

**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 737-796***)
- (b) Decision Notice (***Pages 749-750***)
  - Report of Handling (***Pages 751-760***)
  - Reference Documents (***Pages 773-787***)
- (c) Representations (***Pages 799-828***)
- (d) Further Information
  - Written Submission from Agent (***Pages 831-836***)
  - Written Submission from Planning (***Pages 837-930***)
  - Agent's response to Written Submission from Planning (***Pages 931-966***)



**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100128239-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Hawkhill"/>			
Northing	<input type="text" value="743430"/>	Easting	<input type="text" value="311500"/>

## Description of Proposal

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

Erection of a replacement house

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Grounds of appeal as set out in the attached statement

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

☐ Yes ☒ No

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

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

Planning application forms, plans, decision notice, Report of Handling, email exchange with appointed officer and grounds of appeal statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00489/IPL

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

11/04/2018

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

08/06/2018

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

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

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

To assess if there is substantial evidence of the structure of the original building above ground level to enable its size and form to be identified and also to assess if the site boundaries are capable of providing a suitable enclosure for the new house

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Mark Myles

Declaration Date: 12/07/2018



## Notice of Review Appeal – Grounds of Appeal Statement

Planning Application Reference 18/00489/IPL

---

### Planning Permission in Principle for Erection of Replacement House on Land 100 North East of Logiebrae, Craigie, Clunie

---

This ground of appeal statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Ms Kirsty Walker, for Planning Permission in Principle for the Erection of a replacement house on Land 100 North East of Logiebrae, Craigie, Clunie which was refused permission on 8<sup>th</sup> June 2018. Copies of the planning application forms, plans, supporting statement and background emails are also included within the appeal submission.

As confirmed in the Report of Handling on the application, **the proposed site contains a ruinous cottage** located to the west of a small group of dwellings at Craigie. It is further acknowledged and also shown in the planning officers photographs that **there is visible evidence of the cottage with the gable end and walls still standing.**

The council's single reason for refusal of the application relates solely to the proposed development allegedly contravening categories 4 e) (i) and (iii) of the council's housing in the countryside policy RD3 and associated Supplementary Guidance.

The planning statement that had been submitted in support of the application provided a detailed assessment of the relevant policy criteria which does not require to be repeated here, and instead we focus solely on the reasons given for refusal.

#### Response to Category 4 e) (i)

---

The first part of the reason for refusal states that '***it has not been demonstrated that an appropriate replacement dwelling could be accommodated.***'

This is despite the Report of Handling confirming that the '***existing ruin would meet category 4 e) (i) in terms of there being visible evidence of the structure of the original building above ground level to enable its size and form to be identified.***'

That is all that Policy 4 e) i) requires and in this case, it should therefore be evident that the existing ruinous house would meet with the terms of this part of the policy.

The Report of Handling however takes the assessment further without any policy justification as the planning officer claims that the policy seeks to restrict considerable increases for replacement dwellings.

While this may be the planning officer's own views or perhaps even what the planning department think or would like the policy to say, as was pointed out in our email correspondence to the planning officer (7<sup>th</sup> June), there is nothing explicitly written anywhere in the policy on replacement houses that says you cannot replace a vacant or abandoned house with a larger house.

The planning officer has instead incorrectly quoted from an earlier section of the Supplementary Guidance - category 4 b) which states 'any alterations and extension to **an existing house** should be in harmony with the existing building's form and proportion.'

That section of the policy clearly relates solely to restoration and extension of an existing property and **NOT** to the replacement of a house. The appointed officer's interpretation of the policy is therefore factually incorrect, and this has led directly to an incorrect assessment of the proposal against an irrelevant part of the policy.

The only policy requirements specifically relating to replacement houses are that they shall be of a high-quality design appropriate to their setting and surrounding area and that the siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road.

The indicative plans that were submitted with the application were provided to specifically show that these requirements could be achieved, even though this is a PPP application, as the detailed siting and design of any house would be subject to conditions and any future matters specified in conditions application.

#### **Response to Category 4 e) (iii)**

---

Turning to the second part of the reason for refusal - category 4 e) (iii), and again it is evident that the detailed wording that has been quoted in the reason for refusal does not reflect the actual wording that is contained within the Supplementary Guidance.

Category 4 e) (iii) of the SG actually states, '**the site boundaries are capable of providing a suitable enclosure for the new house.**'

In contrast the reason for refusal states '**the site does not have established site boundaries capable of providing suitable enclosure...**'



The appointed officer's reference to the need for the site to have '**established**' site boundaries is therefore totally misleading and unnecessary. The appointed officer has therefore once again either misinterpreted the policy requirements or simply attempted to set out what the planning department think or would like the policy to say. If a fair and reasonable assessment of the policy criteria had been undertaken, then this would not have appeared as a reason for refusal.

The actual wording of the policy requires site boundaries which are capable of providing a suitable enclosure and as has been detailed in the original supporting planning statement and as shown on the proposed site plan, the site boundaries are capable of providing a suitable enclosure and are perfectly achievable on this site and would normally be expected to form part of a condition on any PPP. Furthermore, the council accept that the site is located within an overall good landscape setting and has a good fit in the wider landscape.

Accordingly, the capability or the ability of the site boundaries to provide enclosure for the proposed house within this good landscape setting cannot be in question and the policy clearly does allow for the use of conditions to meet this requirement.

### **Drainage – Policy ER6**

---

For completeness we would highlight that the holding objection from SNH is contrary to the Supplementary Guidance related to Policy ER6 which confirms that detailed information and drainage calculations are not required for in principle applications. SNH's response was also contrary to the advice provided by SEPA which correctly identifies that a suspensive condition can be applied to in principle applications in this location. This was drawn to the planning officer's attention in our email of 7 May 2018 and we note from the Report of Handling that contact was made with SNH to get an updated memo but a response was not received. Despite that, the Report of Handling (under the heading Drainage and Flooding) correctly states that conditions would be required to secure the submission of phosphorous mitigation calculations in accordance with the supplementary guidance at the time of the AMM application.

### **Conclusion**

---

We therefore respectfully request that the LRB consider the proposal on its merits and in accordance with actual clearly stated wording of Policy RD3 and associated Supplementary Guidance, rather than the incorrect and biased interpretation that we have shown was undertaken by the appointed officer when a category of the Supplementary Guidance that does not apply to replacement houses and additional wording that simply does not exist were used in an attempt to justify the reason for refusal.



# PERTH AND KINROSS COUNCIL

Ms Kirsty Walker  
c/o MBM Planning And Development  
Mark Myles  
Algo Business Centre  
Glenearn Road  
Perth  
PH2 0NJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 8th June 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00489/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 11th April 2018 for permission for **Erection of a dwellinghouse (in principle) Land 100 Metres North East Of Logiebrae Craigie Clunie** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category 4 e (i) and (iii) Renovation or Replacement of Houses as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

## **Justification**

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

## **Notes**

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

### **Plan Reference**

**18/00489/1**

**18/00489/2**

**18/00489/3**

**18/00489/4**

**18/00489/5**

**18/00489/6**

**18/00489/7**

**18/00489/8**

**18/00489/9**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00489/IPL	
Ward No	P5- Strathtay	
Due Determination Date	10.06.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 100 Metres North East Of Logiebrae Craigie Clunie

#### 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:** 8 May 2018

#### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is in principle for the erection of a dwelling on the site of a ruinous cottage located to the west of a small grouping of dwellings at Craigie. There is visible evidence of the cottage with the gable end and walls standing although the site is very overgrown.

Indicative plans have been submitted to show a 1 ½ storey dwelling with a footprint of 120sq metres on the site of the ruin.

The site has a history of refusal with the most recent being in 2008 this decision was then appealed. The appeal was dismissed and the reporter concluded that the combination of policy objections, visual exposure in the landscape and the fact that the ruinous building had virtually returned to nature there was no case for setting aside the Development Plan.

## **SITE HISTORY**

93/01359/FUL ERECTION OF A HOUSE (IN OUTLINE) AT PLOT 1 19  
October 1993 Application Withdrawn

93/01360/FUL ERECTION OF A HOUSE (IN OUTLINE) AT PLOT 2 19  
October 1993 Application Withdrawn

97/01101/FUL Erection of house at 15 September 1997 Application Refused

02/01613/OUT Erection of a dwellinghouse (in outline) on 13 November 2002  
Application Refused

04/00959/FUL Erection of a dwellinghouse 4 June 2004 Application Refused

05/01847/FUL Erection of stable/shed and residential caravan 9 November  
2005 Application Withdrawn

07/00256/FUL Temporary siting of residential caravan ( in retrospective) and  
installation of a septic tank 30 May 3007 Application Withdrawn

07/01614/FUL Siting of a residential caravan and associated septic tank and  
drainage system at (retrospect) 30 August 2007 Application Refused

07/01615/FUL Siting of a caravan/chalet and associated septic tank and  
drainage system at Plot 2 Gypsy Travellers Caravan/Chalet Site 30 August  
2007 Application Refused

07/01616/FUL Siting of a caravan/chalet and associated septic tank and  
drainage system at Plot 3 Gypsy Travellers Caravan/Chalet Site 30 August  
2007 Application Refused

08/01216/FUL Erection of a dwellinghouse and garage with improved access  
and landscaping 22 August 2008 Application Refused

08/02180/PN Erection of agricultural shed 1 December 2008 Application  
Refused

09/00170/FUL Erection of an agricultural storage shed 22 June 2009  
Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 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 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 EP6 - Lunan Valley Catchment Area**

The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

## **OTHER POLICIES**

No other policies

## **CONSULTATION RESPONSES**

Scottish Natural Heritage

Objection to proposal on lack of information in relation to Phosphorous Mitigation. The application is in principle and as per the supplementary guidance mitigation is not required at the in principle stage. I have contacted SNH to get an updated memo but



a response has not been received. As the application is being refused I have proceeded to a recommendation as it would not form a reason for refusal.

Scottish Environment Protection Agency	No objection, condition required for Phosphorus Mitigation
Transport Planning	No objection
Contributions Officer	Conditions required to cover contributions.
Scottish Water	No objection
Environmental Health - Contaminated Land	No objection, contaminated land informative recommended

## REPRESENTATIONS

The following points were raised in the 1 representation received:

- Application should not be in principle
- Potential over-development
- Contrary to policy

## 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
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

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

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

## **Policy Appraisal**

The policy position has changed from the previous refusal in 2008. The then Eastern Area Local Plan had a presumption against built development unless supported by an operational need within the Lunan Valley Catchment Area.

The current plan has altered this policy and proposals can now be considered under Policy RD3 Housing in the Countryside and the associated 2012 Guide. Policy RD3 but limited within the Lunan Valley Catchment Area to economic need, conversions and replacement buildings.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not comply with the applicable categories in the policy/guide which are;

- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance related to economic need
- (4) Renovation or replacement of houses
- (5) Conversion or replacement of redundant non-domestic buildings

The existing ruin would meet category 4 e) i) in terms of there being visible evidence of the structure of the original building above ground level to enable its size and form to be identified.

The redline site is large at 2000 sq metres with no indication on site of the plot that the original cottage occupied. The footprint of the building is very small at 53 sq metres and was clearly a single storey dwelling. It would therefore be difficult to replace the existing cottage with a similarly proportioned dwelling to meet modern requirements. I consider that it would require substantial increase in footprint as it would be limited to a single storey dwelling. I consider the policy seeks to restrict considerable increases for replacement dwellings.

Indicative plans have been submitted which show a 1 1/2 storey dwelling which would not be acceptable and the footprint is over 100sq metres. I am unconvinced from the submissions that an acceptable replacement dwelling could be accommodated with the restrictive size of the existing structure.

Category 4 e) ii) requires that the development is located on an established site with a good landscape setting and a good fit in the landscape and on a site acceptable on planning grounds. I would consider (covered in more detail in the landscape section) that the surrounding landscape has matured within the last 10 years since the previous refusal. The development of the site would therefore not detrimentally impact the wider landscape views.

Category 4 e) iii) states that the site boundaries should be capable of providing enclosure. There is established planting to the northwest but this is out with the site (no planting exists on this boundary) and there is sparse planting on the northeast boundary which is further exposed by the topography as the site is on a plateau. The site is contained by the road to the southeast and agricultural land with intermittent planting to the southwest. The lack of established boundaries also prevents assessment of what the original boundaries of the cottage were.

The agent has indicated that additional planting could be sought through the use of conditions. I do not consider the use of conditions for planting to be acceptable in order to define a site to meet the policy requirements.

I have discussed this proposal with the Development Plans Team who agree with the policy assessment.

### **Design and Layout**

The application is in principle however indicative plans have been provided. The plans show a 1 ½ storey dwelling located on the footprint of the ruin. As stated above a 1 ½ storey dwelling would not be acceptable on the site. The development would need to reflect the character of the cottage which is single storey. The erection of single storey dwelling would I consider require a substantial footprint increase to achieve acceptable accommodation and would be considerable more than the existing 53 sq metre footprint.

### **Landscape/Visual Amenity**

In the previous refusal it was considered that the site occupied a prominent location and that there would be a significant landscape impact from the development of the site. This was related to a detailed application for a larger dwelling and that the site was much more open.

Having visited the site I would consider that the surrounding landscape has matured and some trees have self-seeded around the site. This has offered more containment of the site within the wider landscape. There is also an abandoned bungalow to the south of the site which is in an elevated position and would be just as visible.

I still have concerns regarding the lack of established boundary treatments however I consider that the wider visual impact would not be significant to merit this being a reason for refusal.

### **Residential Amenity**

The site has no direct neighbours and it is considered that a dwelling could be accommodated with no detrimental impact on existing residential amenity.

## **Contaminated Land**

An inspection of the proposed development site by Environmental Health (EH) did not raise any real concerns, although the site is very close to an area where general quarrying was once carried out. EH have advised that there may be potential for contamination within the site. No information is available regarding the nature or volume of infill material and so the applicant should satisfy themselves that this former quarry site is not impacting the proposed development site. An informative would be required if the application was recommended for approval.

## **Roads and Access**

Transport Planning have no concerns regarding the access to the site and parking and turning could be accommodated.

## **Drainage and Flooding**

The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Lochs catchment and therefore phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area which requires that total P from the built development must not exceed current levels due to the fact that there is an issue in the catchment with elevated nutrient levels.

The Lunan Valley Area Dunkeld - Blairgowrie Lochs Special Area of Conservation supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation. Conditions would therefore be required to secure the submission of phosphorous mitigation calculations in accordance with the supplementary guidance current at the time of the AMM application.

## **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Newhill Primary School. As the application is in principle a condition would be required to ensure that any required contributions are sought at the detailed stage.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not 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**

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

1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category 4 e (i) and (iii) Renovation or Replacement of Houses as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

### **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**

None required

### **Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00489/1

18/00489/2

18/00489/3

18/00489/4

18/00489/5

18/00489/6

18/00489/7

18/00489/8

18/00489/9

**Date of Report 08.06.18**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100088959-002

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

## Type of Application

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

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

## Description of Proposal

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

Erection of replacement house

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Kirsty	Building Number:	■
Last Name: *	Walker	Address 1 (Street): *	■■■■■■■■■■
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	■■■■■
Extension Number:		Country: *	■■■■■
Mobile Number:		Postcode: *	■■■■■
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

743430

Easting

311500

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

0.17

Please state the measurement type used:

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

## Existing Use

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

Site of ruinous house

## Access and Parking

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

☐ Yes ☒ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>The proposed replacement house would involve the removal of an old septic tank from the site, which was used in connection with the former house when it was occupied. The proposed new house would utilise a Klargestar tank and soak away system installed to serve a former residential caravan</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

## All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

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

Certificate B

# Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Owner Occupier Lessee

Address:

Front Cottage, Long Row, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Logie Brae Farm, Clunie, Blairgowrie, PH10 6RF

Date of Service of Notice: \*

04/04/2018

Name:

Owner Occupier Lessee

Address:

Brambly, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Bruachan, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Carraig Mhor, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Cobblers Cottage, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Craigie House, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

East Craigie, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Front Cottage, Long Row, Clunie, Blairgowrie, ph10

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Gartbeg, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:	Gracefield, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Middle Cottage, Long Row, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Ochter, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Stables, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	The Barn, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Tullycraig, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018

Name:	Owner Occupier Lessee
Address:	White House, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Mr Marc Macbey
Address:	Hawkhill, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	27/03/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:	
Address:	
Date of Service of Notice: *	

Signed:	Mark Myles
On behalf of:	Ms Kirsty Walker
Date:	11/04/2018
<input checked="checked" type="checkbox"/> Please tick here to certify this Certificate. *	

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

Planning Statement

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Mark Myles

Declaration Date: 27/03/2018

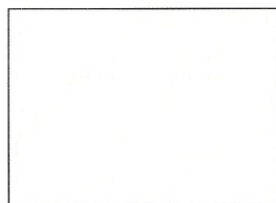
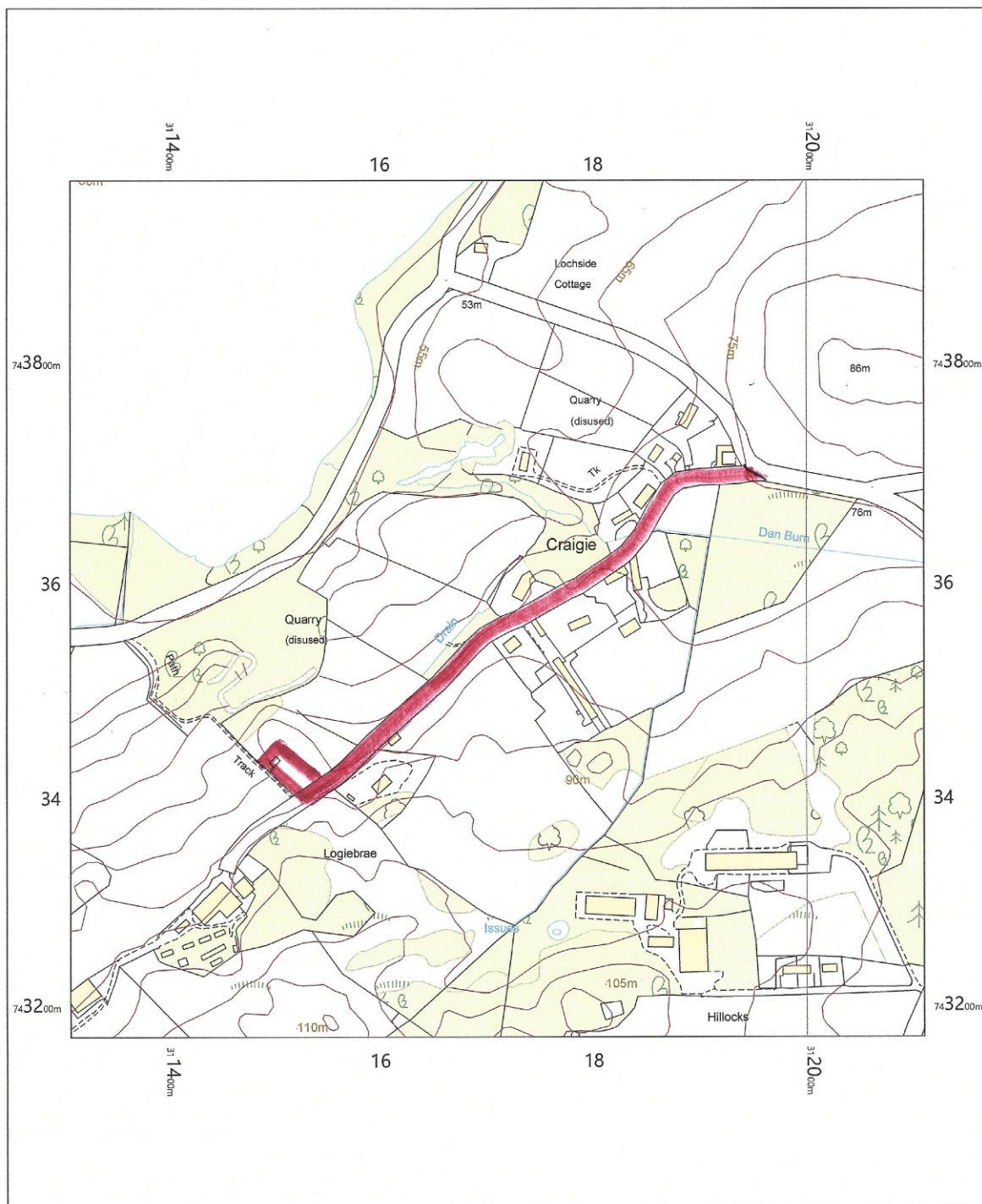
## Payment Details

Online payment:

Payment date:

Created: 11/04/2018 10:02





OS VectorMap Local - Landplan Style  
 Wednesday, April 11, 2018, ID: MNOW-00703886  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:5000 scale print at A4, Centre: 311710 E, 743576 N

©Crown Copyright Ordnance Survey. Licence no. 100057546





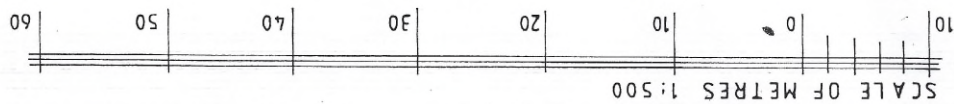
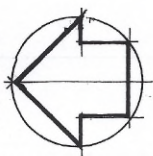


RURAL LOCATION PLAN 1:50 000

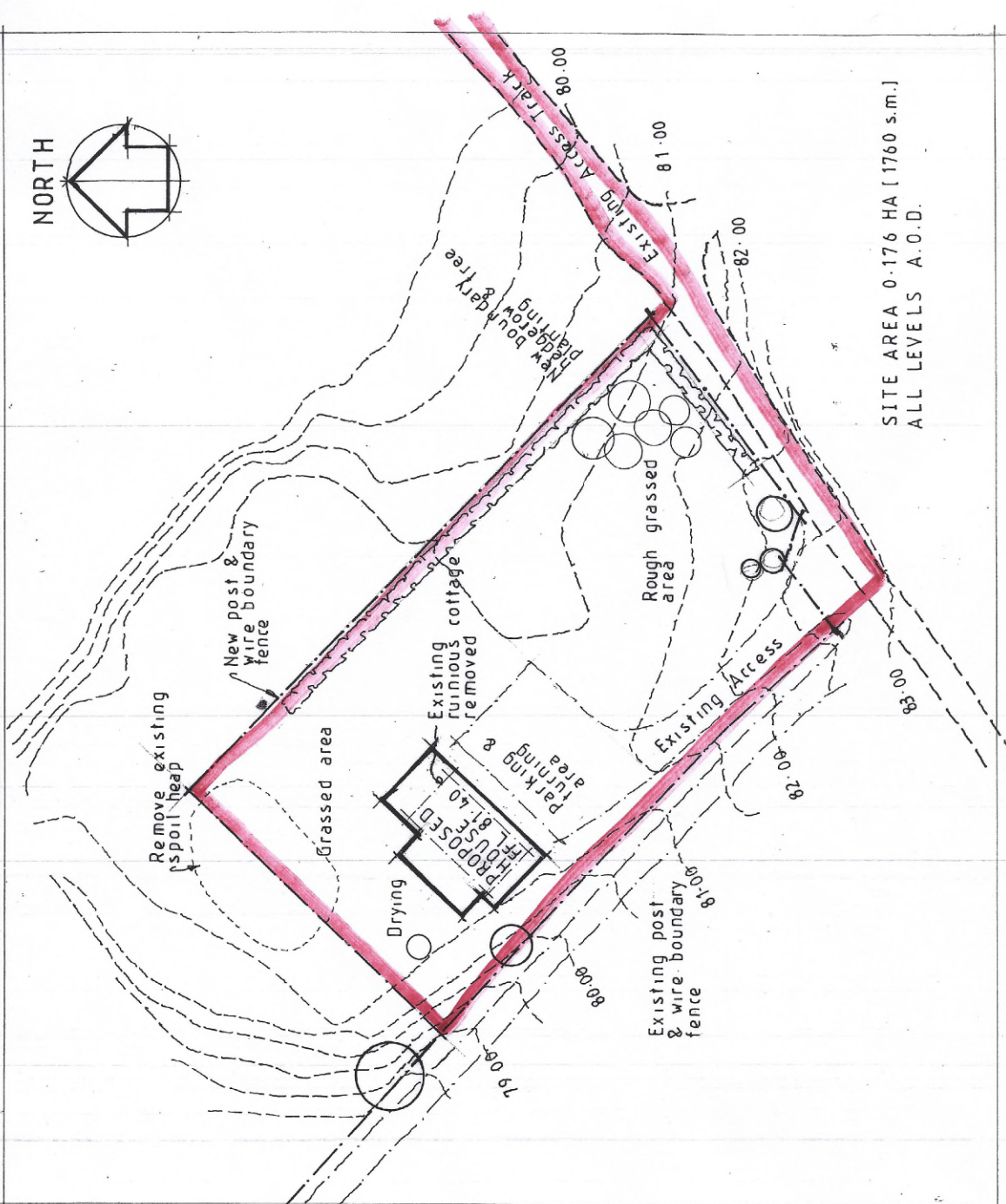
↑ N



NORTH



775

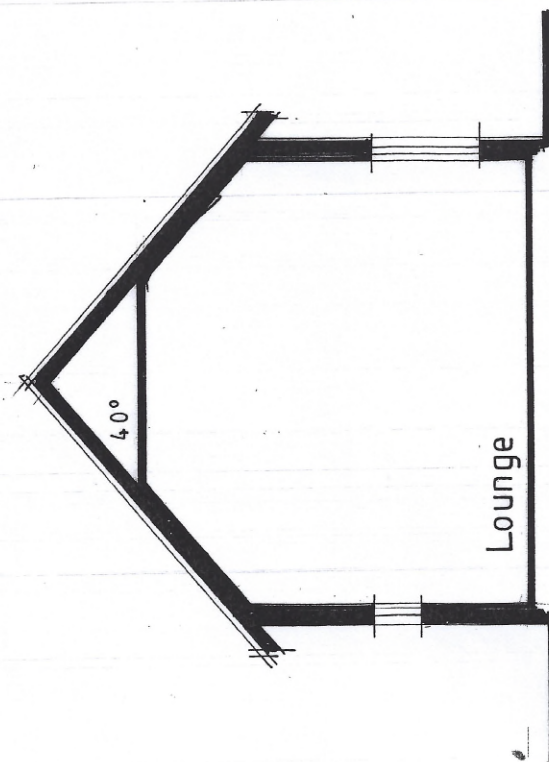
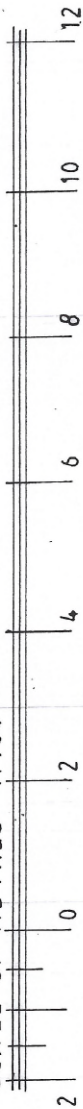


SITE AREA 0.176 HA (1760 s.m.)  
ALL LEVELS A.O.D.

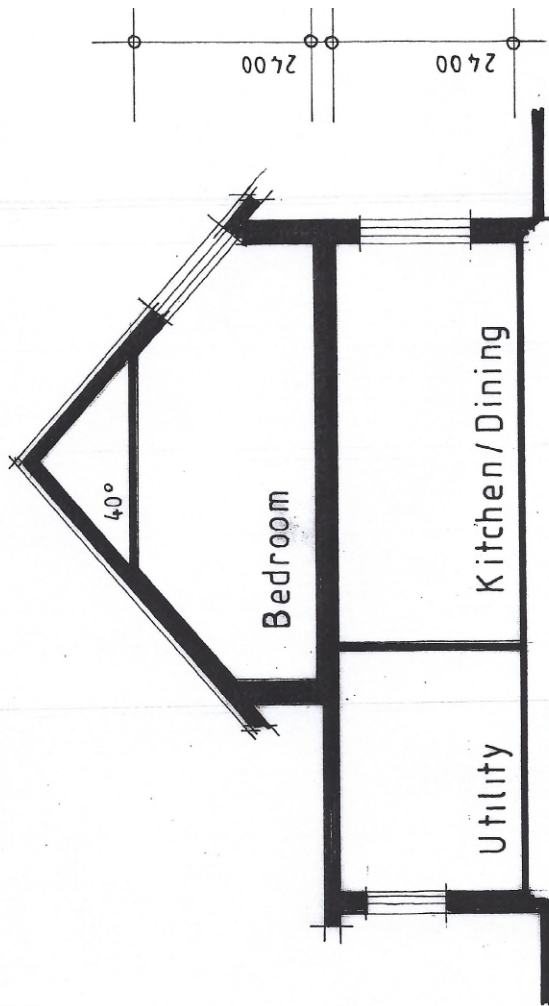
BLOCK PLAN 1:500

06

SCALE OF METRES 1:100



CROSS SECTION 1:100

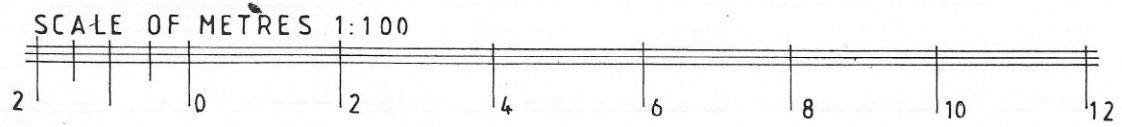


CROSS SECTION 1:100

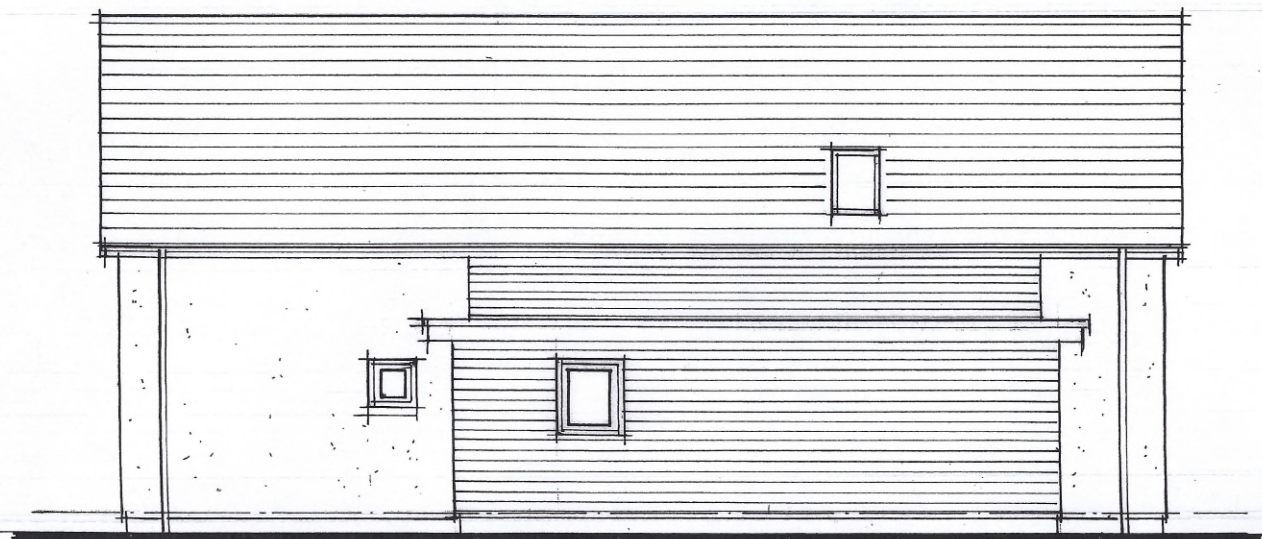
2400

2400





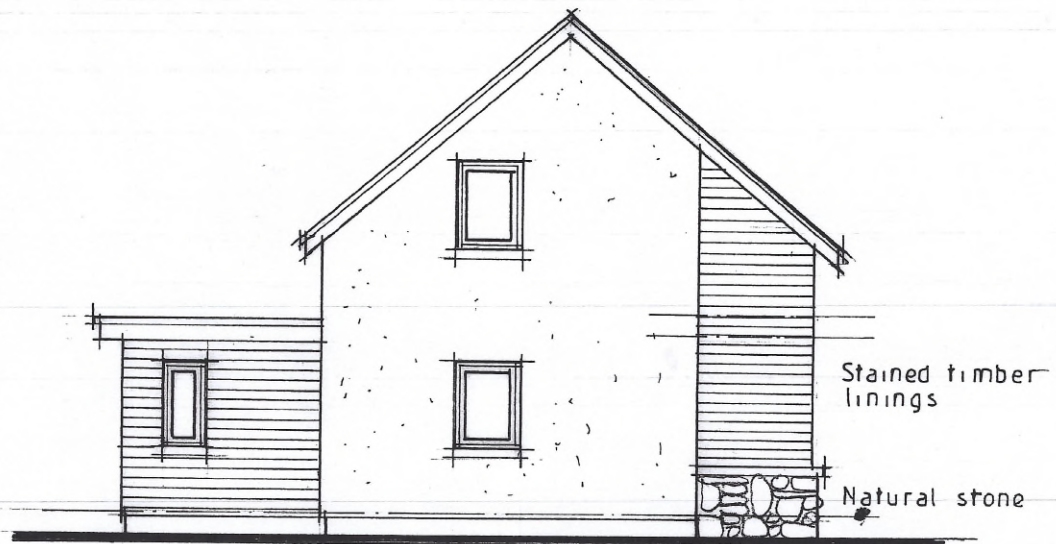
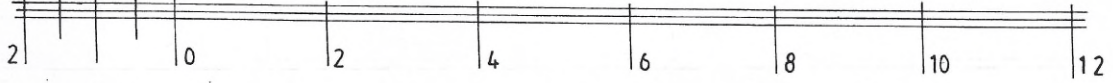
NORTH EAST ELEVATION AS PROPOSED 1:100



