

**TCP/11/16(313)****Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 9-32***)
- (b) Decision Notice (***Pages 31-32***)
  - Report of Handling (***Pages 35-42***)
  - Reference Documents (***Pages 25-26***)
- (c) Representations (***Pages 43-48***)



**TCP/11/16(313)**

**Planning Application 14/00833/FLL – Demolition of  
outbuildings and erection of dwellinghouse, land 20  
metres north west of The Cottage, Main Street, Balbeggie**

**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 MR ARCHIE McHARDY,

Address THE COTTAGE, MAIN STREET,  
BALBEGGIE, SCOTLAND.

Postcode PH2 6EU

Contact Telephone 1 [REDACTED]

Contact Telephone 2                     

Fax No                     

E-mail\*                     

## Agent (if any)

Name HARRY TAYLOR AND COMPANY

Address MELVILLE HOUSE,  
No. 129 SCOTT STREET  
PERTH.

Postcode PH2 8LU

Contact Telephone 1 (01738) 628562

Contact Telephone 2                     

Fax No (01738) 441930

E-mail\* enquiries@harrytaylor.co.uk

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

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

Yes ☒ No ☐

Planning authority PERTH AND KINROSS COUNCIL.

Planning authority's application reference number 14/00833/ FLL

Site address THE COTTAGE, MAIN STREET, BALBEGGIE, PERTHSKIRE. PH2 6EU

Description of proposed development DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF  
NEW DWELLING HOUSE

Date of application 12<sup>TH</sup> MAY 2014 Date of decision (if any) 4<sup>TH</sup> JULY 2014

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 checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input 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 checked="" 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:

**Site inspection**

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

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

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

**Statement**

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

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

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

PLEASE SEE 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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

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

- ORIGINAL PLANNING APPLICATION FORM. - DATED 12<sup>TH</sup> MAY 2014.
- EXISTING FLOOR PLANS AND ELEVATIONS - DRAWING 1A
- PROPOSED PLANS, SECTIONS AND ELEVATIONS - DRAWING 20A
- RECEIPT OF REGISTRATION DATED 22<sup>ND</sup> MAY 2014.
- PAGES 91- 92 FROM THE LOCAL DEVELOPMENT PLAN SHOWING SITE H13.
- STATEMENT TO ACCOMPANY THE REVIEW.
- REFUSAL NOTICE - DATED 4<sup>TH</sup> JULY 2014

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

**Checklist**

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

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

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

**Declaration**

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

Signed

**FOR**  
**HARRY TAYLOR AND COMPANY**

Date

**30<sup>TH</sup> JULY 2014.**





HENRY M DEMPSEY, MRICS

*Harry Taylor & Co*  
*Chartered Building Surveyors*  
*Melville House*  
*129 Scott Street*  
*Perth*  
*PH2 8LU*  
*VAT Reg. No. 300 4377 06*

*Tel No: (01738) 628562*  
*Fax No: (01738) 441930*  
*E-mail: enquiries@harrytaylor.co.uk*

**Statement to Accompany the Appeal of Planning Application 14/00833/FLL  
Demolition of Outbuilding and Erection of a New House on Land Adjacent to  
The Cottage, Main Street, Balbeggie**

Our client owns the property called The Cottage, this lies around 150 metres to the South West of the settlement of Balbeggie adjacent to the main A94 road. The current cottage is single storey with a two storey outbuilding adjacent along with a series of single storey buildings and brick walls. The outbuildings have formally been agricultural outbuildings and are falling into a state of disrepair. Our clients intention was to demolish the existing outbuildings to enhance his existing property and allow the erection of a new dwelling house.

The site is set within a mature garden and is bounded to the roadside and to the South West with a mature hedge and a series of mature trees which provide screening to the existing site.

The site and surrounding fields have been zoned for development within the Perth and Kinross Council Local Development Plan as adopted on the 3<sup>rd</sup> February 2014. The site is highlighted as H13 and is noted as a site that could be utilised for a mix of housing types and sizes.

