

TCP/11/16(567) – 18/00750/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask

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TCP/11/16(567) – 18/00750/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

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

Review procedure

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

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

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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

N/A

Site inspection

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

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

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

The best vantage points would require access over private occupied land and so permission should be sought.

Statement

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

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

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

With reference item 1 of decision notice dated 07.08.18

The officer stated, *"the back land / tandem nature of the site to the rear of the existing building group is not in keeping with the existing road side building pattern of the existing building group."*

The proposed site would have shared access directly onto the road which is in keeping with this and adjacent building groups towards the west and east. Furthermore, there are existing established buildings in the back land of this and the adjacent building groups towards the west and east.

With reference item 2 of decision notice dated 07.08.18

The officer has stated that *"the site does not have a) a good landscape framework of absorbing the proposal or b) site boundaries which are capable of providing a suitable setting."*

With respect we maintain that there are suitable landscape features which would provide a suitable setting and there are established boundaries on three out of four sides of the proposed site. Furthermore We note that Section 1 Building Groups section of the HITCG makes no specific reference to boundaries or Siting Criteria section. A site visit would help the review body establish if the existing established landscape features provide a suitable setting.

Trinity Gask Community and Services

The applicant is keen to consolidate the Trinity Gask community by introducing appropriate housing opportunities to allow for the existing disused and under used services to be reinstated and sustained.

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

Yes ☒ No ☐

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

Re. Trinity Gask Community and Services:

the applicant owns the Trinity Gask Estate and is keen to consolidate the fragile and disparate Trinity Gask Parish community which has arguably been eroded due to the mechanisation of agriculture and therefore reduction of agricultural workers by establishing appropriate additional housing opportunities so that existing disused Community Hall can be re-established, and the dwindling Parish Church congregation can be sustained and ultimately so that the community can thrive again.

This was not raised with the appointed officer as we had focused on Section 2 Infill Sites section of the Housing In Countryside Guide and since refusal we would like to draw attention that the guide does say that

“The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported”

And that

“The policy aims to: safeguard the character of the countryside; support the viability of communities...”

List of documents and evidence

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

Location Plan Drawing ref 236 DW07 (indicates planning site boundary for this application)
 Site Plan Drawing 236 DW08
 Location Plan Drawing 236 DW09 (1:25000 OS map with application site identified)
 Supporting Statement (with satellite image of site)
 Delegated Report of Handling
 Decision Notice
 Housing in the Countryside Guide (with referenced sections highlighted yellow)

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

Checklist

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

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

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

Declaration

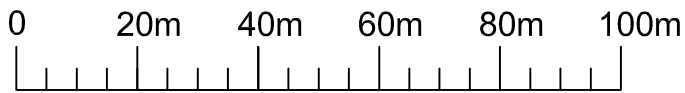
I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

