding of the adopted Perth and Kinross Local Development Plan 2014. In consultation with Perth and Kinross Council's Flooding Section they have confirmed that moving further west from the previous consented land would be a preferable and acceptable option in terms of flood risk (see Doc 3).

The Review proposal is considered to be a sensible solution to the redevelopment of the Loakmill site, respecting the previous principle of development and appreciating the changes in flood risk awareness and assessment.

The previous consent was granted on the 8 January 2009 and involved the demolition of the existing mill building and the erection of a 2 storey dwellinghouse on the solum (07/00766/FUL). Originally the existing mill building was 2 storeys in height, but the upper floor has been removed and it is now a single storey building with a mono-pitch corrugated iron roof. The 2007 consent was for a 2 storey dwellinghouse to match the original 2 storey mill building. The application was granted as it satisfied the Housing in the Countryside

Policy relating to the conversion or replacement of non-domestic buildings. It proposed the demolition and reconstruction of a dwellinghouse on the original corn mill site but with a higher finished floor level in order to mitigate the flood risk from the nearby Garry Burn. In order to achieve the higher finished floor level it was proposed to raise the ground level which would mean that the dwellinghouse would be sitting on a raised plinth. In addition to this it was recommended that excavation works were required on the opposite bank nearer the Garry Burn in order to compensate for the loss of flood water storage capacity as a consequence of the land raising.

The 07/00766/FUL consent was never implemented and it has lapsed. This was due to personal circumstances and the ill health of the applicant who sadly passed away during this time. The applicant's wife however would like to revive the lapsed consent for a dwellinghouse on her landholding.

The reasons for refusal are outlined below, relating to housing in the countryside policy guidance and impact on the countryside, landscape character and protected species.

1. *The proposal is contrary to Policy RD3 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.*
2. *The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes' of the Perth and Kinross Local Development Plan 2014, as the siting of the development on a prominent piece of land with no suitable landscape containment erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character.*
3. *The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014, as insufficient information has been submitted to demonstrate the presence of protected species within the development site.*

The Notice for Review will demonstrate that the proposed alternative site for the dwellinghouse at Loakmill is acceptable in principle in terms of the Housing in the Countryside Guidance and will not have any greater visual impact on the character and appearance of the landscape or the amenity of the surrounding countryside than the previously consented dwellinghouse, in accordance with local plan policy ER6 and the siting criteria of the Council's Housing in the Countryside Guide.

Also, as the Review application is a proposal in principle a condition can be attached to any detailed consent to establish the existence or not of any bats in the old mill building and provide any mitigation measures which would look to protect them prior to demolition. As stated in the Report of Handling, the principle of demolition of the mill has been established and therefore it is considered appropriate that any protected species which are seasonally

roosting in the building can be mitigated satisfactorily by a suspensive condition on an in principle consent.

Reasons for Refusal and Grounds of the Review

The reasons for the Review and matters to be taken into account in the determination of the review refer to the reasons for refusal which relate to housing in the countryside policy guidance, impact on local landscape character and quality and protected species. The reasons for refusal are re-stated below followed by the appellant's statement and argument against these reasons in support of the Review.

The first reason for refusal relates to Housing in the Countryside Policy Guidance and states:-

1. *The proposal is contrary to Policy RD3 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.*

The proposed site is within the designated countryside in the adopted Perth and Kinross Local Development Plan 2014 where residential development falls to be assessed under the Council's Housing in the Countryside Policy Guidance 2014.

Under this policy guidance there is a presumption in favour of housing development in the countryside under the following circumstances:-

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

Under the section New Houses in the Open Countryside favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

- i) Existing Gardens
- ii) Flood Risk

- iii) Economic activity
- iv) Houses for local people
- v) Pilot projects creating eco-friendly houses

In this case the application was submitted under the category Conversion or replacement of redundant non-domestic buildings.

"Under the Conversion or Replacement of Redundant Non-Domestic buildings consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:

- a) The building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.*
- b) Any alteration and extension should be in harmony with the existing building form and materials*
- c) Replacement of such buildings will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.* The replacement must be generally faithful to the design form and materials of the existing building but may incorporate non-original features which adapt it to modern space requirements and building standards or reflect a local architectural idiom.*

**Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction, the Council will commission an independent expert opinion, at the applicant's expense, to evaluate the costs of alternative options.*

Consent will be granted for the conversion of redundant, traditional building complexes such as farm steadings and, in addition, consent may be granted for the extension or replacement of such buildings and for limited new build accommodation associated with the conversion where the following criteria are met:

- d) The conversion/reconstruction has, as its core, the footprint of the existing traditional steading.*
- e) Non-original features may be incorporated to adapt the steading to modern space requirements and building standards or to reflect a local architectural idiom,*
- f) Extensions and new-build houses should only be contemplated where they reinforce the architectural integrity and external appearance of the original building and its grounds by, for example, infilling appropriate gaps in a group or rounding off a group. It should not be assumed that the entire 'brownfield' area of a site is suitable for housing.*
- g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials.*

h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development.

i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location.

j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application.

k) The development is in an accessible location i.e in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

l) It can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.

Note: Where farming operations require to be moved details of any replacement building and where this will be located should be submitted along with the application for conversion. “

The proposed site is within the designated countryside of the adopted Perth and Kinross Local Development Plan 2014 where any proposed residential development would fall to be assessed under the Local Plan and the Council's Housing in the Countryside Policy Guidance. The principle of developing the Loakmill site has been established previously with the granting of the previous application 07/00766/FUL which was considered to be in accordance that category of the Housing in the Countryside Policy relating to the conversion or replacement of non-domestic buildings. It was considered that demolition of the old mill was acceptable in the 2007 consent. It was also considered that the demolition and replacement of the old mill was justified under the Review application as stated in the Officer's Report of Handling on page 8.

Planning history is considered to be a relevant material consideration in this case and the previous consent needs to be taken into consideration in determining whether planning permission should be granted for a similar development, i.e the principle of residential development here has been established. The previous consent involved significant land raising within the functional floodplain of the Garry Burn which was considered acceptable at the time of the application and there was no objection from the Council's Flooding Section. This situation has changed and currently local plan policy EP2 states that:-

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source

In response to this, a pragmatic approach is considered appropriate, where the Review application is for a single dwellinghouse as close as possible to the previous consented site for Loakmill, which is outwith the functional flood plain and does not involve any land raising, which is in accordance with local plan flooding policy. Under the previous consent,

Loakmill was to be demolished in any case, so the proposed siting as close as possible to the mill site outwith the flood risk area is considered to be an appropriate response to this and a satisfactory way of realising the applicant's aspirations for the development of the site. As indicated above the Council's Flooding Section have stated that this is considered to be an acceptable re-location in terms any flood risk associated with the Garry Burn (Doc 3).

The second reason for refusal relates to impact on landscape and states:-

The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes' of the Perth and Kinross Local Development Plan 2014, as the siting of the development on a prominent piece of land with no suitable landscape containment erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character.

New housing in the countryside should not have a detrimental visual impact and should respect it's context and surrounding character.

The main view of the site is from the old de-classified A9 road to the east which is at an elevated position in relation to the Review site. The Report of Handling stated that:-

the site is on an extremely exposed piece of land and therefore highly visible from the surrounding area. The site is also highly visible when viewed from the A9, which is an important tourist route in the local area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area.

The Review site will not be "highly visible" from the A9 main road as it is screened from it by a road cutting when travelling north and by intervening buildings and trees when travelling south past the site. The use of this reason therefore to justify refusal under Policy 6 of the local plan is flawed. The Review site is not highly visible from the A9 main tourist route to the north of Scotland and instead is accessed via a superseded de-classified section of the old A9.

The indicative layout and elevations submitted with the Review application illustrate that the siting and design of the proposed dwellinghouse will not have a detrimental impact on the visual amenity and character of the countryside at Loakmill, being no greater in height and scale than the previously consented scheme. (Doc 4 and 5) There will also be no significantly adverse additional visual impact on the surrounding countryside than that which was apparent from the existing mill building itself, which has been on the site for over 150 years and was formerly a 2-storey building.

As shown in the indicative site plan layout the proposed dwellinghouse will be built into the existing slope and there is rising land behind it to provide a suitable backdrop in accordance with siting guidance. Views of the proposed dwellinghouse from the old de-classified road will show the proposed dwellinghouse sitting below the ridge line of the dwellinghouses at

East Nether Blelock to the north west and the ridge of the hills in the distance beyond this, as illustrated in Photo 2 which is taken from the old superseded A9 road to the east of the site.