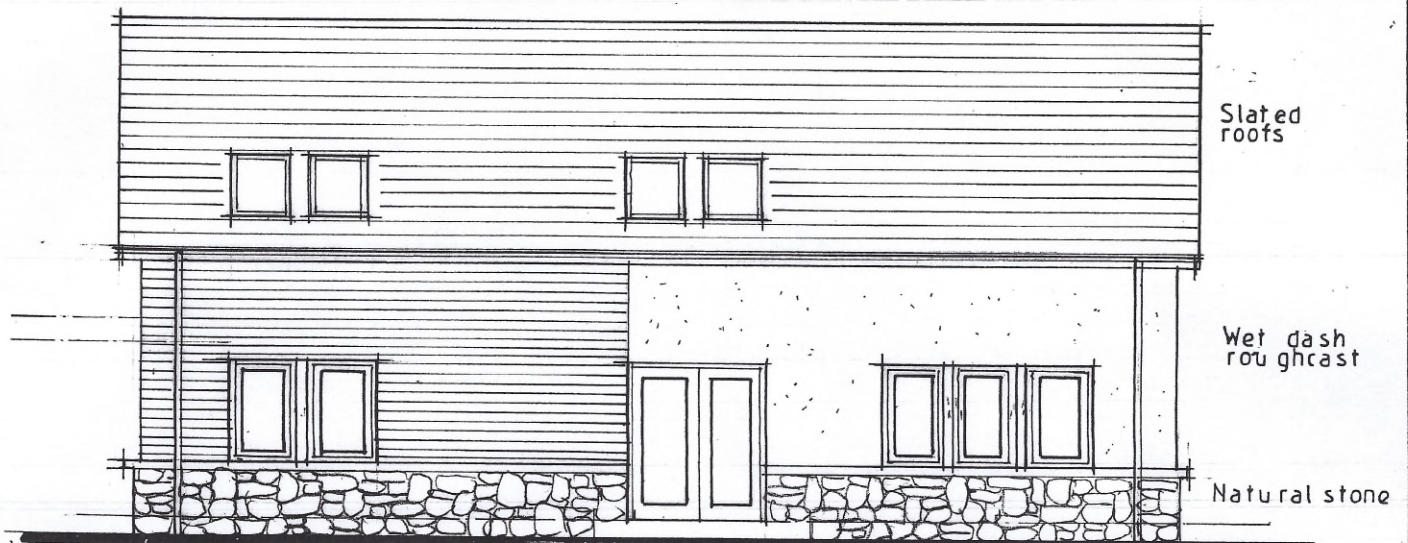
NORTH WEST ELEVATION AS PROPOSED 1:100



SCALE OF METRES 1:100

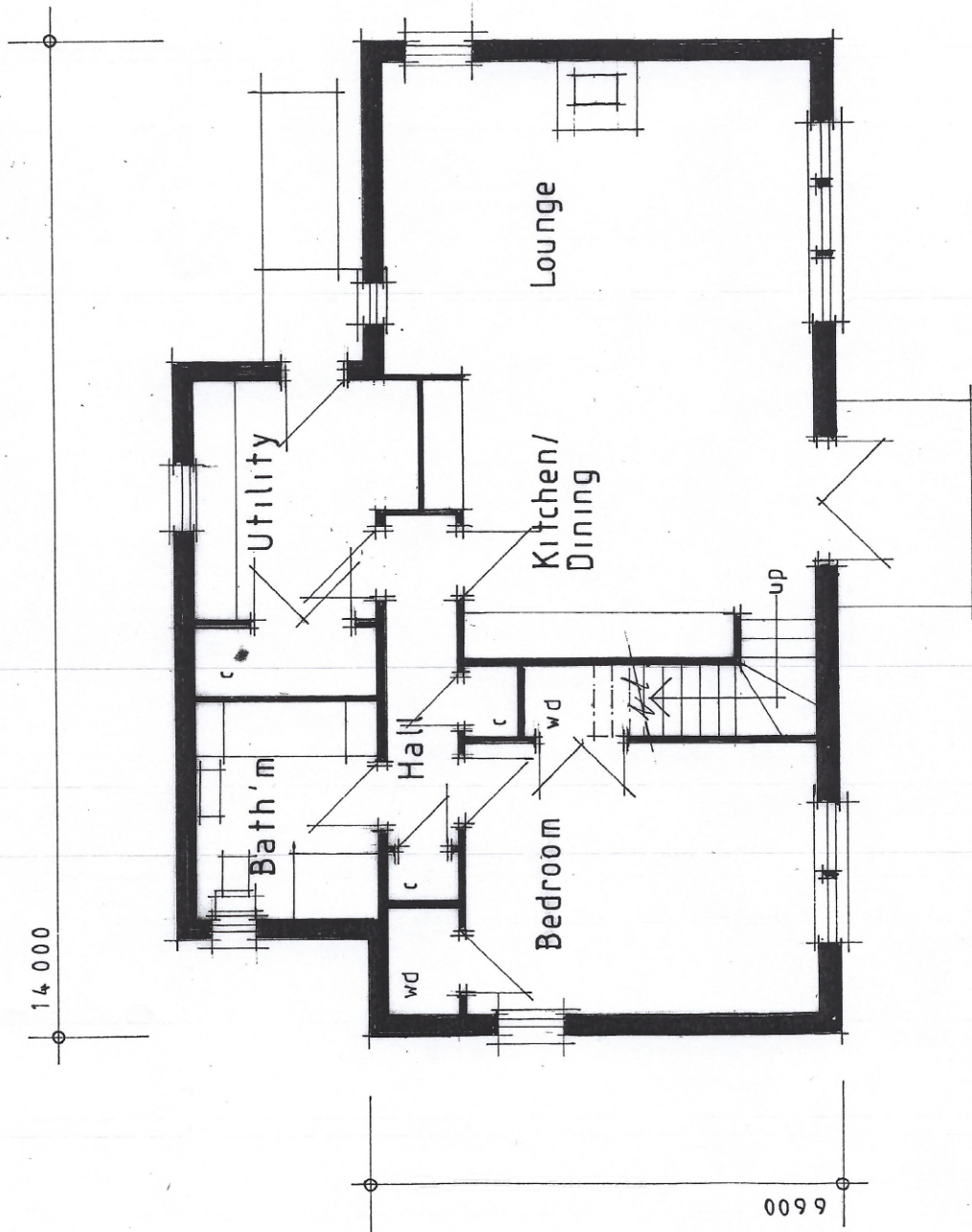


SOUTH WEST ELEVATION AS PROPOSED 1:100



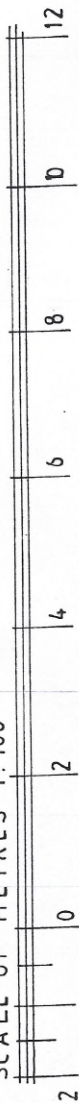
SOUTH EAST ELEVATION AS PROPOSED 1:100

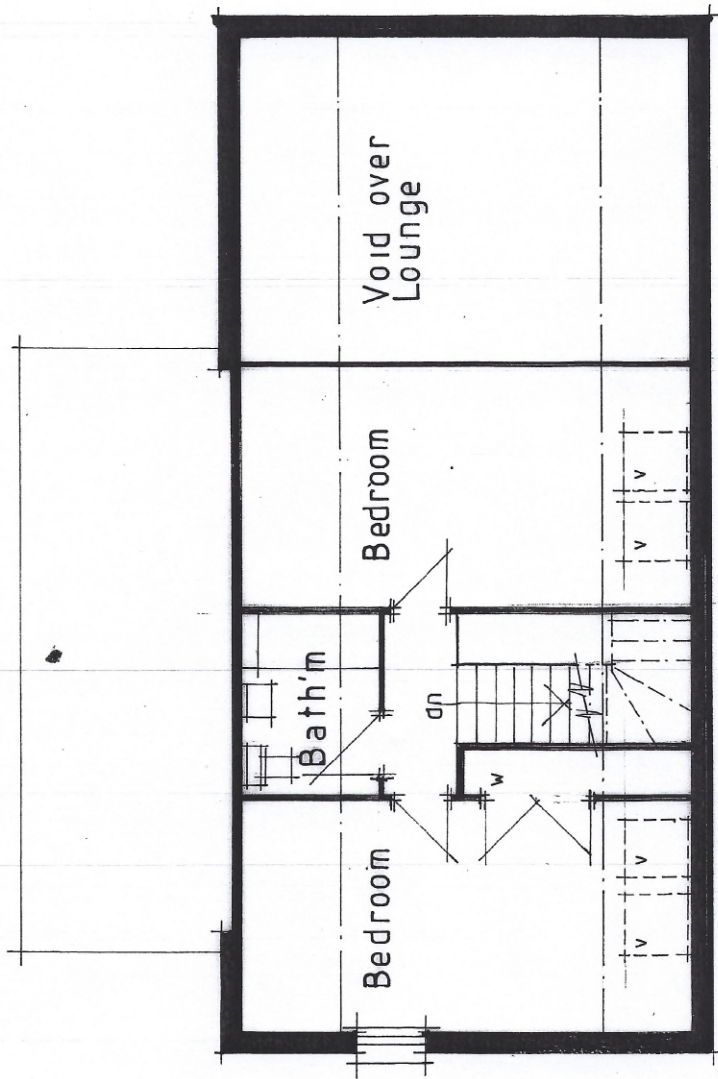




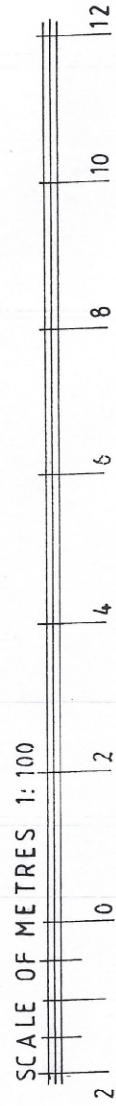
GROUND FLOOR PLAN AS PROPOSED 1:100

SCALE OF METRES 1:100





UPPER FLOOR PLAN AS PROPOSED 1:100





## **Planning Policy Statement**

### **Planning Permission in Principle for Erection of Replacement House at**

**Hawkhill, Clunie**

**For Kirsty Walker**

**March 2018**

## 1. Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle (PPP) application submitted on behalf of Kirsty Walker for the erection of a replacement house on land at Hawkhill by Clunie.
- 1.2 The planning application requires to be considered under the terms of the development plan policy (in particular Policy RD3 of the Perth & Kinross Local Development Plan) but also the relevant Supplementary Guidance on Housing in the Countryside that was approved by Perth & Kinross Council in November 2012 as well as Scottish Planning Policy and related Advice Notes.

## 2. Development Plan Policy

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 2.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2014.
- 2.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy (approved in November 2012) is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application.
- 2.4 The principle of erecting a house on this site is required to be considered under the terms of Policy RD3 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan. That policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, renovation or **replacement of houses**, conversion or replacement of non-domestic buildings, brownfield sites and on the basis of operational need.
- 2.5 This proposal requires to be considered under the terms of the category d) of RD3 which relates to 'renovation or replacement of houses. This site lies within the Lunan Valley Catchment Area where the application of Policy RD3 is limited to economic need, conversions or **replacement buildings**.
- 2.6 As a consequence the application therefore requires to be considered under the terms of category 4 of the council's supplementary guidance. Section 4 (e) states that *'consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria;*

*'The replacement of an abandoned or ruinous house will be permitted where;*

- i) *there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified;*
  - ii) *it is located on an established site with a good landscape setting and a good fit in the landscape and on a site acceptable on planning grounds;*
  - iii) *the site boundaries are capable of providing a suitable enclosure for the new house.*
- 2.7 Policy PM1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place. The plans submitted with this PPP application provide an indication only of what could be developed on the site and it would be for any future matters specified in conditions application to consider the detailed design and scale of any replacement house.
- 2.8 Other policies within the adopted development plan that would be of relevance to the consideration of this planning application include the Lunan Valley Catchment Area Policy (EP6). Under this policy the Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Note no: 1 under the policy also confirms that Policy RD3: Housing in the Countryside is limited to economic need, conversions or **replacement buildings** within the Lunan Valley Catchment Area. The policy also requires that total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the catchment.

### 3 Material Considerations

- 3.1 In addition to the development plan policies referred to in section 2, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;
- Scottish Planning Policy – June 2014
  - Planning Advice Note 72 – Housing in the Countryside – February 2005
  - Perth & Kinross Council – Housing in the Countryside Policy – November 2012.
  - Previous Planning Application
- Scottish Planning Policy**
- 3.2 SPP is an important material consideration as its publication post-dates the adopted Local Development plan.

- 3.3 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.4 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that *'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*
- 3.5 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

#### **Planning Advice Note 72 – Housing in the Countryside**

- 3.6 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 3.7 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'*
- 3.8 The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'*
- 3.9 The council's supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

#### **Perth & Kinross Council Housing in the Countryside Supplementary Guidance - November 2012**

- 3.10 As noted in section 2 above, of the 6 categories contained within the 2012 guidance, it is clear that this planning application requires to be assessed under the terms of Category 4 e) which provides for favourable consideration to be given to the replacement of an abandoned or ruinous house.



## Previous Planning Application

- 3.11 A previous detailed planning application to erect a house on this site (08/01216/FUL) was refused planning permission and subsequently dismissed on appeal in 2009. That application was however determined under different policies from the Eastern Area Local Plan which was in force at that time. Under the terms of the relevant development plan policies which were in force at that time (Policies 45 and 49 from the Eastern Area Local Plan) there was a clear presumption against **any** built development within the Lunan Valley Catchment Area and this included the fact that there was no allowance provided for any replacement buildings to be erected under the terms of the housing in the countryside policy at that time.

## 4 Assessment of Proposals

- 4.1 This planning application seeks PPP for consent to erect a replacement house on the site at Hawkhill by Clunie.
- 4.2 As noted above a previous detailed planning application to erect a house on this site (08/01216/FUL) was refused planning permission and subsequently dismissed on appeal in 2009.
- 4.3 However, it must be noted that particular application was determined under different policies from the Eastern Area Local Plan which were in force at that time. Under the terms of the relevant development plan policies which were in force at that time (Policies 45 and 49 from the Eastern Area Local Plan) there was a clear presumption against any form of built development within the Lunan Valley Catchment Area and this included the fact that there was also no allowance for any replacement buildings to be erected under the terms of the housing in the countryside policy. As that was a detailed application concerns were also raised at the size and scale of the proposed house proposed at that time.
- 4.4 In contrast, when assessing the current PPP application, the most relevant planning policy (RD3 from the PKCLDP) clearly states that it does allow for limited built development within the Lunan Valley Catchment Area where it involves either **replacement buildings** or proposals for economic need or conversions.
- 4.5 The former derelict cottage on the site is still clearly visible in terms of its walls, gable and chimney breast. The proposed replacement house therefore satisfies the first criteria 4 e) i) of the Supplementary Guidance in that there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified.

- 4.6 The site is also long established as it has been the location of a dwelling for many years. The landscape setting is also long established and robust because of the long-established position of the site in the local landscape. As this is a PPP, planning conditions can be attached to any approval to seek further landscaping or tree planting on the site if required.
- 4.7 The remains of the former house are still clearly visible on the site as is the hard surfacing which characterises a large part of the site. Due to the ground levels of the site and the topography of the surrounding landscape, combined with the presence of mature trees particularly to the north, only limited views of the proposed application site are possible from distance.
- 4.8 Another key issue in this case is the Lunan Valley Catchment policy (EP6) and the restrictions that this also imposes. However, if it can be shown that the proposal would result in the removal of a derelict or redundant site which can be considered beneficial to the Lunan Valley catchment as a whole, and any new house would not result in an additional phosphate discharge, then it may be acceptable. In this regard the proposed replacement house would involve the removal of an old septic tank from the site, which was used in connection with the former house when it was occupied. The proposed new house would utilise a Klargester tank and soak away system installed to serve a former residential caravan. The removal of the old septic tank which originally served the house and the treatment of foul drainage by means of a modern system that has capacity for up to 10 persons and has previously obtained building warrant, will result in a much-improved situation within the Lunan Valley Catchment in accordance with Policy EP6 of the PKCLDP. As this is a PPP, further details of the detailed drainage solution can be included as a condition on any planning permission.
- 4.9 The proposal is therefore considered to meet the terms of Policy RD3 of the Local Plan and also Category 4 of the HICP 2012 in that the replacement house is justified and supported by the detailed criteria set out in the policy and there are no uses in the vicinity of the site which would prevent the achievement of an adequate standard of amenity for the proposed house.
- 4.10 When assessing the criteria listed in Policy PM1, in combination with the siting criteria set out in HICP 2012, our view is that the proposed replacement house is located on a site that is set against and located within a mature landscape framework which is perfectly capable of absorbing the development. The house is located to the south of a mature woodland backdrop and if necessary additional landscaping and tree planting could allow the development to be absorbed into the wider landscape. Any additional landscape enhancement can be provided through the imposition of a planning condition.



- 4.11 The application seeks planning permission in principle so that the council are able to fully control the scale, form, height, colour and detailed design of the proposed replacement house as part of any future matters specified in conditions (MSC) application.
- 4.12 From a technical aspect the local road network is capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network is already in place. There is no flood risk associated with this site.
- 4.13 The proposal is therefore consistent with all of the criteria listed in the development plan as well as the siting criteria listed in the HICP 2012.

## **5 Conclusions**

- 5.1 The application seeks consent to erect a replacement house at Hawkhill by Clunie.
- 5.2 The development of a house on this site would not prejudice the objectives of the Housing in the Countryside Policy and would not create a precedent for further adhoc development in the countryside.
- 5.3 It is considered that there are sufficient and justifiable reasons for allowing the proposed replacement house as it would be consistent with the key policy considerations (policy RD3 in the adopted development plan) and also the replacement house category (4 (e) of the council's Housing in the Countryside Guidance – November 2012. These policies have evolved since the time of the previous planning refusal when no built development was permitted in the Lunan Valley Catchment.
- 5.4 The development will not impact on the amenity of other properties and suitable access and visibility to the public road can be provided. The application is also considered to be consistent with the criteria set out in Policy PM1 of the adopted development plan and the siting criteria set out in HICP – November 2012.
- 5.5 There are no other technical difficulties or infrastructure issues raised by this application and matters relating to drainage design can satisfy the terms of Policy EP6 and be further controlled by conditions on any approval.
- 5.6 In summary the planning application can therefore be supported under the terms of the Housing in the Countryside Policy (RD3) as well as being in conformity with the council's supplementary guidance on replacement houses, SPP and PAN 72, subject to any conditions that may be considered necessary by the council.



From: Mark Myles  
Sent: Thursday, June 7, 2018 12:15 PM  
To: 'Joanne Ferguson'  
Cc: 'Kirsty Walker'  
Subject: RE: Planning Application 18/00489/IPL - Erection of replacement dwelling (in principle) - Land 100 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

As far as I can see there is nothing explicitly written anywhere in the policy that says you cannot replace a house with a larger house.

The section you refer to relates to restoration of an existing house and that any alterations and extensions to an existing house are required to be in harmony with the existing building's form and proportion.

As this proposal is for a replacement house the above section of the policy simply does not apply.

The only policy requirements specifically relating to replacement houses are that they shall be of a high-quality design appropriate to their setting and surrounding area and that the siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road. The indicative plans that were submitted with the application have shown that this is entirely possible.

As stated previously these are matters that can also be controlled through conditions on the PPP application and then also considered in detail at the future matters specified in conditions application stage.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

From: Joanne Ferguson <[REDACTED]>  
Sent: Thursday, June 7, 2018 11:48 AM

To: Mark Myles <mm@mbmplanning.co.uk>  
 Subject: RE: Planning Application 18/00489/IPL - Erection of  
 replacement dwelling (in principle) - Land  
 100 metres north east of Logiebrae, Craigie, Clunie

Hi Mark

I have had a long discussion with Katrina Walker from the Development Plans Team this morning. Whilst the proposal meets 4 e) i) in terms of there being visible evidence the footprint of the building is very small at 53 sq metres. It's difficult to see with the form of the building being single storey how a dwelling to meet modern requirements could be accommodated without substantial increase. The indicative plans show a 1 1/2 dwelling which would not be acceptable and the ground floor is over 100sq metres. Double the size which I don't think is within the scope of the policy. Earlier in this category (4) it states that alterations or extension should be in harmony with the existing buildings form and proportion.

On the second point 4 e) iii) the site boundaries are not capable of providing enclosure as the established planting to the north west is outside the site and there is little planting on the east boundary which is further exposed by the topography.

Conditions for planting are not acceptable to define a site to meet the policy requirements. I also consider that there are no substantial landscape changes to address the previous reasons for refusal.

On this basis I would be recommending the application for refusal. I'm just about to finish for the day but I'm back in tomorrow and I'll be completing the report then.

Regards

Joanne

From: Mark Myles [mailto:mm@mbmplanning.co.uk]  
 Sent: 07 June 2018 08:36  
 To: Joanne Ferguson  
 Cc: Kirsty Walker  
 Subject: RE: Planning Application 18/00489/IPL - Erection of  
 replacement dwelling (in principle) - Land  
 100 metres north east of Logiebrae, Craigie, Clunie

Thanks Joanne

In terms of the ruinous building I would suggest that there is

still substantial evidence of the structure of the original building above ground level to enable its size and form to be identified as per the criteria set out in the Housing in the Countryside Supplementary Guidance.

The previous refusal by the Reporter related to a detailed application and was based on different development plan policies at the time. In terms of exposure in the landscape the Reporter's concern related to the proposed detailed footprint of that house (245.8 sq m) bearing no comparison to the almost insignificant impact of the present ruin.

In contrast I would highlight that the current PPP application shows a very limited and considerably smaller indicative footprint of only around 100 sq m and with the house also positioned on the site of the current ruinous building.

As set out in my supporting statement the remains of the former house are still clearly visible on the site as is the hard surfacing which characterises a large part of the site. Due to the ground levels of the site and the topography of the surrounding landscape, combined with the presence of mature trees particularly to the north, only limited views of the proposed application site are possible from distance.

As this is a PPP, conditions can be attached to any approval to seek further landscaping or tree planting on the site and limits can also be placed on the size, scale, form, footprint and height of any house on the site to address any specific concerns about exposure in the landscape.

Trust this is helpful, and I look forward to hearing from you.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glennearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

From: Joanne Ferguson <[REDACTED]>  
Sent: Thursday, June 7, 2018 7:56 AM  
To: Mark Myles <mm@mbmplanning.co.uk>  
Subject: RE: Planning Application 18/00489/IPL - Erection of

replacement dwelling (in principle) - Land  
100 metres north east of Logiebrae, Craigie, Clunie

Hi Mark

I'm still waiting on an email from SNH and as per the guidance they should remove their objection.

I have discussed the proposal generally with Anne who is concerned that although the policy considerations have changed the previous assessment also noted the visual exposure in the landscape and the fact that the ruinous building had virtually returned to nature (this is even more so today). I am however going to seek a policy view today.

I'll advise further.

Joanne

From: Mark Myles [mailto:mm@mbmplanning.co.uk]  
Sent: 05 June 2018 09:23  
To: Joanne Ferguson  
Cc: Kirsty Walker  
Subject: RE: Planning Application 18/00489/IPL - Erection of replacement dwelling (in principle) - Land  
100 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

Further to my previous email can you confirm if you were able to contact SNH to seek a revised response, taking into account the comments that were received from SEPA and also the clear advice that is contained within the Supplementary Guidance?

I also note that the one objection letter received to the application fails to acknowledge that the planning policy position has completely changed from the time of the previous refusal on this site. There is no longer a clear presumption against any built development within the Lunan Valley Catchment Area, as the current adopted Local Development Plan position (Policies RD3 & EP6) does allow for replacement buildings to be developed, such as the current proposal.

Look forward to hearing from you in due course.

Kind regards

Mark Myles  
MBM Planning & Development

Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

From: Mark Myles  
Sent: Monday, May 7, 2018 10:32 AM  
To: Joanne Ferguson [REDACTED]  
Cc: 'Kirsty Walker' [REDACTED] >  
Subject: Planning Application 18/00489/IPL - Erection of  
replacement dwelling (in principle) - Land 100  
metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

I understand that you are the planning officer dealing with the above application and I wanted to respond to you in connection with the recent consultation responses that have been received from SEPA and SNH.

SPEA's revised response of 30 April 2018 confirms that they have no objections to the planning application subject to the imposition of a planning condition being included on any approval, requiring the submission of phosphorus mitigation calculations in accordance with the Supplementary Guidance (related to Policy EP6) current at the time of any future full or approval of matters specified in conditions planning application.

I can confirm that my client has no objections to such a condition being added to any in principle approval in accordance with Policy EP6 and the Supplementary Guidance.

I am therefore concerned that the consultation response received from SNH is a holding objection to the application until further information has been provided. The position taken by SNH is contrary to the Supplementary Guidance (May 2016) which confirms that detailed information and drainage calculations are not required for in principle applications (page 4) and SNH's response is also contrary to the advice provided by SEPA which correctly identifies that a suspensive condition can be applied to an in-principle application in this location.

I trust that you will therefore be able to respond to SNH highlighting this fact so that they can provide

you with a revised response acknowledging that a suspensive condition can be imposed on an in-principle application in accordance with the council's Supplementary Guidance.

I look forward to hearing from you in connection with this application in due course.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council, Culture Perth and Kinross and TACTRAN do not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council, Culture Perth and Kinross or TACTRAN. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

Requests to Perth & Kinross Council under the Freedom of Information (Scotland) Act should be directed to the Freedom of Information Team - email: [foi@pkc.gov.uk](mailto:foi@pkc.gov.uk)

General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.



General enquiries and requests under the Freedom of Information (Scotland) Act to Culture Perth and Kinross should be made to enquiries@culturepk.org.uk or 01738 444949

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.  
 Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council, Culture Perth and Kinross and TACTRAN do not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council, Culture Perth and Kinross or TACTRAN. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

Requests to Perth & Kinross Council under the Freedom of Information (Scotland) Act should be directed to the Freedom of Information Team - email: foi@pkc.gov.uk

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries and requests under the Freedom of Information (Scotland) Act to Culture Perth and Kinross should be made to enquiries@culturepk.org.uk or 01738 444949

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

Securing the future... - Improving services - Enhancing quality

of  
life - Making best use of public resources.

**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 749-750)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 751-760)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 773-787)*



**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

## **REPRESENTATIONS**



16/04/2018

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



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH10 Clunie Craigie Logiebrae Land 100m NE of**  
**PLANNING APPLICATION NUMBER: 18/00489/IPL**  
**OUR REFERENCE: 759744**  
**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 Lintrathen 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**

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

**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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

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



- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find 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](http://www.scotlandontap.gov.uk)

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

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

If you are in any doubt as to whether 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](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found 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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

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

<b>Planning Application ref.</b>	18/00489/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: [REDACTED] Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 100 Metres North East Of Logiebrae, Craigie, Clunie		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> 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>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	24 April 2018		



Our ref: PCS/158531  
Your ref: 18/00489/IPL

If telephoning ask for:  
Alasdair Milne

24 April 2018

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir

**Planning application: 18/00489/IPL  
Erection of a dwelling house (in principle)  
Land 100 Metres North East Of Logiebrae, Craigie, Clunie**

Thank you for your consultation email which SEPA received on 13 April 2018.

**Advice for the planning authority**

We ask that the planning **condition** in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below in relation to the applicant's foul drainage proposals which will have to be modified at the detailed planning application stage – **please see section 1.5**.

**1. Phosphorous Mitigation**

- 1.1 The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, phosphorus (P) mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross [Local Development Plan](#) 2014 which requires that total P from built development must not exceed current levels to ensure that there are no adverse impacts on water quality in Loch Leven SPA due to the fact that there is an issue in the catchment with elevated nutrient levels.
- 1.2 The [Loch Leven Special Protection Area and Ramsar Site](#) supplementary guidance related to Policy EP7 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation.
- 1.3 We therefore ask that an appropriately worded condition is attached to any in principle planning consent which your authority is minded to approve requiring the submission of phosphorous mitigation calculations in accordance with the supplementary guidance

current at the time of the AMM application in advance of a AMM application being approved at the site.

- 1.4 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will **object** to any full or approval of matters specified in condition planning application submitted.
- 1.5 **The phosphorus mitigation proposals provided by the applicant will require to be modified at the detailed planning application stage as the property it is intended to use is a derelict cottage. This therefore cannot be used as mitigation. Another occupied property will have to be found to use as mitigation.**

### **Detailed advice for the applicant**

## **2. Phosphorous Mitigation**

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. Perth and Kinross Council have a list of properties which are already linked to approved developments and are therefore unavailable to be mitigation for this application. Furthermore it should be noted that excess mitigation generated at one full/ AMM planning application cannot be transferred to another application as Policy EP7 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Loch.

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.

### **Regulatory advice for the applicant**

## **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RX,  
tel 01738 627989.

If you have any queries relating to this letter, please contact me by telephone on or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Alasdair Milne  
Senior Planning Officer  
Planning Service

ECopy to: [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)

*Disclaimer*

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



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

809

**Perth Strathearn House**

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99





Our ref: PCS/158801  
Your ref: 18/00489/IPL

If telephoning ask for:  
Alasdair Milne

30 April 2018

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir

**Town and Country Planning (Scotland) Acts**  
**Planning application: 18/00489/IPL**  
**Erection of dwelling house**  
**Site at Logiebrae, Craigie, PH10 6RG**

I refer to the planning application detailed above, to your consultation letter of 13 April and to SEPA's response of 24 April 2018.

As highlighted by the applicant's agent, my letter referred to the Loch Leven catchment when this should have referred to the Lunan Valley catchment. I apologise for any confusion this has caused.

Please disregard my previous letter.

**Advice for the planning authority**

We ask that a planning **condition** covering the issue in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below in relation to the applicant's foul drainage proposals which will have to be modified at the detailed planning application stage – **please see section 1.5**.

**1. Phosphorous Mitigation**

- 1.1 The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Lochs catchment and therefore phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area in the adopted Perth & Kinross [Local Development Plan](#) 2014 which requires that total P from the built development must not exceed current levels due to the fact that there is an issue in the catchment with elevated nutrient levels.



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

- 1.2 The [Lunan Valley Area Dunkeld – Blairgowrie Lochs Special Area of Conservation](#) supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation.
- 1.3 We therefore ask that an **appropriately worded condition** is attached to any in principle planning consent which your authority is minded to approve requiring the submission of phosphorous mitigation calculations in accordance with the supplementary guidance current at the time of the AMM application in advance of an AMM application being approved at the site.
- 1.4 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will **object** to any full or approval of matters specified in condition planning application submitted.
- 1.5 **The phosphorus mitigation proposals provided by the applicant will require to be modified at the detailed planning application stage as the property it is intended to use is a derelict cottage. This therefore cannot be used as mitigation. Another occupied property will have to be found to use as mitigation.**

### **Detailed advice for the applicant**

## **2. Phosphorous Mitigation**

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. The applicant should also be aware that excess mitigation generated at one full/AMM planning application cannot be transferred to another application as Policy EP6 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Lochs.

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Perth Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

### **Perth Strathearn House**

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

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

If you have any queries relating to this letter, please contact me on e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Alasdair Milne  
Senior Planning Officer  
Planning Service

ECopy to: [sarah.tyson@bellingram.co.uk](mailto:sarah.tyson@bellingram.co.uk), [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)

#### *Disclaimer*

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



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**813**

#### **Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997  
[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99





## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

Ms A Condliffe  
Planning  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Our ref: SIT/SAC/Dunkeld-Blairgowrie Lochs/ASS  
SIT/SSSI/Lochs Clunie and Marlee/ASS

Your ref: 18/00489/IPL

30 April 2018

Dear Ms Condliffe

### **Town and Country Planning (Scotland) Act 1997 Erection of a dwellinghouse (in principle), Land 100 metres north east of Logiebrae, Craigie, Clunie**

Thank-you for your consultation of 13 April seeking our comments in respect of the above planning application.

#### **Summary**

This proposal could have serious impacts on the protected features of the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC) and Lochs Clunie and Marlee Site of Special Scientific Interest (SSSI) due to nutrient enrichment of the lochs as a result of foul drainage from the property. We, therefore, object to this proposal until further information is provided. This will enable us to carry out an appraisal of these effects and help you determine this proposal.

#### **Appraisal of the Impacts of the proposal and advice**

##### **Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

The proposed development lies within the catchment of the Dunkeld-Blairgowrie Lochs SAC. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"), as amended, apply. A summary of Scottish Government policy can be found on our website: (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the clearwater lochs, slender naiad and mire interests of the SAC. This type of water body, and the slender naiad, are now rare and threatened in the UK as a result of nutrient enrichment from man-made

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW.  
Tel: 01738 444177, Fax: 01738 458611 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Battleby, Ràth a' Ghoirtein, Peairt, PH1 3EW,  
Fòn: 01738 444177 Facs: 01738 458611 [www.nature.scot](http://www.nature.scot)

sources, including housing developments and agriculture. Consequently, Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- The drainage strategy should be revised to provide mitigation from an acceptable source.
- The applicant should provide phosphorus mitigation calculations to demonstrate compliance with Policy EP6: Lunan Valley Catchment Area.

Annex 1 contains full details and reasoning of these requirements.

**If you are minded to grant planning permission against our advice, you should notify the Scottish Ministers.**

#### **European Protected Species – Slender Naiad**

Please note that Slender Naiad is also a European Protected Species (EPS), and is therefore afforded further protection under the Habitats Regulations. Further information is available on our website <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

#### **Lochs Clunie & Marlee SSSI**

The lochs and associated botanical interest of the SSSI are also likely to be adversely affected by the proposal for the reasons outlined for the SAC interest.

The contact for this consultation is Nicki McIntyre, email [nicki.mcintyre@snh.gov.uk](mailto:nicki.mcintyre@snh.gov.uk) or telephone 01738 458591.

I would be grateful if you could let us know of your Council's decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

(via email)

**Gavin Clark**  
Operations Manager  
Tayside and Grampian  
[Gavin.clark@snh.gov.uk](mailto:Gavin.clark@snh.gov.uk)

## **Annex 1 - SNH Appraisal of the Proposals**

### **Appraisal of the likely impacts to the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

Information regarding the SAC qualifying features and Conservation Objectives are available on the Sitelink section of our website at <http://gateway.snh.gov.uk/sitelink/index.jsp>.

#### **Dunkeld-Blairgowrie Lochs SAC**

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the 'Habitats Regulations') apply. Further details of the legislative requirements can be found at: <http://www.snh.gov.uk/docs/A423286.pdf>.

The proposal is not directly connected with, or necessary to, conservation management of the site.

The proposal is to erect a dwellinghouse on the site of a ruined building. There has been a long history at this location of applications for either a dwellinghouse or caravan, which have been refused in every case bar one, which was withdrawn. The supporting information refers to a residential caravan and a Klargestor tank and soakaway. It is our understanding that this is the caravan that was refused retrospective planning permission, planning reference 07/01614/FUL. We consider that this Klargestor tank and soakaway has been increasing the nutrient enrichment in the catchment, due to its being installed without the benefit of planning approval or mitigation and, therefore, cannot be considered as mitigation for this development. As a consequence, Perth and Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is likely that the proposal will have a significant indirect effect on the qualifying interests of the SAC due to the increase in phosphorus released into the catchment. Eutrophication, which leads to deterioration in water quality, has been an issue in these lochs for a considerable length of time. These problems result in higher pH, phosphate and nitrate levels and increased turbidity through suspended algal growth. The combination of these factors leads to decreased water clarity and reduced photosynthesis, resulting in a serious decline in the botanical interest of the SAC, including the slender naiad population. The most recent slender naiad monitoring, 2016, found no plants in any of the lochs. This follows on from low numbers recorded in September 2007, which itself was a considerable crash in population from the 2004 survey. Any additional increase in the phosphorus loading to the lochs could further reduce any prospect of the slender naiad population recovering.

Research work by the Scottish Environment Protection Agency (2004) and Edinburgh University (2005) has demonstrated that the two most significant contributions to the increased phosphorus loads in the catchment are run-off from agricultural land and septic tanks. To address this issue we introduced a catchment management scheme in 2004 to

reduce phosphate pollution from farming. Due to reductions of run-off from agricultural land the lochs showed early signs of recovery, however, excessively wet winters in 2010 and 2011 temporarily reversed this trend, demonstrating how fragile the recovery had been.

Nutrient enrichment arising from the foul drainage associated with these types of development tends to be long lasting and difficult to reverse. It is essential that any proposed development demonstrates that there would be no net increase in phosphorus loading to the lochs, as per the Supplementary Guidance.

[http://www.pkc.gov.uk/media/37576/Lunan-Lochs-SPG-Final-2016/pdf/Lunan\\_Lochs\\_SPG\\_Final\\_2016](http://www.pkc.gov.uk/media/37576/Lunan-Lochs-SPG-Final-2016/pdf/Lunan_Lochs_SPG_Final_2016)

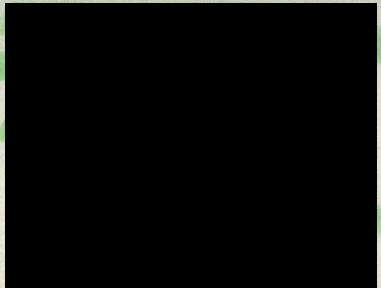


### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/00489/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 100 Metres North East Of Logiebrae, Craigie, Clunie		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	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.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	02 May 2018		





  
3rd May 2018.

The Planning Department  
Perth and Kinross Council.


Dear Sirs.

Planning Application Ref: 18/00489/IPL.  
Site at Logietrae, Craigie PH10 6RG.

I write to object to the above planning application. Having reviewed the planning history of the site, I do not feel that an application "in principle" is appropriate - only a fully detailed application could properly consider any proposed development here. The current building is ruinous and abandoned and any development above the previous small, probably 2 roomed, dwelling is likely to be substantially larger and an inappropriate development in the countryside, with such a larger building being of an imposing scale incompatible in scale with the former building. The supporting document to the application does not fulfil all the requirements of the applicable "Housing in the Countryside" policy.

In view of the above and history of refusals at this site, I trust you will refuse this application.

Yours faithfully,  
SARAH TYSON.

S Tyson 





# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/00489/IPL	Our ref	KIM
Date	17 May 2018	Tel No	████████

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### PK18/00489/IPL RE: Erection of a dwellinghouse (in principle) Land 100 Metres North East Of Logiebrae Craigie Clunie for Ms Kirsty Walker

I refer to your letter dated 23 April 2018 in connection with the above application and have the following comments to make.

#### Contaminated Land (assessment date – 17/05/2018)

##### Informative

An inspection of the proposed development site did not raise any real concerns, although the site is very close to an area where general quarrying was once carried out. The applicant is advised that there may therefore be potential for contamination within the site. No information is available regarding the nature or volume of infill material and so the applicant should satisfy themselves that this former quarry site is not impacting the proposed development site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.





Craigie.  
19<sup>th</sup> July 2018.

Perth & Kinross Council,  
Local Review Body,  
Council Building  
Perth.

Dear Sirs

Planning Application: 18/00489/1PL

Thank you for your email of 18 July with copy of decision notice. I note that the applicant has requested a review of the decision by the Local Review Body.

I confirm that the points made in my original representation in respect of this application still stand. I also endorse the Reasons for Refusal of the application given by the Council.

Yours faithfully,

S Tyson







## **Audrey Brown - CHX**

---

**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 10 August 2018 11:14  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Kirsty Walker  
**Subject:** TCP/11/16(543)

Dear Audrey

I refer to your letter of 3<sup>rd</sup> August and the attached copy of a further representation received from Sarah Tyson in relation to the above Notice of Review.

The objector refers to her original representation which I note does not recognise that the relevant planning policies have altered since the time of the previous application on this site.

As the objector raises no new points and does not respond to our grounds of appeal statement I have nothing further to add.

I look forward to hearing from you in due course confirming when this Notice of Review will be presented to the LRB.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965



**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

## **FURTHER INFORMATION**



## **CHX Planning Local Review Body - Generic Email Account**

---

**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 20 September 2018 10:32  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Kirsty Walker  
**Subject:** TCP/11/16 (543)  
**Attachments:** Photograph of former dwelling.jpg; Copy correspondence.jpg

### **Town & Country Planning (Scotland) Act 1997**

### **The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

**Application Ref: 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie – Ms K Walker**

Dear Madam

Thank you for your letter of 13<sup>th</sup> September 2018 requesting further information in respect of the above Notice of Review and specifically that we respond to point (v) listed within your letter.

In terms of illustrating the history and nature of the former use of the ruinous building within the application site, I attach a copy of a coloured photograph which shows that the current ruinous building was the dwelling with the green pantile roof. The other adjacent buildings and structures have long since been removed from the site.

The photograph is taken from the access road and dates from the early 1990's and although the prefix letter on the car registration cannot be fully seen, the vehicle clearly dates from this same period.

The photograph also shows that the windows and door had been fully blocked up within the dwelling, and this also ties in with the fact that the land owners father had lived in the house up until he died in August 1992. He was also the last person to occupy the former dwelling.

The attached copy correspondence also proves that mail was being sent from and delivered to the former dwelling in 1990.

I trust this additional information will be helpful to the Local Review Body.

Many thanks

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965













Hawkhill  
Craigie  
Clunie  
by BLAIRGOWRIE

14th September 1990

To my Executors


I, Alexander Fraser Howie, Hawkhill, Craigie, Clunie, by Blairgowrie stipulate that my Executors shall instruct Messrs. Dow & Dickson or another suitable firm of undertakers to make my funeral arrangements. It is my express wish that Messrs. D. & J. Scott are not used.