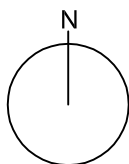
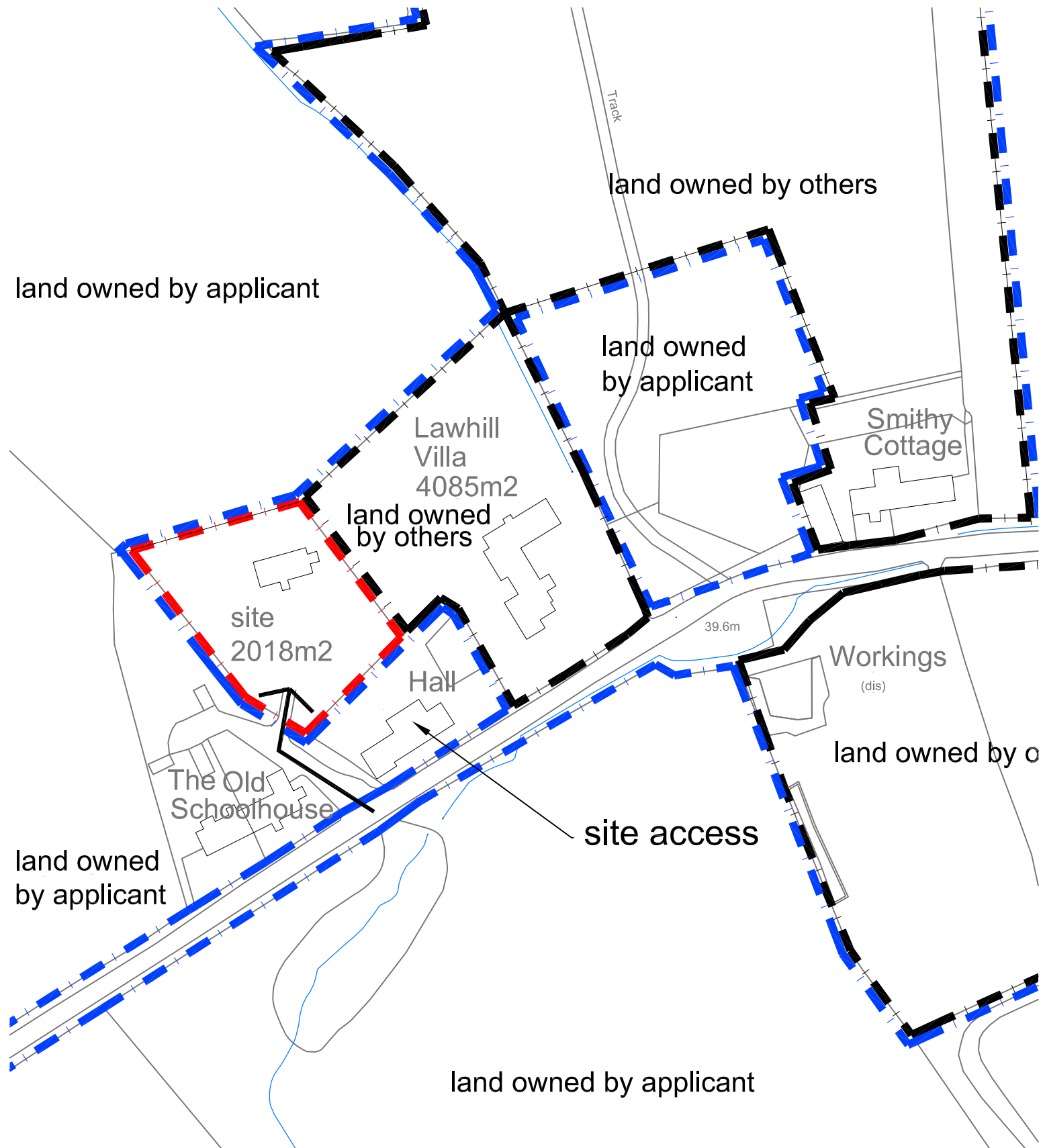