As mentioned above the scale and character of the proposed dwellinghouse will not be out of character with recent new housing development in the surrounding countryside as illustrated in Photos 1 – 6.

The third reason for refusal relates to impact on protected species and states:-

The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014, as insufficient information has been submitted to demonstrate the presence of protected species within the development site.

This reason for refusal relates to the protection of bats, which may or may not be using the former mill building as a roost. As this is an application in principle and the proposed dwellinghouse is not situated on the mill footprint it is considered that a bat survey and proposed mitigation, if required, can be accommodated satisfactorily through the granting of an in-principle consent with a suitable condition attached to protect any bats.

Also, it has been confirmed in the Report of Handling that the principle of demolishing the mill building is accepted and mitigation of protected species can be covered by a suspensive condition. It is considered therefore in this case that it was not necessary for reason for refusal 3) to have been used to support the overall refusal of the Review application when the demolition of the mill was accepted by the Planning Authority.

There were no public objections to the Review proposal and no objections from Roads, Flooding, Environmental Health and Conservation subject to conditions being applied on any consent.

Conclusions

The alternative siting of the dwellinghouse in close proximity to the previously consented scheme and avoiding flood risk is considered to be acceptable in principle. The siting of the dwellinghouse will not have any greater impact on the landscape character and quality of the area than the 2007 consented scheme or indeed the original mill building which has survived on the site for more than 150 years.

Any impact on protected species can be mitigated satisfactorily by a suspensive condition on any consent and this is considered to be acceptable, particularly when the demolition of the mill building has been accepted by the Planning Authority.

For the reasons outlined above it is requested that the Notice of Review be upheld in accordance with Section 25 the Town and Country Planning (Scotland) Act 1997.

PERTH AND KINROSS COUNCIL

Mrs Margaret Paterson
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th February 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00048/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 21st January 2019 for permission for **Erection of a dwellinghouse (in principle) Land 120 Metres North West Of Loakmill Farm Bankfoot** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
2. The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes' of the Perth and Kinross Local Development Plan 2014, as the siting of the development on a prominent piece of land with no suitable landscape containment erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character.
3. The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014, as insufficient information has been submitted to demonstrate the presence of protected species within the development site.

Justification

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

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

Plan Reference

19/00048/1

19/00048/2

19/00048/3

19/00048/4

19/00048/5

19/00048/6

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00048/IPL	
Ward No	P5- Strathtay	
Due Determination Date	20.03.2019	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle).

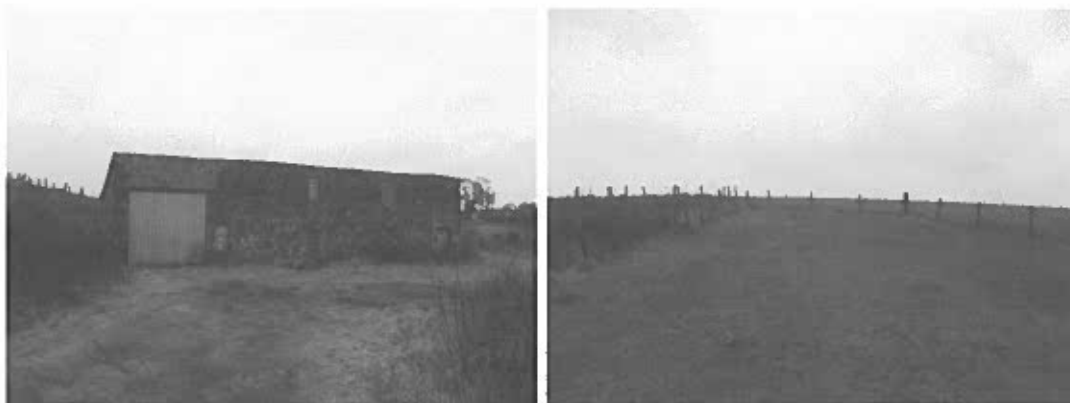
LOCATION: Land 120 Metres North West of Loakmill Farm, Bankfoot.

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: 8th February 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 120metres North West of Loakmill Farm, by Bankfoot. The application seeks permission in principle for the erection of a dwellinghouse. The site is not located within an identified settlement and a large proportion of the site is at 'medium' risk of flooding from the Garry Burn.

There is currently a former corn mill on the site which has been present since at least the 1st Edition OS survey of the area in c1860. In 2008, consent was granted to replace this mill with a dwellinghouse under application 07/00766/FUL. The dwellinghouse which was approved as a replacement had a higher finished floor level than that of the existing mill to address the flood risk associated with the Garry Burn. This consent has since expired.

The proposal now seeks (in principle) to demolish the former mill and build a new dwellinghouse in a different location to that previously approved on an elevated piece of land to the rear of the mill building.

SITE HISTORY

07/00766/FUL - Proposed conversion of former mill into dwellinghouse at 4th July 2008: Application Approved

PRE-APPLICATION CONSULTATION

No formal pre-application consultation undertaken.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

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

Policy PM4 - Settlement Boundaries

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

Policy RD3 - Housing in the Countryside

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

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

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

Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant

probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP12 – Contaminated Land

Consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A(2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure that the site/ land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result

in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Development Contributions and Affordable Housing Guide 2016

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

Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

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

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

CONSULTATION RESPONSES

Internal

Perth & Kinross Heritage Trust (PKHT):

The preference would be to retain the existing building, however no objection to the proposed development, subject to conditional control regarding an archaeological standing building survey.

Transport Planning:

No objection to the proposed development, subject to conditional control regarding vehicular access.

Structures & Flooding:

No objection to the proposed development.

Development Negotiations Officer:

No objection to the proposed development, subject to conditional control regarding the requirement for contributions.

Environmental Health (Noise Odour):

No objection to the proposed development, although noted noise from the A9 to be a consideration within any detailed application.

Environmental Health (Contaminated Land):

No adverse concerns with the proposed development.

Biodiversity:

The Biodiversity Officer objects to the proposed development due to a lack of information.

External

Transport Scotland:

No objection to the proposed development.

National Grid Plant Protection Team:

The development is in close proximity to National Grid's Transmission Assets.

Health & Safety Executive (HSE):

No objection to the proposed development.

Scottish Natural Heritage (SNH):

SNH did not respond to the consultation.

Scottish Water:

There is currently sufficient capacity in the Perth Water Treatment Works to service the development however Scottish Water is unable to confirm capacity at the Bankfoot Waste Water Treatment Works.

REPRESENTATIONS

No letters of representation were received regarding the proposed development.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

It is noted that the supporting statement considers the principle of development is acceptable as the site already benefits from consent under application 07/00766/FUL, which was granted in 2008. However, this consent has now expired as it was not implemented to a standard to satisfy the Council of the commencement of development. As such, the site is not considered to benefit from any planning consent. The proposal will now be assessed against the relevant provisions of the adopted Perth & Kinross Local Development Plan 2014. Please note that the now relevant Local Development Plan was adopted post decision on the previous application, therefore new policies are of relevance from that previously assessed on the site.

Perth & Kinross Local Development Plan 2014

The local plan through Policy PM4 'Settlement Boundaries' specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This policy applies to this proposal as the site is not located within a designated settlement boundary.

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

Having had the opportunity to undertake a site visit and assess the plans, I consider the application does not relate to any of the required categories:

- (a) Building Groups
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.

- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

In this instance, the proposed development can be assessed against categories (c) new houses in the open countryside and (e) conversion or replacement of non-domestic buildings. These categories can be applied as the development seeks to replace the former mill building with a new dwellinghouse in a different location to take account of the flood risk. However, as mentioned above, the proposal is not considered to comply with these categories for reasons mentioned below:

Conversion or replacement of redundant non-domestic buildings

Replacement of traditional buildings will only be considered where there is evidence that the existing building requires to be reconstructed due to structural deficiencies which cannot be remedied at an economic cost, unless the building is not of architectural merit and does not contribute positively to the landscape character of the area. In this instance, the existing mill building would not be suitable for redevelopment due to the flood risk associated with the site. Furthermore, the demolition of the mill was previously granted as the building was not considered suitable for development. It is therefore considered that the replacement of the redundant building is justified.

For a replacement building to be considered, the reconstruction of the building should have at its core, the footprint of the existing building. In this instance, as the proposal seeks a dwellinghouse in a different location from that of the existing mill, it cannot be considered under this category.

New houses in the open countryside

Category c gives favourable consideration for the construction of new dwellinghouses in areas of open countryside when they have been relocated due to flood risk. The guidance states the following:

'Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.'