*JMHs*

J. M. Hodge & Son, Solicitors, 28 Wellmeadow, Blairgowrie, Perthshire PH10 6AX  
Telephone Blairgowrie (0250) 4441

Date 21st August 1990

Received from Mr A.F. Nowie  
the sum of/titles of Hawkhill, Craigie, by Blairgowrie

  
pro J. M. Hodge & Son





## CHX Planning Local Review Body - Generic Email Account

---

**From:** Joanne Ferguson  
**Sent:** 01 October 2018 15:04  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Development Management - Generic Email Account  
**Subject:** RE: TCP/11/16(543)  
**Attachments:** EasternAreaLocalPlan1998.pdf; EasternAreaLocalPlan1998MapsAD.pdf; EasternAreaLocalPlan1998Maps.pdf; 0801216FUL.pdf

TCP/11/16(543) Our Ref 18/00489/IPL

Please see information attached in relation to the points below in red;

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager submit a copy of the appeal decision letter regarding planning application 08/01216/FUL; **attached**
- (iii) the Development Quality Manager supply copies of relevant Eastern Area Development Plan policies as referred to in appeal decision regarding planning application reference 08/01216/FUL; **attached**
- (iv) the Development Quality Manager submit plans and decision notice for the erection of agricultural shed reference 09/00170/FUL; **information available on public access**
- (v) the Applicant be requested to submit any available documentation which illustrates and establishes the history and nature of the former use(s) of the ruinous building within the application site;
- (vi) the Development Quality Manager comment on the relevance of Local Development Plan Policy EP6(a), notably in relation to replacement buildings;

**Although (a) states renovations or replacements Note 1 further explains what applies in the Lunan in the Housing in the Countryside Guide which extends to replacement buildings. Furthermore LDP2 has removed the restriction in the Lunan where Phosphorous mitigation can be provide so the full HITC policy will apply.**

Policy EP6: Lunan Valley Catchment Area

The Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Within the area:

**(a) there will be a presumption against built development except: within settlements; for renovations or alterations to existing buildings; and developments necessary for economic need which the developer can demonstrate will have no adverse impact on the environmental assets of the area nor are likely to result in an unacceptable increase in traffic volumes;**

(b) recreational pursuits like power water sports, likely to cause disturbance in and around sites of nature conservation interest, will be discouraged;

(c) tree planting should be predominantly native species, including Scots Pine, except in cases where it can be proved that the landscape diversity will be improved by the use of a more varied range of species. All planting should be designed to complement the landscape.

Total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of the Lunan Lochs.

All applicants will be required to submit details of the proposed method of drainage with their application for planning consent and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.

The following criteria will also apply to development proposals at Butterstone, Concraigie, Craigie and Kinloch so as to ensure no adverse effects on the Dunkeld-Blairgowrie Special Area of Conservation:

(d) Drainage from all development should ensure no reduction in water quality.

(e) Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of

pollution and sediment.

(f) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.

**Note 1:** Policy RD3: Housing in the Countryside is limited to economic need, conversions or replacement buildings within the Lunan Valley Catchment Area.

**Note 2:** Development within the catchment must comply with the general drainage policies as well as policies relating to the catchment area. Supplementary Guidance details the procedures to be adopted for drainage from development in the Lunan Valley area (produced by SEPA/SNH and the Council).

**Note 3:** Supplementary Guidance 'River Tay Special Area of Conservation' provides a detailed advice to developers on the types of appropriate information and safeguards to be provided in support of planning applications for new projects which may affect the River Tay Special Area of Conservation.

(vii) an unaccompanied site visit be carried out;

(viii) following the receipt of all requested further information, and the undertaking of the site visit, the application be brought back to the Local Review Body.

Regards

Joanne Ferguson

11 MAR 2009

Telephone: 01324 696400 F: 01324 696444  
E: dpea@scotland.gsi.gov.uk



John Culbert  
The Director of Planning & Development  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Your Ref: 08/01216/FUL

Our ref: P\PPA\340\730

10 March 2009

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**PLANNING APPEAL: HAWKHILL, CRAIGIE, BLAIRGOWRIE PH10 6RG**

I enclose for your information a copy of the decision letter on this appeal.

The Reporter's decision is final, subject to the right of any aggrieved person to apply to the Court of Session within six weeks from the date of the decision conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, or of the Tribunals and Inquiries Act 1992, or of any orders, regulations or rules made under these Acts.

Yours faithfully

**Angela Reid**  
Enc.



## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: dpea@scotland.gsi.gov.uk



---

Decision by Alan M G Walker, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/340/730
- Site address: Hawkhill, Craigie, Blairgowrie PH10 6RG
- Appeal by M McBey against the decision by Perth & Kinross Council
- Application for planning permission (council ref: 08/01216/FUL) dated 10 June 2008 refused by notice dated 20 August 2008
- The development proposed is the erection of a house and garage
- Application drawings: 01, 02, 03, 04, site plan and land survey
- Date of site visit by Reporter: 17 February 2009

Date of appeal decision: 10 March 2009

---

### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. The determining issues in this appeal are: (1) whether the proposal satisfies the criteria for housing in the countryside established by policy 49 of the Eastern Area Local Plan (EALP) and detailed in EALP Annex 1; (2) the extent to which the council's previous policy on housing in the countryside (upon which EALP policy 49 founds) has been superseded by the new policy on housing in the countryside [December 2005]; (3) whether the proposal is in accord with the aforementioned December 2005 policy; (4) whether it is in accord with EALP policy 45, which generally presumes against built development in the Lunan Valley Catchment Area; (5) whether it satisfies the general criteria for developments set out in EALP policy 38; (6) whether approval would necessarily lead to increased pollution in Loch of Clunie; and notwithstanding (7) whether approval or refusal is justified by other material considerations.

2. In regard to issue (1) I accept that the proposal does not meet any of the criteria for new or replacement houses in the countryside set out in Annex 1 of the EALP and in consequence the proposal is not in accord with EALP policy 49. However, the wording of the policy itself and the text at the end of Annex 1 appear to exclude the Lunan Valley Catchment Area from its general provisions and in that area there is to be a strong



presumption against new houses which are not justified on grounds of operational need. It is a matter of fact that the appeal proposal does not found on any claim of operational need.

3. Moving to issue (2), the December 2005 policy on housing in the countryside adopts a more flexible approach in accordance with updated Government advice and it is clearly intended to replace the earlier version upon which EALP policy 49 founded. This updated policy also post-dates an earlier February 2005 appeal decision which refused to permit the erection of a house on the appeal site. The introduction to the 2005 policy makes it clear that it applies over the whole of the council's area, except where a more relaxed policy applies at present (this is not the case at the appeal site). However the introduction also draws attention to areas with specific designations (including the Lunan Valley Catchment Area for nature conservation/environmental reasons) where new housing may be unacceptable for other policy reasons. Thus while I accept that the December 2005 policy has to all intents and purposes superseded the earlier version upon which EALP policy 49 founded, it still remains necessary to consider proposals for houses in this area against other relevant EALP policies. This I examine at paragraph 5 below.

4. Turning to issue (3) it is the appellant's agent's view that the proposal should be assessed solely against the criteria for the replacement of abandoned or ruinous houses in sections 4e and f of the 2005 policy. In this regard I find that there is visible evidence of the structure of the original building. However, the appeal site extends to some 0.25ha and there is nothing in the submissions placed before me to suggest that the former cottage ever occupied a plot of this size. There are some established trees/shrubs along part of the northwest and west boundaries, but that apart the appeal site is poorly defined by landscape features and the new house would be readily seen from numerous high vantage points in the surrounding countryside. The visual impact on the landscape of the proposed 1½ storey new house with a footprint (including the garage) of some 245.8m<sup>2</sup> would bear no comparison to the almost insignificant impact of the present ruin. I do not deny that the other boundaries of the appeal plot could be strengthened by tree planting, but it would take a number of years before this had any material effect. Accordingly I am not satisfied that criteria ii) and iii) of section 4e of the December 2005 policy are satisfactorily met. I accept that the orientation and distance from the road requirements of section 4(f) of the December 2005 policy would be met.

5. Moving to issues (4) and (5), EALP policy 45, which remains in force, adopts a particularly strict approach to built development in the Lunan Valley Catchment Area in order to protect or enhance the nature conservation and landscape interests. The appeal proposal does not fall into any of the excepted categories as it does not involve the renovation or alteration of an existing building, and there is no claim of operational need. At paragraph 4 above I have found that the proposed house would have a significant landscape impact. I accept that this area does feature sporadic housing, mainly of some vintage, but it seems to me that a clear objective of EALP policy 45 is to prevent the further spread of such development in order to protect the landscape. Accordingly I find that the proposal is not in accord with EALP policy 45. For the reasons already given I also find that the proposal offends aspects of EALP policy 38.



6. In regard to issue (6), I accept that the pollution concerns of the council and Scottish Natural Heritage could be satisfactorily addressed by an appropriate condition attached to the grant of any planning permission.

7. Turning finally to issue (7), I note the grant of planning permission in 1994 for a replacement house, but this has since expired and, in any event, the policy considerations at that time were different from those which presently apply. I have taken account of all other matters raised in the submissions, but none carry sufficient weight to override the conclusions which I have reached above.

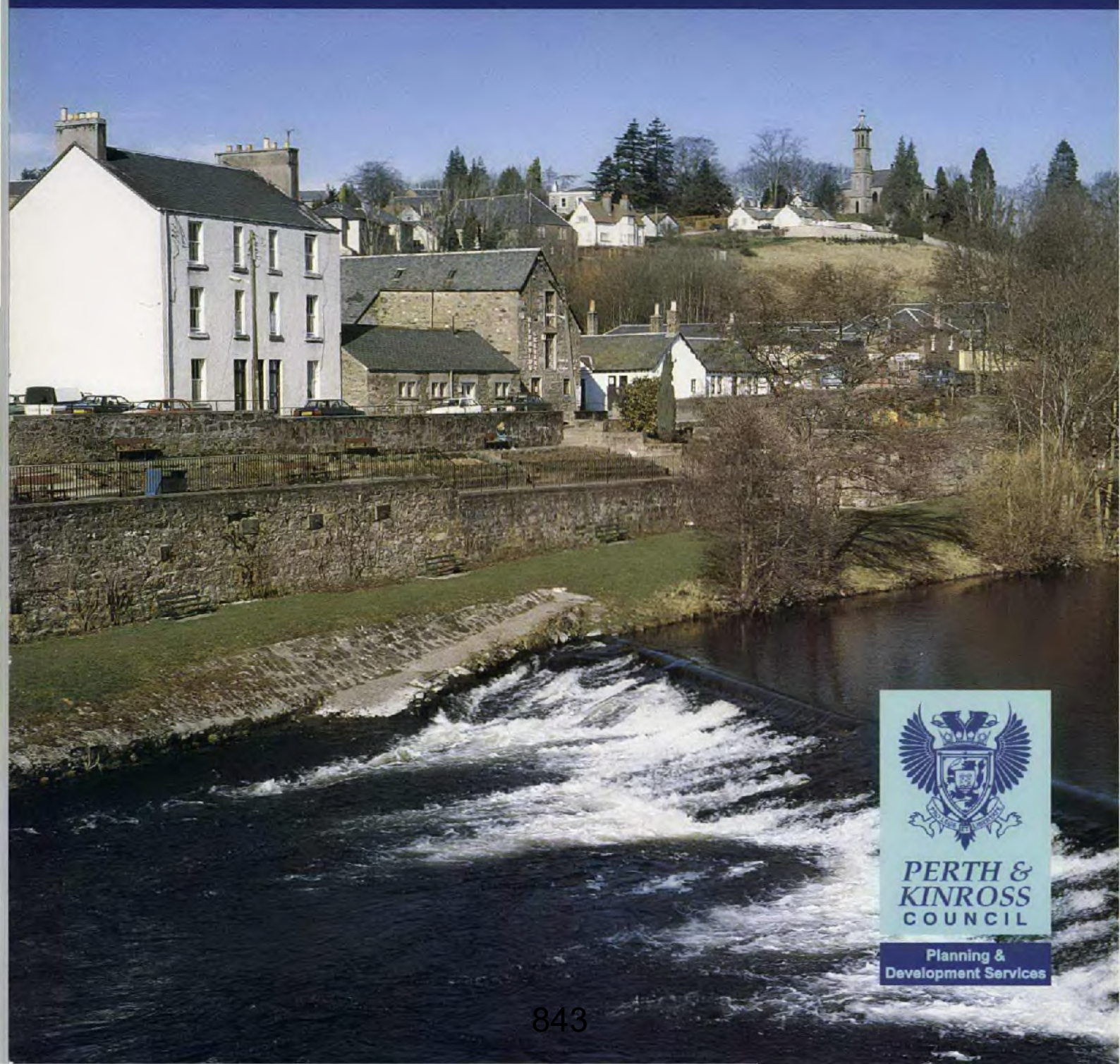
[REDACTED]

Alan M G Walker  
Reporter



# *Eastern Area*

Local Plan 1998



**PERTH &  
KINROSS  
COUNCIL**

Planning &  
Development Services

# *Eastern Area*

Local Plan 1998

Written Statement adopted by Perth &  
Kinross Council on 2 November 1998

**Director of Planning & Development Services**  
**Perth & Kinross Council**  
**2 High Street**  
**Perth**  
**PH1 5PH**

Contact:  
**Mr Peter Marshall**  
Planning Officer - Local Plans  
Tel 01738 475384

*Cover Photograph:*  
*Courtesy of Perthshire Tourist Board/Graham Hood*

## ***Strategy and Justification***

Introduction	5
Overview Issues and Strategy	6
Monitoring and Review of the Plan	19

## ***The Plan: Policies Applicable to Plan Area***

General Policies	21
Environmental and Conservation	24
Tourism and Recreation	26
Roads and Transport	28
Education Provision	28

## ***The Plan: Landward Area (see Proposals Map A folded in wallet at back of document)***

General Policies	29
Rural Land Uses	29
Environment and Conservation	30
Housing	31
Tourism and Recreation	31
Roads and Transport	33

## ***The Plan: Blairgowrie/Rattray, Coupar Angus and Alyth (see Inset Map B-D folded in wallet at back of document)***

Housing	35
Shopping	38
Industry/Business Uses	38
Opportunity Sites	39
Environment and Conservation	41
Open Space and Recreation	41
Tourism	42
Roads and Transport	42
Public Utilities, Social and Community Facilities	42

## ***The Plan: Villages and Small Settlements (see Inset Map E-Z)***

Background Policies	43
Housing	43
Environment and Conservation	44
Tourism	45
Open Space and Recreation	46
Public Utilities, Social and Community Facilities	46

## Maps

Key		49
Villages -	E Ardler	51
	F Bridge of Cally	52
	G Caputh	53
	H Kettins	54
	I Kirkmichael	55
	J Meigle	57
	K Meikleour	59
	L Spittalfield	60
Small Settlements -	M Ballintuim	61
	N Campmuir	61
	O Carsie	62
	P Craigie	62
	Q Craigmill	63
	R Enochdhu	63
	S Kinloch	64
	T New Alyth	64
	U Spittal of Glenshee	65
	V West Myreriggs	65
	W Concraigie	66
	X Forneth	66
	Y Netherton	67
	Z Straloch	67
Landward Area -	A Landward ( <i>folded in wallet at back of document</i> )	
Burghs -	B Blairgowrie/Rattray ( <i>folded in wallet at back of document</i> )	
	C Alyth ( <i>folded in wallet at back of document</i> )	
	D Coupar Angus ( <i>folded in wallet at back of document</i> )	

## Technical Appendix 69

Annex 1	Housing in the Countryside	71
Annex 2	Glossary of Terms	75
Annex 3	Housing Sites	77

## 1.0 Introduction

### **Statutory Requirement**

- 1.1** Under the Town and Country Planning (Scotland) Act 1972, Planning Authorities have a duty to prepare development plans covering their administrative areas. The Tayside Structure Plan which provides broad guidance on the manner in which land will be used for the whole of the Region was approved by the Secretary of State in March 1997. Within the Perth & Kinross Council area, there are at present 9 Local Plans which relate to smaller areas, but which develop in much more detail the strategy of the Structure Plan.
- 1.2** The present document is a review of the Eastern Area Local Plan adopted by Perth & Kinross District Council 24 August 1983 (and altered in March 1987).

### **Purpose of the Plan**

- 1.3** The purpose of the Local Plan is to guide development and change in land use in the way that can best serve the community interest. The prime functions of the Local Plan are:-
- (a) *To set the land use framework for promoting economic development.*
  - (b) *To encourage economic, social and environmental regeneration.*
  - (c) *To indicate where there are opportunities or specific proposals for the development or change of use of land.*
  - (d) *To apply National, Regional and European policies.*
  - (e) *To show how the policies and proposals for change in land use and activities fit together to form a coherent whole.*
  - (f) *To provide a sound basis for development control.*

### **Period of the Plan**

- 1.4** The Plan will have a notional 10 year life span, from 1996-2006 and will be the subject of regular monitoring which may highlight the need to promote amendments to the Plan during the intended life span.

### **Form of the Plan**

- 1.5** The Local Plan consists of the Proposals Maps, Inset Maps, the Written Statement and a separate Technical Appendix.
- 1.6** The Strategy and Justification section deals with the main planning issues in the Eastern area and explains the overall Plan strategy for each of the major land uses.
- 1.7** The Plan itself is divided into separate sections dealing in turn with the overall Plan area, the Landward Area, the former Burghs and the villages.
- 1.8** Further detailed supporting information has been published in the form of a Technical Appendix which may be purchased from the Planning and Development Services. Reference is made to the Technical Appendix at relevant points in the Plan. The Technical Appendix contains detailed background information and detailed Council wide policies which are not quoted in the detail in the text.



## **Policies, Proposals And Recommendations**

- 1.9** The Plan contains 4 types of guidance on the Council's attitude towards the use of land within the Plan area:-

A **POLICY** is a statement which expresses the Council's attitude towards the use of land within the Plan area. A policy may relate to the whole Plan area or to a specific part.

A **PROPOSAL** is an intended act of land use significance to the Plan area, to be carried out by either public or private bodies or individuals within the life of the Plan.

An **OPPORTUNITY** is a site which has development potential, perhaps for alternative uses, but where there may be as yet no definite commitment to the proposal.

A **RECOMMENDATION** relates to matters outwith the Council's control and is an expression to the appropriate body of the Council's views on a specific subject.

## **2.0 Overview, Issues And Strategy**

### ***The Eastern Area***

- 2.1** The Plan area covers approximately 73,000 hectares of the eastern section of the Council's area, extending from Coupar Angus to Strathardle and Glenshee. The Plan area includes the Community Council areas of Mount Blair, Spittalfield and District, Blairgowrie and District, Coupar Angus, Ardler and Bendochy, Kettins, Meigle and Alyth.
- 2.2** The area is one of striking contrasts with the southern part of the Plan area being characterised by undulating agricultural land and the northern section, north of Bridge of Cally, featuring more rugged upland topography reaching the mountain zone at over 914m.
- 2.3** The southern part of the Plan area being located in the heart of Strathmore, one of Scotland's most productive agricultural areas, has been heavily dependent for employment on agriculture, food processing and the textile industry.

### ***Eastern Area Local Plan 1983***

- 2.4** The Eastern Area Local Plan, adopted in 1983, was prepared in the early 1980's and put forward policies and proposals for the 1981-91 period. The Plan succeeded in one of its principal aims of ensuring that there was sufficient serviceable land available to meet expected housing demand in Blairgowrie and the majority of the sites identified in the Plan have been completed or are currently underway. Similarly, the industrial proposals identified in the Plan for Blairgowrie have been implemented and industrial land is available for new or expanding industries.
- 2.5** In Alyth and Coupar Angus, housing completions have been slow and well below that estimated in the previous Plan, particularly in Alyth. This is an unusual phenomenon within the lowland part of Perth and Kinross where housing pressure rather than a lack of demand is the principal problem facing many communities. Furthermore, the Eastern Area does not suffer to the same extent from the infrastructure constraints evident in other parts of the Council's area. It is evident from the 1983 Plan that the mere supply of land and services, capable of supporting housing, business and industrial developments, is not sufficient to attract such developments, except in the case of residential development in the Blairgowrie area. The review of the Plan seeks to address this issue and identify measures to stimulate development within the Plan area.

## Primary Objectives of the Revised Local Plan

**2.6** The aim of the Local Plan is to provide a 'vision' for the area, based on a sustainable framework for the use of land, which reconciles conflicts between the demands for development and conservation. That vision is to set a framework which provides a context for economic development, by creating opportunities for job creation both in the business/industrial sector and the tourist industry and with a wide ranging series of policies and proposals to protect and enhance the environment of the area for residents and visitors alike. Arising from the principal issues in this report the primary objectives of the Plan are as follows:-

- ➡ To seek to ensure, where possible, that development within the Plan area is carried out in a sustainable manner.
- ➡ To provide a choice of housing sites, both in terms of tenure and location, capable of meeting anticipated demand until 2006.
- ➡ To reinforce rural village community services by allowing for modest building development in a manner which is compatible with the scale and character of the established villages.
- ➡ To provide a choice of industrial sites in the principal settlements which would meet the needs of local and incoming business, with the aim of reducing the reliance on commuting to Dundee and Perth.
- ➡ To provide a framework which encourages sustainable tourism.
- ➡ To maintain the position of Blairgowrie, Coupar Angus and Alyth as the principal centres of service and commercial activity within the Plan area.
- ➡ To allocate housing and other land uses in ways which seek to minimise transport cost.
- ➡ To seek to ensure the viability of rural areas by setting a framework which encourages the retention of services in rural areas and maintain population levels.
- ➡ To seek to ensure that the environmental assets of the area are maintained and enhanced.
- ➡ To maintain and enhance the high quality of living and working environment identified by the Glasgow Universities "Quality of Life Study" of 1990.
- ➡ To provide for the responsible use of land with due regard to the need to retain and enhance the natural heritage and bio diversity resources of the area.

## Changes and Pressure within the Plan Area 1983-1996

### Changing Legislative Context

**2.7** The Planning System has seen several major changes during the last 10 years, the most notable of which have been:-

- ➡ The emerging importance of environmental issues and the Government's commitment to sustainability as part of the planning process.
- ➡ The increasing relevance at a local level of international obligations and treaties together with European legislation particularly with regard to nature conservation.
- ➡ The introduction of Section 25 of the Town and Country Planning (Scotland) Act 1997, indicated that the Development Plan will be the principal consideration in determining planning applications, by indicating, where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.

## Population

- 2.8** Between 1981 and 1991 the resident population of the Eastern Area has increased from 15,505 to 16,923. This is a significant increase amounting to 9.2% in 10 years and compares with the Perth & Kinross District Council growth rate of 6.1% which remains high in relation to other areas of Scotland. It should be noted that the 9.2% expansion rate for the Plan area masks a number of local variations between the different sub areas. This is highlighted in Table 1.

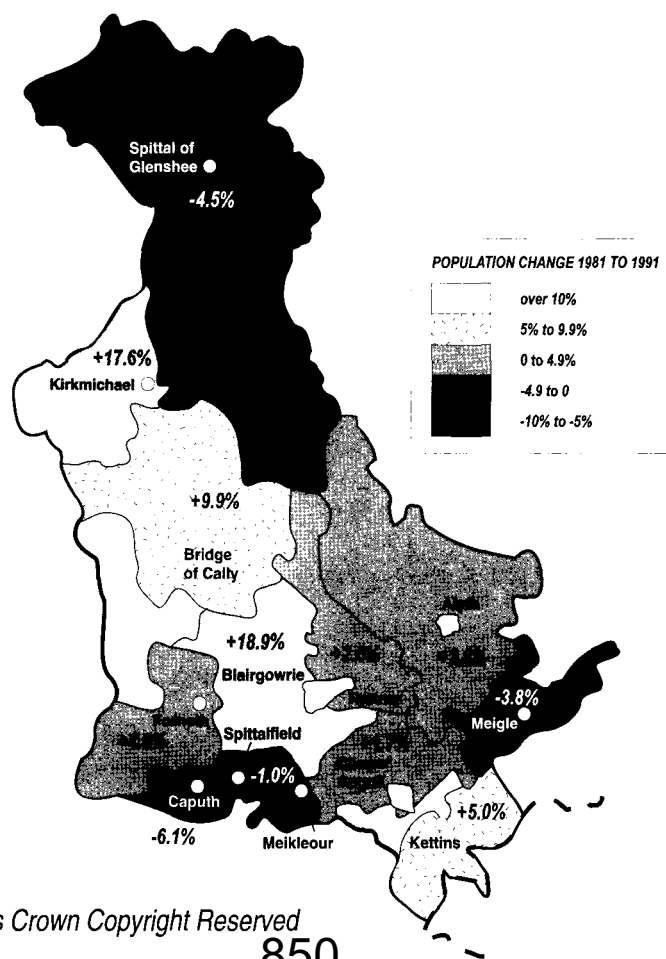
Table 1: *Local Plan Population Change 1981-1991*

	1981	1991	%Change
Blairgowrie & Rattray	7,028	7,807	11.1%
Alyth	2,258	2,335	3.4%
Coupar Angus	2,177	2,195	0.8%
Landward	4,042	4,366	8.0%
Local Plan Area	15,505	16,923	9.2%

Source: Census Crown Copyright Reserved

- 2.9** The population increase in Blairgowrie reflects the significant amount of private sector residential development which has occurred during the 10 year period. In contrast Alyth and Coupar Angus have shown lower rates of population increase at 3.4% and 0.8% respectively. Both towns have experienced little pressure for housing development, and this is demonstrated by their limited population growth over the 10 year period 1981-1991. Overall the landward area has increased in population, however again this total population figure masks a number of local variations between settlements.

## Rural Settlement Units Population Change 1981-91



Source: Census Crown Copyright Reserved



- 2.10** The largest population decrease can be found within the Meigle, Glendelvine and Glenshee areas. The population loss in Meigle has been compounded by drainage constraints which have affected the supply of marketable land within the settlement. The population loss in Glendelvine may be partly attributed to the closure of Murthly Hospital and the Spittalfield bus depot and the subsequent loss of jobs, but this should be offset by developments recently completed.
- 2.11** In the more isolated Glenshee area problems associated with remoteness have more than likely caused the -4.5% population change between 1981 and 1991. This continued decline in population is a matter of concern since some rural areas within the Council area managed to maintain, or even increase their population between 1981 and 1991.

## Infrastructure

### Water Services

- 2.12** Within the main settlements there is adequate drainage capacity to deal with development beyond the new Local Plan period. There are however, localised problems with sewers which may create constraints in certain areas within the towns for the disposal of both foul and surface water. The provision of water is not a constraint within the Plan area.
- 2.13** The lack of available drainage capacity within the settlements in the landward area is of concern, and the Plan seeks to identify opportunities for private investment in public drainage infrastructure. Table 2 (overleaf) indicates the settlements with drainage capacity.

### Roads and Transport

- 2.14** In 1987 the Eastern Area Local Plan was amended to incorporate proposals for the construction of a relief road in Coupar Angus to facilitate the free-flow of traffic through the town on the A94 and A923. The first phase, the A94 relief road, was opened in January of 1997.
- 2.15** The A93 has been considered a priority route for improvements for over a decade in order to promote the skiing industry in Glenshee. Significant improvements have already been made to this road and there is a series of further planned improvements contained in the latest financial plan.
- 2.16** Although bus routes connect most of the principal settlements within the Plan area, the service within rural areas, particularly north of Blairgowrie, is poor and is dictated by school transport requirements, resulting in a high dependency on the private motor car. A development strategy which aims to encourage development in those settlements best served by public transport will help to maintain services and reduce the dependency on the private car.
- 2.17** The Council is developing a cycling strategy in order to:-
- (1) *to encourage and promote cycling to residents and visitors as an environmentally friendly, healthy and enjoyable means of transport and;*
  - (2) *to improve accessibility for cyclists in urban and rural areas throughout Perth and Kinross and;*
  - (3) *to raise awareness of the economic benefits of cycling.*

### Education

- 2.18** Since the publication of the 1983 Plan, the primary school in Ardler and the Alyth secondary school have closed due to a falling school rolls. In contrast, in Blairgowrie with its rapid rate of expansion schools are under pressure and the Education Department has recognised the need to develop a new primary school in the south of Blairgowrie. Although this was mooted in the 1983 Local Plan there is no firm implementation date for this project at present. In addition, there is a need to replace St. Stephen's school due to the building failing to meet modern educational standards.

Table 2: *Drainage Situation in Settlements*

Settlement	Drainage		Comments
	Public	Private	
Blairgowrie & Rattray	✓		Capacity available (localised problems to west of Perth Road).
Alyth	✓		When the drainage from New Alyth is pumped into the Alyth system and the housing sites identified in the plan are completed the Alyth WTP will be reaching its design capacity.
Coupar Angus	✓		Capacity available.
Ardler	✓		Development beyond existing consents will require upgrading of WTP.
Bridge of Cally		✓	Drainage difficulties.
Caputh	✓		Capacity available.
Kettins	✓ (part)		No capacity.
Kirkmichael	✓ (part)		No capacity and pollution problems in river may limit development opportunities.
Meigle	✓		No capacity.
Meikleour	✓		No capacity.
Spittalfield	✓		Capacity available.
Ballintuim		✓	
Campmuir		✓	
Carsie	✓		No capacity
Craigie		✓	
Enochdhu		✓	
New Alyth	✓		
Spittal of Glenshee		✓	
Wester Myreriggs		✓	
Concraigie		✓	
Forneth		✓	
Netherton		✓	
Straloch		✓	

- 2.19** The Education Department considers that there is capacity within all the other schools within the Plan Area to accommodate developments within the scale identified in the new Tayside Structure Plan. Although some of the more remote rural schools do suffer from relatively low school rolls, it is not envisaged that any in the area are in imminent danger of closure. A development strategy which spreads housing opportunities to some of the more far flung rural communities served by local schools would help secure their future.

## Housing

### Housing Demand

- 2.20** The southern part of Blairgowrie has experienced sustained pressure for housing land since the Plan was adopted in 1983 and the majority of sites in this area have now been developed or are underway.
- 2.21** In contrast to Blairgowrie, Coupar Angus has experienced little development over the past Plan period. However, it is hoped that the new relief road and environmental improvements in Coupar Angus accompanied by the new housing development proposed may provide the stimulus to reverse the recent signs of decline. In Alyth the situation is similar to that of Coupar Angus, with the town experiencing little interest from major house-builders over the last decade. There have been, however, a number of new small scale developments in Alyth.
- 2.22** The rate of development of housing sites within the smaller settlements has been varied. Monitoring has shown that demand is higher within the lowland settlements and the majority of sites have been taken up.

### Housing Need

- 2.23** The Council's Housing Plan (1997-2000) identifies the estimated waiting time for housing throughout the area and Blairgowrie, Caputh, Kettins, Kirkmichael and Meigle all fall within the categories of Extreme Need.

### Structure Plan Requirements

- 2.24** One of the principal aims of the Plan must be to provide sufficient housing land to meet anticipated demand or need over the Plan period. In so doing the Plan must take account of the need to provide choice in terms of location, type and tenure, and also the supply of land must be realistically capable of development (ie. free of ownership, physical, marketing, programming and infrastructure constraints).
- 2.25** The anticipated demand for housing land is presented in the Tayside Structure Plan approved by the Secretary of State on 14 March 1997. In accordance with Structure Plan Policy No 1, the Local Plan must make provision for a minimum five year's effective supply of land for housing in each housing market area and ensure that this continues to be the situation up to 2006. If sites ceased to be agreed as effective other sites will be required to be identified in association with the housebuilders to make good the shortfall up to the numbers given in Schedule 1. Where major shortfalls are identified these should be identified through alterations to the adopted Plan or if necessary bringing forward the overall review of the Local Plan.

### Proposed Housing Sites

- 2.26** Table 4 below summarises the proposed housing allocations for the new Eastern Area Local Plan and compares these to the recommended allowances in the Structure Plan. As can be seen from Table 4 the Local Plan appears able to meet the targets set in the Structure Plan, it should be borne in mind that to allow comparison to the Structure Plan, a base date of June 1993 has been utilized. This effectively means that the base figures include some sites which have been completed or are underway at present.

Table 4: *Proposed Housing Allocations*

	Total Allowance		
	Effective Land Supply at June 1993	Structure Plan 1993-2006	Local Plan* 1993-2006
Alyth	30	150	260
Blairgowrie & Rattray	400	460	607
Coupar Angus	10	100	107
Eastern Landward	20	100	138
Plan Area	460	810	1112

\* This figure comprises of the total number of houses on completed or substantially completed sites (see Annex 3) plus the proposals and opportunities identified in this Plan.

### Coupar Angus and Alyth

- 2.27** In the past both Coupar Angus and Alyth have attracted little interest from the private house builder, and the Plan therefore seeks to provide the maximum choice of good quality sites capable of encouraging a variety of housing types. Accordingly, it is the strategy of the Plan to slightly over-provide in relation to the total allowance referred to in Table 4 specifically to encourage an early up-take of housing land within Alyth and Coupar Angus.

### Blairgowrie and Rattray

- 2.28** The significant growth in Blairgowrie and Rattray has been primarily in the private sector associated with commuter housing linked to Perth and Dundee. The Local Plan acknowledges that the Structure Plan housing target figures outlined in Table 4 are already exceeded. The Plan seeks to limit new allocations in the private sector, but proposes that infill sites be identified suitable for development by Housing Association or for low cost home ownership, in order to meet local needs. Accordingly, the Plan seeks to identify opportunities for development primarily on brownfield sites and would aim to restrict greenfield development.
- 2.29** Nonetheless in Blairgowrie and Rattray the Local Plan exceeds the Structure Plan figure by a total of 147. It should be borne in mind that the Local Plan figure incorporates all sites that ought to become effective during the Plan period and there is a possibility that for a variety of reasons some may not come on stream. Accordingly, the Local Plan conforms to the Structure Plan allocations, firstly by limiting further private sector land allocations, thus aiding the desire to deflect pressure to Coupar Angus and Alyth and secondly by providing for a specific need which cannot be met elsewhere.

### Rosemount and Darkfaulds

- 2.30** In the Rosemount and Darkfaulds area there has been sustained development pressure for many years. The 1983 Local Plan attempted to control and guide development within these areas, but despite this, there has been some change to the character of the area from a predominantly rural community to a suburban area with a semi-rural feel. The availability of small gap sites is now more limited and of those which remain a large number are of significant landscape importance, either offering tree cover or providing the important gaps which give the area a sense of place and a separate identity from Blairgowrie and Rattray. Inadequate road access is a severe constraint on the availability of sites particularly in the Woodlands Road and Brucefield Road areas.

- 2.31** Whilst there is an adequate supply of general needs housing land within Blairgowrie and Rattray there is the opportunity within the Rosemount area to extend housing choice at the upper end of the market by identification of small sites for low density housing. In addition, in order to extend choice while still maintaining the semi-rural character of the area the Plan applies more stringent criteria to infill housing within the Rosemount and Darkfaulds area than proposed under the General Housing Areas Policy.

#### Landward

- 2.32** The lack of adequate drainage facilities within the Eastern Landward area continues to be a constraint on identifying opportunities for development. In light of these constraints the Structure Plan has identified a target of an additional 100 houses although it remains for the Local Plan to identify specific sites. As there may be some doubt over the effectiveness of all the sites within the Landward area the Plan identifies opportunities for more than 100 houses in the landward area as a means of extending choice. The Landward area housing strategy should seek, where possible, to support settlements already served by public transport in an effort to maintain rural bus services and minimise dependency on the private car.
- 2.33** The Council's housing in the countryside policy provides scope for identifying development zones within the Eastern Area where housing in the countryside could be encouraged to extend choice of sites. The previous adopted Plan has supported scattered housing in Glenshee since this reflects the existing settlement pattern of the area, but this has not resulted in a rise in population in the Glen, but on the other hand, this policy has not caused any particular problems.

#### Affordable Housing

- 2.34** The Plan seeks to identify and safeguard sites in each of the Burghs and the Landward Area for Housing Association use and for the construction of low cost home ownership schemes. Significant allocations have been made in each of Blairgowrie, Rattray, Alyth, Coupar Angus and the landward sector for houses within the affordable housing category. The level of the supply has been determined following detailed discussions with the Authority's Housing and Building Services, Housing Associations and Scottish Homes and takes account of housing demand on a settlement by settlement basis and the likely finance to become available to Housing Associations during the Plan period.

### Summary of Housing Strategy

#### Blairgowrie, Coupar Angus and Alyth

- 2.35**
- ➡ *To limit housing opportunities in Blairgowrie predominantly to those with a current planning consent, with the exception of affordable housing which will be acceptable on infill or brownfield sites.*
  - ➡ *Additional housing land supply will be concentrated in Alyth and Coupar Angus, rather than Blairgowrie and Rattray to extend the range and choice of houses.*
  - ➡ *To allocate land for an additional 100+ houses in Coupar Angus for a mixture of tenure types in order to encourage development by private house builders allowing for maximum choice.*
  - ➡ *To allocate land for an additional 150+ houses in Alyth for a mixture of tenure types to allow maximum choice.*

#### Villages and Small Settlements

- ➡ *To identify opportunities for in excess of 100 houses in villages and settlements in the Landward Area in order to widen the choice of locations available. It is essential that the scale of development proposals are compatible with the character of the rural villages.*

## Landward Area

- ➡ To identify a development zone within Glenshee where housing in the countryside could be encouraged.

## Economic Development and Tourism

### Employment

- 2.36** Agriculture is one of the largest employers in the area, comprising 9.5% of the total workforce within the Plan area as compared with a district average of 6.9%. There have however been more significant changes in the food processing industries which have generally declined since the early 80's. Whilst the traditional manufacturing industries had largely disappeared before the production of the 1983 Plan there has again been a slow but gradual decline in this sector. In common with national trends what expansion there has been has been mainly confined to the service sector.
- 2.37** Unemployment statistics for the area are published for the combined Blairgowrie and Pitlochry Travel to Work Areas and therefore do not form a true and accurate reflection of the unemployment situation within the Eastern Area. These figures, which indicate a relatively low unemployment rate for the combined areas, are skewed by what is known to be lower rates of unemployment within the Pitlochry area. Unemployment figures are also available by Council Wards and whilst they cannot be presented in a percentage format, they do however indicate that there is still significant unemployment problems throughout the Plan area. Additionally, the main losses have appeared in the manufacturing sector and the gains have been in the service sector and it is not always easy for those with training in one sector to convert to the other. This may result in a core of long term unemployed.
- 2.38** The majority of the Plan area falls within the European Community Objective 5b and Leader 2 area and the opportunities which may arise out of the financial assistance on offer to these areas will require to be investigated.