Date

27.09.2018



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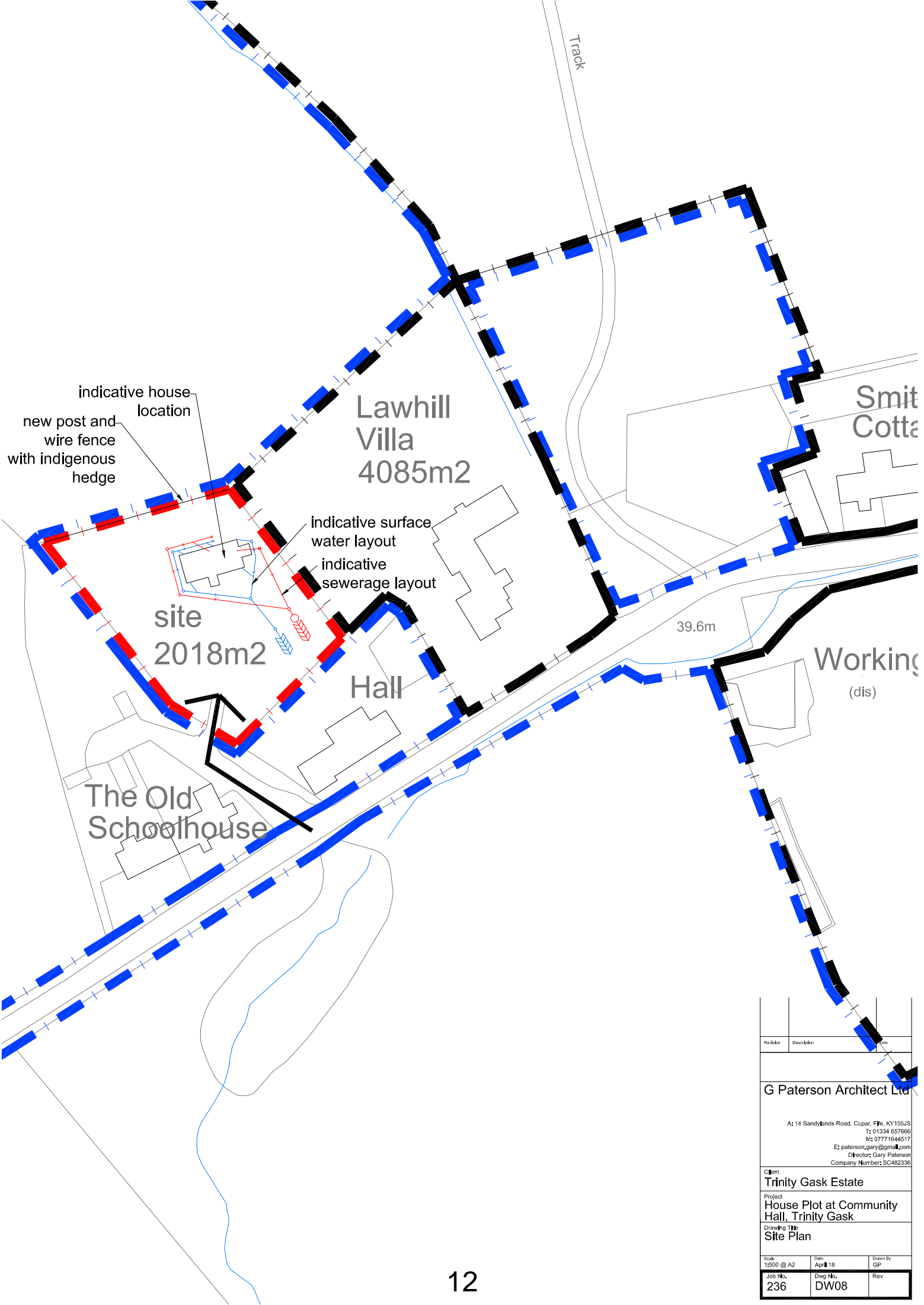


G Paterson Architect Ltd

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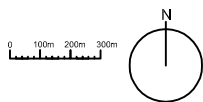
Revision	Description	Date
STAGE:		

Client Trinity Gask Estate		
Project House plot at Community Hall, Trinity Gask		
Drawing Title Location Plan		
Scale 1:1250 @ A4	Date April 18	Drawn By GP
Job No. 236	Dwg No. DW07	Rev



Revision	Description	Date
G Paterson Architect Ltd		
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Client Trinity Gask Estate		
Project House Plot at Community Hall, Trinity Gask		
Drawing Title Site Plan		
Scale 1:500 @ A2	Date April 18	Drawn By GP
Job No. 236	Dwg No. DW08	Rev

site



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Revision	Description	Date
STAGE:		

Client Trinity Gask Estate		
Project House plot at Community Hall, Trinity Gask		
Drawing Title Location Plan		
Scale 1:25000 @ A4	Date May 18	Drawn By GP
Job No. 236	Dwg No. DW09	Rev

Job Ref: 236
Date: 26/04/18

SUPPORTING STATEMENT FOR NEW DWELLING PLOT ADJACENT TO COMMUNITY HALL,
TRINITY GASK



We consider that the proposed dwelling plot *should be supported under Building Groups in section 1* of Housing In The Countryside Guide (Nov 2012) as the plot will extend the group into a definable site formed by the existing established plot boundaries and associated planting on three sides. The suggested house location has been sited so that it respects the existing building pattern as it will extend the east/ west line which includes Smithy Cottage and Lawhill Villa. The plot is intended to be accessed via the existing shared use access track that serves the Old School House, the Old School Room and the Community Hall. Furthermore the affected field outline will be simplified which will make it more suitable for modern agricultural machinery.

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APPENDIX 1

Extract from letter to applicant as part of 18/000122/PREAPP Residential development, Trinity Gask

Plot 7 would be considered in terms of the building group section of the policy where consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

I would advise that careful consideration should be given to the policy requirement for definable sites where a building group is being extended. Looking at the aerial photographs of the site the proposed ground appears to be part of a larger field and as far as I can see would not have the required degree of containment.