The planning application for the above was refused for 3 reasons and we would comments on the points as follows,

- a. The proposal does not satisfy the criteria of Policy RD3 (Housing in the Countryside). The application has been refused on the basis that it does not meet the requirements of Perth and Kinross Council Local Development Plan as it is classed as a house in the countryside. This policy cannot be applied to this site as it is clearly zoned within the adopted local plan as a site for future development, as the site lies within area H13.
- b. The proposal is contrary to policy NE2B. There are currently 4 No. lime trees which are located to the North of the existing range of buildings. It was the intention to remove 2No. number trees to make way for the new dwelling house. It was also considered that due to the height of the trees and there close relationship to the existing house, that to safe guard the new and existing property that it would be advantageous to have these removed. No opportunity was given

during the planning application period to provide any additional information, in relation to the existing trees.

- c. The proposal is contrary to Policy PM1. There is currently mature boundary treatment to the site with the existing hedge and mature trees. It would be the intention to maintain these, with the exception of the 2 trees that will be removed per the above. The area would also be enhanced as the series of derelict buildings would be removed and the site cleared to make way for the new dwelling house. Due to the location of the proposed house to the rear of the site and set within the mature landscape, the proposed dwelling would be significantly screened from the adjacent roadway.



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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000089807-001

The online ref number 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: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☒ 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)

Demolition of existing outbuildings and erection of a new dwelling 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

Have the works already been started 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:	Harry Taylor and Company
Ref. Number:	
First Name: *	Alastair
Last Name: *	Mitchell
Telephone Number: *	01738 628562
Extension Number:	
Mobile Number:	
Fax Number:	01738 441930
Email Address: *	alastairmitchell@harrytaylorso.co.uk

You must enter a Building Name or Number, or both:\*

Building Name:	Melville House
Building Number:	129
Address 1 (Street): *	Scott Street
Address 2:	
Town/City: *	Perth
Country: *	UK
Postcode: *	PH2 8LU

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Archie
Last Name: *	McHardy
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:\*

Building Name:	The Cottage
Building Number:	
Address 1 (Street): *	Main Street
Address 2:	
Town/City: *	Balbeggie
Country: *	Scotland
Postcode: *	PH2 6EU

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

The Cottage

Address 5:

Address 2:

Main Street

Town/City/Settlement:

Perth

Address 3:

Balbeggie

Post Code:

PH2 6EU

Address 4:

Please identify/describe the location of the site or sites.

Northing

729131

Easting

316799

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

893.00

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)

Out buildings for existing dwelling house

## Access and Parking

Are you proposing a new or 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.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

☐ Yes ☒ No

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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

The new house will be connected to a new septic tank which will be connected to a land soakaway

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## 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.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details:(Max 500 characters)

Bin storage will be provided at end of access road, to allow for collection

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## 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) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Alastair Mitchell

On behalf of: Mr Archie McHardy

Date: 12/05/2014

☒ 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 developments (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 County 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.

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)