### Industrial Site Provision

- 2.39** The 1983 Local Plan sought to ensure that existing industrial sites were retained for industrial purposes and that sufficient new industrial land was available for new or expanding industries. The Plan largely achieved what it set out to do with the provision of a major industrial site at Welton Road, Blairgowrie and a small new site in Alyth. In addition the completion of the A94 relief road in Coupar Angus has improved access to existing industrial areas.
- 2.40** Despite significant areas of industrial land being available, the area in general has been unsuccessful in attracting new industrial/business developments. The Plan seeks to address the issue of amount and quality of industrial land available within the main settlements and assess whether measures can be introduced to increase the attractiveness of the area for economic development. The appropriateness of retaining some of the older industrial areas many of which are served by an inadequate road systems should also be reassessed.

### Tourism

- 2.41** Over the Plan period, tourism and the service sector in general has been the growth area, but despite being located on the official Tourist Route to Braemar, Blairgowrie has failed to show significant growth in this sector, and there is a similar situation in the other principal settlements and the landward area in general.
- 2.42** For a number of years there has been a local view that Blairgowrie required a tourist facility capable of attracting visitors in significant numbers. The Plan recognises the importance of a new visitor facility for Blairgowrie and seeks to set a framework which will help to encourage the development of new visitor facilities in the area and by a series of environmental improvements.

## Economic Development and Tourism Strategy

- 2.43** ➤ To retain the modern industrial sites at Welton Road, Blairgowrie and Mornity, Alyth to provide the capacity for the expansion of indigenous businesses or the attraction of inward investment.
- To provide 1 hectare of serviced industrial land in Coupar Angus with easy access to the A94 relief road.
- To examine former industrial areas and industrial sites and to consider opportunities for the redevelopment of these areas for other uses.
- To recommend that a detailed Economic Development Strategy is prepared for Blairgowrie/Rattray, Alyth and Coupar Angus adopting the same format as the recent Kinross Strategy, examining the need for environmental improvements within the town; the ways and means of attracting new economic development investment in the town; the measures necessary to improve the existing tourism product; and, in association with the Council's Social Strategy address the problems of multiple deprivation. Whilst Blairgowrie may be the focal point of the tourist potential for the area, the strategy will need to examine the tourist industry throughout the entire Plan area.
- To identify opportunities to extend and improve tourist accommodation and facilities within the Plan area.
- To investigate opportunities arising from part of Plan area being within an EU Objective 5b and Leader 2 area.
- Encourage the provision of a major visitor attraction in the Blairgowrie area.
- To extend visitor facilities, such as roadside lay-bys/picnic sites and an improved footpath network.
- To provide a range of environmental improvements in the burghs and villages to enhance the tourism product.

## Community Regeneration Strategy

- 2.44** There is a commitment by the Council to support communities, disadvantaged by poverty and lack of opportunity, through targeted funding and support for community groups.
- 2.45** The Council is committed to looking at effective ways of inter-agency working and community involvement, to address particular issues of concern in Rattray. Land use issues identified include a lack of community facilities. With certain of the key issues from both the Community Regeneration Strategy and the Economic Development Strategy overlapping it will be essential for both strategies to be developed hand in hand.

## Shopping

- 2.46** It is an objective of the Plan to protect the position of Blairgowrie, Coupar Angus and Alyth as centres of retail activity within the Plan area.

## Environment and Conservation

### Nature Conservation

- 2.47** Since the Plan was adopted in 1983 there have been a number of environmental policy changes the most notable of which was "Bio diversity". The UK Action Plan (Command 2428)(1984) which sets out the UK Government's policies and recommendations for the conservation of bio diversity in the UK. Whilst the Lunan Valley was protected under its Countryside Conservation Area status in the previous adopted Plan the SSSIs at Lochs Clunie, Marlee, Butterstone, Craiglush and Lowes have recently been proposed as a Special Area of Conservation (SAC) and Special Protection Area (SPA) because of their habitat types and species which are rare or threatened within a European context. If confirmed these

important international designations strengthen environmental policy in the area and under European Directives and the Council is obliged not to permit development or operations damaging to the integrity of the European sites unless there are imperative reasons of overriding public interest. The Plan seeks to emphasise the very strict protection afforded to these sites and the implications this has for development proposals within their catchment area.

## Cairngorms

- 2.48** In 1994 the Secretary of State set up the Cairngorms Partnership to deliver a Management Strategy for the area which encompasses the northern part of the Plan area.

## Built Environment

- 2.49** The Plan area contains three existing Conservation Areas which are situated within Coupar Angus and the villages of Meikleour and Spittalfield. The previous adopted Plan proposed that areas of architectural and historic interest within Blairgowrie and Alyth be designated as Conservation Areas, however further detailed examination concluded that this designation would be inappropriate.
- 2.50** A review has been undertaken of the Plan areas considered worthy of Conservation Area status and the Plan identified Kettins as a candidate. The Plan continues to protect and safeguard the character of those settlements already designated, and to address the need to protect a number of Historic Gardens and Designed Landscapes which are situated in the Eastern Area.
- 2.51** The Plan seeks to identify opportunities and requirements for environmental improvements throughout the Plan area.
- 2.52** The Coupar Angus relief road will generate opportunities for environmental improvement within the town centre.
- 2.53** Unlike many of the other burghs within the Council area, Blairgowrie and Rattray exhibits a significant range of environmental problems:-
- ➡ *a series of derelict mill buildings along the River Ericht;*
  - ➡ *run down housing areas with some exhibiting signs of multiple deprivation;*
  - ➡ *the juxtaposition of untidy industrial/commercial uses within the prime tourism core of the town centre;*
  - ➡ *a drab town centre with many unattractive shop fronts which are uncondusive to attracting tourists to the town centre.*
- 2.54** The range and scale of the problems within Blairgowrie offer both problems and opportunities and require to be dealt with on a comprehensive basis. For example, the disused mills along the Ericht together with the road and footpath system may offer the opportunity to enhance tourist facilities in association with an expanded riverside walkway.

## Archaeology

- 2.55** The revised Plan seeks to continue to protect sites of archaeological importance, and this is of particular importance in Coupar Angus. It is now recognised that the Abbey and Abbey Precinct are of far higher archaeological significance than was previously considered and consideration should be given to investigating opportunities to capitalise on this asset.

## Landscape

- 2.56** The previous adopted Plan identified 3 areas as being of particular conservation and environmental importance:-



- ➡ Mountain Area (North of Spittal of Glenshee)
- ➡ Lunan Valley
- ➡ Ericht Valley

- 2.57** These areas were identified for a variety of reasons, including wilderness and landscape quality. In the light of the enhanced conservation status of the Lunan Valley, the creation of the Cairngorm Partnership and recent housing consents in the Lunan Valley, it is appropriate that the Plan re-examine these designations.
- 2.58** The **Mountain Area** corresponds roughly with the proposed Cairngorm Partnership area and in such an area with little development pressure it must be questioned whether a specific policy is required to protect the 'wilderness' qualities of the area and whether it would be sufficient for the Plan to identify the approximate boundary of the Partnership area and a commitment to working with the Partnership to developing a sustainable management policy, which in time may be required to be incorporated into a subsequent Plan.
- 2.59** The **Lunan Valley** is of international importance for nature conservation and of significant local importance for landscape quality. European legislation requires the protection of this area and accordingly the Plan is required to include stringent policies primarily for the protection of the habitat and bio diversity of the area, and such policies will also offer protection to the landscape quality of the area.
- 2.60** The catchment is a sensitive area in water quality terms and if the pioneering work on the Loch Leven Catchment Management Plan in Kinross-shire is successful it may be a model worth repeating for the Lunan Valley. The Plan seeks to highlight this as a possibility.
- 2.61** The **Ericht Valley**, extending from Rattray to Bridge of Cally, was identified as an area of particular scenic quality. The related policy had a presumption against development other than for operational need. With the exception of the Craighall gorge, it could be argued the surrounding countryside is of no greater value than large tracks of Strathardle. The actual gorge is contained within a relatively confined space with little scope for development, except for the Witches Pool area. Large sections of the gorge are designated either as a Site of Special Scientific Interest or are contained within the Craighall Historic Garden and Designed Landscape. These designations afford a higher degree of protection than offered in the previous Plan and the scope for development within the surrounding area is adequately regulated by the housing in the countryside policy.

## Environment and Conservation Strategy

- 2.62** There is a continued need to protect the natural and built environment in the Eastern Area which contributes so much to the quality of life of both residents and visitors. This should be accomplished within the context of International, European and UK policy which in recent years has seen a major shift in favour of protecting bio-diversity and promoting sustainable development. The Plan seeks to move towards a more sustainable way of life by ensuring that all development takes environmental impact into account.
- ➡ *The general concept of the Environment and Conservation Strategy will be to protect and enhance through a hierarchical series of policies the most important natural and man-made assets of the Plan area, whilst paying due regard to the need to protect features of local importance and general bio diversity. With regard to general environmental policies (Policies 12-24), the Plan builds upon policies incorporated into the Perth and Kinross Area Local Plans updating these to reflect recent guidance from NPPG's and the recent Habitats and Birds Directives.*
  - ➡ *In more detail, the Plan seeks to:-*
    - ◆ *Protect the proposed SAC and SPA in the Lunan Valley by introducing restrictive policies which safeguard the nature conservation and landscape significance of the area and investigate the potential for the preparation of a catchment management plan.*

- ◆ *Set up a framework to assist the objectives of the Cairngorm Partnership and recognise the Council's commitment to working with the Partnership to formulate a more detailed strategy for the area.*
- ◆ *To afford protection to the archaeological interest contained within Coupar Angus Abbey precincts.*
- ◆ *Identify opportunities for the implementation of environmental improvement schemes within the towns, villages and other areas within the Plan area.*

## **Recreation and Open Space**

- 2.63** As a result of the application of the Scottish Sports Councils Facilities Planning Model, the need for an additional four rink indoor bowling facility within Blairgowrie has been identified.
- 2.64** In Alyth, Coupar Angus and Blairgowrie/Rattray, outdoor recreation provision is considered adequate to meet current and future demand.
- 2.65** In the Landward area, it is harder to apply standards to open space provision, however, it is recognised that any proposed new development in the landward area should make provision for sport and recreation facilities, including informal recreation space.

## **Ski-ing**

- 2.66** Although the chair lifts and ski tows at Glenshee lie outwith the boundary of the Plan, ski-ing contributes significantly to the economy of the northern part of the Plan area as well as offering an important resource for tourism related development. The expansion of facilities in the Council Area will require careful consideration bearing in mind the requirement to protect the proposed SPA and SAC. With the lack of snow cover at all the Scottish ski resorts being a potential problem, a dry ski slope in the Blairgowrie and Rattray area has been suggested for many years.

## **Golfing**

- 2.67** Whilst there has been interest in providing golfing facilities in the Eastern Area research undertaken by the Scottish Sports Council based upon the local resident population has indicated that there is not a deficiency in golf course provision in the Plan area. Despite the Scottish Sports Council findings, construction has begun on two additional golf courses in the Alyth Area. If the Sports Council findings are correct the new courses will be heavily dependent on attracting golfers from outwith the area. Plan policies seek to introduce controls to ensure that an oversupply of golf courses does not become an issue within the Plan area.

## **Recreation and Open Space Strategy**

- 2.68** The Plan seeks to protect the recreational and open space assets of the area and to ensure that standards of provision are maintained, or where appropriate, brought up to nationally recognised standard, through a variety of measures:-
- ▀ *To protect and enhance existing areas of open space in its various forms which contribute to the visual quality of the environment as well as catering for the social needs of the community.*
  - ▀ *To ensure that adequate provision is made for play space and children's play spaces in new housing developments in accordance with the Councils Playground Strategy.*
  - ▀ *To investigate further the provision of a four rink indoor bowling hall within Blairgowrie.*
  - ▀ *Encourage improved facilities for ski-ing within the Plan area which are compatible with the Nature Conservation interests of the area.*

- ➡ *To encourage the provision of a dry ski slope in the vicinity of Blairgowrie and Rattray.*
- ➡ *To discourage the provision of additional golf courses within the Eastern Area except for the upgrading of existing facilities or where the developer can clearly establish an overriding need for additional facilities.*

### **3.0 Monitoring and Review of the Plan**

**3.1** There is a statutory requirement on the Planning Authority to review Local Plans and a need to monitor the effectiveness of the Plan in order to gauge when a review is necessary. It is proposed that the following issues will be continually assessed in order to monitor the requirement to review or alter the Plan:-

- (a) *Housing land supply and demand.*
- (b) *Emerging environmental and conservation policies.*
- (c) *Emerging new planning issues.*
- (d) *Progress in implementation of proposals.*
- (e) *Effectiveness of development control policies.*
- (f) *Identification of locations under pressure.*

Handwritten notes in the left margin, including the word "Chapter" and some illegible text.

## General Policies

### Sustainable Development

**Policy 1** The Council will seek to ensure, where possible, that development within the Plan area is carried out in a sustainable manner. Where development is considered to be unsustainable but has other benefits to the area which outweigh the sustainability issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing the sustainability of projects:-

- (a) *Non-renewable resources should be used wisely and sparingly, at a rate which does not restrict the options of future generations.*
- (b) *Renewable resources should be used within the limits of their capacity for regeneration.*
- (c) *The quality of the environment as a whole should be maintained and improved.*
- (d) *In situations of great complexity or uncertainty the precautionary principle should apply.*
- (e) *There should be an equitable distribution of the costs and benefits (material and non-material) of any development.*

**Policy 2** All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against the following criteria:-

- (a) *Rural sites should have a landscape framework capable of absorbing or, if necessary, screening the development; where required, opportunities for landscape enhancement will be sought.*
- (b) *In the case of built development, regard should be had to the scale, form, colour and density, of existing developments within the locality.*
- (c) *The development should be compatible with its surroundings in land use terms and they should not result in significant environmental damage or loss to the amenity or character of the area.*
- (d) *The road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided.*
- (e) *Where applicable there should be sufficient spare capacity in drainage, water and education services to cater for new development.*
- (f) *The site should be large enough to accommodate the development satisfactorily in site planning terms.*
- (g) *Buildings and layouts for new development should be designed so as to be energy efficient.*
- (h) *Built development should, where possible, be built in those settlements which are the subject of inset maps.*

## Flood Risk

**Policy 3** Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.  
For the purposes of this policy flood risk sites will be those which are judged to lie within:-

- (1) *Areas which flooded in January 1993.*
- (2) *Sites which lie within a flood plain.*
- (3) *Low lying sites adjacent to rivers, or to watercourses which lead to categories 1 and 2.*

**Note:** This policy reflects the Council's Interim Flood Risk Policy. A Flood Appraisal Group has been set up to prepare a more detailed Policy on this topic.

## Health and Safety Consultation Zones

**Policy 4** The Proposals and Inset Maps identify pipeline consultation zones where the Council will seek the advice of the Health and Safety Executive (HSE) on development proposals. The Council will also seek advice of the HSE on the suitability of any proposals for new notifiable installations within the Plan area or any proposals for development within the consultation distances of any notifiable installations.

## Private Sewerage Systems

**Policy 5** Proposals for individual septic tanks, bio-disc units or similar treatment facilities will not normally be acceptable in unsewered settlements, sewer areas or immediately adjacent to sewer areas, except in the following circumstances:-

- (a) *Where development proposals are for a maximum of five houses (or house equivalents) in settlements identified in Proposals Map A, where the population is not more than 500, or a building group defined in the housing in the countryside policy a septic tank bio-disc unit or similar will be acceptable providing all the following criteria are met:-*
  - (i) *There is no public sewerage system which is accessible at reasonable cost or the existing public sewerage system is operating at capacity and there is no programmed improvement for it.*
  - (ii) *The proposed septic tank, bio-disc, or similar, and associated soakaway be within the application site and be no less than 15 metres from adjoining habitable properties and no less than 5 metres from the application site boundaries for single houses; and*
  - (iii) *The developer enters into a Section 75 or similar agreement, if required, to ensure that the following matters are safeguarded as necessary:-*
    1. *The septic tank, bio-disc, or similar, serving one or more properties, will remain within the developer's ownership or a single ownership; and*
    2. *A connection to the public sewerage system will be made at the developer's or owner's expense if and when the Planning Authority is advised by the Water Authority capacity is available; and*
    3. *Provision is made to ensure the continued maintenance of the wastewater treatment plant or; similar; and*
    4. *That the sewerage system is constructed to a specification acceptable for adoption by the water authority in order to ensure connection to the public system when capacity becomes available.*

- (b) *Where development proposals are for six or more houses or house equivalents in any settlement identified in proposals Map A with an embargo on development due to a lack of public sewerage infrastructure, private sewerage arrangements will only be acceptable where:-*
  - (i) *The scheme is constructed to meet the full requirements of the guidance notes for developers published by NOSWA from time to time.*
  - (ii) *The developer enters into a Section 75 or similar agreement, if required, to ensure that adoption by the drainage authority takes place.*

### **Light Pollution**

**Policy 6** The Council will not grant consent for proposals which would result in unnecessary and intrusive light pollution. The use of locations and lighting systems which limit light pollution, together with conditions to control the period of usage will be encouraged.

### **Disabled Access**

**Policy 7** The Council in exercising its own functions and in the consideration of applications for planning consent for buildings or facilities to which the public have access, will encourage the provision of facilities which afford easier access and mobility for the disabled.

### **Telecommunications**

**Policy 8** Telecommunications development will be considered to comply with Policy 38 if the operator can demonstrate to the satisfaction of the Council that the following criteria can be met:-

- (a) *There is an established operational need for development in the location proposed.*
- (b) *There are no satisfactory alternative sites available.*
- (c) *There is no reasonable prospect of sharing existing facilities.*
- (d) *In the case of radio masts there is no reasonable possibility of erecting antennas on any existing buildings or other structures.*
- (e) *The proposed development does not conflict with any other policy or proposal contained in the Plan, subject to technical and other operational considerations.*

### **Renewable Energy**

**Policy 9** The Council will encourage, in appropriate locations, developments which contribute towards the Scottish Renewables Obligation. In the absence of a detailed Council wide policy on renewable energy production, developments will be assessed against the following criteria:

1. *That provision can be made for construction traffic, without danger to road traffic safety or the environment.*
2. *That the development will not have a significant detrimental effect on sites of nature conservation interest or sites of archaeological interest.*
3. *That the development will not result in an unacceptable intrusion on the intrinsic landscape quality of the area.*
4. *That the development will not result in a loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.*

5. *The cumulative impact of having two or more windfarms in the same area will be considered.*

The proposed transmission lines between the development and the National Grid will be considered an integral part of the development and their impact will also be assessed in relation to the above criteria. Developers will be required to enter into an agreement for the removal of the development and the restoration of the site, following the completion of the development's useful life.

- Policy 10** The Council will seek to safeguard permitted or operational wind turbines generating power to the national grid from development which would prejudice the commercially viable operation of the wind turbines.

### **Waste Disposal Sites**

- Policy 11** Proposals for new or extended waste disposal sites will only be acceptable where they meet the following criteria:-

- (1) *There is a need for the site or the extension to an existing site primarily for waste generated in Tayside in terms of the source, type and volume of waste;*
- (2) *There is no acceptable existing alternative site or preferable disposal option available;*
- (3) *The proposal would not involve the take up of prime agricultural land;*
- (4) *A satisfactory plan for the containment, treatment and disposal of leachate;*
- (5) *A satisfactory plan for the containment and disposal or use of landfill gases;*
- (6) *The proposal does not prejudice the environmental policies of the Local Plan;*
- (7) *The proposal does not prejudice the safety of the local road network and does not involve an unjustified need for additional public services expenditure.*

### **Environment and Conservation Policies**

- Policy 12** In the absence of imperative reasons of overriding public interest, the Council will not grant consent for, or support, development which would damage the integrity of Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas, Ramsar Sites and Special Areas of Conservation.

**Note:** Further details of protected sites and areas are contained in the Technical Appendix.

- Policy 13** The Council will not normally grant consent for any development which would have an adverse effect on sites of local nature conservation interest and will seek to protect the integrity of such sites identified on the proposals maps and any others approved by the Council, which may be identified by Scottish Natural Heritage, SWT and others with the owners' agreement during the Plan period. The Council will apply the same policy to principal wildlife corridors.

- Policy 14** The Council will not normally grant consent for any development which would have an adverse effect on:- sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended; Annex II or IV of the European Community Habitat and Species Directive; Articles 1.4 and 1.2 of the European Community Wild Birds Directive.

**Note:** A list of protected species is contained in the Technical Appendix.



**Policy 15** The Council will not normally grant consent for any development which would have an adverse effect upon those habitats and species listed in Annex I and II of the EC Habitats and Species Directive.

**Note:** The list of protected habitats and species is contained in the Technical Appendix.

**Policy 16** The Council will seek to protect native woodland from development and will encourage and support the protection and expansion of existing native woods and the creation of new ones.

**Policy 17** The Council recognises the community and educational benefits associated with nature conservation and will therefore seek to realise opportunities for habitat creation, retention and sympathetic management in:-

1. *land reclamation and environmental improvement schemes.*
2. *public open spaces.*
3. *other land held by this Authority.*

### **Trees**

**Policy 18** Individual trees or groups of trees with considerable amenity value will be protected by the use of Tree Preservation Orders, where they are considered to be in danger. Only in exceptional cases will Tree Preservation Orders be applied to woodlands or commercial plantations.

**Note:** Further information on T.P.O.s is contained in the Technical Appendix.

### **Community Woodland**

**Policy 19** The Council and the Forestry Authority will encourage the provision of Community Woodland schemes. Priority will be given to encouraging the expansion, by up to 20 ha, of the woodland recreation opportunities in the area surrounding Blairgowrie and Rattray, Coupar Angus and Alyth.

**Note:** A copy of the Community Woodland Strategy is contained in the Technical Appendix.

### **Archaeology**

**Policy 20** The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments (protected under the Ancient Monuments and Archaeological Areas Act 1979), unless there are exceptional circumstances.

**Note:** Further details of the list of Scheduled Ancient Monuments is contained in the Technical Appendix.

**Policy 21** The Council will seek to protect unscheduled sites of archaeological significance. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ and where in exceptional circumstances preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.

**Note:** A list of unscheduled sites of archaeological significance is contained in the Technical Appendix.

**Policy 22** Where it is likely that archaeological remains may exist, the prospective developer will be required to arrange for an archaeological evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist before the planning application is determined.

### Listed Buildings

- Policy 23** There will be a presumption against the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.
- Policy 24** The Planning Authority will encourage the restoration, correct maintenance and enhancement of buildings on the Statutory List, by the use of the powers available to them under the Planning Acts.

**Note:** A list of Listed Buildings is contained in the Technical Appendix.

### Tourism and Recreation

- Policy 25** There will be a presumption in favour of sustainable tourism related developments, which improve the range and quality of tourist attractions and accommodation provided these are consistent with other Local Plan policies.

### Caravan Sites

- Policy 26** Favourable consideration will not normally be given for new sites for static caravans. New or expanded transit and touring caravan sites will be given favourable consideration where:-
1. *The need has been identified within a Local Plan or it can be demonstrated that there is a shortfall in such provision;*
  2. *The site is readily accessible from the main road network;*
  3. *The site is within a suitable landscape framework and landscaping of a high standard both within and outwith the site can be provided; and*
  4. *The site can be satisfactorily accessed and serviced.*

**Note:** It may be necessary for the applicant to enter into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to ensure that:-

- (i) *the landscaping and its continued maintenance is provided;*
- (ii) *the caravans are not used as permanent residencies; and*
- (iii) *the developer enters the Scottish Tourist Board's quality assurance scheme.*

### Chalet and Timeshare Policy

- Policy 27** Favourable consideration will be given to new chalet and timeshare developments where the Council is satisfied that:-
1. (i) *It involves the expansion of an existing hotel, guesthouse, chalet park, caravan park or timeshare development where the proposal does not constitute either over-development of the site or its setting; or*
  - (ii) *It replaces static caravans with chalets; or*
  - (iii) *It is associated with and is ancillary to a farm enterprise and is consistent with the "chalets on farms" policy below; or*
  - (iv) *It fulfils a demand for this type of tourist accommodation by virtue of its quality and the new recreational facilities associated with the development or its location in relation to existing tourist facilities; or*
  - (v) *If within a settlement it is not on a site allocated for another use;*

2. *The proposal is not detrimental to the visual amenity and quality of the landscape and/or built environment and is compatible with adjoining or neighbouring land-uses;*
3. *The proposal is within a suitable landscape framework;*
4. *The proposal can provide a high standard of internal and external landscaping;*
5. *The proposal can be satisfactorily accessed and serviced; and*
6. *The applicant, where appropriate, has submitted a satisfactory environmental statement.*

**Note:** It may be necessary for the applicant to enter into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to ensure that:-

- (i) *the landscaping and its continued maintenance is provided;*
- (ii) *the caravans are not used as permanent residencies; and*
- (iii) *the developer enters the Scottish Tourist Board's quality assurance scheme.*

## Golfing

**Policy 28** The provision of additional golf courses within the Plan area will be encouraged provided the applicant can prove there is demand for such a facility. The upgrading of existing facilities will be encouraged provided they are consistent with other Local Plan policies.

## Public Access and Informal Recreation

**Policy 29** The Council will continue, with the assistance of local Community Councils and the public in general, to identify, record and assert public rights of way within the Plan Area as resources permit.

**Policy 30** The Council linking with others will seek to improve public access to the countryside and informal recreation provision throughout the Plan area.

## Open Space Provision

**Policy 31** The Council will seek the provision of appropriate areas of amenity and recreational open space as an integral part of new housing development.

Recreational open space should, in general, meet the minimum standards of the National Playing Fields Association of 2.43 ha per 1,000 population, and should also comply with the Council's approved policy relating to the provision of play space.

The appropriate level of amenity space will need to be assessed for each site, having regard to factors which include the size and density of the development, the physical characteristics of the site including features to be retained, the character of the surrounding area, and the existing amenity provision in the vicinity.

It may be appropriate for open space provision to be made on land outwith the development site; in such areas the Council may seek a financial contribution from the developer. Where open space provision is required within a development site to make good a deficiency elsewhere, the Council may be prepared to make an appropriate financial contribution.

Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of open space: the Council will be prepared to enter into maintenance agreements with developers.

**Note:** Further details of National Playing Fields Association Standards and the Council's approved Playground Strategy are contained in the Technical Appendix.

### ***Children's Play Areas***

- Policy 32** The Council will continue to monitor children's play provision and implement a programme of improvements where appropriate. Encouragement will be given to the provision of new or expanded facilities where deficiencies exist.

## **Roads and Transport**

### ***Parking Standards and Public Transport***

- Policy 33** Adequate provision for parking, public transport and servicing must be made in all new developments in conformity with Roads Authority standards and to the satisfaction of the Planning Authority.

### ***Cycling***

- Policy 34** Specific consideration be given to the needs of cyclists in the design of new developments, the construction of new roads and the introduction of traffic calming and management schemes. The Council will encourage proposals which make cycling safer and investigate the creation of routes using minor roads and cycleways. Where appropriate, in the consideration of planning applications, the provision of cycle stances shall be required for new non-residential developments.

## **Education Provision**

- Policy 35** School rolls will be regularly monitored in the Eastern Area and additional facilities, including nursery provision, will be provided to meet anticipated demand without a reduction in standards or range of education provision.
- Policy 36** A presumption exists in favour of retaining rural primary schools with priority given to those primary schools serving the remoter rural areas, as defined by the Tayside Structure Plan.
- Policy 37** Where closures are unavoidable the use of Education Authority buildings for community purposes will be encouraged and where appropriate consideration will be given to their adaption to allow a wide range of uses to be accommodated.

*Note: Policies 1-37 also apply in the Landward Area*

## General Policies

- Policy 38** Developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against the following criteria:-
- (a) *The site should have a good landscape framework capable of absorbing, and if necessary, screening the development.*
  - (b) *In the case of built development the scale, form, colour, density and design of development should accord with the existing pattern of building.*
  - (c) *The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.*
  - (d) *The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.*
  - (e) *Where applicable there should be sufficient spare capacity in local services to cater for the new development.*
  - (f) *The site should be large enough to accommodate the development satisfactorily in site planning terms.*
  - (g) *Built development should not be located adjoining and outwith those settlements which are the subject of Inset maps.*

## Rural Land Uses

### Agriculture

- Policy 39** The Council will support agriculture remaining as a major land use and a source of employment in the Plan area. In line with government policy, there will be a presumption against the use of significant areas of prime quality agricultural land for irreversible development.

### Agricultural Diversification

- Policy 40** Encouragement will be given to farms wishing to diversify their business particularly where this will generate additional permanent local employment, provide additional tourism facilities or accommodation, or re-use existing buildings, provided proposals are compatible with the following criteria:-
- (a) *The site planning is satisfactory.*
  - (b) *The existing buildings are of a suitable structural and architectural quality for the intended use.*
  - (c) *The proposal does not conflict with any other policies or proposals contained in the Plan.*
  - (d) *The proposal will not detrimentally affect the amenity of the countryside.*
  - (e) *Satisfactory access to the public road network can be provided.*

- (f) *The proposals will not adversely affect the viability of any agricultural unit or operation.*
- (g) *Any extensions or additional buildings required to accommodate the new uses are in keeping with the scale of the existing buildings.*

### **Forestry**

- Policy 41** The Council will support proposals for afforestation in the Plan area which are in accordance with the Tayside Indicative Forestry Strategy and are compatible with the conservation and environmental policies contained in this Plan.
- Policy 42** Within the Lunan Valley Catchment Area tree planting should be predominantly native species including Scots Pine except in cases where it can be proved that the landscape diversity will be improved by the use of a more varied range of species. All planting should be designed in such a way as to complement the landscape.

**Note:** A list of native species is contained in the Technical Appendix.

### **Minerals**

- Policy 43** The Council's existing policy on aggregate working will apply throughout the Plan area with the following amendments:-
- (a) *The maps indicating the preferred areas are no longer to be considered an integral part of the policy due to the extent of changes within the Plan area.*
  - (b) *A detailed environment impact assessment of the proposals may be required from the applicant.*
  - (c) *Mineral extraction within the Lunan Valley Catchment Area identified on Proposals Map A will not be permitted, unless it can be shown through a full environmental impact assessment that the proposed development will not impact on the European sites except in circumstances where there are imperative reasons of overriding public interest.*

**Note:** Details of the Aggregate Working Policy are contained in the Technical Appendix. This policy is currently under review.

- Policy 44** The commercial extraction of peat will not be permitted within the Plan area.

## **Environment and Conservation Policies**

### **Lunan Valley Catchment Area**

- Policy 45** The Council will protect and seek to enhance the nature conservation and landscape interests of the area identified on Proposals Map A. There will be a presumption against built development within the area, except for renovations or alterations to existing buildings and developments necessary for operational need which can be shown by the developer to have no adverse impact on the environmental assets of the area or likely to result in an unacceptable increase in traffic volumes. Recreational pursuits like power water sports, likely to cause disturbance in and around sites of nature conservation interest, will be discouraged.

**Note:** Also see Policies 42, 43 and 49.

- Proposal 1** The Council will seek the assistance of the Scottish Environmental Protection Agency, Scottish Natural Heritage and other appropriate bodies, to investigate the potential for the preparation of a Catchment and Landscape Management Plan for the Lunan Catchment Area.

## **Cairngorms Partnership Area**

- Policy 46** The Council will work with the Cairngorms Partnership to secure the environmental, economic and social aims of the Partnership's Management Strategy.

## **Historic Gardens and Designed Landscapes**

- Policy 47** The Council will protect and seek to enhance the Historic Gardens and Designed Landscapes identified on Proposals Map A and any others which may be identified by Historic Scotland and Scottish Natural Heritage during the Plan period.

**Note:** Further details are contained in the Technical Appendix.

## **National Scenic Area**

- Policy 48** The Council will oppose developments which would have an adverse impact on the landscape and amenity of the National Scenic Area identified on Proposal Map A.

## **Housing**

### **Housing in the Countryside**

- Policy 49** The Council's area wide policy on housing in the countryside will apply within most of the Landward area. Within the Lunan Valley Catchment Area and the Historic Gardens and Designed Landscapes there will be a strong presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

**Note:** Details of the Housing in the Countryside Policy are contained in Annex 1 of the Plan.

### **Glenshee Development Zone**

- Policy 50** Within this zone the erection of a maximum of 15 houses singly or in small groups of houses will be permitted where the following criteria are all met:-
- (a) *Houses should be located to accord with the existing pattern of development.*
  - (b) *New houses should have a safe access to the public road network.*
  - (c) *Houses should be located within the existing landscape framework and take advantage of the screening offered by the topography and tree cover.*
  - (d) *The design of houses should reflect the vernacular architecture of the area.*
  - (e) *Houses must not affect the setting of Listed Buildings or Scheduled Ancient Monument.*

## **Tourism and Recreation**

### **Skiing**

- Policy 51** The expansion of downhill skiing facilities in the Plan area should not be allowed in, or in close proximity to proposed or designated Special Protection Area (SPA), or Special Areas of Conservation (SAC) unless it can be demonstrated that the proposal will not have a significant adverse effect on the species or habitat safeguarded in a particular designated area, or there are other imperative reasons of overriding public interest why the development should proceed and there are no alternative solutions. An Environmental Impact Assessment will be required in association with any proposal for downhill skiing within the Plan area.

**Policy 52** Proposals for cross-country skiing will be encouraged subject to the proposals being compatible with the Conservation and Environment policies contained within this Plan.

**Proposal 2** The Council will investigate the opportunities for the provision of a dry ski slope close to Blairgowrie or Rattray.

**Proposal 3** The Council will seek to establish a footway/cycleway/bridleway network:-

Phase 1: Blairgowrie to Strathardle and connecting to the Dunkeld/Birnam system.

Phase 2: In later years the Council will seek to extend the footpath/cycleway/bridgeway network to Blair Atholl and the principal settlements of Strathmore.

**Proposal 4** The Council will seek to provide roadside lay-bys/picnic sites at the following location:-

Site Ref.	Location
T1	Upper Glenshee
T2	Wester Bleaton Quarry
T3	Beech Hedge

**Policy 53** The Council will encourage the provision of a Heritage Trail to the west of Blairgowrie (Site Ref. T4), based on the historical and nature conservation interest of the area.

**Policy 54** The Council will support farm diversification proposals to provide visitor accommodation where the proposal:

1. *Involves the conversion of existing buildings or is for the construction of chalets;*
2. *Meets a specific need by virtue of its quality or location in relation to existing tourist facilities.*
3. *Is in accordance with Clauses 2 to 6 of Policy 27;*
4. *Remains ancillary to the primary farm use; and*
5. *Will not result in the loss of permanent accommodation.*

**Note:** It may be necessary for the applicant to enter into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to ensure that:-

- (i) *the landscaping and its continued maintenance is provided;*
- (ii) *the chalets are used as permanent residencies; and*
- (iii) *the developer enters the Scottish Tourist Board's quality assurance scheme.*



## Opportunity 1

The Council will support the development of the following site by the private sector:

Site Ref.	Location	Proposal	Comments
T5	Achalader	Holiday Village	This site has planning consent for the development of a holiday village together with leisure facilities and the restoration of Achalader House. Any expansion of the consented facilities will be dependent on the results of a detailed landscape assessment of the site and its carrying capacity, together with a detailed assessment of the likely impact on the nature conservation interests in the area.

## Roads and Transport

**Policy 55** The Council will seek to give priority to improvements to the A93 north of Blairgowrie in order to improve accessibility to the Glenshee Ski Centre and road safety generally.

**Proposal 5** The Council proposes to undertake the following schemes along the A93 which are included in the Capital Expenditure Programme:-

Scheme	Programme Start Year	Type of Scheme
A93/B951 Lair Junction	Future years	New road scheme on new alignment in diversion from existing road
A93 Craighall Gorge/Middle Mause	Future years	New road scheme on new alignment in diversion from existing road
A93 Glenkilrie	Future years	New road scheme on new alignment in diversion from existing road
A93 Glenkilrie to North of Lair	Future years	Earthworks to form verges with localised widening on bends
A93 Blue Brig to Glenkilrie	Future years	Earthworks to form verges with localised widening on bends
A93 South of Finegand to Dalhenzean	Future years	Earthworks to form verges with localised widening on bends
A93 Dalhenzean to Spittal	Future years	Earthworks to form verges with localised widening on bends
A93 North of Drimmie to Blue Brig	Future years	Earthworks to form verges with localised widening on bends
A93 Westfield of Rattray	Future years	New road scheme largely on existing road alignment
A93 Spittal to Rheidorrach 1 & 2	Future years	Earthworks to form verges with localised widening on bends
A93 Spittal to Rheidorrach 3 & 4	Future years	Earthworks to form verges with localised widening on bends



*Note: Policies 1-37 also apply in the Burghs*

## Housing

### General Residential and Background Policies

**Policy 56** Inset Maps B, C and D identify areas of residential and compatible uses where existing residential amenity will be retained and where possible improved. Where sites become available for development, housing will generally be the most obvious alternative use. Some scope may exist for infill development, but only where this will not have a significant adverse effect on the density, character or amenity of the area concerned. Small areas of private and public open space will be retained where they are of recreational or amenity value.

**Policy 57** Inset Map B identifies areas of Rosemount and Darkfaulds where housing will only be permitted subject to the following conditions:-

1. *Each house site shall be a minimum of 0.3 hectares.*
2. *Each house site must have a safe access on to the public road network and not exacerbate existing road safety.*
3. *Housing sites must be designed in such a way as to protect existing trees worthy of retention and must incorporate significant landscaping utilising predominantly native species. (A full tree survey may be required from a suitably qualified person).*

**Policy 58** Ancillary development such as neighbourhood shops and community facilities will be permitted in residential areas provided the character or amenity of the area is not damaged by the development.

### Housing Sites - Blairgowrie and Rattray

**Proposal 6** The following planning consents should be implemented to contribute to the housing supply in Blairgowrie and Rattray.