APPENDIX 2 – RELEVANT EXTRACT OF HOUSING IN THE COUNTRYSIDE GUIDE NOV 2012

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/00750/IPL	
Ward No	P9- Almond & Earn	
Due Determination Date	28.07.2018	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 40 Metres North West Of Trinity Gask,
Public Hall, Trinity Gask

SUMMARY:

This report recommends **refusal** of a planning in principle application for the erection of a dwelling on a site at Trinity Gask, located behind a public hall 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: 12 June 2018

SITE PHOTOGRAPH



View looking west from the south eastern corner of the site

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling on a rural site at Trinity Gask. The site is located behind an existing public hall building, and measures approx. 61m-41m in its length (north to south) and approx. 40m in its width (east to west).

To the south of the site is a public hall, which sits slightly lower than the application site.

To the east is the curtilage of a neighbouring residential property. The boundary between that property and the planning site is aligned with mature trees. To the west is a farm access with some smaller trees on its eastern side which serves agricultural fields to the rear (north).

The northern boundary is undefined, and simply merges into a wider agricultural field.

The site is generally flat, and sits slightly higher than the public hall to the south. At the moment, the site is sowed to crops.

Vehicular access to the site would be via an existing private access, which already has a junction with the public road.

To the west of the site, on the other side of the farm access is a listed residential property.

SITE HISTORY

None relevant to this planning application.

PRE-APPLICATION CONSULTATION

A pre-application response was issued by the Council (18/00122/PREAP) earlier this year regarding this proposal. The response issued by the Council was non-committal, and simply highlighted the need to comply with the Council's Housing in the Countryside Policies.

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014 and it sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

Of specific relevance to planning application are,

- Paragraphs 74 - 83, which relates to Promoting Rural Development
- Paragraphs 109 -134, which relates to Enabling Delivery of New Homes
- Paragraphs 135 – 151, which relates to Valuing the Historic Environment

Managing Change in the Historic Environment (Historic Environment Scotland)

Managing Change in the Historic Environment is a series of guidance notes about making changes to the historic environment.

RELEVANT LEGISLATION

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Sections 59 of this Act requires the Council to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural historic interest which the building possesses.

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 site lies within the landward area, where the following policies would be applicable to a new residential dwelling,

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 HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This is the most recent expression of Council policy towards new housing in the open countryside.

Developer Contributions and Affordable Housing (2016)

This policy outlines the Councils position in relation to developer contributions in relation to primary education, transport infrastructure and A9 junction improvements, as well as our Affordable Housing provision requirements.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and raised no objections.

National Grid Plant Protection Team have commented on the proposal and indicated that the site is located close to their infrastructure.

HSE have been consulted via PADHI+ which indicated that they have no objection to the proposal.

INTERNAL COUNCIL COMMENTS

Environmental Health were consulted on the proposal in terms of contaminated land issues, but have made no specific comment.

Conservation Advice from a colleague with conservation expertise has been offered, which raised no concerns in terms of the impact on the setting of a listed building.

Transport Planning have commented on the proposal in terms of the access arrangements and parking provision, and at this planning in principle stage they have raised no objections.

Development Negotiations Officer has commented on the proposal and indicated that in the event of an approval, suitable conditions in relation to Developer Contributions should be attached to any permission.

REPRESENTATIONS

None received.

ADDITIONAL INFORMATION

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	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 2017 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, consideration of the Council's other policies on HITCG and Developer Contributions are material considerations.

Policy Appraisal

In terms of land use policies, the principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan. Within that Plan, the site lies within the landward area where *Policies PM1A (general development)* and *RD3 (HITCP)* would be directly applicable to a new residential proposal.

Policy PM1A seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the supplementary guidance will be applicable to new proposals in the landward area. The most recent SPG on Housing in the Countryside is the 2012 version, which was adopted in 2014 as part of the LDP process.

In addition, to these policies *Policy HE2* of the Local Development Plan also seeks to protect the setting of listed building from inappropriate new developments.

For reasons stated below, I consider the proposal to be contrary to *Policy RD3* of the Local Development, and it's associated SPG.