## 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: Alastair Mitchell

Declaration Date: 12/05/2014

Submission Date: 12/05/2014

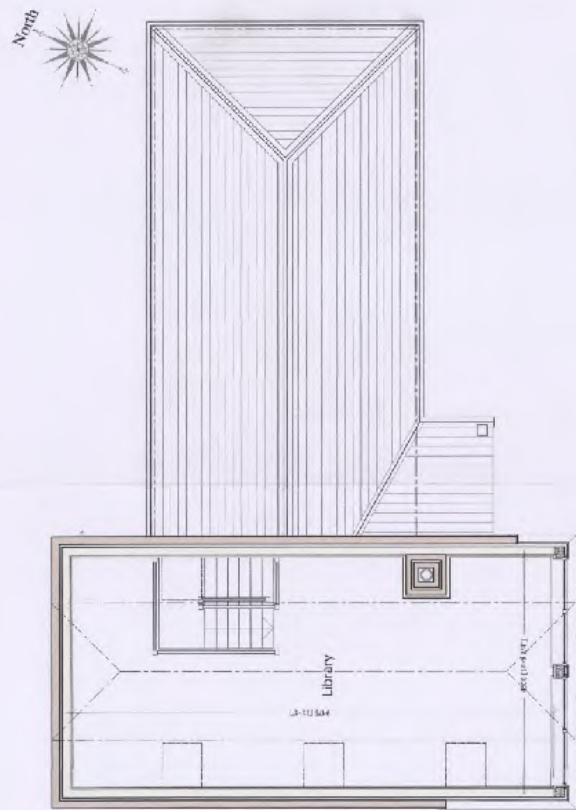
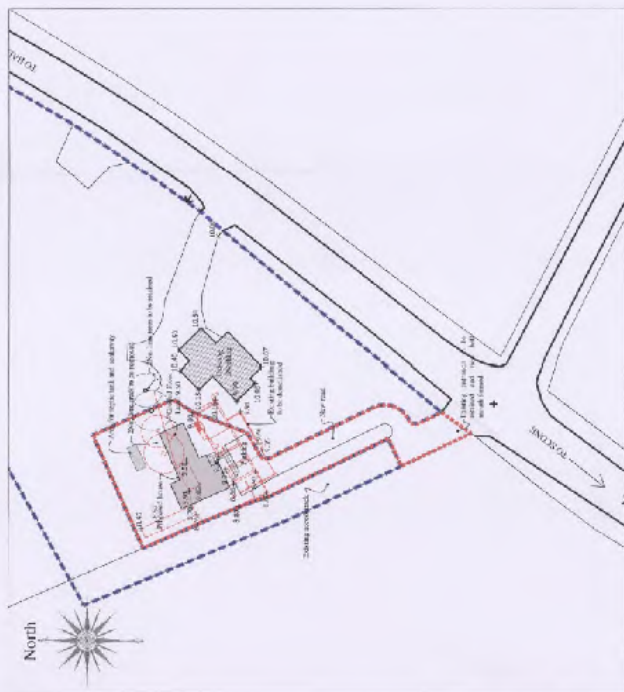
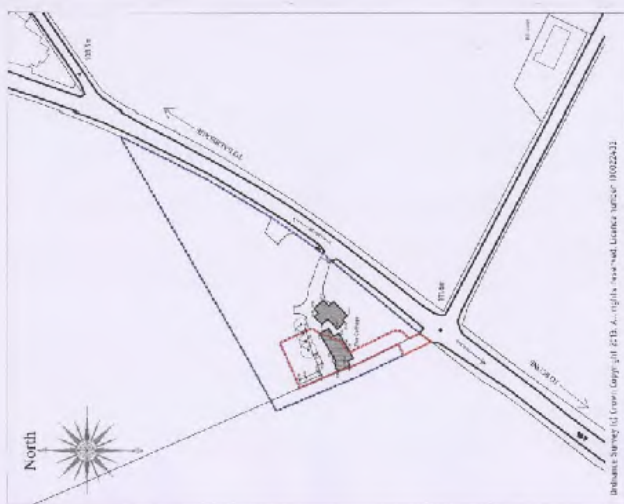
## Payment Details