In this instance, whilst it is noted that the proposal seeks to relocate due to flood risk, it does not comply with the policy as the policy is in relation to the relocation of existing dwellinghouses. The former mill is not a dwellinghouse and has never been resided in, therefore it cannot be considered under this element of the policy.

Notwithstanding the above, I therefore again turn to supplementary guidance, 'The Housing in the Countryside Guide' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This

highlights that any proposal which is supported under the above element of the policy must also meet all of the following criteria:

- *It blends in sympathetically with the land form;*
- *It uses existing trees, buildings, slopes or other natural features to form a backdrop;*
- *It uses an identifiable site (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;*
- *It does not have a detrimental impact on the surrounding landscape.*

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points:

- *It occupies a prominent, skyline, top of slope/ ridge location;*
- *The site lacks existing mature boundaries (for example, dry stone dyke, a hedge at a minimum of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and*
- *Is unable to provide a suitable degree of enclosure for a new house in the countryside.*

In this case, the proposal constitutes unacceptable siting as it is in a prominent location on the landscape and there is no suitable means of enclosure or backdrop to minimise the impact of the development. There are no established trees or topography features which would allow the development of a dwellinghouse to blend in sympathetically with the landform. The below photograph shows the prominence of the site when viewed from the surrounding area:



The supporting statement identifies other developments on hill top locations in the area; however this is not considered suitable justification for departing from the development plan on this occasion.

Furthermore, the proposed site does not have suitable definable boundaries on any of the boundaries, as stated as a requirement in the guidance, this therefore in itself makes the site contrary to the policy. All boundaries are artificial post and wire fences. The existing fencing is not considered to make a definable site. The below photograph shows the said existing boundary treatments which clearly shows that the site is not 'definable' as required by the policy:



In conclusion, there are no elements of the Housing in the Countryside policy which would support this development for reasons mentioned above. This will therefore be reason 1 for refusal on this report. Furthermore, due to the site being extremely prominent on the landscape of the area due to reasons mentioned above, this will be reason 2 for refusal on this report.

The remainder of this report will now discuss various other elements of the proposal.

Landscape and Visual Amenity

As mentioned above, the site is on an extremely exposed piece of land and therefore highly visible from the surrounding area. The site is also highly visible when viewed from the A9, which is an important tourist route in the local area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area.

In this case, due to the exposure of the site from the lack of a definable site and the proposed siting of the plot being highly visible upon the landscape, it is therefore considered that the development of this site into a residential development could negatively impact upon the landscape character of the area. As this application is in principle only and full details have not been submitted, I am unable to comment on the complete visual impact of the proposal. Nevertheless, as mentioned above, reason 2 for refusal on this report will be in relation to the landscape impact of the development.

Design and Layout

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout would be considered under a detailed application.

Residential Amenity

It is considered that the site is large enough to accommodate a modest dwellinghouse without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouse.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in nearby existing houses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouse. This is due to the rural nature of the development site and the distances between the development site and the nearest residential receptor.

Roads and Access

As this application is in principle, full details of the proposed roads and access have not been submitted, although it is indicated that access will be obtained from the existing access point onto the road which serves Loakmill Farm. My colleagues in Transport Planning were consulted as part of this application and stated that they have no objection to make on the proposed development, subject to conditional control regarding roads and access. I therefore have no concerns in relation to roads and access.

Drainage and Flooding

As already mentioned within this report, the majority of the site is at 'medium' risk of flooding from the Garry Burn, hence why the applicant wishes to construct the new dwellinghouse at the top of the hill. It is noted that no Flood Risk Assessment was submitted with the application to demonstrate the flood risk and what would be suitable finished floor levels. When conducting a site visit, as seen from the below photograph, the flood risk of the site is clear (site identified by red arrow):



The Structures and Flooding Team were consulted as part of this application due to the risk associated with the site. From a flooding point of view only, the Structures and Flooding Team are satisfied that the proposed dwellinghouse and finished floor level of the house on top of the hill would not raise any adverse concerns, and thus have no objection to the proposed development.

Whilst it is noted that the siting of the development on top of the hill would eliminate flood risk, this is not enough justification, for reasons explained in detail above, for the erection of a dwellinghouse in a prominent location on a hill top.

Conservation and Archaeological Considerations

The site is not in close proximity to any listed building, conservation area or any other designated site of historical interest. It is therefore considered that the proposed development will have no adverse impact upon the historic environment.

With regards to archaeology, my colleagues in Perth & Kinross Heritage Trust (PKHT) were consulted as part of this application. The proposed development site lies within an area that is considered to be archaeologically sensitive as it includes the remains of a corn mill which has been present since at least the 1st Edition OS survey of the area in c.1860. The mill building is recorded on the PKHER (MPK16486) and although the roof has been replaced, the building retains both the character and features of an early - mid 19th century vernacular building, along with considerable original fabric.

PKHT believes that wherever possible historic buildings should be retained and re-used in order to retain the character of the local rural landscape. As noted in Scottish Planning Policy (paragraph 137) development of historic buildings can positively contribute to a sense of place when appropriately re-purposed. As the current application does not propose to build on the site of the mill, PKHT would recommend that the structure be retained in the interest of archaeology.

As such, the building is considered to have architectural merit and the preference would be to retain the structure. However, as mentioned, due to the flood risk of the site, the building is not suitable for most redevelopment. Therefore my colleagues in PKHT can reluctantly support the demolition of the mill subject to a condition being added to any consent granted in relation to a standing building survey.

Biodiversity

The Biodiversity Officer accompanied the Case Officer whilst conducting a site visit. Due to the age and condition of the mill building to be demolished, the Biodiversity Officer considers that it has the potential to be used by bats. As such, in line with the PKC Bat Survey Guidance (2018) and Bat Conservation Trust Good Practice Guidelines (2016), a preliminary roost assessment is therefore required to be undertaken by a qualified ecologist to determine the actual or potential presence of bats before its replacement can be granted. As this survey was not submitted with the application, the Biodiversity Officer therefore considers that the application cannot be assessed fully due to a lack of information. A bat survey was not requested during the application as it was considered an unreasonable expense for the applicant due to the application being recommended for refusal on grounds of the principle of development. Nevertheless, it is appropriate that the lack of information in relation to protected species will be added as a reason for refusal on this report (reason 3).

Developer Contributions

Primary Education

The Council's 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 Auchtergaven Primary School. The Development Negotiations Officer, who was consulted as part of this application, requested a condition to be added to any consent granted reflecting the requirement for an education contribution.

Transport Infrastructure

The Council's 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 the Development Negotiations Officer requested that a condition to reflect this should be attached to any planning consent granted.

Economic Impact

The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application.

Reasons for Recommendation

- 1 The proposal is contrary to Policy RD3 '*Housing in the Countryside*' of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy ER6 '*Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes*' of the Perth and Kinross Local Development Plan 2014, as the siting of the development on a prominent piece of land

with no suitable landscape containment erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character.

- 3 The proposal is contrary to Policy NE3 '*Biodiversity*' of the Perth and Kinross Local Development Plan 2014, as insufficient information has been submitted to demonstrate the presence of protected species within the development site.

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

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/00048/1
19/00048/2
19/00048/3
19/00048/4
19/00048/5
19/00048/6

Date of Report 20th February 2019

RE: Loak Mill Bankfoot

Craig McQueen [redacted]

10/12/2018 12:23

To MARK WILLIAMSON Copy TES Flooding Development Control - Generic Email Account

- [Quick reply](#)
- [Reply all](#)
- [Forward](#)
- [Delete](#)
- Actions

Afternoon Mark –

I have no issues with the moving of the property out with the floodplain area and it certainly sounds preferable to the 2007 consent. Do you have any idea of the proposed finished floor level as yet?

Regards,

Craig

From: MARK WILLIAMSON [mailto:[redacted]]

Sent: 10 December 2018 11:53

To: Craig McQueen

Subject: Loak Mill Bankfoot

Hi Craig,

Hope you're well.

Looking for some guidance here regarding a proposal for a shift in the consented location of a dwelling house at Loak Mill south of Bankfoot on the Garry Burn. I think Roy Mitchell Architect may have spoken to you about this. Consent was granted under 07/00766/FUL for the redevelopment of the old corn mill for a dwelling which involved land raise for freeboard and the provision of compensatory storage nearby - see attached plan. No work has been done on the 2007 consent.