Land Use Acceptability

The site lies within the landward area of the adopted Local Development Plan, where *Policy RD3* is directly applicable to new residential proposals. *Policy RD3* relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2012 (HITCG) which offers a more detailed policy background and is the most recent expression of Council opinion towards new housing in the open countryside.

To this end, the acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the terms of the HITCG 2012.

The proposed site is located to the rear of a small run of buildings - some of which are residential, and some of which are non-residential. This small group comprises more than 3 buildings, so I'm satisfied that there is an established building group in situ – which is typically defined as being 3 or more buildings of at least domestic scale.

To this end, the relevant section of the HITCG that would be most applicable to this proposal would be building groups.

In terms of acceptable new development within or adjacent to an existing group, the HITCG states that consent will be granted for new houses that are located within existing building groups provided they do not detract from both the residential and visual amenity of the group. The policy goes on to say that consent will also be granted for houses which extend the group providing that the development takes place in definable sites which are formed by existing topography and or well established landscape features that would provide a suitable setting for a new dwelling or dwellings. The policy goes on to say that all acceptable proposals must also respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

In terms of whether or not the site is definable and has a suitable setting, I have some concerns.

To the south of the site is a public hall, and to the east is a tree belt which is associated with the neighbouring property. Both of these boundaries could be considered to be contained by existing established features.

However the western boundary is less defined with only a farm track and a scattering of small trees. To the north, the site simply merges into part of a larger field. It's therefore my view that whilst the site does have some form of containment (to the south and east), collectively it is not of the level which would ordinarily be expected for a new dwelling in the open countryside and I'm not convinced that the existing topography, landscape or well established features in situ provide a suitable setting for a new dwelling.

All acceptable proposals under the building groups section must respect the character, layout and building pattern of the group.

The existing building group sits alongside the road side. This proposal would essentially introduce a backland or tandem development, which would be located to the rear of one of the buildings, which in turn would not be inline with the existing building pattern, and therefore would introduce a development that would be out of character with the existing building group.

To this end, in addition to the lack of a suitable landscape framework, I also consider the proposal to be at odds with the character of the existing building group.

Based on the above, I consider the proposal to be contrary to the building groups section of the HITC policies.

Design and Layout

This is a planning in principle application so there are no detailed matters to consider at this stage.

Residential Amenity

In terms of the impact on existing residential amenity, the proposal would have limited impact.

Subject to suitable design, orientation and placement on the plot, there should be no adverse impact on the existing dwellings located at either side of the site.

In terms of being able to offer a suitable level of residential amenity for future occupiers of the dwelling, the size of the plot is such that there should not be any issues with ensuring that a suitable level of usable amenity space is delivered.

Visual Amenity

The location of the site is such, that a suitability designed dwelling would not likely have an adverse impact on the visual amenity of the area.

Roads and Access

In terms of access and parking provision matters, I have no concerns and I note that my colleagues in Transport Planning share this position.

It should be noted that a small section of private access has not been included within the application site. A request was made to the applicant's agent to

amend the block plan to include the access, but no response was received. In any event, the existing junction from the private road onto the public road is acceptable, and ensuring that all the access rights are in place over the stretch of private access which is not included within the application site would be a matter for the applicant to address separately.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters.

Fuller details regarding the proposed private drainage (foul and surface water) will be reviewed at a detailed planning application stage.

Conservation Considerations

The site is adjacent to a listed building; however it is unlikely that the development of the site for a single dwelling would adversely affect the setting of the listed building.

This view is shared by my colleague with conservation expertise.

Developer Contributions

Affordable Housing

The proposal is for the erection of a single dwelling. To this end, there is no requirement for any affordable housing provision as part of this planning application.

Transport Infrastructure

The site is located outwith the catchment area for Transport Infrastructure contributions.

A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

Primary Education

As this is a planning in principle application, in the event of any approval a standard condition compliance condition should be attached to any permission.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014.

I have taken account of material considerations and find none that would justify overriding the adopted Development Plan, and on that basis the planning application is recommended for a refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reasons,

- 1 The backland / tandem nature of the site to the rear of the existing building group is not inkeeping with the existing road side building pattern of the existing building group. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups must respect the character, layout and building pattern of the group.
- 2 The site does not have a) a good landscape framework which is capable of absorbing the proposal or b) site boundaries which are capable of providing a suitable setting. To this end, the proposal is contrary to the specific requirements the building groups section of the

Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups takes place within definable sites that are formed by existing topography and / or well established landscape features and have a good landscape setting with suitable site boundaries.