Cheque: Mr Archie McHardy, 000438

Created: 12/05/2014 16:02

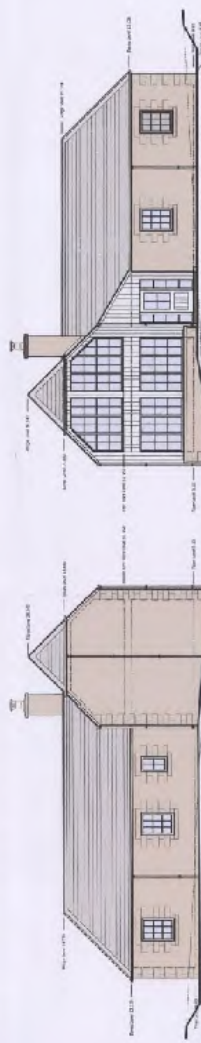






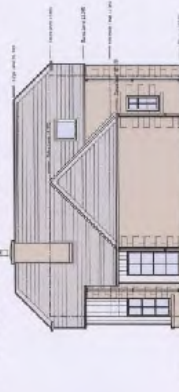
First Floor Plan

Scale 1:50  
0 1 2 3 4 5 Metres



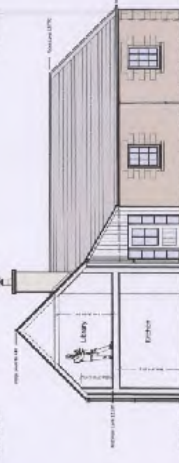
North West Elevation

Scale 1:100  
0 2 4 6 8 10 Metres



South West Elevation

Scale 1:100



Section A - A

Scale 1:100  
0 2 4 6 8 10 Metres



South East Elevation

Scale 1:100



North East Elevation

Scale 1:100

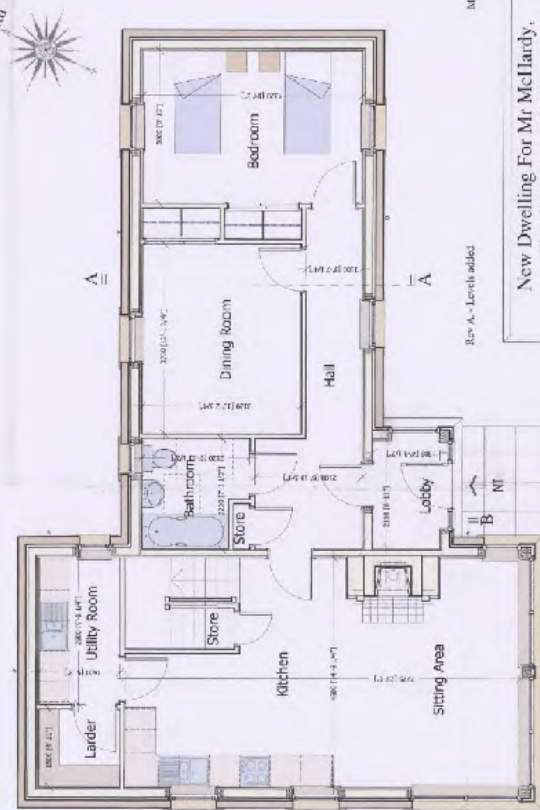


Section B - B

Scale 1:100

Material Specification

- Walls - Natural stone and timber cladding
- Roof - Slate
- Windows - White painted aluminium casement windows
- External Doors - White painted timber
- Internal Doors - Black PVCu
- Partitions and down pipes - Black PVCu



Ground Floor Plan

Scale 1:50  
0 1 2 3 4 5 Metres

New Dwelling For Mr Mellardy,  
The Cottage - Balbeggie

Proposed Plans, Sections  
and Elevations

Scale 1:50 Plot 2217 Drawing No. 20 A  
Date: May 14 Error P. ASD

Mary Taylor and Company  
Architects  
279-281 High Street  
Glasgow G4 7LH  
Tel: 01235 441100  
Fax: 01235 441100  
E-mail: mary.taylor@mtc-arch.co.uk

RICS



Planning and Regeneration  
Head of Service David Littlejohn

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD  
Tel 01738 475300 Fax 01738 475310

Mr Archie McHardy  
c/o Harry Taylor And Company  
Alastair Mitchell  
Melville House  
129 Scott Street  
Perth  
PH2 8LU

Telephone 01738 475300

Ref No 14/00833/FLL

Date 22nd May 2014

Dear Sir / Madam,

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

**RE: Demolition of outbuildings and erection of dwellinghouse at Land 20 Metres North West Of The Cottage Main Street Balbeggie**

Thank you for your recent application for planning permission or for the approval of conditions arising from a planning permission in principle for the above proposal. I write to confirm that your application has been registered. This letter is accompanied by a guidance note on "What Happens to my Planning Application?". This explains the process of assessing and deciding your application. Your application is for a 'Local Development' as defined in the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009.

#### **Registration Details**

Application reference number - 14/00833/FLL  
Date of registration - 22nd May 2014

#### **Description of proposed development**

The description of the proposed development and/or the site address may have been changed from the planning application form in order to make the description more explicit and legally correct. This revised description will appear on the decision notice. It will be assumed that the amended description is acceptable to you unless you indicate otherwise.

#### **Statutory Advertisement**

If this application requires to be advertised under the Town and Country Planning (Development management Procedure)(Scotland) Regulations 2008, and payment has not yet been made, then I will re-contact you concerning payment for the cost of the advert.

### **Timescale for a decision**

In most cases with a Local Development, if you do not receive a decision from the Council within two months of the date of registration you may request a review by the Council's Local Review Body, or in a few cases, you may appeal to Scottish Ministers. The form to request a review may be obtained from The Secretary, Local Review Body, Perth and Kinross Council, Committee Services, Council Building, 2 High Street, Perth PH1 5PH or email to [planninglrbb@pkc.gov.uk](mailto:planninglrbb@pkc.gov.uk). The form to request appeal may be obtained from the Scottish Government Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR Tel no. 01324 696 400.