Ref.	Location	Number*	Developer	Comment
H1	Beeches South, Blairgowrie	240	Private	Under Construction. A distributor road shall be constructed to the south west boundary of the site to enable the connection to the Perth Road via H7 at a future date.
H2	Balmoral Road, Rattray	32	Housing Association	Under Construction
H3	High Street, Rattray	89	Private/ Housing Association	Under Construction
H4	Former Cinema, Boat Brae	18	Private	Under Construction

\* Number of houses to be completed at June 1993

**Proposal 7** The Council will support the development of the following sites to contribute to the housing land supply in Blairgowrie.

Ref.	Location	Number	Developer	Comment
H5	Marfield House, Rattray	20	Housing Association	Retention of major trees on site. Part formerly had planning consent.
H6	Perth Road East, Blairgowrie	15	Private	The site shall be developed for a maximum of 15 executive houses. Significant landscaping will be required along the south and east boundaries of the site. A distributor road shall be constructed to the north east boundary of the site to enable the connection to the Coupar Angus Road via H11.
H7	Perth Road West, Blairgowrie	26	Private or Housing Association	The removal of the Section 50 Agreement relating to the retirement complex will be required before this site can be developed.
H8	Coupar Angus Road, Boat Brae	10	Private	The site be developed for a maximum of ten executive houses with access to Coupar Angus Road. Significant landscaping will be required both within the site and along the site's north and south boundaries.
H9	Brucefield Road, Rosemount	6	Private	To achieve the maximum potential for this site would require to be developed in association with the Littlewood House site adjacent. Road access should be via the Littlewood House site and no vehicular access permitted on to Brucefield Road. In event of this site being development in isolation from the Littlewood House site the maximum number of houses permitted to access on to Brucefield Road will be two. Significant tree planting using predominantly native species will be required within the site and along the site's boundaries.
H10	Littlewood House, Rosemount	6	Private	

**Opportunity 2**

The Council will support the development of the following sites by Housing Associations.

Ref.	Location	Number	Consent
H11	Coupar Angus Road, Quarry, Blairgowrie	40	Ground condition tests will be required. The trees on the site should be retained, and a separate drainage system utilised.

## Housing Sites - Alyth

**Proposal 8** The following planning consent should be implemented to contribute to the housing supply in Alyth.

Ref.	Location	Number	Developer	Comment
H12	Burnfield Works	22	Mixed	

**Proposal 9** The Council will support the development of the following site to contribute to the housing supply in Alyth.

Ref.	Location	Number	Developer	Comment
H13	Strathmore Terrace	30	Private	Development shall include minor junction and pavement improvements.

### Opportunity 3

The Council will support the development of the following sites to contribute to the housing supply in Alyth.

Ref.	Location	Number	Developer	Comment
H14	Losset Road	55	Mixed	Part of the site to be reserved for special needs housing.
H15	Barony Sawmill	15	Private	Only 1 hectare of land is available in the central and southern parts of the site for development.. The trees on the site should be retained.
H16	Albert Street	25	Private	
H17	Springbank Road	35	Housing Association	Residential development will not be allowed within 250 metres of the Alyth Wastewater Treatment Plan and there will be a requirement to provide a car park in the north west corner of the site to alleviate parking problems in Springbank Road.
H18	West Quarter	20	Private	The development of this site is subject to the developer providing a publicly adoptable road system to serve the development and to the resolution of road problems in the surrounding areas. Alternatively if a private access is to be provided a maximum of 5 houses will be permitted.

## Housing Sites - Coupar Angus

### Opportunity 4

The Council will support the development of the following sites to contribute to the housing supply in Coupar Angus.

Ref.	Location	Number	Developer	Comment
H19	Pony Park	15	Private	One access to serve Housing Sites H19 and H21 will be permitted onto the Forfar Road to serve both sites. The street lighting and the 30 mph speed restriction will be taken to a point to the east of the site on the Forfar Road and traffic calming measures introduced to the satisfaction of the Roads Authority. Existing tree cover will require to be protected and maintained.
H20	Pleasance Cottage	30	Private	
H21	Larghan	10	Private	One access to serve Housing Sites H19 and H21 will be permitted onto the Forfar Road to serve both sites. The street lighting and the 30 mph speed restriction will be taken to a point to the east of the site on the Forfar Road and traffic calming measures introduced to the satisfaction of the Roads Authority. Existing tree cover will require to be protected and maintained.
H22	Causewayend	6	Housing Association	

## Shopping

**Policy 59** The Council will not permit non-retail uses to dominate the ground floors of principal retail areas to an extent that it undermines the retail function or adversely affects residential amenity. Inset Maps B-D identify principal retail areas and retail developments over 250m<sup>2</sup> gross outwith these areas will be restricted unless they meet local needs or are in line with Opportunity 6.

## Industrial/Business Uses

**Policy 60** Inset Maps B-D identify areas of predominantly industrial and business uses which are generally defined by Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997. This includes general and light industrial uses, offices, storage and distribution. The following criteria will apply to new proposals in these areas:-

- (a) *uses should be compatible with the amenity of adjoining residential areas.*
- (b) *proposals should only generate traffic appropriate to their location.*

### Opportunity 5

The Council will support the development of the following site to provide industrial/business land in Coupar Angus and Alyth.

Site Ref.	Location	Developer	Extent	Comments
I1	Candlehouse Lane	Private	1ha	An Archeological investigation will be required to establish the acceptability of developing this site.
I2	Mornity Industrial	Private	0.35ha	The remainder of the undeveloped part of the Mornity site to be development for industrial, office, storage and distribution and for non food retailing (restricted to not more than 500 metres square gross floor area).

**Proposal 10** The Council will, in association with other agencies and the local communities develop upon the policies, proposals and opportunities identified in the Plan and produce an Economic Development Strategy for Blairgowrie/Rattray, Alyth and Coupar Angus.

### Opportunity Sites

#### Opportunity 6

The Council will support the development of the following sites for a variety of uses:-

Site Ref.	Location	Use						Comments
		Recreation	Housing	Community Facilities	Tourist Facilities	Commercial	Car Parking	
01	Quinns Cinema, Blairgowrie		✓	✓		✓	✓	Disused building requiring attention.
02	Station Hotel, Blairgowrie		✓	✓	✓	✓		Disused building requiring attention.
03	Alyth Auction House		✓	✓	✓	✓		Disused building requiring attention.
04	Carpet Factory, Alyth		✓	✓	✓	✓		Closure of the former carpet factory offers the opportunity to reappraise the land uses in this area. Any new development will require to take account of existing uses on the site and the surrounding residential properties.
05	Nortel, Coupar Angus	✓	✓	✓	✓	✓		The site will be available for the development of a maximum of 25 houses only providing the noise from the adjacent site can be mitigated and the houses are located sufficiently far away from the road to safeguard against noise problems. Significant landscaping will be required around the site boundaries.

Site Ref.	Location	Use						Comments
06	Lamb & Gardner, Coupar Angus	Recreation	Housing	Community Facilities	Tourist Facilities	Commercial	Car Parking	A small proportion of this overall site may be suitable for housing association use. The housing will require to be located sufficiently far away from the road to safeguard against noise problems.
		✓	✓	✓	✓	✓		

## Opportunity 7

The Council will support the development of the following site for a variety of uses:-

Site Ref.	Location	Use						Comments
07	Upper Mill Street, Blairgowrie	Recreation	Housing	Community Facilities	Tourist Facilities	Commercial	Car Parking	The Council is committed to pursuing, in the first instance, opportunities to develop a tourist related development on the Upper Mill Street Site, Blairgowrie. The Council will seek to initiate and co-ordinate negotiations for the early purchase of the site and, when appropriate, the Council will produce a development brief for the site. The preferred use for this site is for a tourist related development capable of attracting significant visitor numbers in the area. If this proposal does not proceed within three years from the adoption of this Local Plan alternative uses would be permitted. Acceptable alternative uses would include a mixed use development drawn from the following housing, community facilities and car parking (the latter being on part of the site only). Part of the site should be developed for use which complements the existing leisure uses of the riverbank and wider area upstream. Buildings on the site should be of impressive design and scale and should make a positive contribution to the appearance and character of the area.
		✓	✓	✓	✓		✓	



## Environment and Conservation

### Trees

**Policy 61** Proposals Map B identifies an existing Tree Preservation Order. There will be a presumption against developments likely to have an adverse impact on the trees.

**Note:** A list of T.P.O's is contained in the Technical Appendix.

### Archaeology

**Policy 62** Within the area of archaeological interest of Coupar Angus Abbey, no development likely to disturb archaeological remains will be permitted.

### Coupar Angus Conservation Area

**Policy 63** There will be a presumption against developments within the Conservation Area which do not preserve or enhance the area. Applications for outline consent within the Conservation Area are unlikely to be acceptable without detailed plans of the development including elevations which show the new building in its setting. The Council will investigate the possibility of extending the Coupar Angus Conservation Area during the latter part of the Plan period.

### Environmental Improvements

**Proposal 11** The Council with the co-operation of Scottish Enterprise Tayside and the private sector will seek opportunities to carry out the following environmental improvement schemes.

Ref.	Burgh	Location
1st Priority		
E1	Coupar Angus	Relief road landscape mitigation measures.
E2		Town Centre Conservation Area Enhancement Scheme
E3		Marshall's Factory screening
2nd Priority		
E4	Blairgowrie	Wellmeadow South Improvement Scheme
E5		High Street
E6	Coupar Angus Alyth	Cross to Nortel Streetscape Improvements
E7		Burn
3rd Priority		
E8	Blairgowrie/Rattray Alyth	Ericht side
E9		Town entrance enhancements

## Open Space and Recreation

### General Policy

**Policy 64** Inset Map B, C & D identifies significant areas of public and private open space and recreation areas which are to be retained. Any development proposals which erode these areas will be resisted. Encouragement will be given to proposals which would improve these areas.

## **Recreation Provision**

- Policy 65** The Council will investigate further provision of a four rink indoor bowling hall within the Blairgowrie area.

## **Agriculture**

- Policy 66** Inset Maps B and D identify land which should remain in agricultural or forestry use meantime. There will be a strong presumption against built development within these areas.

## **Tourism**

### **Tourist Uses**

- Policy 67** Inset Map B identified areas of predominantly tourist related uses and seeks to safeguard these areas; there should be a presumption in favour of retention of these land uses.

## **Roads and Transport**

- Policy 68** In Coupar Angus, the Council will reserve line for the construction of the proposed A923 town centre relief road. Applications for planning consent, other than for the purposes of road construction, within the reserved corridor will not be in conformity with the Plan.

- Proposal 12** The Council proposes to implement the following scheme which are included in the Capital Expenditure Programme:-

Ref.	Road Scheme	Phasing
R1	A923 Coupar Angus Relief Road	Future Years

- Proposal 13** The Council has conducted a Traffic Management Study of central Blairgowrie and bring forward proposals to re-organise traffic flows within central Blairgowrie in association with environmental improvements.

## **Public Utilities, Social and Community Facilities**

### **General Policy**

- Policy 69** Proposals Map B, C and D identifies areas for a variety of public utilities, social and community facilities. There will be a presumption in favour of retaining these sites for such uses.

### **Drainage Infrastructure**

#### **Recommendation 1**

The Council recommends to the North of Scotland Water Authority that the houses on Meikle Road, Alyth, not currently connected to the main sewer, should be connected into the public system at the earliest possible date.

### **Education Provision**

- Proposal 14** The Council will reserve a site for primary education in the south of Blairgowrie. Proposal Map B identifies a site of 0.9 ha for this purpose.

### **Health Centre**

- Policy 70** The Council will support the development of a new doctors' surgery at the Cottage Hospital, Blairgowrie.

*Note: Policies 1-37 also apply in the Villages and Small Settlements*

## Background Policies

### Village Uses

- Policy 71** Inset maps E to Z indicate villages and small settlements where residential amenity and village character will be retained and if possible, improved. Some scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the village. Proposals which erode areas of public or private open space will be resisted. Generally encouragement will be given to:-
- (a) *Improvements to existing village shopping facilities where it can be shown that they would serve the needs of the village;*
  - (b) *Proposals which will improve the character and environment of the village;*
  - (c) *Small scale business activities where they are compatible with the amenity and character of the village*
  - (d) *Proposals for the provision of small scale tourism and leisure facilities in villages*

## Housing

**Proposal 15** The following consents should be implemented to contribute to the housing supply:-

Ref.	Location	Number	Developer	Comment
H23	Ardler (Franklin St/ Wallace Street)	11 (2 sites)	Private	
H24	Meikleour	9	Private	Under Construction.
H25	New Alyth	10	Private	Only 5 houses may be constructed without the developer upgrading the drainage infrastructure of New Alyth by connecting the system to the Alyth WTP.

## Opportunity 8

The Council will support the development of the following sites for housing purposes in order to improve choice and increase the supply of housing land.

Ref.	Location	Number	Developer	Comment
H26	Ardler (Franklin St)	20	Mixed	Subject to the developer upgrading the Ardler WTP to release sufficient spare capacity, this site should accommodate 20 houses. A minimum of 30% shall be reserved for housing association development or some form of affordable housing. The site shall not be released until 2001 with half the site retained until 2006.
H27	Claypott Farm Steading, Caputh	5	Private	Redevelopment of the steading utilising where practical the existing buildings and subject to provision of traffic calming measures on the eastern approach to Caputh.
H28	Kettins	5	Private	In the absence of a public drainage system serving Kettins, the developer will require to demonstrate that the site can be drained to a soakaway system which will not exacerbate pollution problems in the Kettins Burn. The site to be developed for a maximum of five houses fronting onto the road.
H29	Kirkmichael	5	Housing Association	The development will be permitted along the road frontage only and it will be required to demonstrate that this site can be drained to a soakaway system which will not exacerbate environmental problems within the area.
H30	Meigle (Airlie Road)	20	Mixed	Subject to drainage becoming available.
H31	Meigle (Dundee Road)	5	Housing Association	To be reserved for special needs housing in association with the hospital. Subject to drainage becoming available.
H32	Meigle	40	Mixed	Subject to drainage becoming available.

## Environment and Conservation

### Trees

**Policy72** Proposals Map F identifies an existing Tree Preservation Order. There will be a presumption against development likely to have an adverse impact on the trees.

**Note:** A list of T.P.O's is contained in the Technical Appendix.

**Policy 73** Proposal Maps identify areas where tree planting will be encouraged or where existing tree cover should be maintained and enhanced.

### ***Lunan Catchment Area***

**Policy 74** The Council will protect and seek to enhance the nature conservation and landscape interest of the settlements within the Lunan Catchment (Inset Maps P, S, W and X). Commercial tourist developments which are likely to attract significant numbers of visitors will not be permitted within the Lunan Valley Catchment Area, unless it can be demonstrated by the applicant that there will be no adverse impact on the environmental assets of the area.

### ***Cairngorms Partnership Area***

**Policy 75** The Council will work with the Cairngorms Partnership to secure the environmental, economic and social aims of the Partnership's Management Strategy.

### ***Conservation Areas***

**Policy 76** Inset Maps K and L identify existing Conservation Areas. There will be a presumption against development within Conservation Areas which does not preserve or enhance the area. Applications for outline consent within Conservation Areas are unlikely to be acceptable without detailed plans of the development including elevations which show the new building in its setting.

**Policy 77** Proposals Map K identifies areas in Meikleour Conservation Area where there will be a presumption against built development in order to safeguard the setting of the village.

**Proposal 16** The opportunities for Conservation Area Enhancement Schemes will be investigated within Spittalfield and Meikleour.

**Proposal 17** The Council will investigate the possibility of designating Kettins as a Conservation Area during the latter part of the Plan period.

### ***Historic Gardens and Designed Landscapes***

**Policy 78** The Council will protect and seek to enhance the Historic Garden and Designed Landscape identified on Inset Map K and any others which may be identified by Historic Scotland and Scottish Natural Heritage during the Plan period.

**Note:** Further details are contained in the Technical Appendix.

### ***Environmental Improvement***

**Policy 79** The Council with Scottish Enterprise Tayside will pursue with local communities opportunities for environmental improvements within villages and for the creation of village gateway proposals incorporating traffic calming measures where appropriate.

### ***Tourism***

**Policy 80** The Inset maps F and S identify caravan sites and seek to safeguard these areas. In the event of the land ceasing to be used as a caravan site, there shall be no presumption in favour of residential development.

**Proposal 18** Inset Map I identifies a site suitable for the development of a picnic site/car park in Kirkmichael. The proposed car park will include visitor signage.

## Open Space and Recreation

**Policy 81** Inset Maps E-Z identifies areas of public and private open space and recreation areas which are to be retained. Any development proposals which erode these areas will be resisted. Encouragement will be given to proposals which would improve these areas.

## Public Utilities, Social and Community Facilities

### Education Provision

**Proposal 19** The former primary school in Ardler should be retained for community use.

### Fire Service

**Proposal 20** The Fire Brigade propose to construct a new Fire Station on the site of the existing station in Kirkmichael.

### Drainage Infrastructure

#### Recommendation 2

The Council recommends to the North of Scotland Water Authority that:-

1. *The necessary improvements to the sewerage infrastructure in Meigle are made to accommodate the development opportunity identified in this Plan.*
2. *They should investigate with the prospective developer of H28 the provision of a sewerage system for Kettins.*

A list of information contained in the Technical Appendix is shown below. A copy of the Technical Appendix is available for inspection at the Planning & Development Department Reception, Floor 3, 2 High Street, Perth. Copies may also be purchased at a cost of £15.

1. Population - 1991 Census
2. Objective 5b and Leader 2 Area
3. Sites of Special Scientific Interest
4. Sites of Local Nature Conservation Interest
5. Protected Species
6. Protected Habitats
7. Tree Preservation Orders
8. Strategic Plan for Community Woodlands Supplement
9. Scheduled Ancient Monuments
10. Sites of Archaeological Interest (Local)
11. Listed Buildings
12. Caravan and Chalet Sites (Report to Planning & Economic Development Committee of 10 September 1997.
13. National Playing Fields Association Standards
14. Play Space Policy
15. Native Species
16. Aggregate Working Policy
17. Historic Gardens and Designed Landscapes





## Housing in the Countryside Policy

1. The Council's policy on housing in the countryside recognises that the open countryside of Perth and Kinross, and its outstanding scenic qualities, should be preserved for both the benefit of locals and visitors. To that end its policy on housing in the countryside follows the principles contained in NPPG3, namely:-

- ➡ *Development should be encouraged on suitable sites in existing settlements.*
- ➡ *The coalescence of settlements and ribbon development should be avoided.*
- ➡ *Isolated development should be discouraged in the open countryside unless particular circumstances are clearly identified in development plans or there are special needs.*

2. "Countryside" where this policy applies refers to all parts of the District outwith the boundaries of towns and villages defined in the District Council's Local Plans. This particular policy refers primarily to individual houses only. A separate policy will be prepared to deal with proposals for larger groups of houses.

3. **Against that background, consent will normally only be given to the erection of individual houses in the countryside which fall into at least one of the following categories:-**

(a) **Development Zones**

*Sites in the open countryside which fall within and meet the criteria identified within Local Plan Policy 50 and identified on Proposals Map A.*

(b) **Building Groups**

- (i) **Development within** existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group .
- (ii) **Development within or adjacent** to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which would extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

**In the case of scattered building groups**, composed of small holdings or crofting type settlements, separate Advisory Plans will be prepared for each group in the context of the Local Plan programme or in response to planning applications.

(c) **Renovation of Abandoned Houses**

*Consent will be granted for the restoration of abandoned houses provided:-*

- (i) *The house is structurally sound and is capable of rehabilitation without substantial rebuilding.*
- (ii) *Alterations and extensions are in sympathy with the existing house. Extensions to the property should be the subordinate rather than the dominant element of the completed house.*

- (iii) *Satisfactory access and services can be provided.*

*Where possible, detailed applications should be submitted for such proposals, but where an outline application is made, this should be accompanied by sketch plans indicating the size of the proposed extension and proposed elevational treatments.*

**(d) Replacement of Houses**

*The restoration of existing houses will be preferred to their replacement, but consent will be given to the replacement of houses provided:-*

- (i) *The existing house is neither worthy of retention nor capable of rehabilitation economically. The applicant must be able to demonstrate that the building was or is used as a dwelling house and the building must be clearly recognisable as a house having the majority of its main structural elements intact. Except in the case of demolition for safety purposes, within the past 5 years, evidence of foundations will not be considered adequate evidence of an existing house.*
- (ii) *The design and detailed siting of the replacement house is satisfactory. It should not always be assumed that a new house should be built on the solum of the previous house.*
- (iii) *The existing house is demolished or converted to some ancillary or alternative use to the satisfaction of the District Council as Planning Authority.*
- (iv) *Suitable access and services are available.*
- (v) *The site is acceptable on amenity grounds.*

**(e) Conversion of Non-Domestic Buildings**

*Consent will be granted for the conversion of non-domestic buildings such as barns, mills, stables etc to form houses provided:-*

- (i) *The building makes a positive contribution to the landscape and its retention is considered beneficial to its surroundings.*
- (ii) *The building is capable of conversion to residential use without requiring extensions or alterations to its external appearance that would detract from its character or attractiveness.*
- (iii) *The building is structurally sound, is in a reasonable state of repair and is capable of retention without substantial rebuilding.*
- (iv) *Satisfactory access and services can be provided.*
- (v) *A satisfactory residential environment can be created if adjacent to a working farm, and provided the introduction of housing will not interfere with the continuance of adjacent legitimate agricultural activities.*

*Applications to create more than one house will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each dwelling created.*

**(f) Operational Need**

*Exceptionally, where there is an operational need for a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy.*

4. In all applications for houses in the countryside high standards of siting, design and finish will be required, in accordance with the council's siting and design guide, and to reflect the guidance given in the Scottish Office Planning Advice Notes 36 and 44.
5. Reference should always be made to the appropriate Local Plan which include policies which may restrict the terms of this policy.

Within the Eastern Area Local Plan, applicants should pay particular attention to the following policies:-

*Background Policies*

*Nature Conservation*

*Lunan Valley Catchment Area*

*Archaeology and Ancient Monuments*

*Listed Building*

*Historic Gardens and Designed Landscapes*

*Energy Efficiency*



## **Glossary of Terms**

### ***Housing***

#### **Affordable Housing**

A segment of the housing market where, in order to meet some important housing needs, a proportion of housing is reserved for those people for whom it would be impossible or inappropriate to pay the full market price for housing in the area.

#### **Brownfield Sites**

These are normally sites which have previously been developed or used for some purpose which has ceased. They may encompass re-use of existing buildings by conversion, demolition and new build; clearance of vacant or derelict land and new build; infills and various other forms of intensification.

#### **Effective Housing Supply**

This is part of the established land supply that is free of availability and economic viability constraints, and is therefore available to a house builder for construction of houses.

#### **Established Housing Supply**

This will include the remaining capacity for sites under construction, sites with planning consent, sites in adopted Local Plans and, where appropriate, other buildings and land with agreed potential for housing development.

#### **Greenfield Sites**

These are sites which have never been previously developed or used for an urban use, or are on land that has been brought into beneficial use for agriculture or forestry ie. fully restored derelict land.

#### **Tenure**

Housing provision is traditionally divided into the public and private sector. The public sector is defined to include provision by local authorities, New Town Development Corporations, Scottish Homes and other public bodies of housing for rent, both general and special needs.

### ***Employment***

#### **Prime Industrial Sites**

Sites which can be easily promoted for incoming general industrial by virtue of their accessibility, amenity and availability for development.

### ***Retailing***

#### **Prime Shopping Centre**

The core of the central shopping area - typified by its concentration of key multiple retailers and other prominent comparison outlets.

**Rural Development & Environment****Biodiversity**

The variety of life.

**Environmental Assessment (EA)**

A systematic procedure, formally subject to the Environmental Assessment (Scotland) Regulations 1988, for the consideration of the environmental effects of a proposed project prior to a decision being taken on whether approval.

**Indicative Forestry Strategy**

An assessment, at a Regional level and on an outline basis of the opportunities for new woodland planting, which indicates the presence and complexity of conflicting land use interests.

**Prime Quality Agriculture Land**

Land of Classes 1, 2 and 3.1 in the land capability for agriculture as developed by the Macaulay Land Use Research Institute, Aberdeen.

**Sustainable Developments**

"Sustainable developmen" tries to reconcile these two objectives. A widely quoted definition of this concept is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". It means keeping the consumption of renewable natural resources within the limits of the replenishment. It means handing down to successive generations not only man-made wealth (such as buildings, roads and railways) but only natural wealth such as clean and adequate water supplies, good arable land, a wealth of wildlife and ample forests.

Those sites contributing to the Structure Plan housing allowance but not included in the Draft Local Plan.

Sites Completed or less than 5 units to complete at 1/2/97.

Location	Number	Developer
<b>Blairgowrie and Rattray</b>		
Coupar Angus Road	24	Private
Park Neuk	20	Housing Association
Woodland West Phase 2	6	Private
Heath Park	18	Private
Dunkeld Road	16	Private
Queens Hotel	16	Private
Mount Erich	5	Private
Total	105	

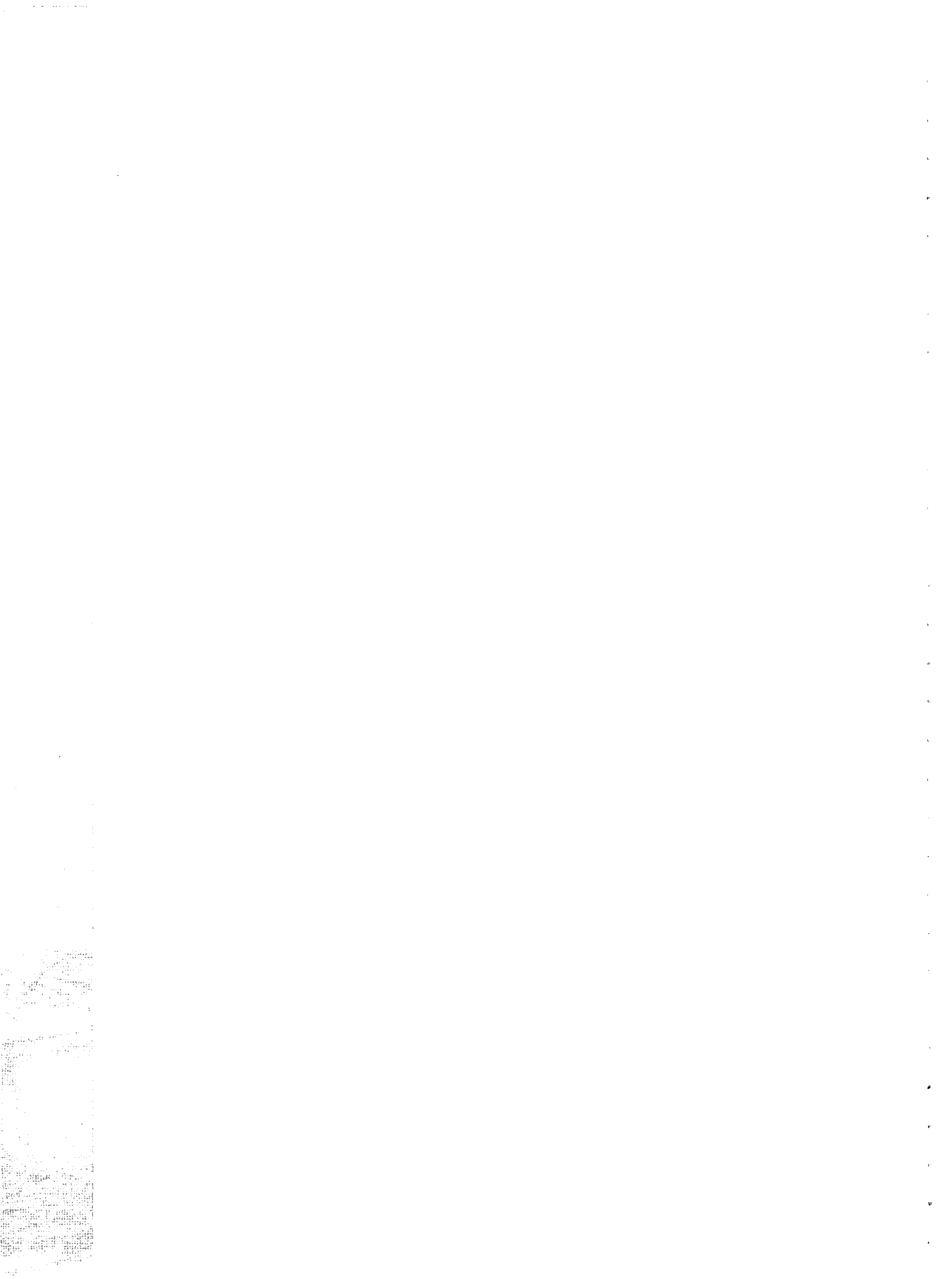
Location	Number	Developer
<b>Alyth</b>		
Isla Road	26	Housing Association
Barony Hall	16	Housing Association
Losset Road	4	Private
Banff Road	11	Private
Total	58	

Location	Number	Developer
<b>Coupar Angus</b>		
Hay Street	16	Housing Association
Queen Street	30	Housing Association
Total	46	

Location	Number	Developer
<b>Landward/Villages</b>		
Spittalfield	18	Housing Association
Total	18	

Local Plan Housing Totals included in Table 4 incorporate the following sites

Area	Completed Unit	House Sites	Total
Blairgowrie/Rattray	105	502 (H1-11)	607
Alyth	58	202 (H12-18)	260
Coupar Angus	46	61 (H19-22)	107
Landward/Village	18	120 (H23-32)	138
Total			1112





# Maps

## *Villages*

Map E    *Ardler*

Map F    *Bridge of Cally*

Map G    *Caputh*

Map H    *Kettins*

Map I    *Kirkmichael*

Map J    *Meikle*

Map K    *Meikleour*

Map L    *Spittalfield*

## *Small Settlements*

Map M    *Ballintuim*

Map N    *Campmuir*

Map O    *Carsie*

Map P    *Craigie*

Map Q    *Craigmill*

Map R    *Enochdhu*

Map S    *Kinloch*

Map T    *New Alyth*

Map U    *Spittal of Glenshee*

Map V    *West Myreriggs*

Map W    *Concraigie*

Map X    *Forneth*

Map Y    *Netherton*

Map Z    *Straloch*

# Eastern Area

Local Plan 1998

Key

## KEY

## DESCRIPTION

## POLICY/PROPOSAL OPPORTUNITY

### Background Policy



Health and Safety Consultation Zone

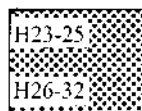
Policy 4



Village Uses

Policy 71

### Housing



Housing Consents

Proposal 15

Housing Opportunities

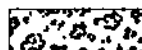
Opportunity 8

### Environment and Conservation



Tree Preservation Order

Policy 72



Tree Planting or Maintain Cover

Policy 73



Lunan Catchment Area

Policy 74



Cairngorm Partnership Area

Policy 75



Conservation Areas

Policy 76 & Proposal 16



Conservation Area Setting Protection

Policy 77



Investigate Conservation Area Status

Proposal 17



Historic Gardens and Designed Landscapes

Policy 78



Scheduled Ancient Monument

Policies 20-22

Village Environmental Improvements (not identified on maps)

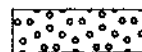
Policy 79

### Tourism



Caravan Sites

Policy 80



Picnic Site/Car Park

Proposal 18

### Open Space and Recreation



Private and Public Open Space

Policy 81

### Public Utilities, Social and Community Facilities



Former Ardler Primary

Proposal 19



New Fire Station

Proposal 20



Recommended Drainage Improvements

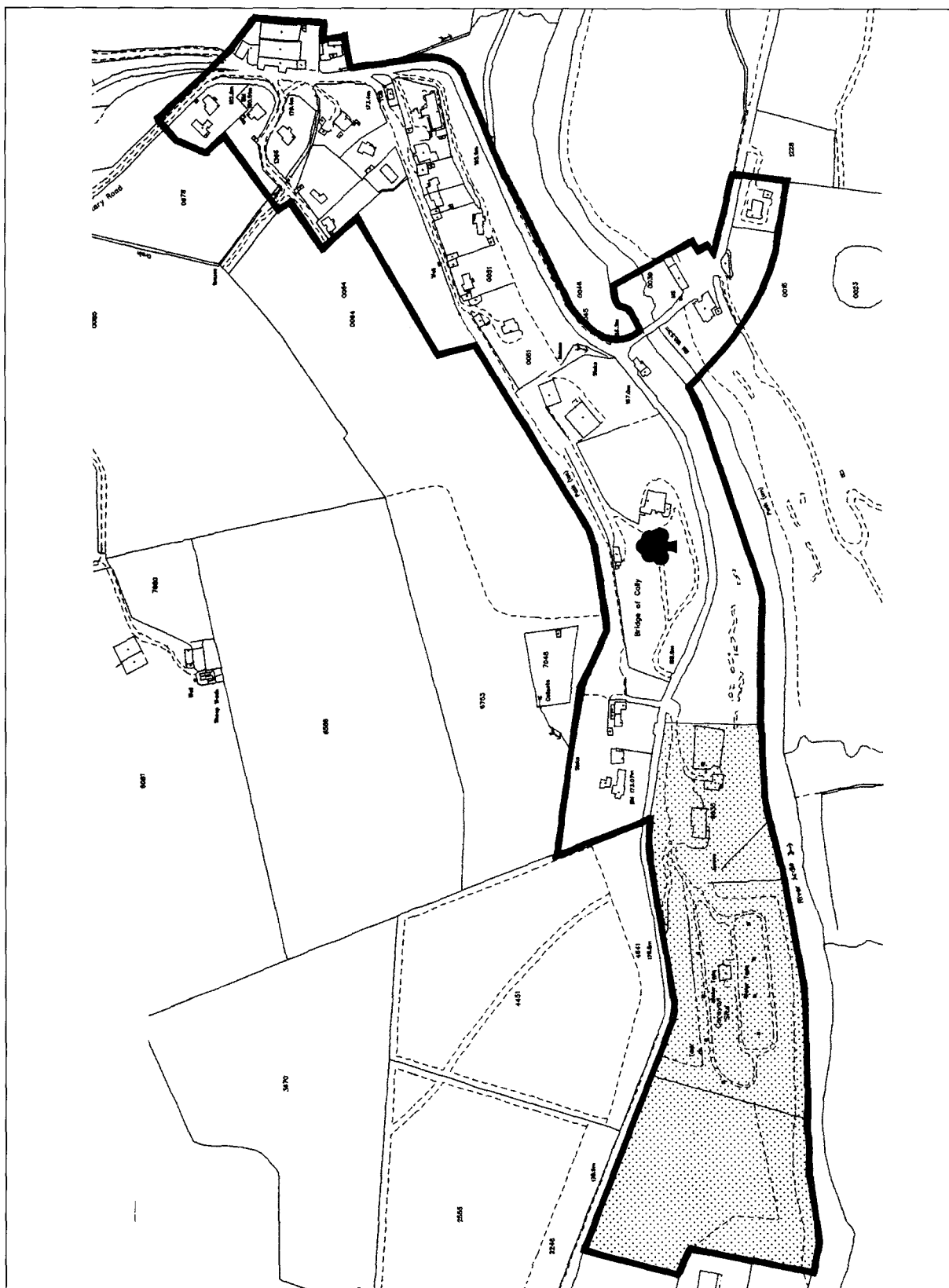
Recommendation 2

*Note: General Policies 1-37 also apply in the Villages and Small Settlements*



The Plan will seek to protect the current provision of open space in Ardler, and ensure that the former school should be retained for community purposes.

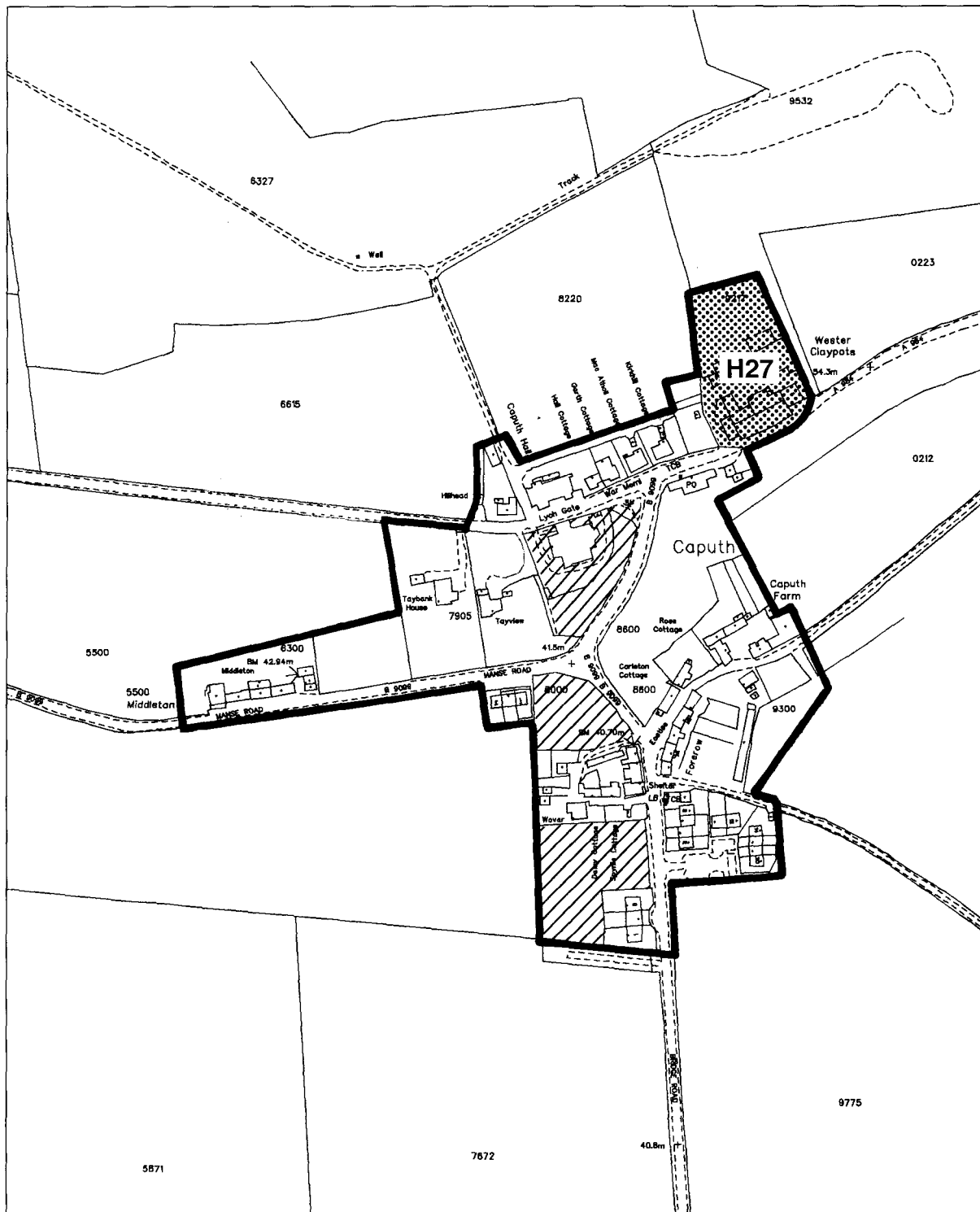
### Map F: *Bridge of Cally*



### Bridge of Cally

Due to the lack of an adequate drainage system and the topography surrounding the settlement, the allocation of additional housing sites within Bridge of Cally is considered inappropriate. Accordingly, the boundary of “village uses” policy has drawn to limit any expansion of the village. The Caravan Park provides an important tourist resource in the area, and the Plan incorporates a presumption against residential development should the land cease to be used for tourism related purposes.