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 (refusal recommended).

Procedural Notes

None (refusal recommended).

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/00750/1

18/00750/2

18/00750/3

Date of Report - 7 August 2018

PERTH AND KINROSS COUNCIL

Mr Jamie Roberts
c/o G Paterson Architect Ltd
Gary Paterson
14 Sandylands Road
Cupar
KY15 7JS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 7th August 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00750/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 29th May 2018 for permission for **Erection of a dwellinghouse (in principle) Land 40 Metres North West Of Trinity Gask Public Hall Trinity Gask** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The backland / tandem nature of the site to the rear of the existing building group is not inkeeping with the existing road side building pattern of the existing building group. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups must respect the character, layout and building pattern of the group.
2. The site does not have a) a good landscape framework which is capable of absorbing the proposal or b) site boundaries which are capable of providing a suitable setting. To this end, the proposal is contrary to the specific requirements the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's

adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups takes place within definable sites that are formed by existing topography and / or well established landscape features and have a good landscape setting with suitable site boundaries.

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 "Online Planning Applications" page

Plan Reference

18/00750/1

18/00750/2

18/00750/3

Housing in the Countryside Guide

November 2012

Introduction

The policy is intended to apply across Perth and Kinross, subject to specific circumstances identified in Local Plans, this would include an area like Glenshee where the Eastern Area Local Plan already includes a more relaxed policy to address the issues rural development and depopulation and the scattered nature of the settlement pattern.

In addition, in areas where particular constraints apply, the policies specific to these areas must also be complied with. Areas with specific designations include:

- Designated Historic Gardens and Designed Landscapes
- National Scenic Areas
- Areas of Great Landscape Value
- Special Areas of Conservation
- Special Protection Areas
- Ramsar Sites
- Sites of Special Scientific Interest
- Scheduled Ancient Monuments and their setting
- Loch Leven and Lunan Valley Catchment Areas for nature conservation/environmental reasons

This may result in a proposal being acceptable in terms of the Housing in the Countryside Policy but unacceptable for other policy reasons, and therefore refused.

Housing in the Countryside

In accordance with SPP15, PAN 72 and PAN 68 the Council's objective is to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas including the open countryside. **The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported**, and the need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

The policy aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural development needs.

Whilst most new development will continue to be in, or adjacent to, existing settlements, the Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside

which fall into at least one of the following categories, and meet all the following criteria:

For All Proposals

- a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.
- b) Pre-application discussion is recommended.
- c) Satisfactory access and services should be available or capable of being provided by the developer.
- d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

- f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).
- g) Existing on site materials, particularly stone and slate, should be re-used in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.
- h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.
- i) Encouragement will be given to the incorporation of measures to facilitate home working within new development

- j) The proposed development should not conflict with any other policy or proposal in the Local Plan.
- k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.
- l) Proposals with the potential to result in increased disturbance of birds in Special Protection Areas must demonstrate how adverse impacts on the site's integrity will be avoided.
- m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

2. Infill Sites

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

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

3. New Houses in the Open Countryside

Favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

3.1 Existing Gardens:

- a) Established gardens once associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site.
- b) Walled gardens where development would not affect the integrity of the structure or the garden, and may assist in the preservation of the wall.

3.2 Flood Risk:

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

3.3 Economic Activity

- a) A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where

the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.

- b) Proposals for new country estates with ancillary accommodation may be permitted where they are of outstanding architectural quality and create a new designed landscape. In addition they must demonstrate that they will bring associated employment and long term economic benefits to communities in the surrounding area.

3.4 Houses for Local People:

A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required.

Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.

3.5 Pilot projects creating eco-friendly houses:

Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.

Siting Criteria

Proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

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

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

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

4. Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- a) Restoration rather than replacement will be favoured where the building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.
- b) Any alterations and extension to an existing house should be in harmony with the existing building's form and proportion.
- c) Only if it can be demonstrated that the existing house is
 - i) either not worthy of retention,
 - ii) or is not capable of rehabilitation at an economic cost,

will substantial rebuilding or complete replacement be permitted.