We are now looking to get consent for a new house position further west as indicated on more elevated ground which would be outside the flood envelope and therefore avoid any land raise. Can you confirm that the new house position is acceptable in flood risk terms and would be a preferable option than that consented in 2007. Give me a call if you need to discuss any of this,

Thanks Mark

Mark J. Williamson

Chartered Planning & Development Consultant

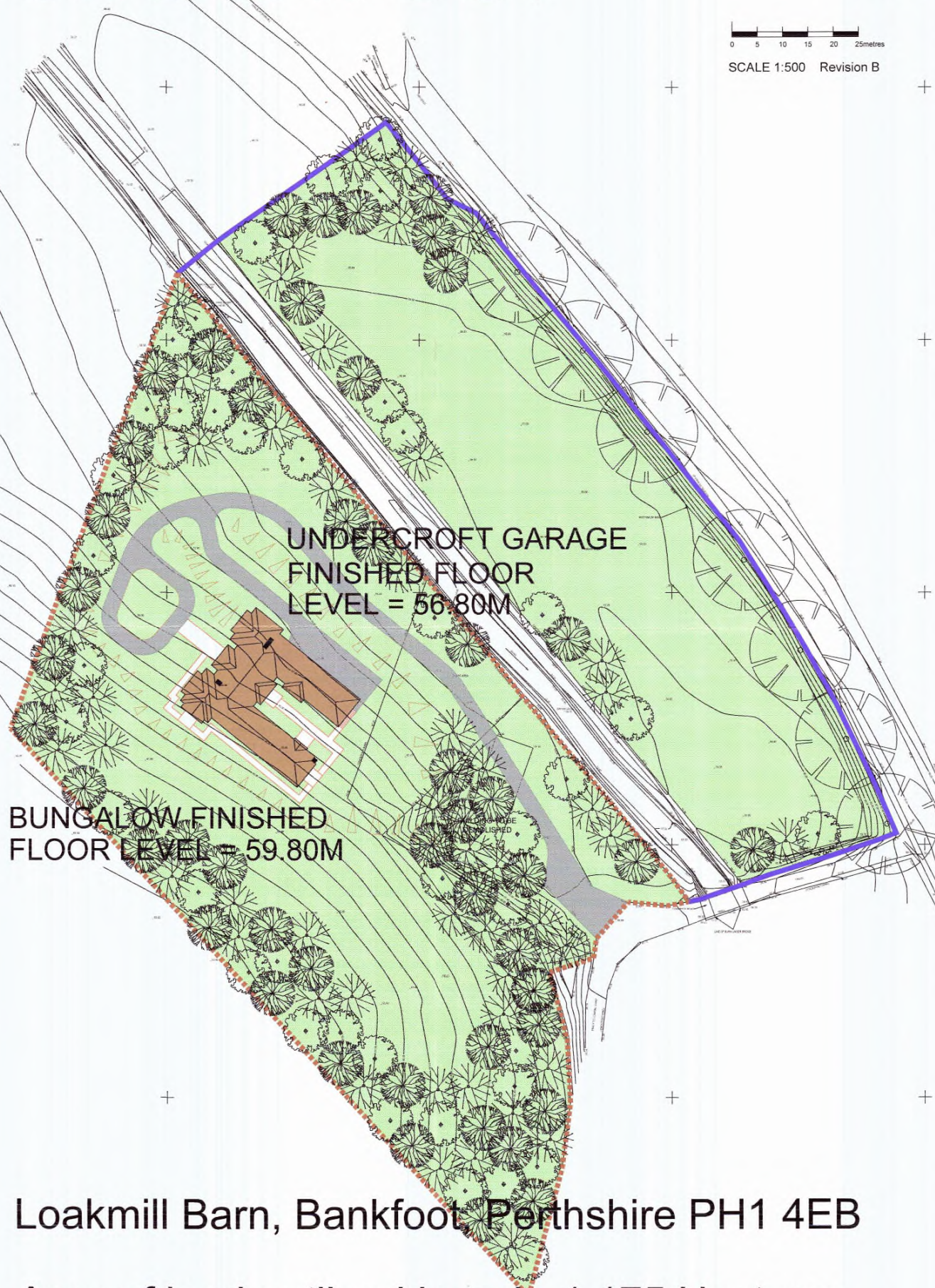
Tel: 07761 908656

SITE LAYOUT



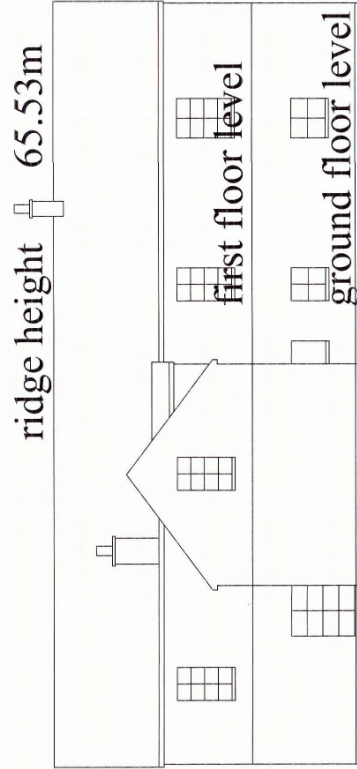
0 5 10 15 20 25metres

SCALE 1:500 Revision B



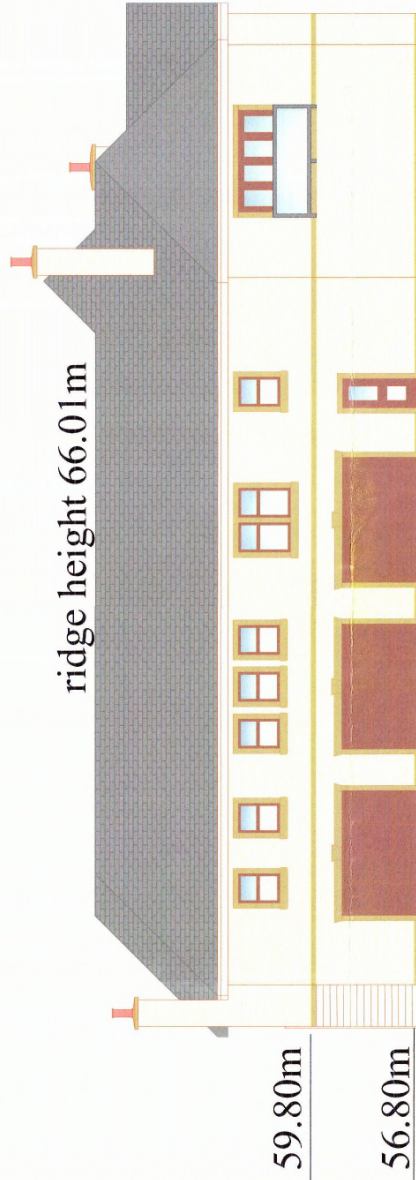
Loakmill Barn, Bankfoot, Perthshire PH1 4EB

Area of land outlined in red:- 1.175 Hectares



West Elevation Original Approval

* 07/00766/FUL



Side Elevation showing undercroft garage and bungalow above

Indicative Elevation 19/00048/PA

roy mitchell DESIGN LIMITED ARCHITECTURAL PRACTICE Barnsley Garncliffe Road Barnsley S70 2JG Telephone 01224 659467		roy mitchell DESIGN LIMITED ARCHITECTURAL PRACTICE Barnsley Garncliffe Road Barnsley S70 2JG Telephone 01224 659467	
Date:	December 2015	Scale:	1:100 @ A2
Drawn by:	MRM	Drawn by:	MRM
Project:	Mrs M Paterson Lusk Mill Bankfoot		
Title:	COMPARISON SECTION BOTH FACIES SET AT SAME GROUND LEVEL		
Drawn:	PAUL JONES	Reviewed:	PAUL JONES