# Map G: Caputh

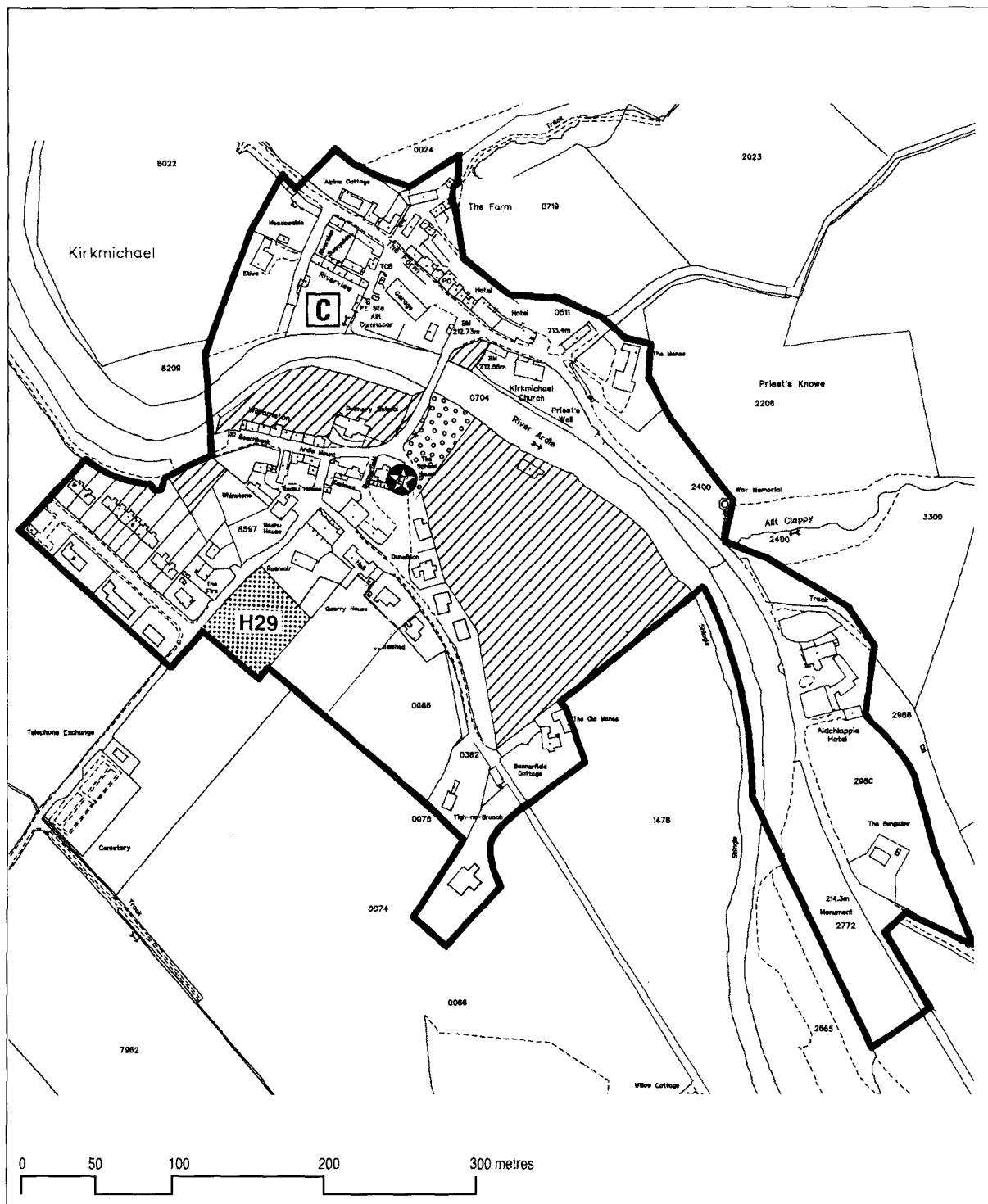


## Caputh

Caputh is one of the few villages within the Plan area which has significant spare drainage capacity. As a result the plan brings forward a housing opportunity capable of accommodating approximately 5 houses (H27). There is also scope for a number of other small infill sites within the village boundary. The Plan retains the existing children's play park and developers of site H27, will be required to contribute towards the upgrading of this facility in line with Policy 31.



# Map I: Kirkmichael

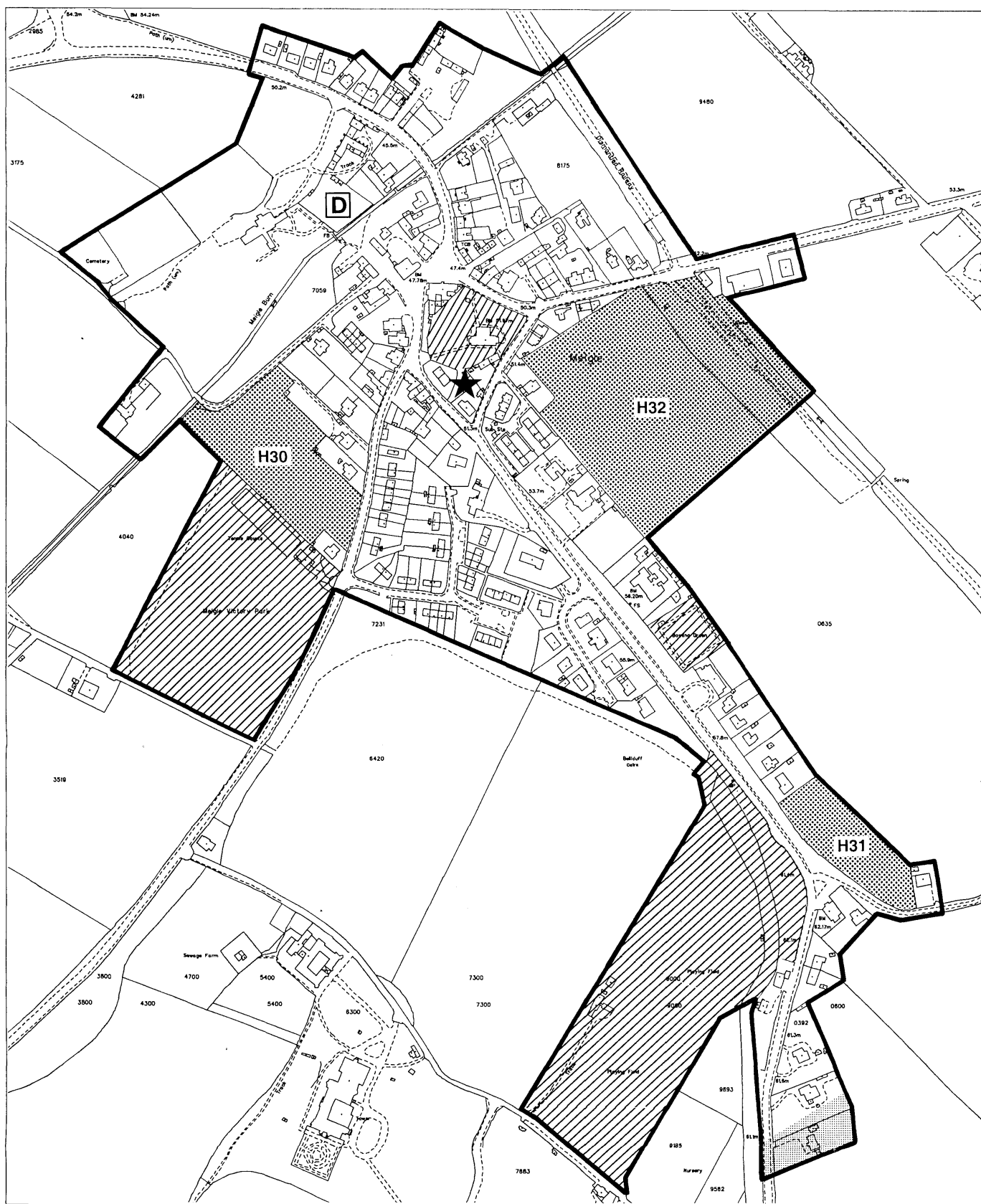


## Kirkmichael

The village currently suffers from environmental problems created by the low summer flow of the River Ardlar. In the absence of a full Wastewater Treatment system limited development will only be permissible in the areas where it can be shown that the method of effluent disposed will not exacerbate current environmental problems. The Plan therefore only brings forward one housing site H29 (5 houses) for housing association development.

The Plan protects a number of important recreational areas within private and public ownership in Kirkmichael. In order to improve the facilities for visitors an area has been identified as suitable location for the provision of a new car park. The proposed car park will include picnic facilities and visitor signage.

The Fire Brigade propose to construct a new fire station on the site of the existing station in Kirkmichael.



## Meigle

Meigle has been constrained for a number of years by a lack of drainage capacity and at present the North of Scotland Water Authority have no proposals to carry out the necessary improvements. These development constraints have been one of the principle reasons for a decline in population levels within the area and the falling school role. The Plan therefore recommends to the North of Scotland Water Authority that the necessary improvements to the sewage infrastructure in Meigle are made to accommodate the development opportunities identified in the Plan.

The Plan identified 3 housing opportunity (H30-H32) subject to the resolution of drainage difficulty. Sites H30 and H32 are identified as sites suitable for mixed development of approximately 20 and 40 units respectively. Site H31 (5 houses) being located close to the Cottage Hospital, is to be retained for special needs housing.

The Plan identifies areas of public and private open space where there will be a presumption against any form of built development other than that related to the functions of the open space.

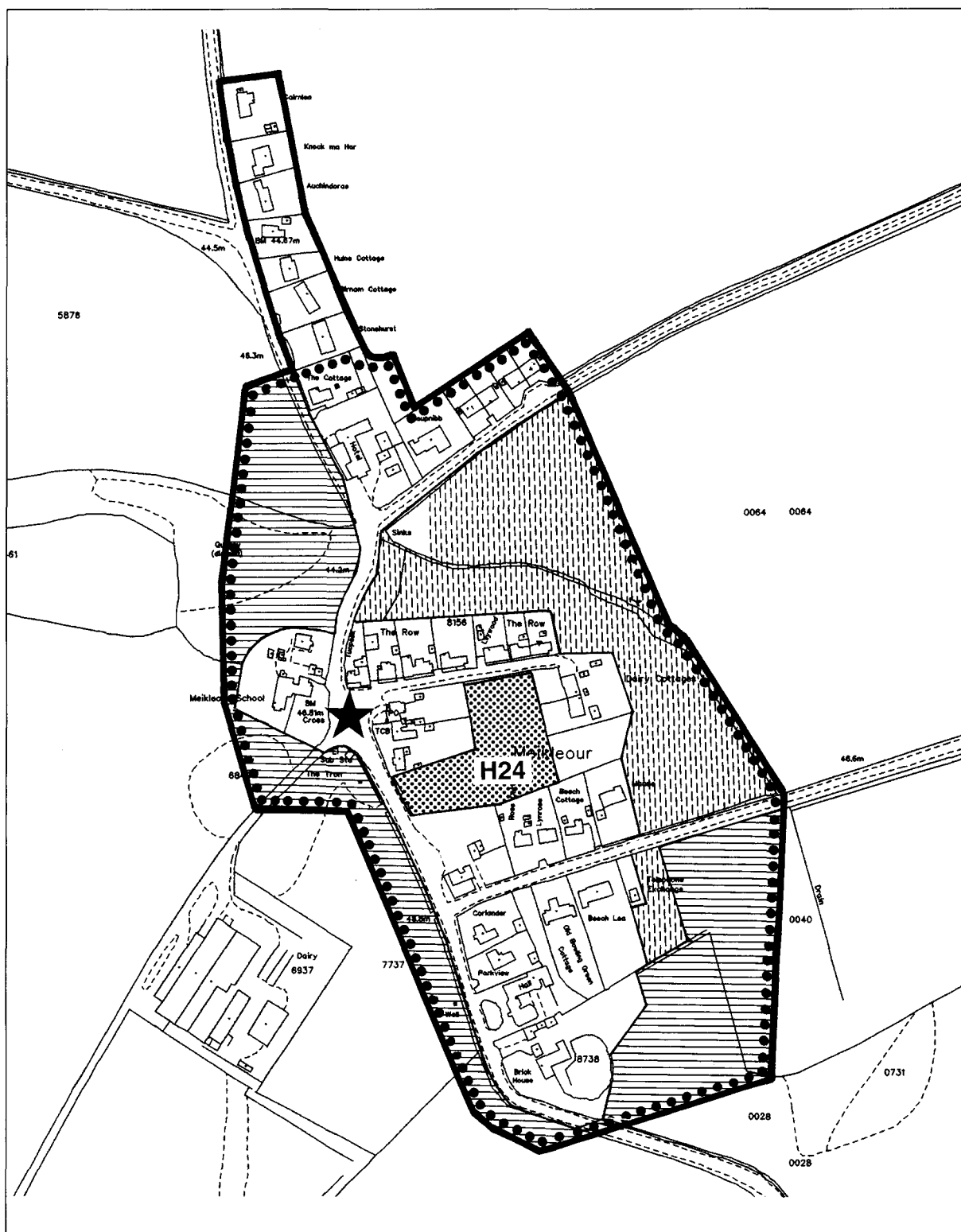
Printed from Badger mapbase at scale 1:3500



Based upon Ordnance Survey mapping with the permission of the controller of HMSO. Crown Copyright Reserved. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. LA09043L



### Map K: *Meikleour*



*Meikleour*

Designated as a Conservation Area, Meikleour comprises a number of category “B” listed buildings. The Plan safeguards the special quality of the village, and there will be a presumption against any built development within the village boundary beyond those existing consents identified in H24 (9 houses). The lack of a comprehensive sewerage system in the village, together with the localised pollution problems means it is unlikely that any new housing development would be acceptable within the village boundary.

To safeguard the setting of the village the Plan identifies areas where there will be a presumption against built development.

## Map L: *Spittalfield*

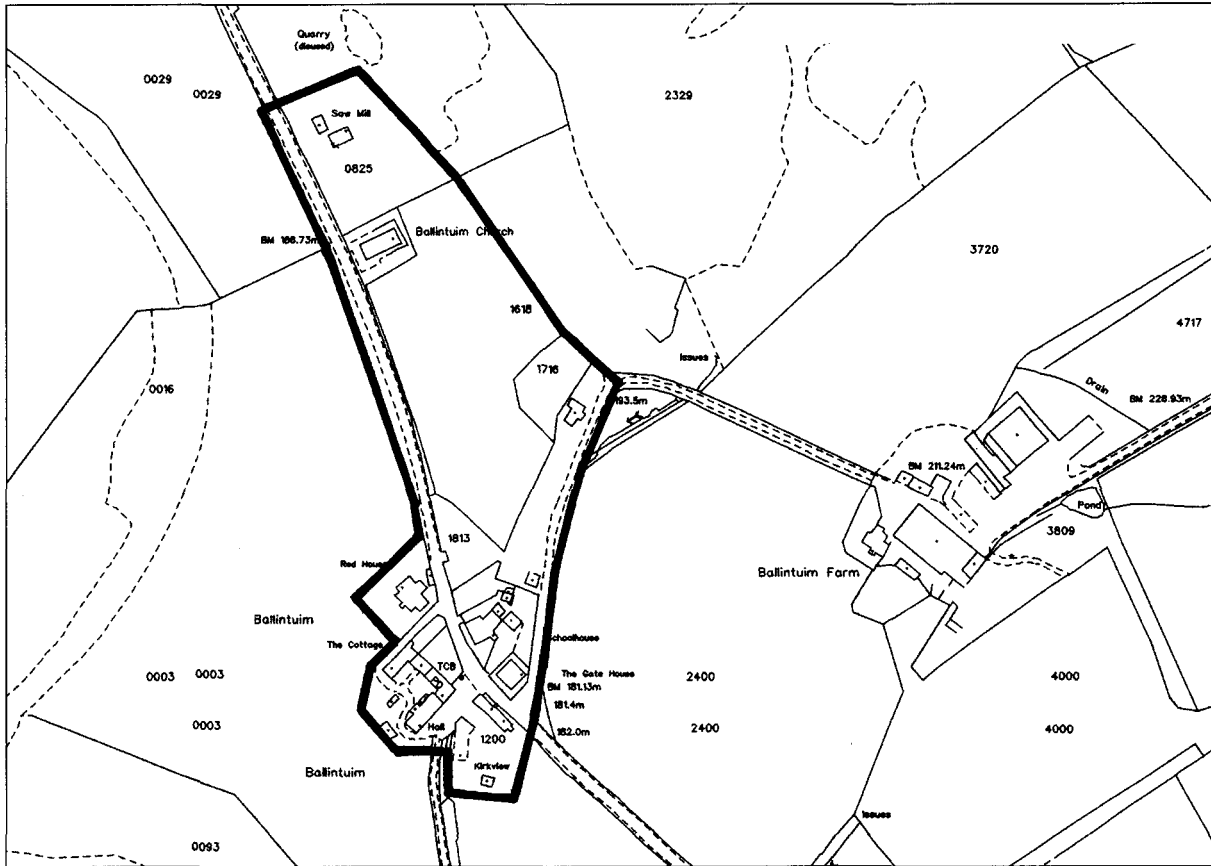


### *Spittalfield*

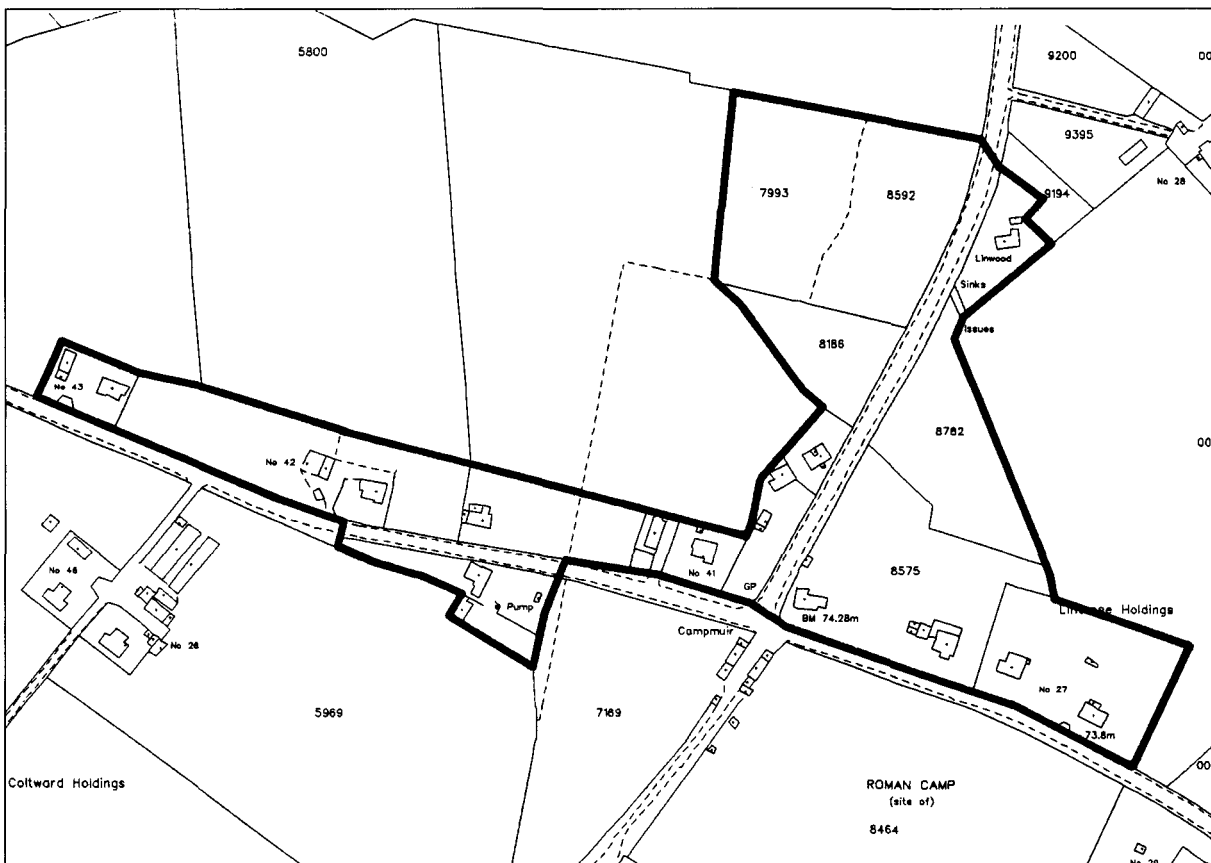
The area concentrated around the Green in Spittalfield is designated as an Outstanding Conservation Area. The Conservation Area status is based upon the historic interest of the 19th Century planned estate village, and accordingly the Plan protects the special character of the area. There will be a presumption against any new housing development which would compromise the setting of the village and the unique quality of the Conservation Area.

Perthshire Housing Association has recently constructed 18 units. Development of this site has expanded the choice of housing available within the Plan area, as well as providing the opportunity to upgrade the existing environmental quality of the area.

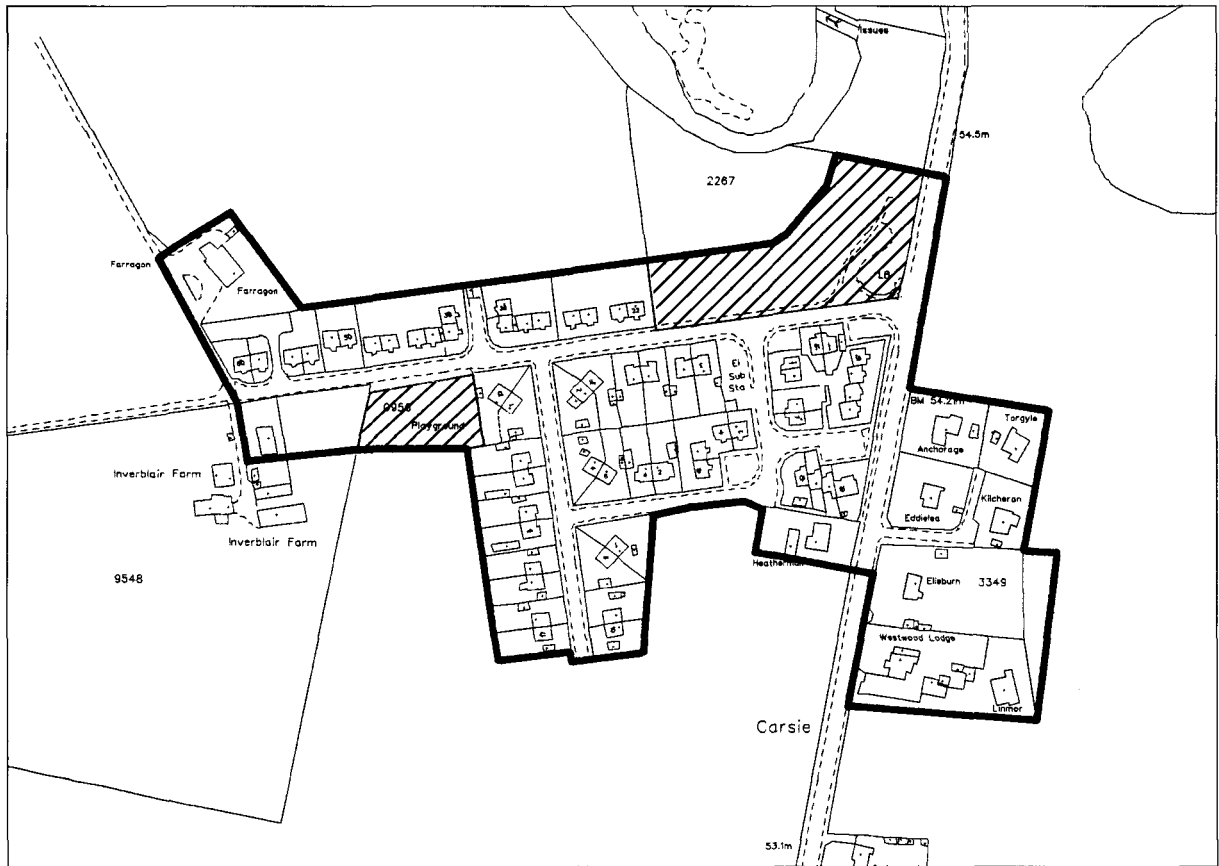
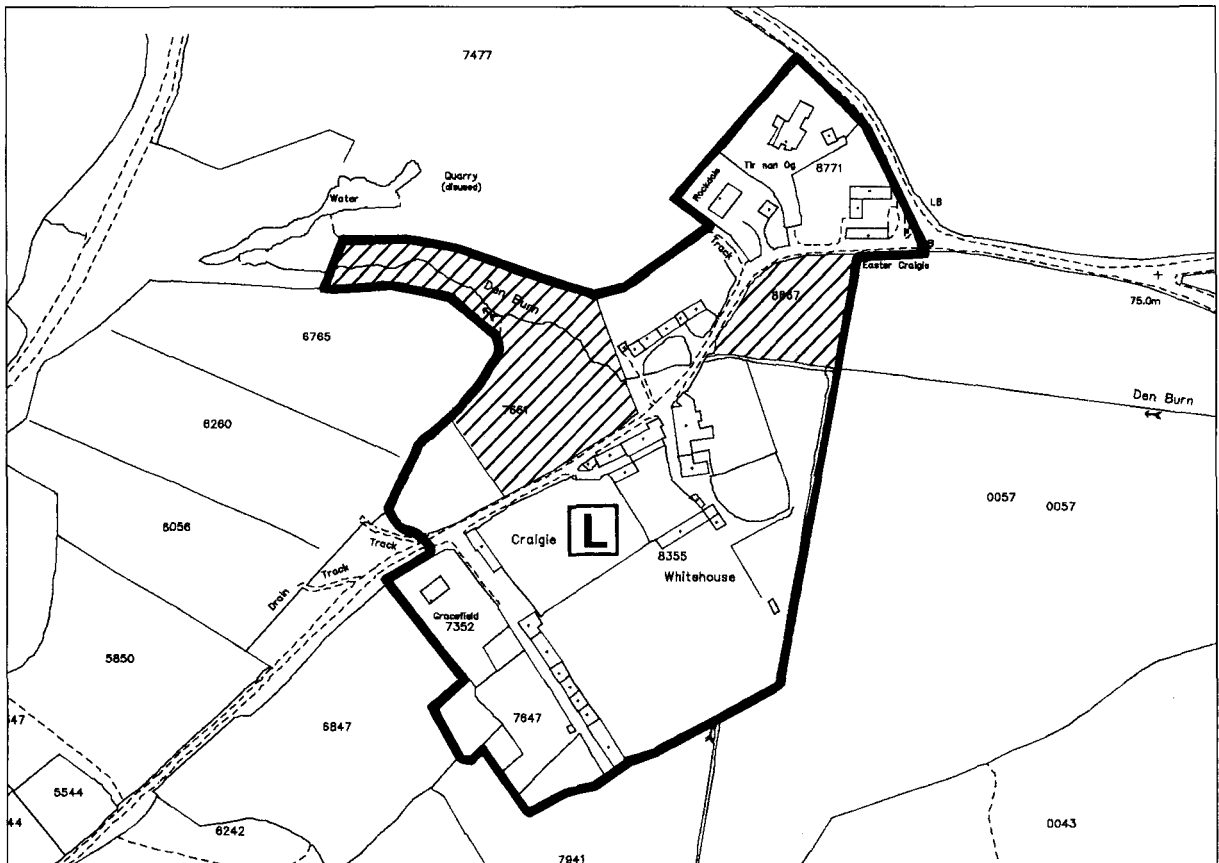
Map M: *Ballintuim*