Note: Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options. Where a house has been demolished prior to the submission of an application or grant of planning consent, there will be no guarantee that a replacement house will be granted.

- d) Where rebuilding or demolition is permitted the replacement house shall be of a high quality design appropriate to its setting and surrounding area.
- e) 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.
- f) The siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road, unless individual site conditions suggest that another position would create a better landscape fit.

5. Conversion or Replacement of Redundant Non-Domestic buildings

Consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:

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

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

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

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

- g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials.
- h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development.
- i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location.
- j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application.
- k) The development is in an accessible location ie in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

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

For the purposes of this policy a building will be classed as redundant when it can be demonstrated that it: has not been in use for a considerable number of years; is no longer fit for purpose; or is unsuited to the restructuring needs of the farm necessary to ensure a viable farm business.

6. Rural Brownfield Land

Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation works.

Proposals for more than five new houses on rural brownfield land will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

TCP/11/16(567) – 18/00750/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 31-32)*

REPORT OF HANDLING *(included in applicant's submission, see pages 19-29)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 11, 13 and 15-17)*

TCP/11/16(567) – 18/00750/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask

REPRESENTATIONS

31st May 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
www.scottishwater.co.uk

Dear Local Planner

PH3 Trinity Gask Trinity Gask Public Hall Land 40M
PLANNING APPLICATION NUMBER: 18/00750/IPL
OUR REFERENCE: 761759
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 Turret 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

www.sisplan.co.uk

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

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

Calum MacNab

Development Operations Analyst


Andrew Baxter
Perth and Kinross Council
Roads Department
Signal Box Road
Blairgowrie
Perthshire
PH10 6ER

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

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

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

www.cadentgas.com

Date: 03/06/2018

Our Ref: XX_TS_Z3_3NWP_011078

Your Ref: 18/00750/IPL (LMW)

**RE: Formal Planning Application, PH3 1LH, Land 40 Metres North West Of Trinity Gask Public Hall
Trinity Gask**

Thank you for your enquiry which was received on 29/05/2018.
Please note this response and any attached map(s) are valid for 28 days.

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

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

Are My Works Affected?

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

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

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

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

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

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

Your Responsibilities and Obligations

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

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

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

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

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

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

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

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

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

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

- National Gas Transmission Pipelines and associated equipment

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

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

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

Requirements

BEFORE carrying out any work you must:

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

GUIDANCE

High Pressure Gas Pipelines Guidance:

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

National High Pressure Gas Pipelines Guidance:

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

Dial Before You Dig Pipelines Guidance:

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

Standard Guidance

Essential Guidance document:

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

General Guidance document:

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

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

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

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

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

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>

ENQUIRY SUMMARY

Received Date

29/05/2018

Your Reference

18/00750/IPL (LMW)

Location

Centre Point: 295592, 717787

X Extent: 67

Y Extent: 58

Postcode: PH3 1LH

Location Description: PH3 1LH, Land 40 Metres North West Of Trinity Gask Public Hall Trinity Gask

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 500

Actual Scale: 1:5000 (GAS)

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

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Perth and Kinross Council

Contact Name: Andrew Baxter

Email Address: DevelopmentManagement@pkc.gov.uk

Telephone: 0

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

Description of Works

P.A Erection of a dwellinghouse (in principle) (E)

Enquiry Type

Formal Planning Application

Development Types

Development Type: Development for use by General Public

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00750/IPL	Comments provided by	Marianna Porter
Service/Section	Conservation	Contact Details	[REDACTED] [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres North West Of Trinity Gask Public Hall Trinity Gask		
Comments on the proposal	Trinity Gask School House and Original School Room is Category C listed. I have no concern regarding the principle of a dwelling on this site in terms of the impact on the setting of the listed building.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	05/06/2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00750/IPL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	[REDACTED] [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres North West Of Trinity Gask Public Hall, Trinity Gask		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant			
Date comments returned	13 June 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00750/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres North West Of Trinity Gask Public Hall, Trinity Gask		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, 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 Madderty Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	14 June 2018		

Advice : HSL-180807121530-317 DO NOT ADVISE AGAINST**Your Ref:** 18/00750/IPL**Development Name:** Mr Jamie Roberts**Comments:** Erection of Dwelling