1



2. EAST NETHER BLELOUK (BACKGROUNDS)



3. GAULS BANKFOOT



4. NORTH BARNS

5. JACKSTONE BANICKFOOT



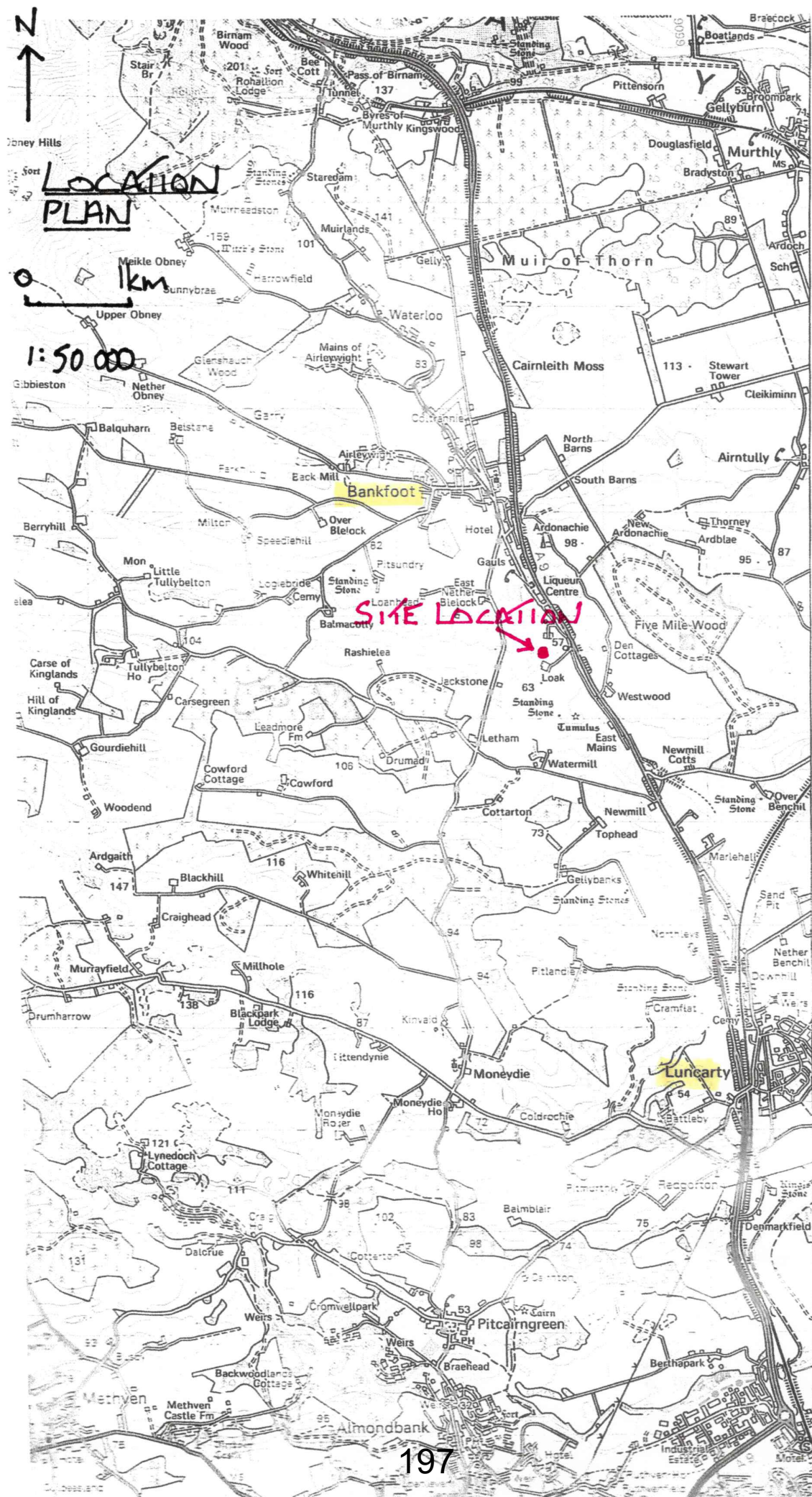
6. LOAK FARM (ADJACENT TO REVIEW SITE)

TCP/11/16(602) – 19/00048/IPL - Erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot

PLANNING DECISION NOTICE *(included in applicant's submission, pages 171-172)*

REPORT OF HANDLING *(included in applicant's submission, pages 173-187)*

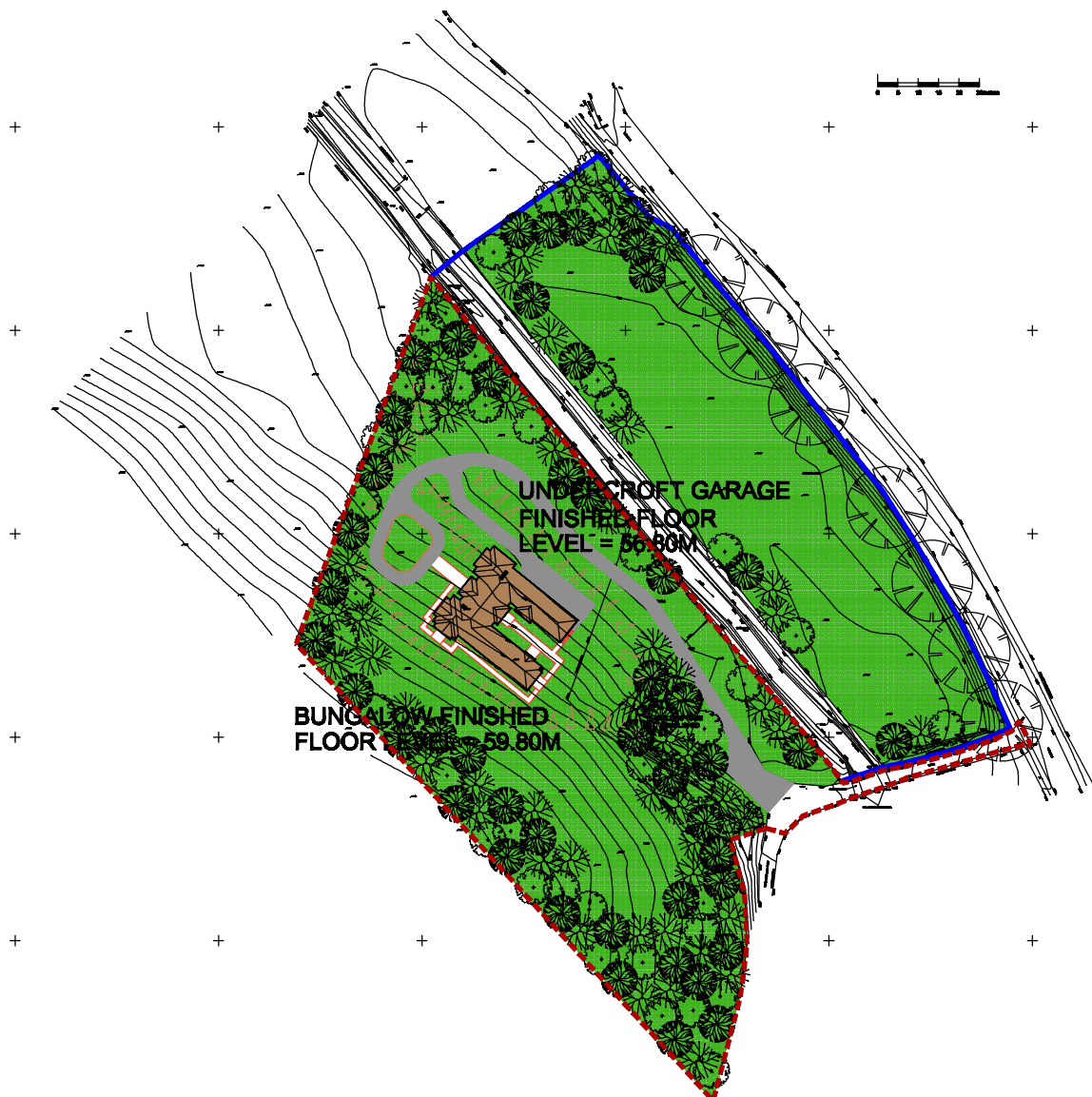
REFERENCE DOCUMENTS *(part included in applicant's submission, pages 191-194)*



SITE LAYOUT



SCALE 1:1250 Revision B



Loakmill Barn, Bankfoot, Perthshire PH1 4EB

Area of land outlined in red:- 1.204 Hectares

Supporting Statement

Erection of a single dwellinghouse in principle at Loak Mill, Bankfoot.

Introduction & Description of Development

This is an application in principle for the erection of single dwellinghouse on land at Loak Mill, Bankfoot. An application was granted on the 8 January 2009 for the demolition of the existing mill building and the erection of a 2 storey dwellinghouse on the solum (07/00766/FUL). Originally the existing mill building was 2 storeys in height, but the upper floor has been removed and it is now a single storey building with a mono-pitch corrugated iron roof. This consent was for a 2 storey dwellinghouse to match the original 2 storey mill building. The application was granted as it satisfied the Housing in the Countryside Policy relating to the conversion or replacement of non-domestic buildings. It proposed the demolition and reconstruction of the original corn mill but with a higher finished floor level in order to mitigate the flood risk from the nearby Garry Burn. In order to achieve the higher finished floor level it was proposed to raise the ground level which would mean that the dwellinghouse would be sitting on a raised plinth. In addition to this it was recommended that excavation works were required on the opposite bank nearer the Garry Burn in order to compensate for the loss of flood water storage capacity as a consequence of the land raising.