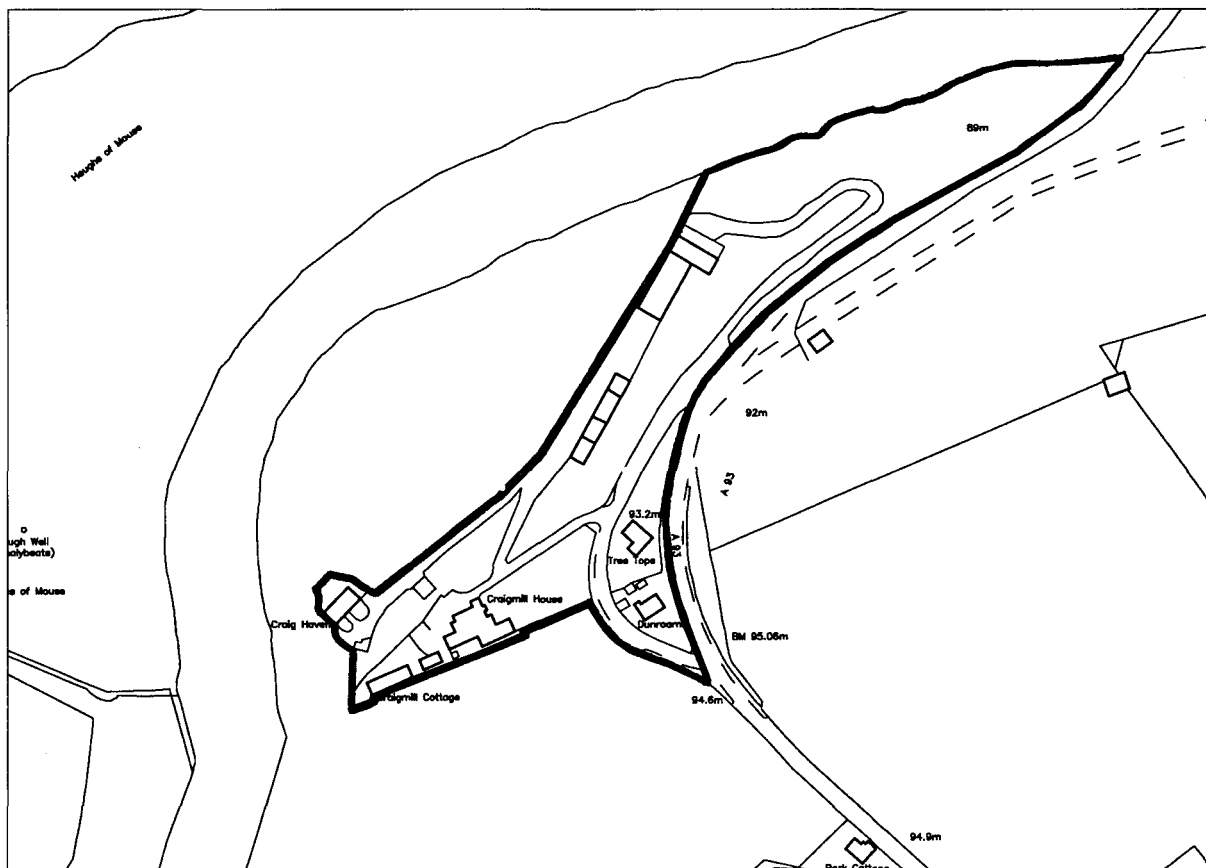
Map N: *Campmuir*



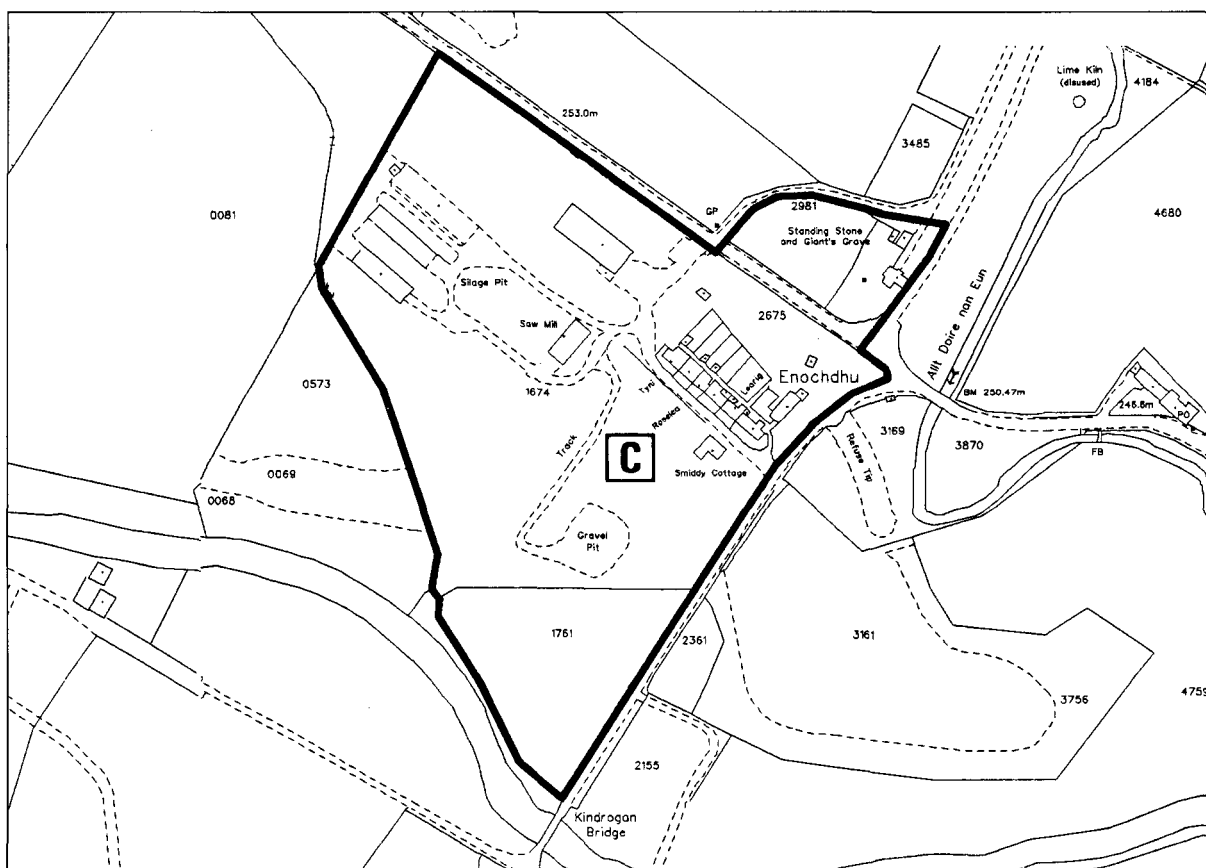
## Map 0: *Carsie*

Map P: *Craigie*

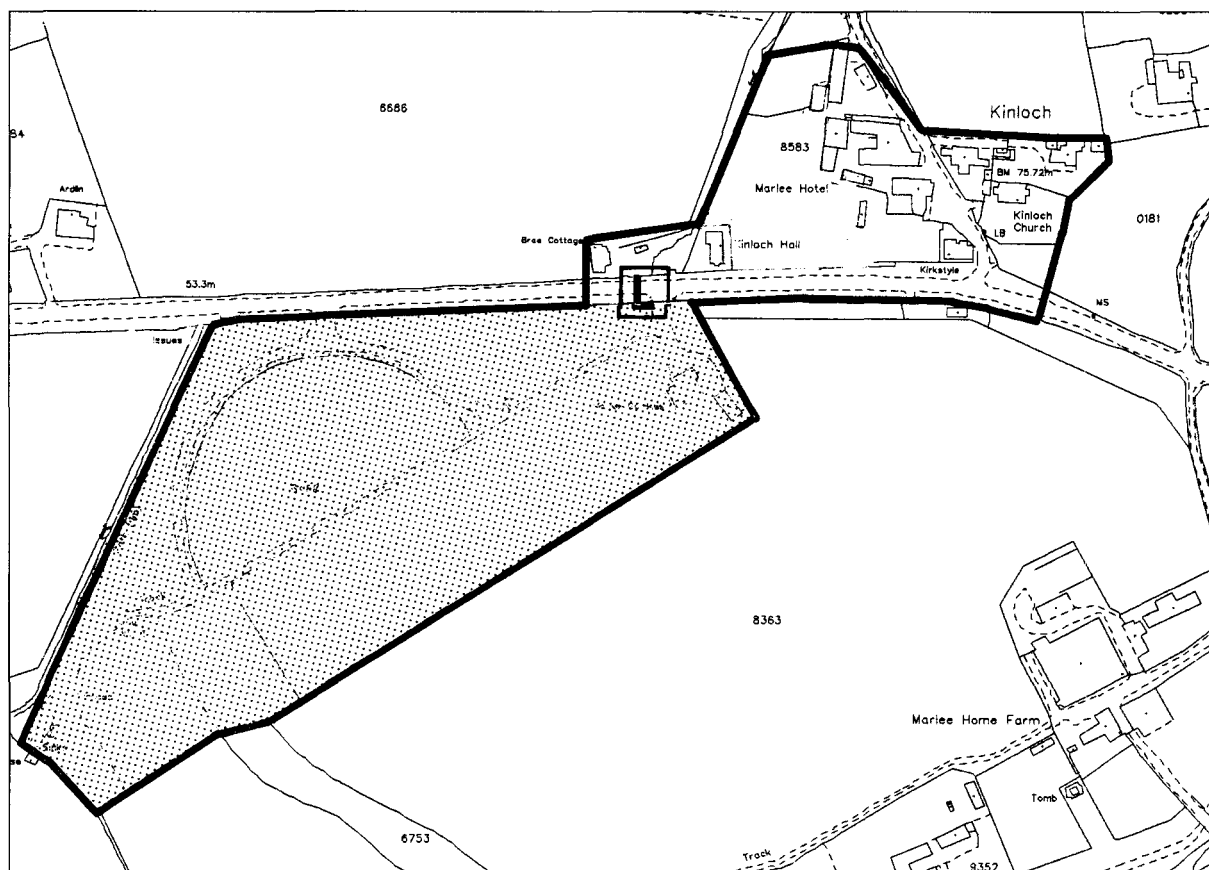
Map Q: *Craigmill*



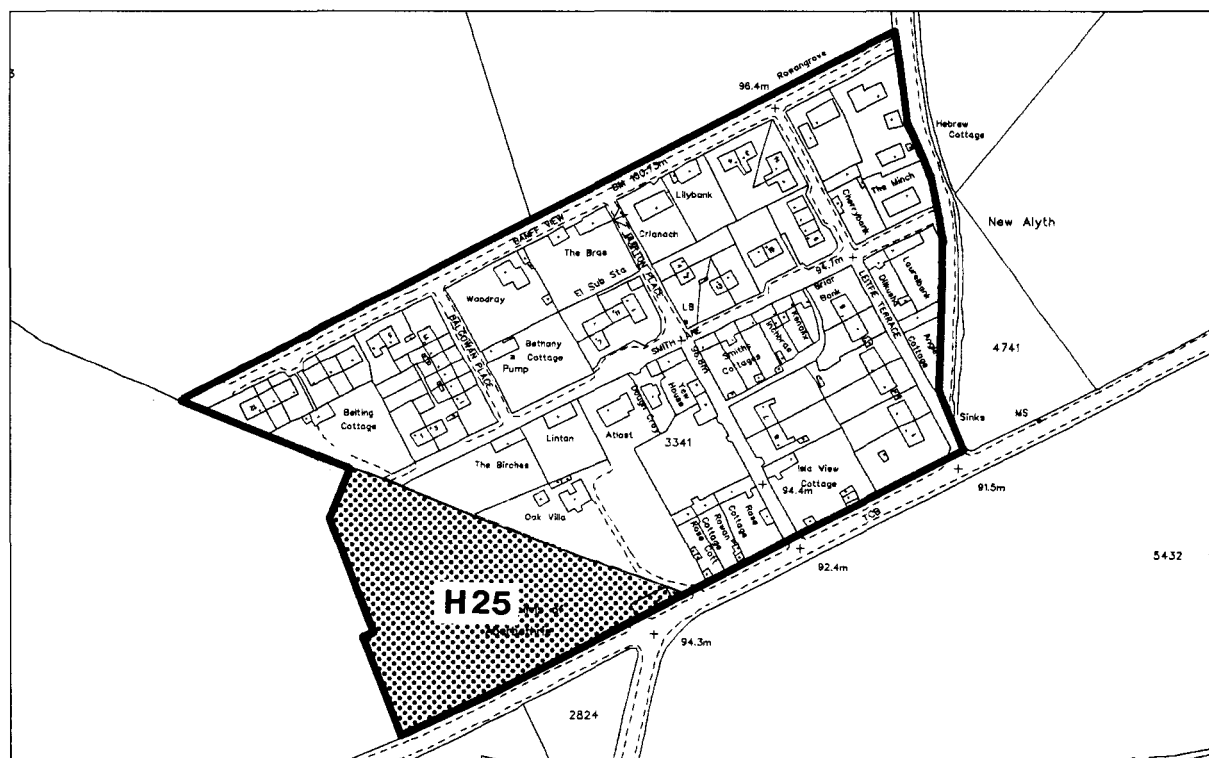
Map R: *Enochdhu*



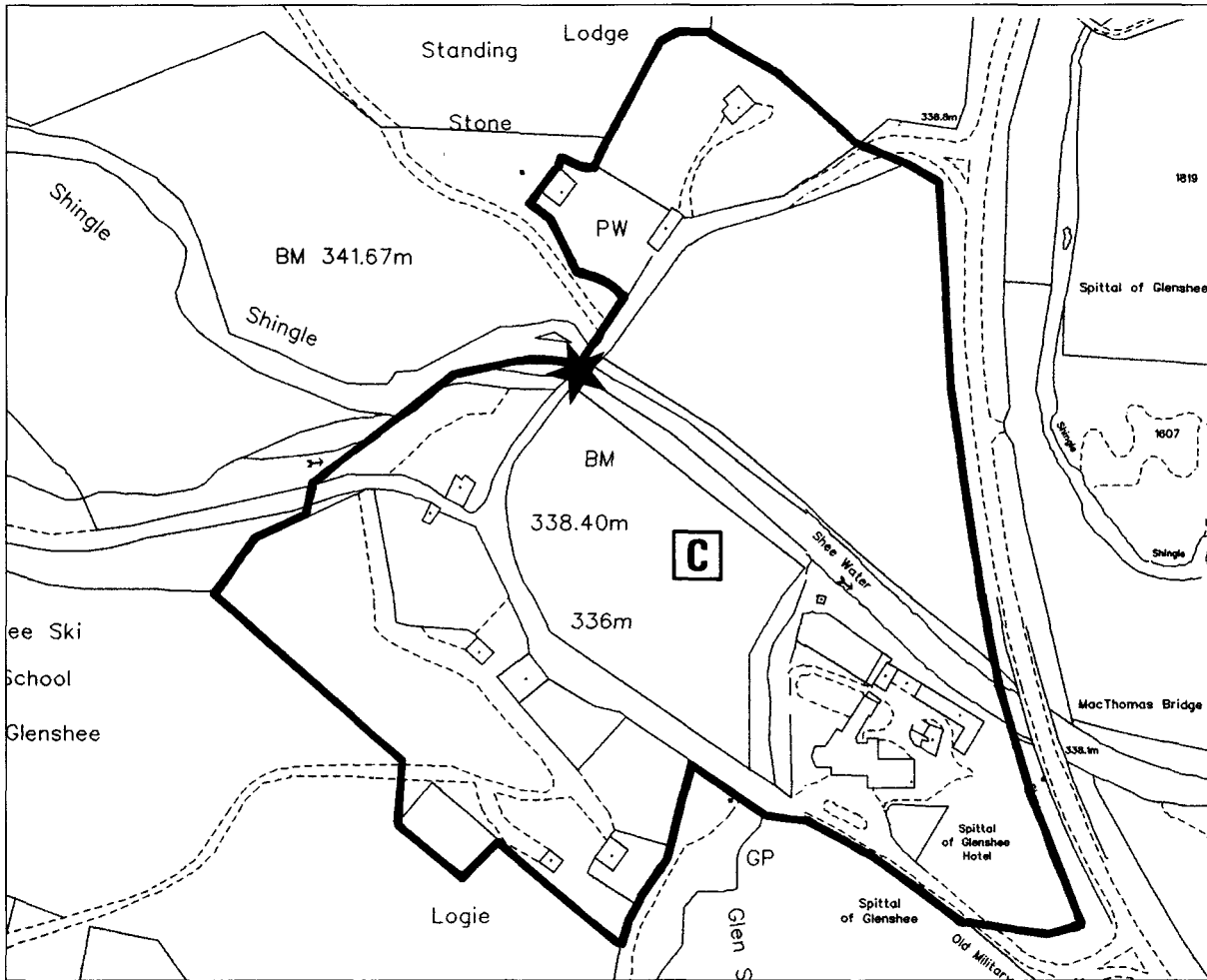
### Map S: *Kinloch*



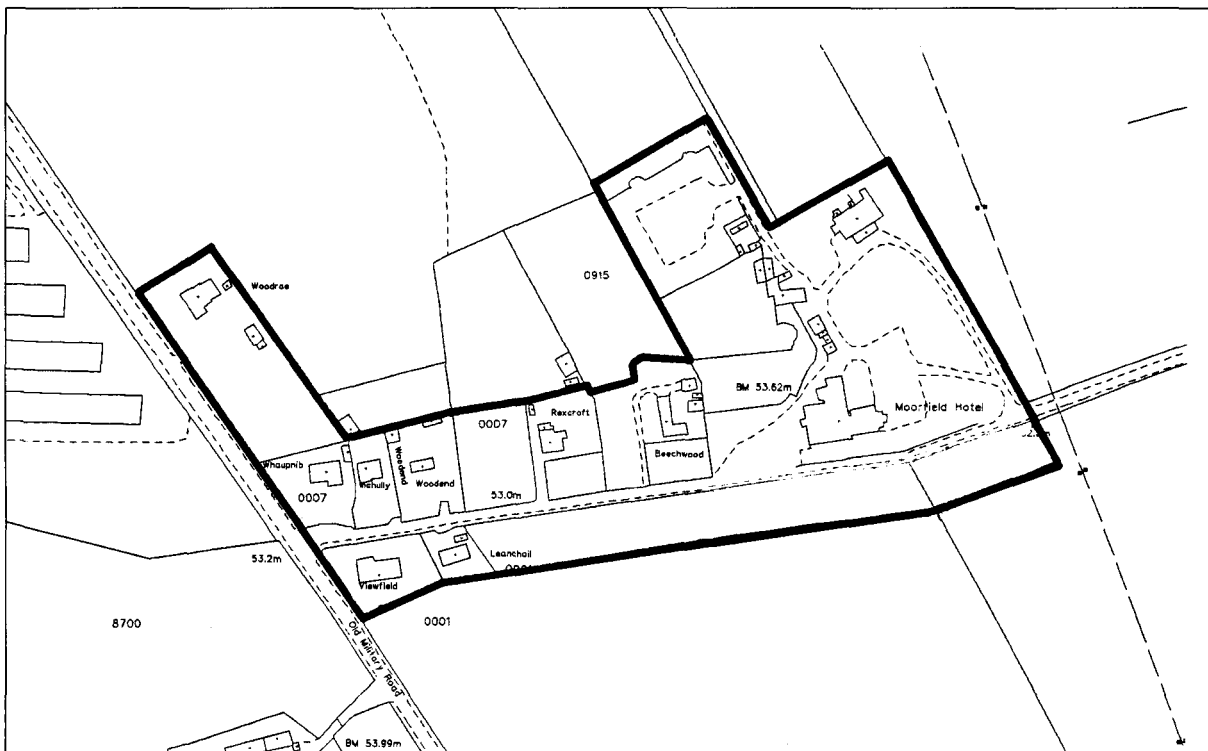
### Map T: *New Alyth*



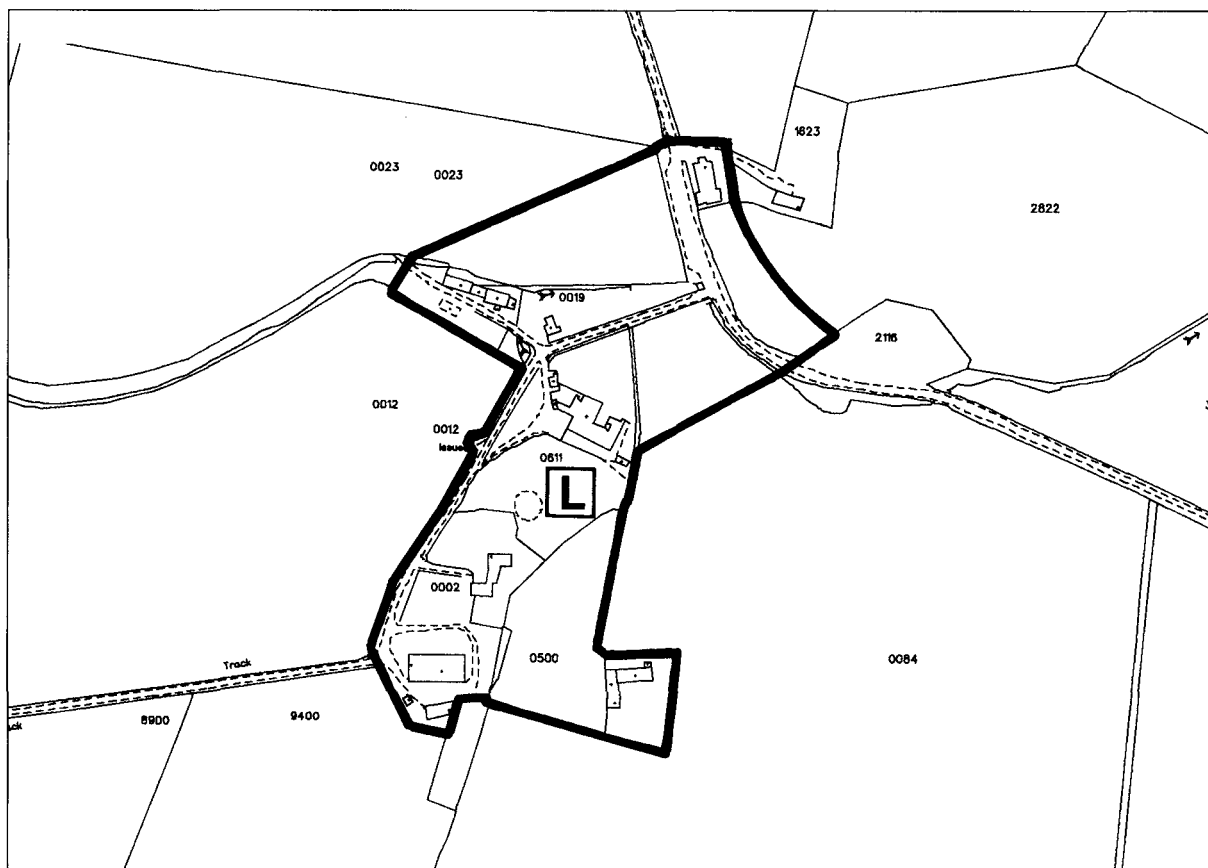
Map U: *Spittal of Glenshee*



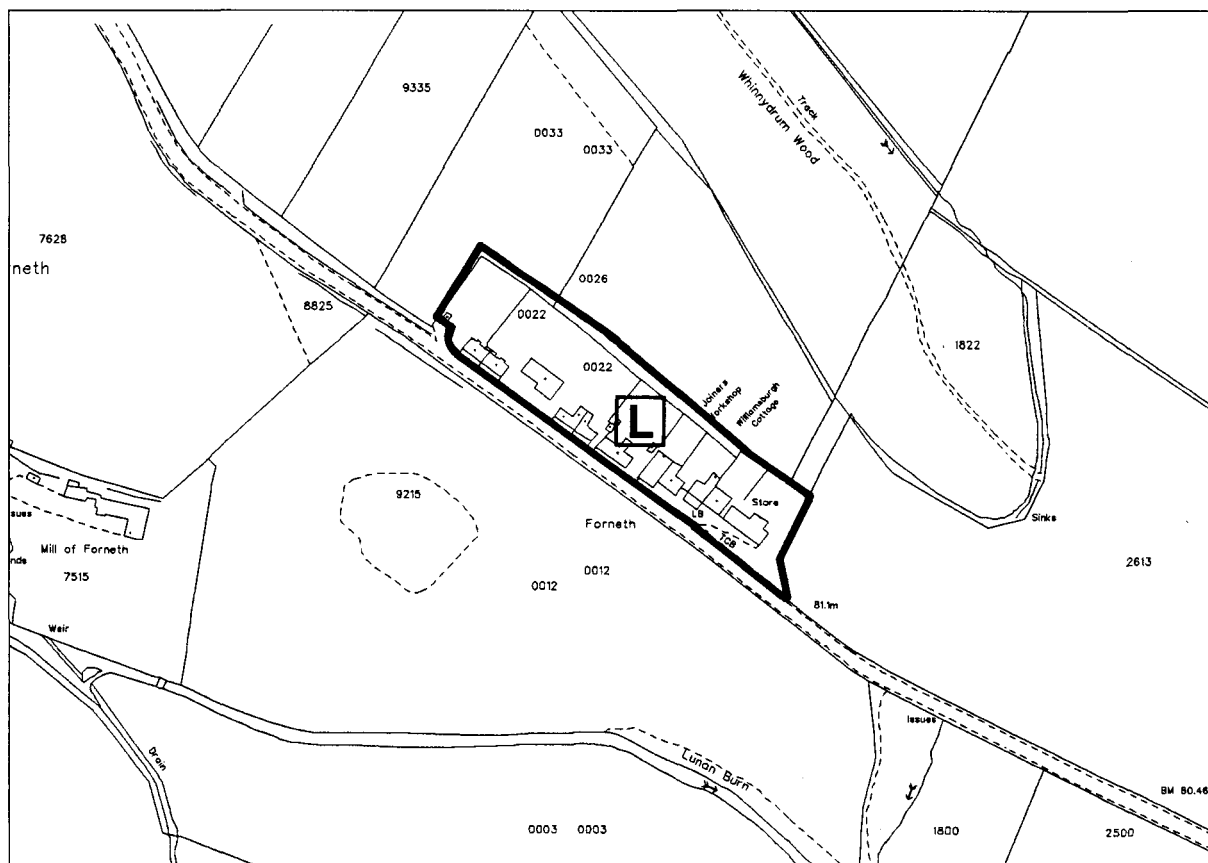
Map V: *West Myreriggis*



Map W: *Concraigie*

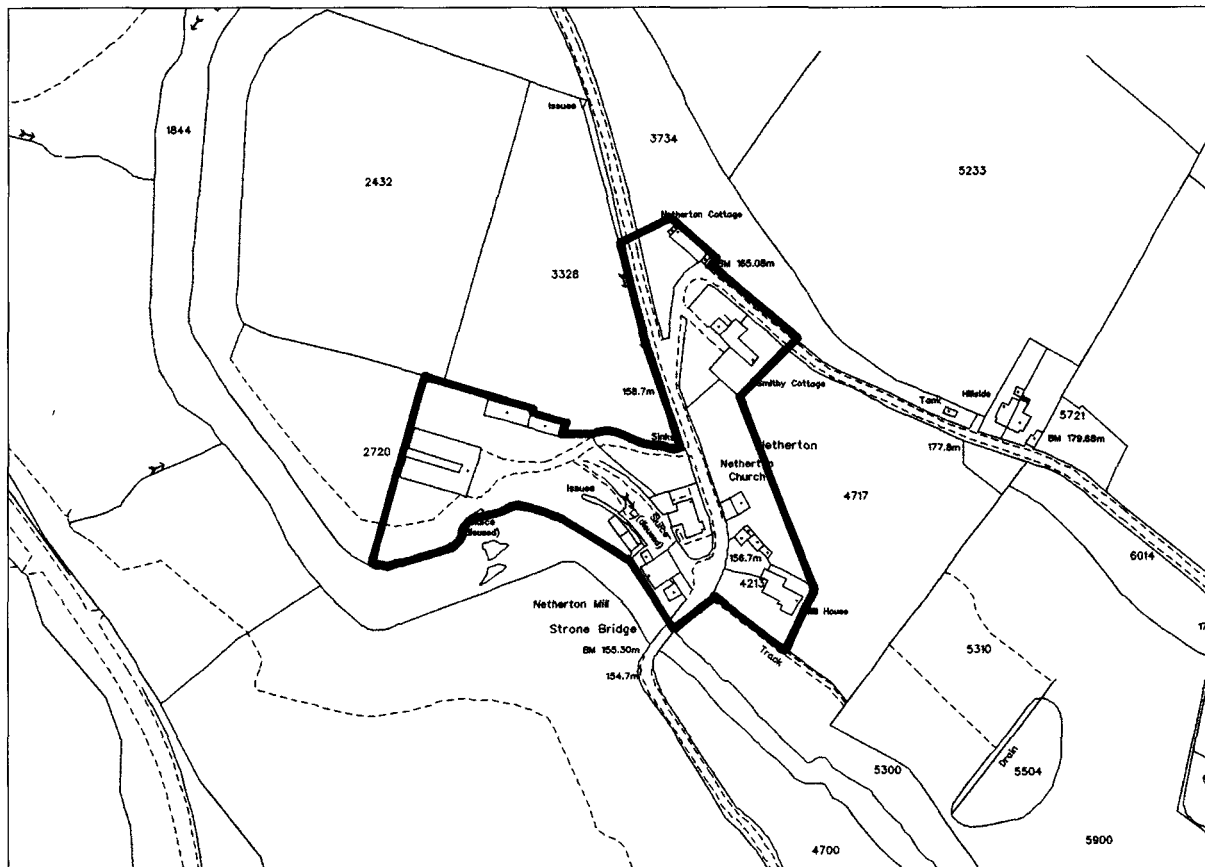


Map X: *Forneth*

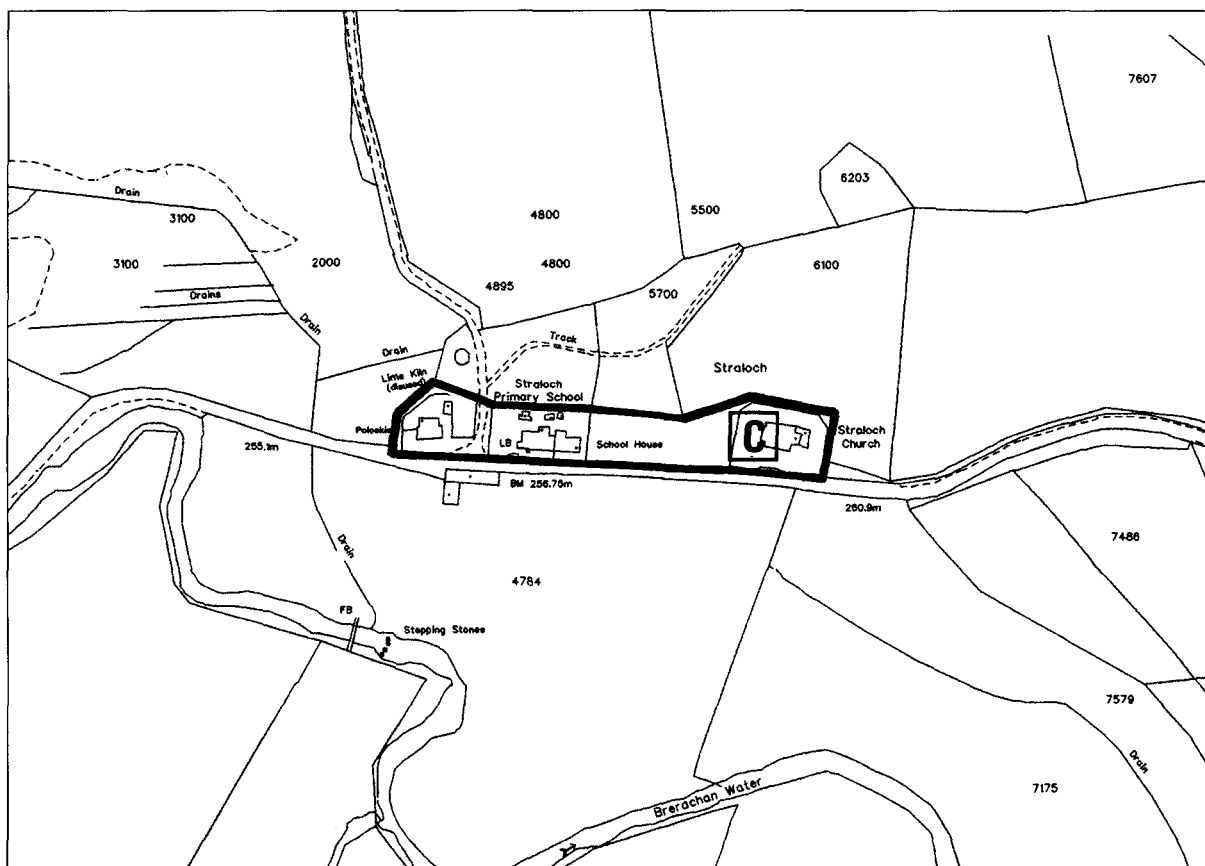




Map Y: *Netherton*



Map Z: *Straloch*





# EASTERN AREA LOCAL PLAN 1998

## Proposals Map A

## Landward Area

Note: Where no symbol appears beside a policy, the policy applies through the Local Plan Area.

Key	Description	Policy/Proposal Opportunity
	Plan Boundary	
	Inset Map Boundaries	
<b>General Policies</b>		
	Sustainable Development	Policy 1
	General Development	Policy 2
	Flood Risk (Areas of Flooding 1993)	Policy 3
	Health and Safety Considerations	Policy 4
	Private Sewerage Systems	Policy 5
	Light Pollution	Policy 6
	Disabled Access	Policy 7
	Landward Area Development	Policy 28
<b>Rural Land Uses</b>		
	Telecommunications	Policy 8
	Renewable Energy	Policy 9 & 10
	Agriculture	Policy 39-42 & 54
	Forestry	Policy 41-42
	Minerals	Policy 43-44
	Waste Disposal	Policy 11
<b>Environment and Conservation Policies</b>		
	Sites of Special Scientific Interest	Policy 12
	Sites of Local Nature Conservation Interest	Policy 13
	General Nature Conservation	Policy 14-17
	Landscape Catchment Areas	Policy 45 & Proposal 1
	Tree Preservation Orders	Policy 18
	Community Woodlands	Policy 19
	Scheduled Ancient Monuments	Policy 20
	Site of Archaeological Significance	Policies 21, 22
	Listed Buildings	Policy 23, 24
	County Park Partnership Areas	Policy 46
	Historic Gardens and Designed Landscapes	Policy 47
	National Scenic Areas	Policy 48
<b>Housing</b>		
	Housing in the Countryside	Policy 49
	Greenbelt Development Zone	Policy 50
<b>Tourism and Recreation</b>		
	Training Related Development	Policy 25
	Campsites	Policy 26
	Dhalls	Policy 27 & 54
	Golfing	Policy 28
	Public Access and Informal Recreation	Policies 29-32, & Proposal 2
	Open Space Provision	Policy 31
	Children's Play Areas	Policy 32
	Diving	Policies 51-52
	Dry Ski Slope	Proposal 2
	Lay-by/stop sites	Proposal 4
	Heritage Trail	Policy 53
	Chapel Development	Opportunity 1
<b>Roads and Transport</b>		
	Porting & Public Transport	Policy 33
	Cycling	Policy 34
	AD	Policy 55 and Proposal 2
<b>Education Provision</b>		
	Education Provision	Policies 35-36
	Alignment of School Buildings	Policy 37

Director of Planning & Development

Perth & Kinross Council

Reproduced from Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or civil proceedings. Perth & Kinross Council, Licence No. 1409023.

Scale 1:75,000





EASTERN AREA LOCAL PLAN 1998

- | Description                                 | Policy/Proposal   | Opportunity |
|---|-------------------|-------------|
| Housing                                     | Policy 4          |             |
| Health and Safety Consultation Zone         | Policy 56         |             |
| General Residential and Background Policies | Policy 57         |             |
| Housing Rosemount/Darkhalls                 | Proposals 6 & 8   |             |
| Planning Consents                           | Proposals 7 & 9   |             |
| Housing Proposals                           | Opportunities 2-4 |             |
| Shopping                                    | Policy 58         |             |
| Principal Retail Areas                      | Policy 60         |             |
| Industrial/Business Areas                   | Opportunity 5     |             |
| Industrial/Business Opportunities           | Proposal 10       |             |
| Eastern Area Strategy                       | Opportunity Sites |             |
| Environment and Conservation                | Opportunity 6 & 7 |             |
| Tree Preservation Orders                    | Policy 61         |             |
| Coupar Angus Abbey                          | Policy 62         |             |
| Coupar Angus Conservation Area              | Policy 63         |             |
| Environmental Improvements                  | Proposal 11       |             |
| Ancient Monument                            | Policy 20         |             |

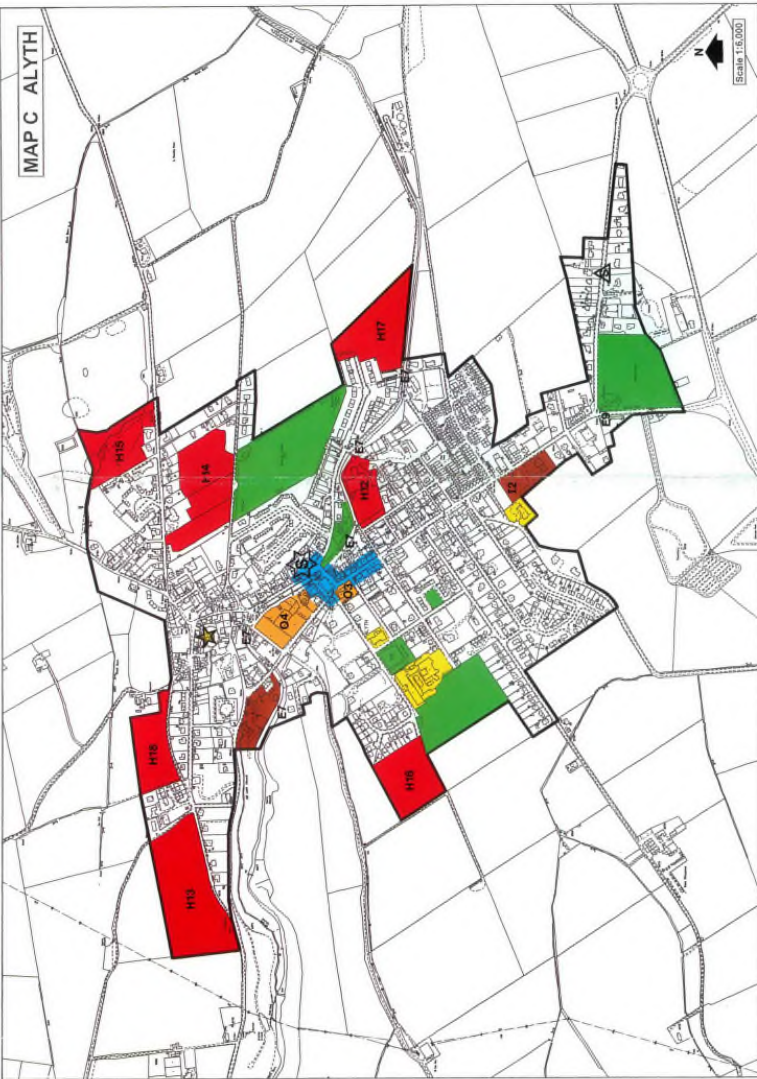
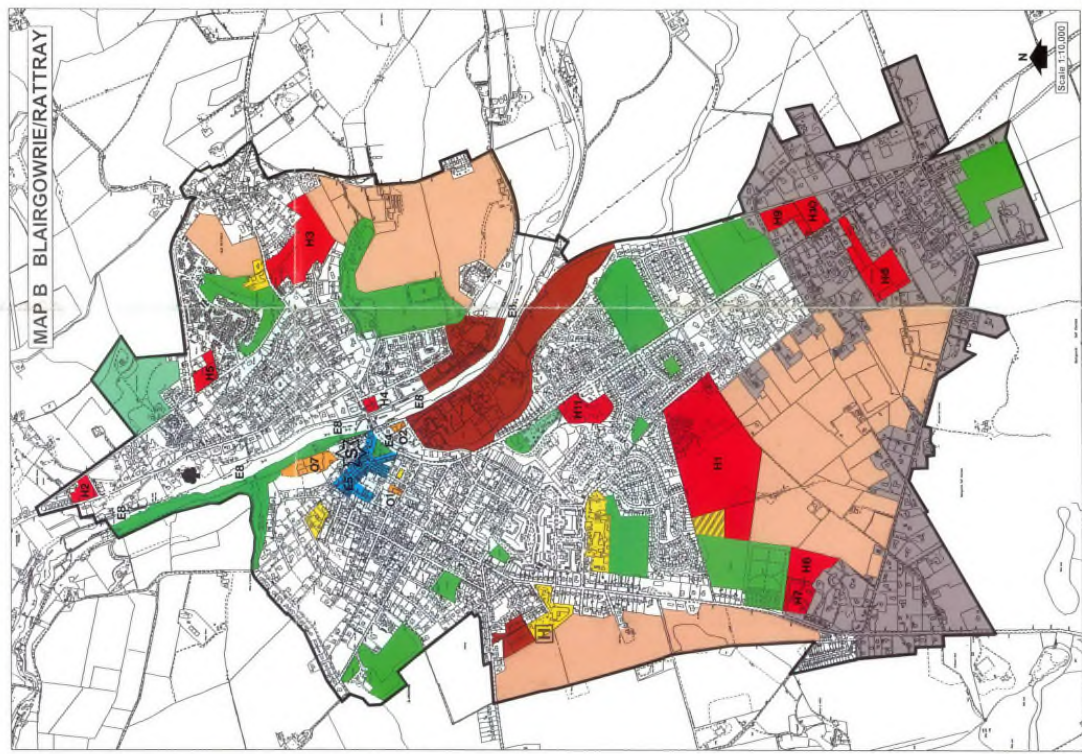
- | Description                                       | Policy/Proposal  | Opportunity |
|---|------------------|-------------|
| Open Spaces and Recreation                        | Policy 64        |             |
| Private and Public Open Spaces                    | Policy 65        |             |
| Recreation provision                              | Policy 66        |             |
| Agricultural Land                                 | Policy 67        |             |
| Tourism   | Policy 68        |             |
| Tourist Uses                                      | Policy 69        |             |
| Roads and Transport                               | Policy 70        |             |
| Coupar Angus Relief Road                          | Recommendation 1 |             |
| Public Utilities, Social and Community Facilities |                  |             |
| General Policy                                    |                  |             |
| New Primary School, Blairgowrie                   |                  |             |
| Health Centre, Blairgowrie                        |                  |             |
| Sewer, Meggie Road, Alyth                         |                  |             |

Note: General Policies 1-37 also apply in Blairgowrie/Rattray, Alyth and Coupar Angus.

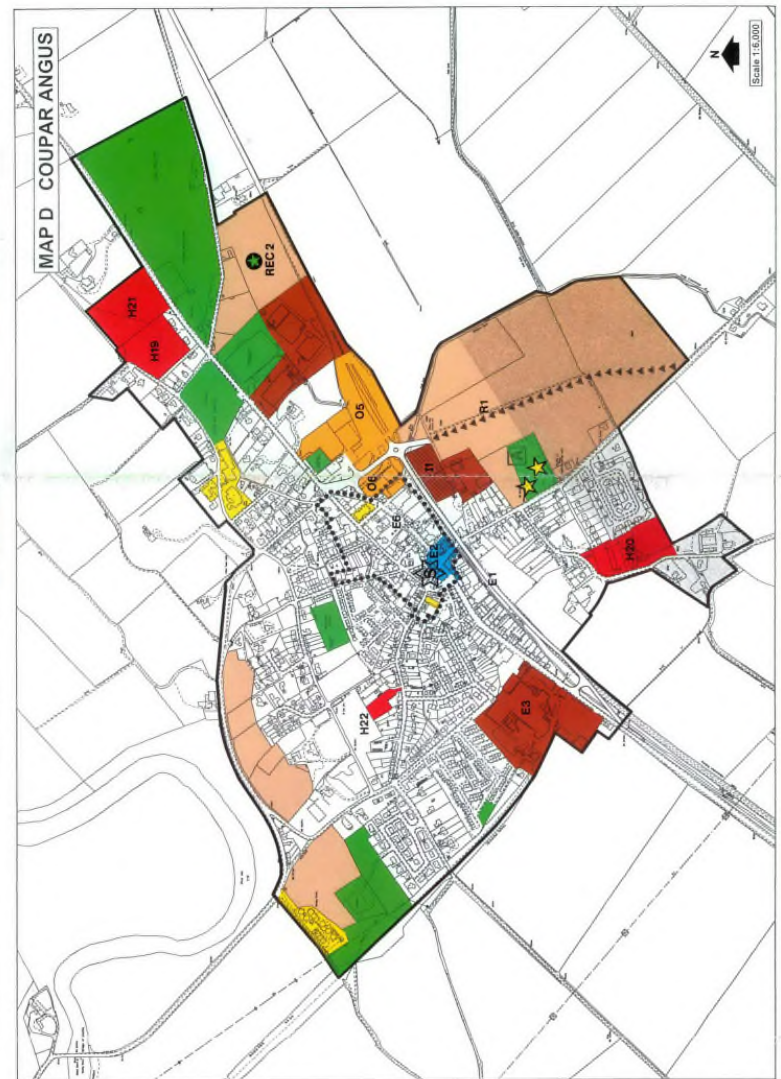
Director of Planning & Development  
Perth & Kinross Council

Reproduced from Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office. The map is reproduced for information only and does not constitute a contract. The Council and the Controller of Her Majesty's Stationery Office accept no liability for any loss or damage caused by the use of the map.

MAP B BLAIRGOWRIE/RATTRAY



MAP C ALYTH



MAP D COUPAR ANGUS





# PERTH AND KINROSS COUNCIL

J McBey Esq  
Leavingham Jameson Rogers And Hynd  
18 South Tay Street  
Dundee  
DD1 1PD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 22 June 2009

Town and Country Planning (Scotland) Acts.

Application Number **09/00170/FUL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 6th February 2009 for planning permission for *Erection of an agricultural storage shed Castlevie Craigie Clunie* subject to the undernoted conditions. One set of the relative plans, duly docquetted with reference to this approval, is returned herewith.