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

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

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

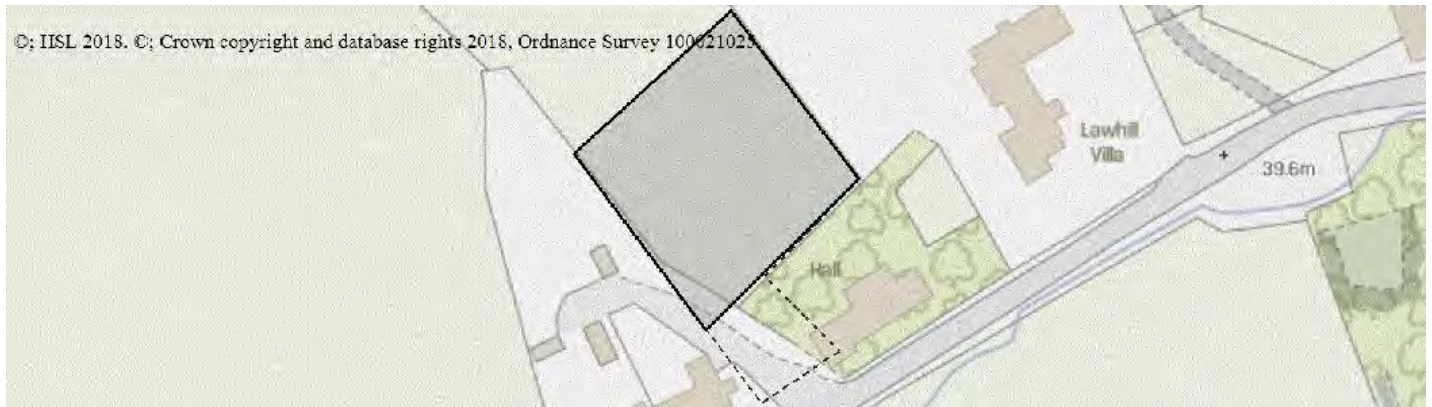


Commercial In Confidence

Breakdown:

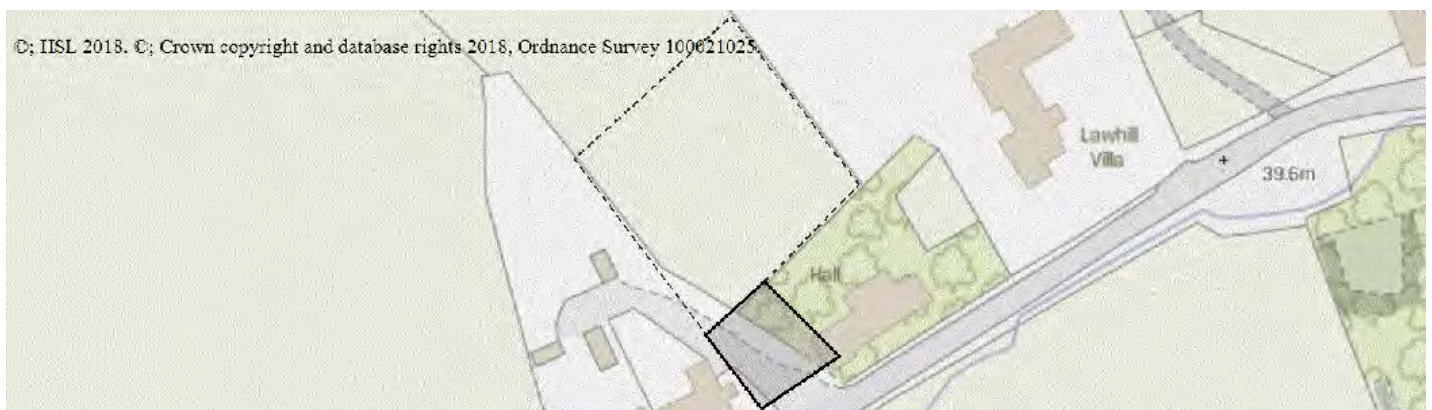
Housing DAA

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



Transport Links DAA

Is the transport link a motorway or a dual carriageway? No



Pipelines

8098_2357 National Grid Gas PLC

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

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

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

August 2018.

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