The 07/00766/FUL consent was never implemented and it has lapsed. This was due to personal circumstances and the ill health of the applicant who sadly passed away during this time. The applicant's wife however would like to revive the lapsed consent for a dwellinghouse here.

The proposed application for a dwellinghouse in principle would be on a site close to the previous site but to the west of it by about 26m on slightly more elevated ground. This is proposed instead of re-submitting a similar application to 07/00766/FUL, as it would involve landraising in the functional flood plain to gain freeboard which is contrary to Policy EP2 New Development and Flooding of the adopted Perth and Kinross Local Development Plan 2014. In consultation with Perth and Kinross Council's Flooding Section they have confirmed that moving further west from the previous consented land would be a preferable and an acceptable option in terms of flood risk.

The overall height/elevation of the proposed dwellinghouse would be similar to the previous consented dwellinghouse as demonstrated in the indicative elevations submitted in support of the application.

The proposed application site is 1.175 ha in area. An indicative footprint and house design has been submitted which shows how a dwellinghouse would sit on the site and in comparison with the elevational detail of the previously consented dwellinghouse.

Development Plan Policy

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states:-

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2014

The application site falls within the designated countryside of the adopted Perth and Kinross Local Development Plan 2014 where the relevant policies are :-

Policy RD3: Housing in the Countryside

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

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

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings. Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blaigowrie Loch and the River Tay SACs.

Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.

Policy PM1A: Placemaking.

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy EP2: New Development and Flooding

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.

Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and considers that areas of:

- (i) medium to high flood risk are not suitable for essential civil infrastructure;
- (ii) low to medium flood risk are suitable for most forms of development; and
- (iii) little or no flood risk shown present no flood related constraints on development.

All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water-resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.

To allow for adaption to increased flood risk associated with climate change, development should not: (a) Increase the rate of surface water run-off from any site; (b) Reduce the naturalness of the river; (c) Add to the area of land requiring flood protection measures; (d) Affect the flood attenuation capability of the functional flood

plain; nor (e) Compromise major options for future shoreline or river management.

Note: Please refer to the further detailed guidance on flood risk and flood risk assessment which is contained within the Supplementary Guidance accompanying this Plan.

Other policies

Housing in the Countryside Guide 2014

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

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

Developer Contributions and Affordable Housing Supplementary Guidance September 2016

Along with affordable housing guidance this includes guidance on education provision and transport infrastructure.

Principle of Development

The proposed site is within the designated countryside of the adopted Perth and Kinross Local Development Plan 2014 where any proposed residential development would fall to be assessed under the Local Plan and the Council's Housing in the Countryside Policy Guidance. The principle of developing the Loak Mill site has been established with the granting of the previous application 07/00766/FUL which was considered to be in accordance that category of the Housing in the Countryside Policy relating to the conversion or replacement of non-domestic buildings. This consent involved land raising within the functional floodplain of the Garry Burn which was considered acceptable at the time of the application and there was no objection

from the Council's Flooding Section. This situation has changed and currently local plan policy EP2 states that:-

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source

In response to this, the application is for a single dwellinghouse as close as possible to the previous consented site for Loak Mill which is outwith the functional flood plan and does not involve any land raising in accordance with local plan flooding policy. Under the previous consent, Loak Mill was to be demolished in any case, so the proposed siting as close as possible to the mill site outwith the flood risk area is considered to be a pragmatic response to this and a satisfactory way of realising the applicant's aspirations for the development of the site. As indicated above the Council's Flooding Section have stated that this is considered to be an acceptable re-location in terms any flood risk associated with the Garry Burn.

Scale and Design

This is an application in principle and the scale and design of the proposed dwellings will be considered at the detailed planning stage. An indicative layout and elevations however illustrate that the proposed dwellinghouse can be sited at this location satisfactorily. The proposed ridge height will be no higher than the previously consented scheme and the proposed dwellinghouse will have no greater visual impact on the surrounding countryside than the previous scheme. The design of the proposed dwellinghouse in a courtyard layout and the use of traditional materials with render to the walls and natural slate will complement the design of more recent housing in the surrounding area where former farmyards have been redeveloped, for example at East Nether Blelock 1km to the north west, Jackstone 0.5km to the west and North Barns 1.5km to the north. (see attached photos)

Residential Amenity

There will be no impact on neighbouring amenity as a result of this proposal and there is adequate garden ground for the occupier of the dwellinghouse in accordance with local plan policy.

Access and parking

Access to the proposed dwellinghouse will be via an existing access from the public road. The indicative layout confirms that there is adequate parking and turning facilities within the plot.

Visual Impact and character

New housing in the countryside should not have a detrimental visual impact and should respect its context and surrounding character. The main view of the site is from the public road to the east which is at an elevated position in relation to the application site. The indicative layout and elevations illustrate that the siting and design of the proposed dwellinghouse will not have a detrimental impact on the visual amenity and character of the countryside at Loak Mill, being no greater in height and scale than the previously consented scheme. As indicated in the site plan the proposed dwellinghouse will be built into the existing slope and there is rising land behind it to provide a suitable backdrop in accordance with siting guidance. Views of the proposed dwellinghouse from the public road will show the proposed dwellinghouse sitting below the ridge line of the dwellinghouses at East Nether Blelock to the north west and the ridge of the hills in the distance beyond this, as illustrated in photo 6 attached which is taken from the public road to the east of the site. As mentioned above the scale and character of the proposed dwellinghouse will not be out of character with recent new housing development in the surrounding countryside.

Flood Risk

The proposed development and indicative finished floor level will be above the flood risk threshold for the Garry Burn and the Council's Flooding Section have confirmed that the re-siting of the dwellinghouse at Loak Mill is acceptable in terms of flood risk policy guidance and is in accordance with local plan policy EP2.

Conclusions

The proposed re-siting of the dwellinghouse in principle will provide a better built solution in terms of flood risk by removing the existing building out of the functional flood plain and therefore increasing flood storage capacity and also by siting the new dwellinghouse outwith the functional floodplain. The visual impact of the proposed dwellinghouse will be no greater and similar to the previous consent and will not

have any adverse impact on the character or appearance of the countryside around Loak Mill.

For the above reasons it is requested that the proposal is approved in principle.

TCP/11/16(602) – 19/00048/IPL - Erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot

REPRESENTATIONS

24th January 2019

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



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

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

Dear Local Planner

PH1 Bankfoot Loakmill Farm Land 120M N W Of
PLANNING APPLICATION NUMBER: 19/00048/IPL
OUR REFERENCE: 772051
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

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

Water

- There is currently sufficient capacity in the Perth Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

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

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can

be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

Angela Allison

[Redacted signature]

Anne Condliffe
Perth and Kinross Council
Roads Department
Signal Box Road
Blairgowrie
Perthshire
PH10 6ER

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 25/01/2019

Our Ref: XX_TS_Z2_3NWP_015545

Your Ref: 19/00048/IPL (BS)

RE: Formal Planning Application, Land 120 Metres North West Of Loakmill Farm Bankfoot

Thank you for your enquiry which was received on 22/01/2019.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response. Please contact us at assetprotection@nationalgrid.com if you have not had a response within this time frame.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- National Gas Transmission Pipelines and associated equipment

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- **Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.**
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from:
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

National High Pressure Gas Pipelines Guidance:

<http://www.nationalgrid.com/NR/rdonlyres/9934F173-04D0-48C4-BE4D-82294822D29C/51893/Above7barGasGuidance.pdf>

Dial Before You Dig Pipelines Guidance:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