Development Quality Manager

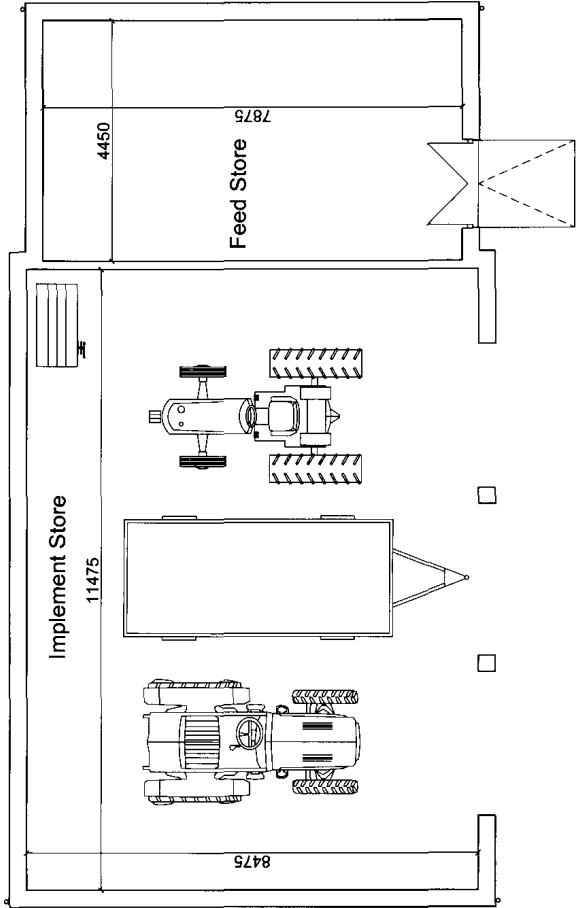
## Conditions Referred to Above

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.
4. The proposed building is for agricultural storage only and shall not include any provision requiring foul drainage including septic tanks all to the satisfaction of the Council as Planning Authority.

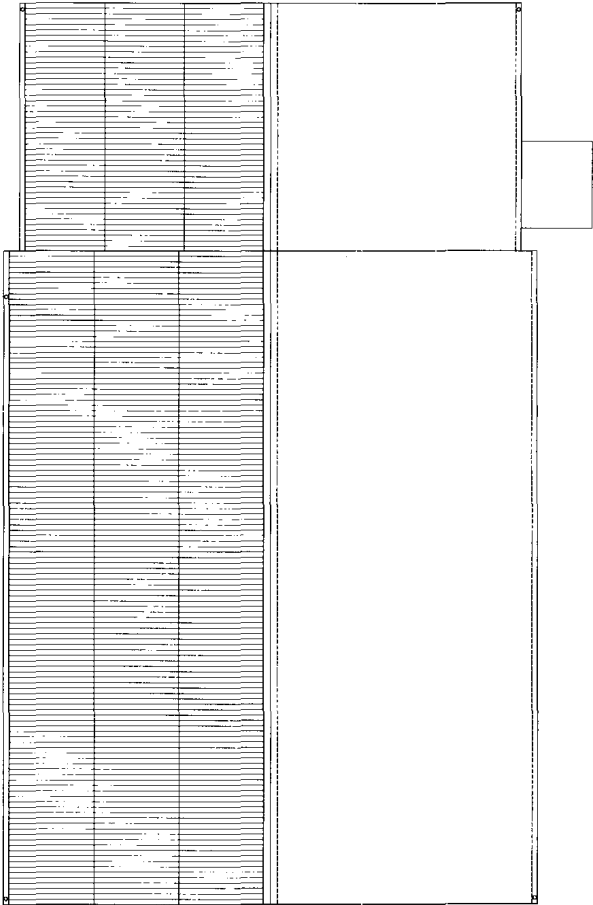
## Reasons for Conditions

1. In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure that the development is carried out in accordance with the plans approved.
3. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. In the interests of protecting the natural heritage as the site does lie within the Lunan Valley Catchment Area which includes the following designations: SAC/SSSI/EPS.





Proposed Plan



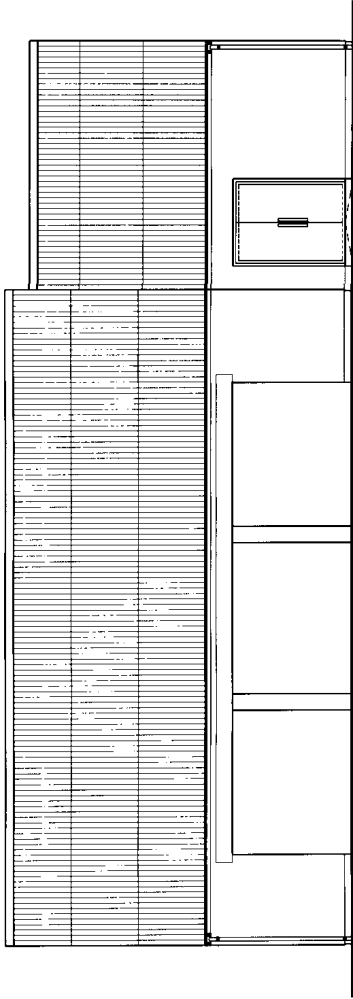
Proposed Roof Plan



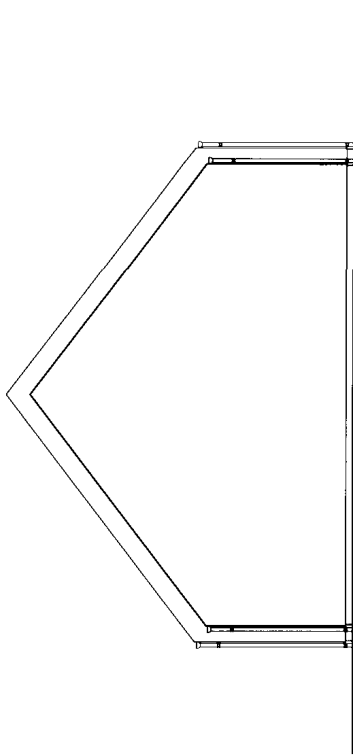
**AMENDED**  
21 APR 2009  
REFD9/00170/PL

PLANNING

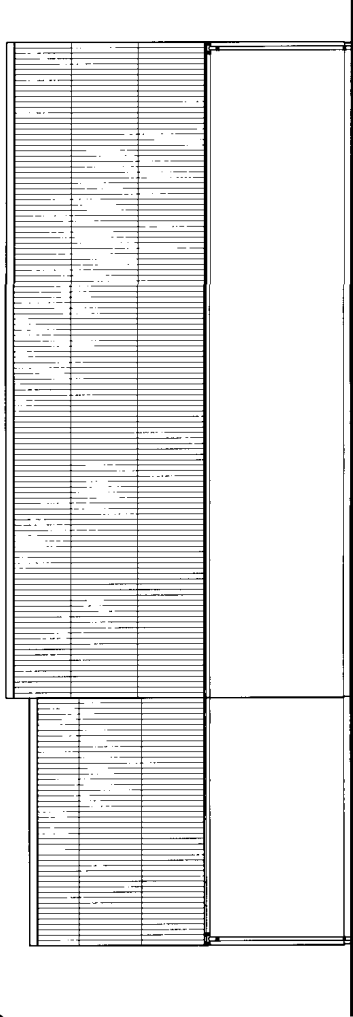
8 Apr 08 Spec Alterations MD  
Rev A Apr 08 Various Amendments JS  
**LEADINGHAM JAMESON ROGERS + HYND**  
**C H A R T E R D A R C H I T E C T S**  
18 South Ley Street Dundee DD1 1PD Tel 01382 255200 e-mail [enquiries@ljrh.co.uk](mailto:enquiries@ljrh.co.uk)  
Job Name: Hawkhill, Clunie, Perthshire  
Drawing Title: Proposed Plans  
Scale: 1:100 @ A3  
Job No: 2007  
Drawn: D  
Checked: D  
Date: 21 APR 09  
Rev: B



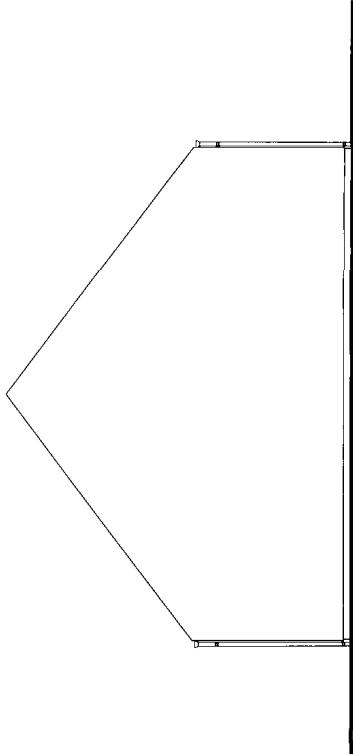
North West Elevation



South West Elevation



South East Elevation



North East Elevation

AMENDED  
21 APR 2009  
REF 09/00170/F02

External use of materials:

Roof: To be Tin Profiled Sheet Cladding: colour grey  
Walls: To be harled and painted. Colour: Light Grey  
Doors: to be Timber panelled doors. Colour: Dark Grey

PLANNING

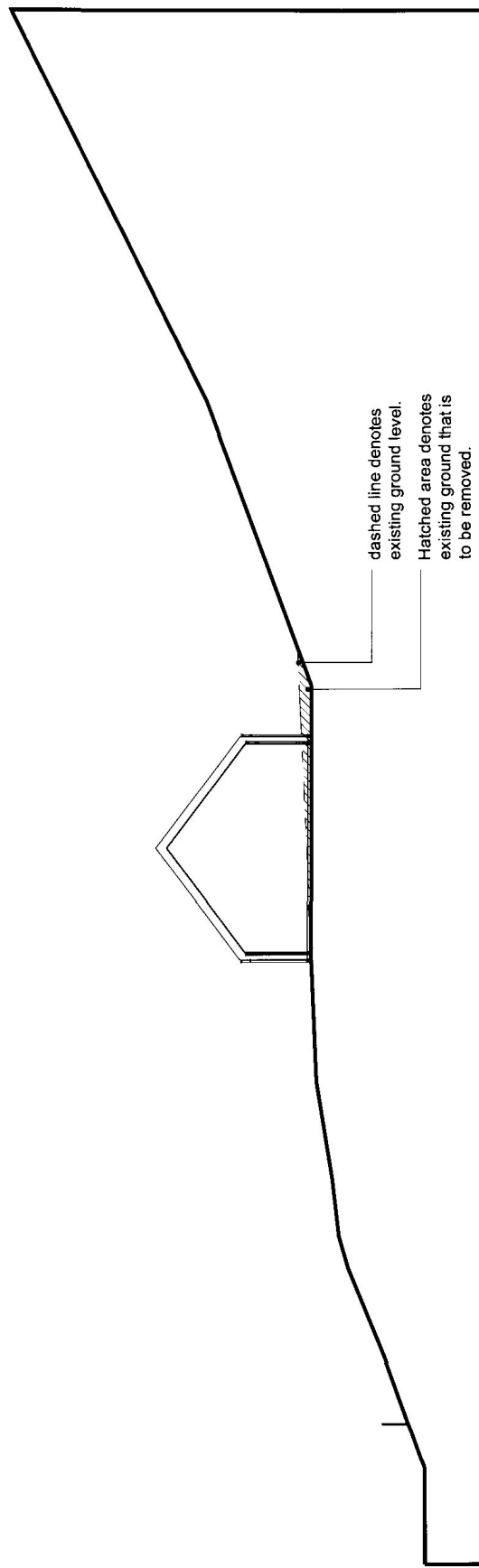
18 South Tay Street Dundee DD1 1PD Tel: 01382 200511 Fax: 01382 220226 Email: [enquiries@ljbh.co.uk](mailto:enquiries@ljbh.co.uk)

Job Name: Hawkhill Clunie Farmhouse Job No: 2706  
Draw Title: Proposed Elevations Scale: 1:100 @ A3  
Drawn: JLBH Date: Oct 08  
Checked: JLBH Date: Oct 08  
Approved: JLBH Date: Oct 08

Rev: A Apr '08 Sheet Alterations MQ  
Rev: A Apr '08 Various Amendments JS

LEADINGHAM JAMESON ROGERS + HYND  
CHARTERED ARCHITECTS





**AMENDED**

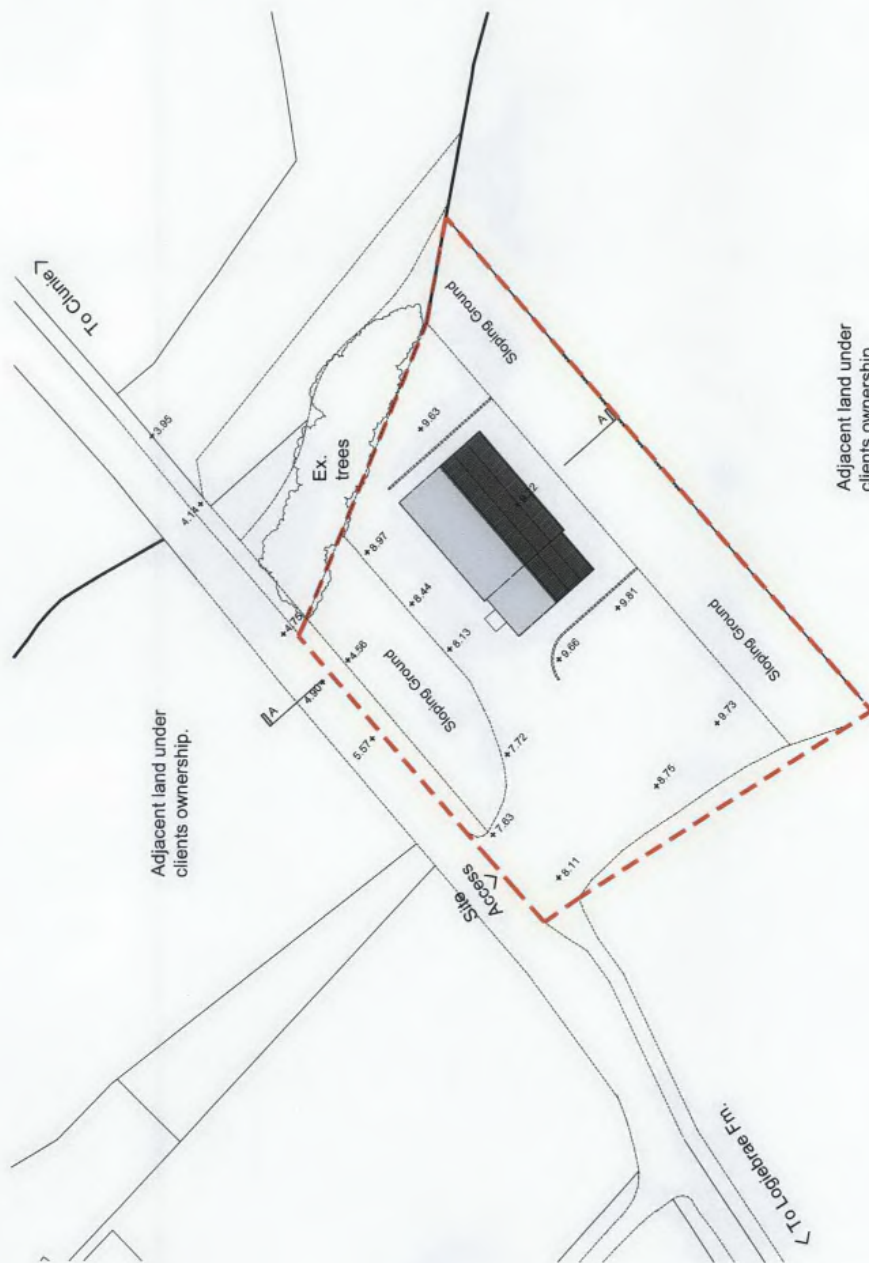
21 APR 2009

REFUG/00172/FV2

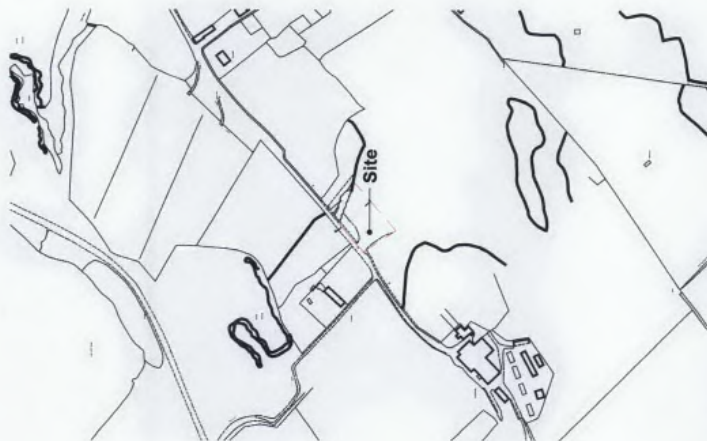
## PLANNING

LEADINGHAM JAMESON ROGERS + HYNDY  
 C H A R T E R E D A R C H I T E C T S  
 19 South First Street, Concord, DDI 1P2 Tel 01382 705411 Fax 01382 725276 e-mail [info@lhr.co.uk](mailto:info@lhr.co.uk)  
 Job No. \_\_\_\_\_ Date \_\_\_\_\_  
 Job Name \_\_\_\_\_ Drawn By \_\_\_\_\_  
 • Hatching, Curve, Pathwork • Scale \_\_\_\_\_  
 Drawn To \_\_\_\_\_ Date \_\_\_\_\_  
 • Site Section • Site Plan •

Site Section



Adjacent land under clients ownership.



**AMENDED**  
21 APR 2009  
REF09/00170/FV

**Areas -**

Site 0.16 Ha (0.41 Ac)

Shed Footprint 150 sq.m

**PLANNING**

6 Apr '08 Head Architects MD  
Rev. A Apr '08 Various Amendments JB

**LEADINGHAM JAMESON ROGERS + HYND**  
**CHARTERED ARCHITECTS**  
38 South Tay Street Dundee DD1 1PD Tel: 01382 200311 Fax: 01382 235206 email: jameson@ljrh.co.uk

Job No. 001  
Scale 1:500  
Date 21 APR 2009  
Drawn By J.B.  
Checked By J.B.  
Project Name Hawkhill, Clunie, Perthshire  
Project Ref 09/00170/FV  
Project Description Proposed Site / Location Plan

[illegible]

Site Boundary Plan



RECEIVED  
27 APR 2011

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

2867/RWH/AH

25 April 2011

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

Dear Sirs

**Proposed Agricultural Storage Shed, Castlevew, Hawkhill, Craigie, Clunie, Blairgowrie**  
**Reference No. 09/00170/FUL**

Please find enclosed the document, notifying you that work is shortly to start at the above project.

However, we were contacted by our Client today, asking if it would be acceptable to change the Specification for the roof. On the stamped approved drawings, this was described as grey profiled metal sheeting. He has asked if it would be acceptable to change this to a grey roof tile. We look forward to receiving your comments in due course.

Yours faithfully  
For LEADINGHAM JAMESON ROGERS + HYND

  
R W HYND



**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month.*

**Mr R.W. Hynd  
Leadingham Jameson Rogers & Hynd  
18 South Tay Street  
Dundee  
DD1 1PD**

**Planning and Regeneration**  
Head of Service **David Littlejohn**

Pullar House  
35 Kinnoull Street Perth PH1 5DG

Contact: Philip Sweeney  
Direct Dial: 01738 475814  
E-mail: [pssweeney@pkc.gov.uk](mailto:pssweeney@pkc.gov.uk)  
[www.pkc.gov.uk](http://www.pkc.gov.uk)

Our ref: 09/00170/FUL

Your ref: 2867/RWH/AH

Date: 9 May 2011

Dear Sir

**Variation of Planning Permission:  
Proposed Agricultural Storage Shed, Castlevew, Hawkhill, Craigie, Clunie,  
Blairgowrie  
Planning Application Ref No: 09/00170/FUL**

I refer to your letter of 25 April 2011 and accompanying plans concerning a proposed variation to the above planning permission and building warrant (our ref: 09/00170/FUL ).

- The variation sought is not material in terms of the Planning legislation. The planning permission has therefore been varied to incorporate the proposed amendment.
- I would advise you to make contact with a member of staff from the Council's Building Standards Department to ascertain if a Building Warrant Amendment is required.

Yours Sincerely,

Philip Sweeney  
Planning Officer





**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 13 November 2018 10:00  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16(543)  
**Attachments:** 18\_00987\_IPL-LOCATION\_PLAN\_\_18\_00987\_1\_-1121452.pdf; 18\_00987\_IPL-DECISION-1179954.pdf; 18\_00987\_IPL-REPORT\_OF\_HANDLING-1179130 (1).pdf; 18\_00986\_IPL-LOCATION\_PLAN\_\_18\_00986\_1\_-1121446.pdf; 18\_00986\_IPL-DECISION-1179955.pdf; 18\_00986\_IPL-REPORT\_OF\_HANDLING-1178952.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

**Application Ref: 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

Thank you for your letter of 9<sup>th</sup> November enclosing a copy of the further written submission received from the Development Quality Manager (DQM).

As noted in our original supporting planning statement, the previous planning application (ref: 08/01216/FUL) was determined under different policies from the Eastern Area Local Plan which were in force at that time. As can be seen from the copies of the Reporter's decision letter and Policies 45 and 49 from the Eastern Area Local Plan, there was a clear presumption against built development (other than restoration and conversion of buildings to form new houses and based on operational need) within the Lunan Valley Catchment Area at that time. There was no allowance for any replacement buildings to be erected under the terms of the previous Policies 45 and 49 from the Eastern Area Local Plan.

In contrast, when assessing the current proposal, the relevant planning policies (RD3 and EP6 from the PKCLDP) clearly do allow for built development within the Lunan Valley Catchment Area where it involves either **replacement buildings** or proposals for economic need or conversions.

We therefore agree with the additional response received from the Development Quality Manager (DQM) which states that although Policy EP6(a) appears to only relate to renovations or alterations to existing buildings and developments necessary for economic need; Note 1 (which also forms part of Policy EP6) further explains and clarifies what categories apply within the Lunan Valley Catchment Area under the terms of Policy RD3 - and specifically includes **replacement buildings**.

As also noted in the response from the DQM, LDP2 has now removed the remaining restrictions in the Lunan Valley Catchment Area so that all categories of the Housing in the Countryside Policy (policy 19) will apply. Furthermore, as no objections were received to this aspect of the policy, this doesn't form part of the current Examination of the LDP2. This is a significant material consideration as it means this forms the council's up to date policy position and that all categories of the Housing in the Countryside Policy therefore now apply within the Lunan Valley Catchment Area.

In support of this fact we are aware of planning applications having recently been approved in the Lunan Valley on this very basis i.e. application references 18/00986/IPL and 18/00987/IPL which were both approved as 'infill sites' on 5<sup>th</sup> October 2018. Previously these would have been refused under the terms of Policy RD3 of the LDP 2014, but as all categories of the Housing in the Countryside Policy are now applicable, these two applications were approved based on the support that they now gain from Policies 19 and 43 in LDP2. (copies of the location plans, decision notices and Reports of Handling for both applications are attached for the LRB's ease of reference).

Finally, we would reiterate that the Report of Handling for the current proposal (under the heading Drainage and Flooding) correctly states that conditions would be required to secure the submission of phosphorous mitigation calculations in accordance with current Policy EP6 and the supplementary guidance at the time of any future AMM application. We note that such conditions were applied to both recent approvals (18/00986/IPL & 18/00987/IPL) outlined above and a similar approach could be adopted by the LRB in this case.

I look forward to hearing from you again in due course.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glennearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

# PERTH AND KINROSS COUNCIL

Mr Alistair Henderson  
c/o Lochhead Consultancy  
James Lochhead  
Millhole Farmhouse  
Murthly  
Perth  
Scotland  
PH1 4LG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 5 October 2018

Town and Country Planning (Scotland) Acts.

Application Number **18/00986/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 26th June 2018 for planning permission for **Erection of a dwellinghouse (in principle) at Land 50 Metres West Of The Brackens Wester Essendy** subject to the undernoted conditions.

Interim Development Quality Manager

## **Conditions referred to above**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 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 subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 3 All foul drainage infrastructure associated with the proposed development shall be in accordance with the requirements of the Policy EP6: Drainage within the Lunan Lochs Catchment Area of the adopted Perth & Kinross Local Development Plan 2014 and The Dunkeld-Blairgowrie Lochs Special Area of Conservation Supplementary Guidance 2016 which stipulates 125% phosphorus removal is required.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Lunan Valley Catchment Area thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

### **Justification**

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

### **Informatives**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

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

**Plan and Document Reference**

**18/00986/1**

**18/00986/2**

**18/00986/3**

**18/00986/4**



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00986/IPL	
Ward No	P5- Strathtay	
Due Determination Date	25.08.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 50 Metres West Of The Brackens Wester Essendy

#### SUMMARY:

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

**DATE OF SITE VISIT:** 23 July 2018

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is located at land 50 Metres West Of The Brackens Wester Essendy. The site forms one of two plots with the other under consideration ref 18/00987/IPL. The two sites fill a gap between two dwellings with the public road to the north and open farmland to the south.

The proposal is for erection of a dwelling in principle and no details of the plot layout or house details have been provided.

The site is located within the Lunan Valley Catchment Area.

## **SITE HISTORY**

No site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 18/00189/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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



#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

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

#### Policy 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 EP6 - Lunan Valley Catchment Area

The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

### **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**

No other policies

## **CONSULTATION RESPONSES**

Transport Planning	No objection
Development Negotiations Officer	Condition needed to cover contributions
Scottish Water	No objection
Scottish Natural Heritage	No objection condition required to cover phosphorous mitigation
Scottish Environment Protection Agency	No objection condition required to cover phosphorous mitigation
Strategy And Policy	Discussions regarding housing in countryside policy interpretation

## **REPRESENTATIONS**

No letters of representation received

## **ADDITIONAL INFORMATION RECEIVED:**

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required

Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required
--	--------------

## **APPRAISAL**

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

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

### **Policy Appraisal**

The site is not located within a settlement boundary and the main policy considerations are Policy EP6 Lunan Valley Catchment Area and Policy RD3 Housing in the Countryside Policy.

The applicant's supporting statement details that the current review of the Local Development Plan has resulted in a significant change to Policy EP6. The requirement which constrained housing developments out with settlement boundaries to conversions, replacement buildings and developments necessary for economic need has been removed. This leaves the Housing in the Countryside Policy to apply fully to proposals within the Catchment.

### **Status of the Proposed Local development Plan**

The Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. The applicant is correct in stating that during the Proposed Plan consultation, no objections were received to Policy 43, therefore it will not form part of the forthcoming Examination and remain as drafted when the Plan is adopted. With regards to this the Development Plans Team advise that significant weight is given to the Proposed Plan.

Policy RD3 states that development of single houses or groups of houses which fall within the six identified categories will be supported.

- (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

The application site is one of two plots located between two existing dwellings. The proposal is considered under category b) Infill Development. This

category allows development of up to two houses in gaps between established houses and/or another established building.

The policy then gives criteria which should be met. The plot should be comparable in size to the neighbouring residential property and have a similar sized road frontage, there should be no uses adjacent which would prevent achieving an adequate amenity, and that the full extent of the gap should be included within the new plot. The proposal meets these criteria.

As is generally the case with infill sites the plots lack a defined boundary to the south which runs onto farm land. The site boundaries are shown to reflect the adjacent plot to the east and other plot under consideration to the west. A suitable boundary treatment will be required in the subsequent application for matters specified by conditions.

There have been general discussions with the policy team who note that the development could have policy implications by creating ribbon development. In particular with the recent approval of a plot to the east it would create a row of dwellings. The general character in this area is linear development along roads. I consider that the site would create a row however there is little opportunity for further expansion at each end (in policy terms) so this development would effectively infill the existing linear grouping and not be out of character with the general form of built development in the area.

Additionally policy criteria such as proportion of the plot occupied and the design of the dwelling would be covered in the application for matters specified in conditions.

### **Design and Layout**

The proposal is in principle and no details have been provided. The plot is the same size as the adjacent plot therefore a dwelling and adequate amenity space, parking and turning could be accommodated within the site.

### **Residential Amenity**

No details of the house type or layout has been provided but I consider that a dwelling could be accommodated without detrimental impact on residential amenity.

### **Visual Amenity**

The site is contained between two buildings and development of the site would not have an impact on the wider visual amenity of the area.

### **Roads and Access**

Transport Planning have no objection to the proposal and full details of the access will be required in the subsequent application for reserved matters.

## **Drainage and Flooding**

The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Valley catchment and therefore, phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area which requires that total P from built development must not exceed current levels to ensure that there are no adverse impacts on water quality in the Lunan Valley SPA due to the fact that there is an issue in the catchment with elevated nutrient levels.

The Lunan Valley Area supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation. This is an in principle application and therefore a condition will be added to cover this in the AMM application.

## **Developer Contributions**

### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Newhill Primary School. A condition will be added to ensure that this covered at the AMM stage.

## **Economic Impact**

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

## **Conclusion**

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

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period due to discussions with the policy team.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Approve the application**

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

1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2 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 subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

3 All foul drainage infrastructure associated with the proposed development shall be in accordance with the requirements of the Policy EP6: Drainage within the Lunan Lochs Catchment Area of the adopted Perth & Kinross Local Development Plan 2014 and The Dunkeld-Blairgowrie Lochs Special Area of Conservation Supplementary Guidance 2016 which stipulates 125% phosphorus removal is required.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Lunan Valley Catchment Area thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

### **Justification**

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

### **Informatives**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

### **Procedural Notes**

Not Applicable.

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

18/00986/1  
18/00986/2  
18/00986/3  
18/00986/4

**Date of Report 05/10/2018**

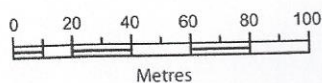






The Brackens, Wester Essendy, Blairgowrie

Scale 1:2500



Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap® is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Date Of Issue: 01 June 2018  
Supplied By: Getmapping  
Supplier Plan Id: 196175\_2500  
OS License Number: 100030848  
Applicant: James Lochhead  
eDevelopment.Scot Reference: Essendy



# PERTH AND KINROSS COUNCIL

Mr Alistair Henderson  
c/o James Lochhead  
Millhole Farmhouse  
Murthly  
Perth  
Scotland  
PH1 4LG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 5 October 2018

Town and Country Planning (Scotland) Acts.

Application Number **18/00987/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 26th June 2018 for planning permission for **Erection of a dwellinghouse (in principle) at Land 30 Metres South East Of Newlands Farm Wester Essendy** subject to the undernoted conditions.

Interim Development Quality Manager

## **Conditions referred to above**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 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 subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 3 All foul drainage infrastructure associated with the proposed development shall be in accordance with the requirements of the Policy EP6: Drainage within the Lunan Lochs Catchment Area of the adopted Perth & Kinross Local Development Plan 2014 and The Dunkeld-Blairgowrie Lochs Special Area of Conservation Supplementary Guidance 2016 which stipulates 125% phosphorus removal is required.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Lunan Valley Catchment Area thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 4 Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

Reason - In order to clarify the terms of the permission which is granted in principle only.

- 5 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

I. the nature, extent and type(s) of contamination on the site

II. measures to treat/remove contamination to ensure the site is fit for the use proposed

III. measures to deal with contamination during construction works

IV. condition of the site on completion of decontamination measures.

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

Reason - In order to clarify the terms of the permission which is granted in principle only.

## **Justification**

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

## **Informatives**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

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

### **Plan and Document Reference**

18/00987/1

18/00987/2

18/00987/3

18/00987/4



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00987/IPL	
Ward No	P5- Strathtay	
Due Determination Date	25.08.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 30 Metres South East Of Newlands Farm Wester  
Essendy

#### **SUMMARY:**

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

**DATE OF SITE VISIT:** 23 July 2018

#### **SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is located at land 50 Metres West Of The Brackens Wester Essendy. The site forms one of two plots with the other under consideration ref 18/00986/IPL. The two sites fill a gap between two dwellings with the public road to the north and open farmland to the south.

The proposal is for erection of a dwelling in principle and no details of the plot layout or house details have been provided.

The site is located within the Lunan Valley Catchment Area.

## **SITE HISTORY**

No site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 18/00189/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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



## **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy 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 EP6 - Lunan Valley Catchment Area**

The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to

economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

### **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**

No other policies

### **CONSULTATION RESPONSES**

Transport Planning	No objection
Scottish Water	No objection
Development Negotiations Officer	Condition needed to cover contributions
Scottish Natural Heritage	No objection condition required to cover phosphorous mitigation

Scottish Environment Protection Agency	No objection condition required to cover phosphorous mitigation
Strategy And Policy	Discussions regarding housing in countryside policy interpretation
Environmental Health (Contaminated Land)	Discussions with EH as the site has some existing buildings potential for contaminated land.

## REPRESENTATIONS

No letters of representation

## ADDITIONAL INFORMATION RECEIVED:

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

## APPRAISAL

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

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

### Policy Appraisal

The site is not located within a settlement boundary and the main policy considerations are Policy EP6 Lunan Valley Catchment Area and Policy RD3 Housing in the Countryside Policy.

The applicant's supporting statement details that the current review of the Local Development Plan has resulted in a significant change to Policy EP6. The requirement which constrained housing developments out with settlement boundaries to conversions, replacement buildings and developments necessary for economic need has been removed. This leaves the Housing in the Countryside Policy to apply fully to proposals within the Catchment.

#### Status of the Proposed Local development Plan

The Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. The applicant is correct in stating that during the Proposed Plan consultation, no objections were received to Policy 43, therefore it will not form part of the forthcoming Examination and remain as drafted when the Plan is adopted. With regards to this the Development Plans Team advise that significant weight is given to the Proposed Plan.

Policy RD3 states that development of single houses or groups of houses which fall within the six identified categories will be supported.

- (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

The application site is one of two plots located between two existing dwellings. The site does have two existing buildings and does form part of a building group so could be assessed under other parts of the policy however it is considered that the most applicable category is b) Infill Development. This category allows development of up to two houses in gaps between established houses and/or another established building.

The policy then gives criteria which should be met. The plot should be comparable in size to the neighbouring residential property and have a similar sized road frontage, there should be no uses adjacent which would prevent achieving an adequate amenity, and that the full extent of the gap should be included within the new plot. The proposal meets these criteria.

As is generally the case with infill sites the plots lack a defined boundary to the south which runs onto farm land. This site has however two buildings with extended hardstanding and materials stored to the south of the plot this has defined the site. The adjacent site also considered reflects these boundaries. A suitable boundary treatment will be required in the subsequent application for matters specified by conditions.

There have been general discussions with the policy team who note that the development could have policy implications by creating ribbon development. In particular with the recent approval of a plot to the east it would create a row

of dwellings. The general character in this area is linear development along roads. I consider that the site would create a row however there is little opportunity for further expansion at each ends (in policy terms) so this development would effectively infill the existing linear grouping and not be out of character with the general form of built development in the area.

Additionally policy criteria such as proportion of the plot occupied and the design of the dwelling would be covered in the application for matters specified in conditions.

### **Design and Layout**

The proposal is in principle and no details have been provided. The plot is the same size as the adjacent plot therefore a dwelling and adequate amenity space, parking and turning could be accommodated within the site.

### **Residential Amenity**

No details of the house type or layout has been provided but I consider that a dwelling could be accommodated without detrimental impact on residential amenity.

There are existing storage buildings on the site and materials have been stored on the land meaning there is the potential for contaminated land. This has been discussed with Environmental Health and a condition will be added to ensure that this is addressed in any subsequent application.

### **Biodiversity**

One of the buildings on site is of modern construction with the other brick built and more traditional. It is therefore considered that there could be potential for bats/birds to be using the building. An ecological survey will therefore be required with any subsequent application.

### **Visual Amenity**

The site is contained between two buildings and development of the site would not have an impact on the wider visual amenity of the area.

### **Roads and Access**

Transport Planning have no objection to the proposal and full details of the access will be required in the subsequent application for reserved matters.

### **Drainage and Flooding**

The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Valley catchment and therefore, phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area which requires

that total P from built development must not exceed current levels to ensure that there are no adverse impacts on water quality in the Lunan Valley SPA due to the fact that there is an issue in the catchment with elevated nutrient levels.

The Lunan Valley Area supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation. This is an in principle application and therefore a condition will be added to cover this in the AMM application.

## **Developer Contributions**

### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Newhill Primary School. A condition will be added to ensure that this covered at the AMM stage.

## **Economic Impact**

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

## **Conclusion**

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

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period due to discussions with the policy team.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Approve the application**

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

1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2 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 subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

3 All foul drainage infrastructure associated with the proposed development shall be in accordance with the requirements of the Policy EP6: Drainage within the Lunan Lochs Catchment Area of the adopted Perth & Kinross Local Development Plan 2014 and The Dunkeld-Blairgowrie Lochs Special Area of Conservation Supplementary Guidance 2016 which stipulates 125% phosphorus removal is required.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Lunan Valley Catchment Area thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

4 Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

Reason - In order to clarify the terms of the permission which is granted in principle only.

5 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

I. the nature, extent and type(s) of contamination on the site

II. measures to treat/remove contamination to ensure the site is fit for the use proposed

III. measures to deal with contamination during construction works

IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority.

Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to clarify the terms of the permission which is granted in principle only.

### **Justification**

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

### **Informatives**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months



after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00987/1

18/00987/2

18/00987/3

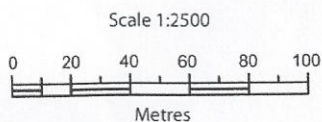
18/00987/4

**Date of Report 5.10.2018**





The Brackens, Wester Essendy, Blairgowrie



Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap® is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Date Of Issue: 01 June 2018  
Supplied By: Getmapping  
Supplier Plan Id: 196175\_2500  
OS License Number: 100030848  
Applicant: James Lochhead  
eDevelopment.Scot Reference: Essendy