Many applications take longer than two months to resolve and in these cases we will write to you to explain the reason and if appropriate ask for an extension to the two-month time period. If you have not heard from us after two months you should contact the case officer.

Please note that **work must not start** until you have received planning permission from the Council.

Yours faithfully

*Nick Brian*

Development Quality Manager

### **Receipt of Application Fee Payment**

Payment Type	cheque
Receipt Number	02129
Amount Received	£382.00
Payment Date	13th May 2014
<b>Total Received</b>	<b>£382.00</b>

### **Receipt of Advertisement Fee Payment**

Payment Type	cheque
Receipt Number	02130
Amount Received	£61.10
Payment Date	13th May 2014
<b>Total Received</b>	<b>£61.10</b>



## 5.6 Balbeggie

### 5.6.1 Description

Balbeggie lies approximately 5.0 miles to the north-east of Perth. With a population of 500, Balbeggie has grown along the A94 to Coupar Angus and the minor roads leading east and west. The settlement has a good range of shops and community facilities including a school and hall.

### 5.6.2 Spatial Strategy Considerations

Balbeggie appears as a principal settlement within the Perth Core in TAYplan but outside the Green Belt. In addition to the existing planning permission for 8 houses at Green Road, a housing site has been identified on the south and west boundary of the village.

### 5.6.3 Infrastructure Considerations

To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth, there will be an embargo on further planning consents for housing for sites of 10 or more until such time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites.

Developer contributions will be required towards transport infrastructure and details will be published as Supplementary Guidance during 2014.

Drainage from all development should connect to Public Waste Water Treatment Works.

All development will be required to incorporate SUDS proposals and may require a Drainage Impact Assessment.

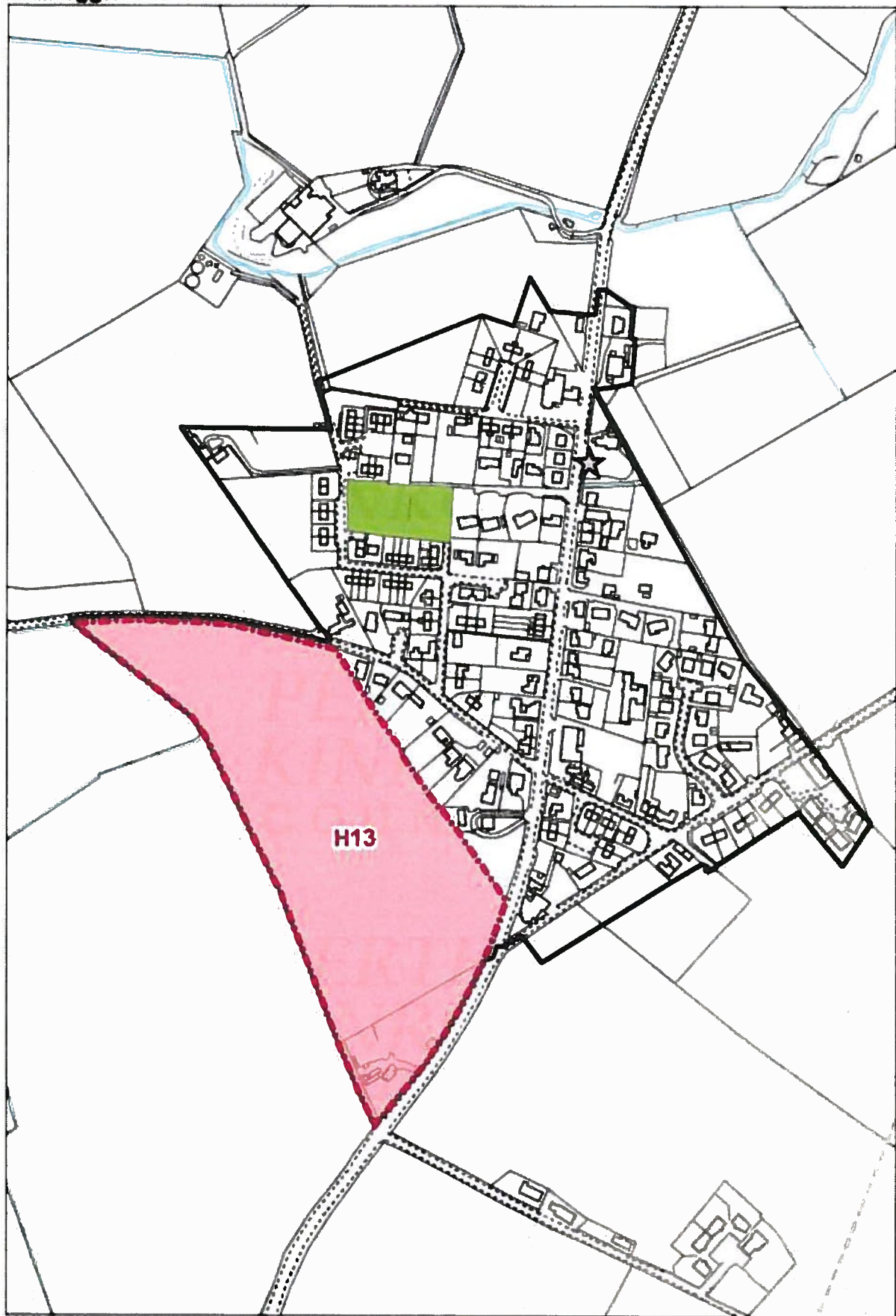
Any development of 5 or more houses will be required to contribute towards affordable housing provision in accordance with the Council's Affordable Housing Policy.