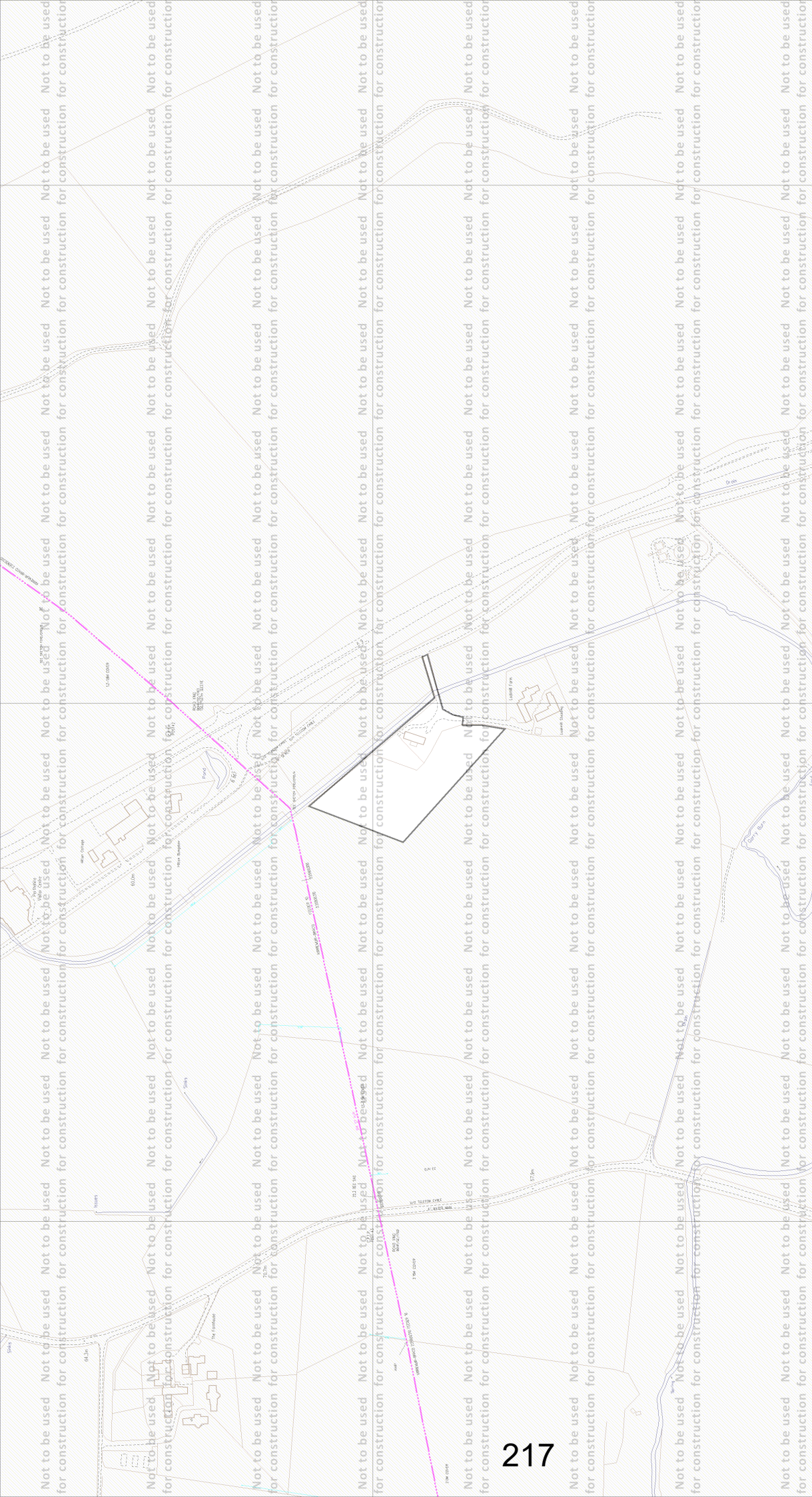
Excavating Safely in the vicinity of gas pipes guidance (Credit card):






<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.



ID: XX_TS_Z2_3NWP_015545		View extent: 1445m, 785m		Map 1 of 1 (GAS)	
USER: Beth.Shaw		LP MAINS		MAPS Plot Server Version 1.11.0	
DATE: 25/01/2019		MP MAINS		Cadent	
DATA DATE: 14/01/2019		IP MAINS		Your Gas Network	
REF: 19/00048/IPL (BS)		LHP MAINS		Requested by: Perth and Kinross Council	
MAP REF: NO0733		NHP MAINS		This plan is reproduced from or based on the OS map by Cadent Gas Limited, with the sanction of the controller of HM Stationery Office.	
CENTRE: 307457, 733967		0m 100m Approximate scale 1:5000 on A4 Colour Landscape		Ordnance Survey Licence number 100024886	
Some examples of Plant Items:		Do not proceed without further consultation		This plan shows those pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.	
 Valve		 Syphon		 Material Change	
 Depth of Cover		 Out of Standard Service			

ENQUIRY SUMMARY

Received Date

22/01/2019

Your Reference

19/00048/IPL (BS)

Location

Centre Point: 307456, 733967

X Extent: 183

Y Extent: 192

Location Description: Land 120 Metres North West Of Loakmill Farm Bankfoot

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 1250

Actual Scale: 1:5000 (GAS)

Real World Extents: 1445m x 785m (GAS)

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Perth and Kinross Council

Contact Name: Anne Condcliffe

Email Address: DevelopmentManagement@pkc.gov.uk

Telephone: 01738 475300

Address: Roads Department, Signal Box Road, Blairgowrie, Perthshire, PH10 6ER

Description of Works

P/A - Erection of a dwellinghouse (in principle) - D/B

Enquiry Type

Formal Planning Application

Development Types

Development Type: Development for use by General Public

Advice : HSL-190130164654-317 DO NOT ADVISE AGAINST

Your Ref: 19/00048/IPL

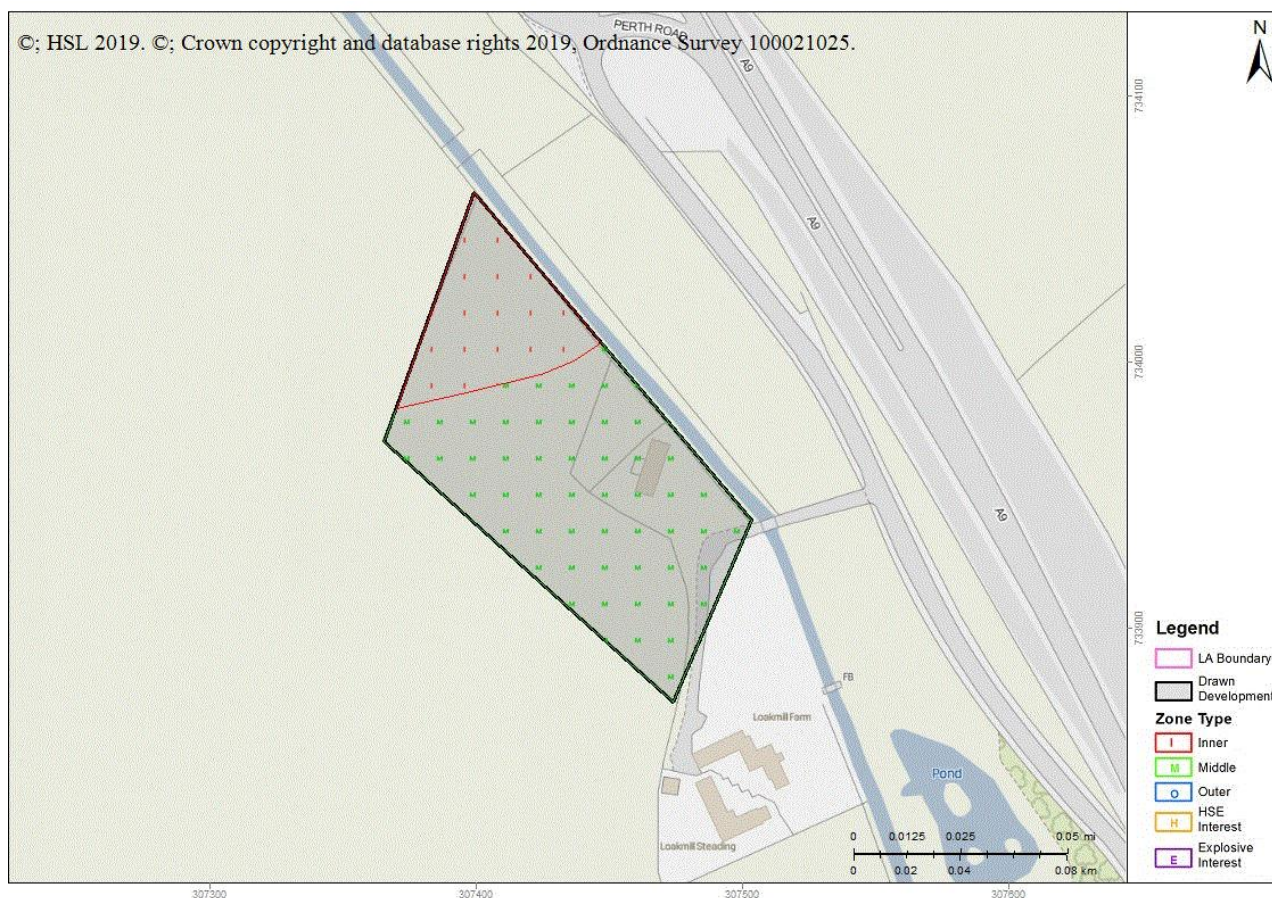
Development Name: Loakmill Farm

Comments: Dwellinghouse (in principle)

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Perth and Kinross.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

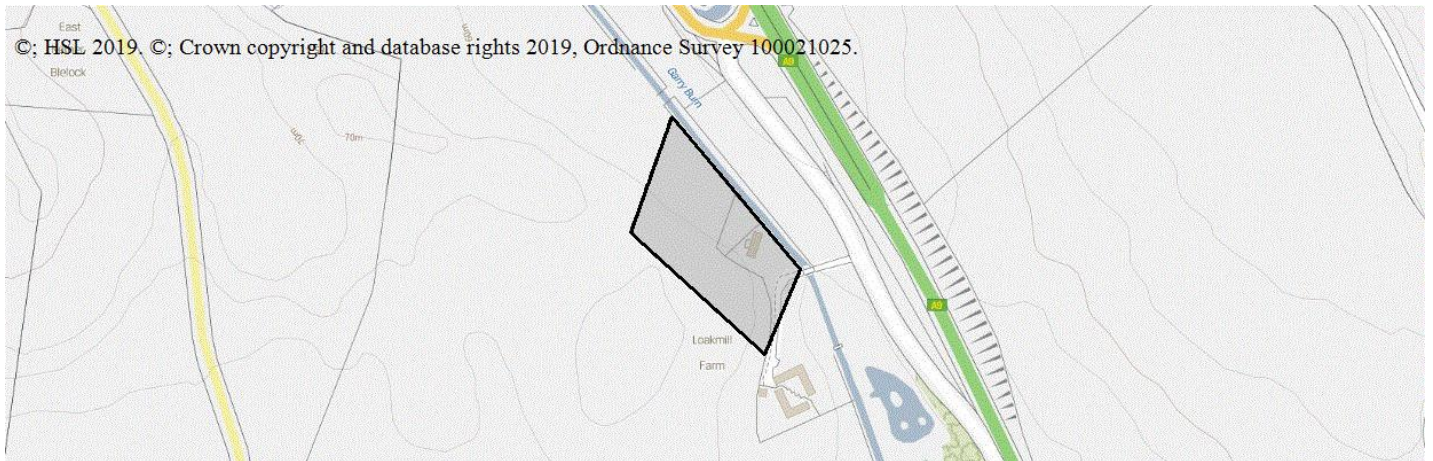


Commercial In Confidence

Breakdown:

Housing DAA

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



Pipelines

8100_2359 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by at Perth and Kinross on 30 January 2019.

Note that any changes in the information concerning this development would require it to be re-submitted.

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Perth and Kinross Council Pullar House, 35 Kinnoull Street, Perth PH1 5GD	Council Reference:-	19/00048/IPL
	TS TRBO Reference:-	NW/28/2019

Application made by Mrs Margaret Paterson per Mark Williamson, 34 Hermitage Drive Perth PH1 2SY and received by Transport Scotland on 22 January 2019 for planning permission for erection of a dwellinghouse (in principle) located at Land 120 Metres North West Of Loakmill Farm Bankfoot affecting the A9 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A9) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
NORTH WEST
Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth, PH1 3TW
0845 4130200
NWplanning@bearsotland.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

Transport Scotland Response Date:-	31-Jan-2019
Transport Scotland Contact:-	Shaun Phillips

Transport Scotland Contact Details:-

Roads - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number:
e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00048/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 120 Metres North West Of Loakmill Farm, Bankfoot		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Auchtergaven Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p>Transport Infrastructure</p> <p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	04 February 2019

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00048/IPL	Comments provided by	Gavin Bissett
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 120 Metres North West Of Loakmill Farm Bankfoot		
Comments on the proposal	<p>I have no objection to this application.</p> <p>We have had pre-app discussions with the applicant, and the FFL has been set at a suitable level.</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	<p>The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.</p>		
Date comments returned	06/02/19		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00048/IPL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 120 Metres North West Of Loakmill Farm, Bankfoot		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development 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.		
Recommended informative(s) for applicant			
Date comments returned	12 February 2019		



To:	Sean Panton, Planning Officer
From:	Clare Henderson, Development Management Archaeologist
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	15 th February 2019

19/00048/IPL | Erection of a dwellinghouse (in principle) | Land 120 Metres North West Of Loakmill Farm Bankfoot

Thank you for consulting PKHT on the above application. The proposed development site lies within an area that is considered to be archaeologically sensitive as it includes the remains of a corn mill present since at least the 1st Edition OS survey of the area in c.1860. The mill building is recorded on the PKHER (MPK16486) and although the roof has been replaced, photographs suggest the building retains both the character and features of an early - mid 19th century vernacular building, along with considerable original fabric.

PKHT believes that wherever possible historic buildings should be retained and re-used in order to retain the character of the local rural landscape. As noted in Scottish Planning Policy (paragraph 137) development of historic buildings can positively contribute to a sense of place when appropriately re-purposed. As the current application does not propose to build on the site of the mill, we would recommend the structure be retained.

Should the application be successful and demolition of the historic building granted, we recommend that a negative suspensive condition for an enhanced standing building recording be attached to consent to ensure a permanent record is made prior to demolition.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for historic building survey be attached to consent, if granted:

HE26 *Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.*

Notes:

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00048/IPL	Comments provided by	Joanna Dick
Service/Section	Strategy and Policy	Contact Details	██████████ Email biodiversity@pkc.gov.uk
Description of Proposal	Erection of a dwelling house (in principle).		
Address of site	Land 120 Metres North West Of Loakmill Farm, Bankfoot.		
Comments on the proposal	<p>Policy NE3: Biodiversity Policy NE3 sets out the Council's legislative obligation to further the conservation of biodiversity when carrying out its duties. The Council will seek to protect and enhance all wildlife and wildlife habitats whether formally designated/protected or not taking into account national and international legislation and the Tayside Local Biodiversity Action Plan, and associated guidance. Proposals that have a detrimental impact on the ability to achieve these guidelines and documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>European Protected Species Planning permission will not be granted for development that would be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)).</p> <p>All bat species found in Scotland are classed as European protected species. They receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) making it an offence to disturb a bat in a roost, obstruct access to a roost and damage or destroy a breeding or resting place of such an animal.</p> <p>Following a site visit, it is my opinion that due to the age and condition of the structure in this application, it demonstrates potential to be used by bats. In line with the PKC Bat Survey Guidance (2018) and Bat Conservation Trust Good Practice Guidelines (2016) a preliminary roost assessment should be undertaken by a qualified ecologist to determine the actual or potential presence of bats. The results of this preliminary roost assessment will inform the need for further bat surveys. Bat surveys should be undertaken in accordance with the Bat Conservation Trust Good Practice Guidelines (2016).</p>		
Recommended planning condition(s)	The application cannot be assessed until further information is provided.		

Recommended informative(s) for applicant	<ul style="list-style-type: none"> • The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance. • The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
Date comments returned	19 February 2019

Memorandum

To Head of Development Management From Regulatory Services Manager

Your ref 19/00048/IPL

Our ref RM

Date 19 February 2019

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006

Consultation on an application.

RE: Erection of a dwellinghouse (in principle) Land 120 Metres North West Of Loakmill Farm Bankfoot for Mrs Margaret Paterson

I refer to your letter dated 30 January 2019 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 31 January 2019)

This redevelopment site has not been consulted prior to this consultation:

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.



Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	19/00048/IPL	Our ref	LA
Date	19 February 2019	Tel No	[REDACTED]

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission
RE: Erection of a Dwellinghouse (in principle), Land 120 Metres North West Of
Loakmill Farm, Bankfoot for Mrs Margaret Paterson

I refer to your letter dated 30 January 2019 in connection with the above application and have the following comments to make.

Recommendation

I have no adverse comments in relation to the application.

Comments

This application is for the erection of a dwellinghouse on land adjacent to Loakmill Farm and is located approximately 130 metres from the A9 road. As this is an in principal application there are no submitted internal plans to indicate the proposed layout of the dwellinghouse.

I would advise that given the size of the plot and the separation distance and position of the house in relation to the A9, I do not envisage that noise from road traffic should adversely impact on residential amenity provided that consideration is had for the layout of habitable rooms and location of window and regard should be had to BS8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings when designing the layout to ensure a good level of amenity is afforded to bedrooms, living areas and external amenity areas.