All development will contribute towards the provision of on or off-site public space and play facilities where required, in line with Council guidance.

### Residential Site

Ref	Location	Size	Number
H13	St Martins Road	6.5 ha	100
<b>Site Specific Developer Requirements</b>			
⇒ A mix of housing types and sizes including low cost housing.			
⇒ Phased development linked to expansion of primary school capacity in this or adjacent catchment.			
⇒ The site lies adjacent to areas of flood risk and Flood Risk Assessment will be required at the time of any planning application.			
⇒ Road and access improvements to the satisfaction of the Council as Roads Authority.			
⇒ Provide access from the A94 Perth Road and St Martins Road.			
⇒ Transport Assessment.			
⇒ Landscaping framework to create a suitable boundary treatment to enhance village edge includes retention of established hedge.			
⇒ Enhancement of biodiversity.			
⇒ Path links through site from village to the core path network.			



**Balbeggie**

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right (2013). All rights reserved. Ordnance Survey Licence number 100016971. **Scale:** 1:5,000





# PERTH AND KINROSS COUNCIL

Mr Archie McHardy  
c/o Harry Taylor And Company  
Alastair Mitchell  
Melville House  
129 Scott Street  
Perth  
PH2 8LU

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 4th July 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 14/00833/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd May 2014 for permission for **Demolition of outbuildings and erection of dwellinghouse Land 20 Metres North West Of The Cottage Main Street Balbeggie** for the reasons undernoted.

  
Development Quality Manager

### Reasons for Refusal

1. The proposal does not satisfy any of the criteria of the Policy RD3 (Housing in the Countryside) of the adopted Perth and Kinross Council Local Development Plan 2014 where a new dwellinghouse would be acceptable. It is therefore contrary to this policy and to the Council's Housing in the Countryside Guide 2012.
2. The proposal is contrary to policy NE2B (Forestry, Woodland and Trees) of the adopted Perth and Kinross Local Development Plan 2014. There are existing trees on the site and no tree survey has been submitted to enable a full assessment to be made of the impact of the development on the trees.
3. The proposal is contrary to Policy PM1 of the adopted Perth and Kinross Council Local Development Plan 2014 as due to its siting and design it does not contribute positively to the quality of the surrounding built and natural environment.

## **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**

**14/00833/1**

**14/00833/2**

**14/00833/3**

**TCP/11/16(313)**

**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

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

**REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 25-26)*



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	14/00833/FLL	
Ward No	N2- Strathmore	
Due Determination Date	21.07.2014	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Demolition of outbuildings and erection of dwellinghouse

**LOCATION:** Land 20 Metres North West Of The Cottage Main Street  
Balbeggie

### 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:** 9 June 2014

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the demolition of outbuildings and the erection of a dwellinghouse 20 metres to the north west of the Cottage, Main Street, Balbeggie.

The site lies around 150 metres to the south west of the settlement of Balbeggie adjacent to the main A94 road.

## **SITE HISTORY**

91/00952/FUL ERECTION OF A HOUSE - IN PRINCIPLE - AT 29 August 1991 Application Refused

94/00788/FUL CONVERSION OF STEADING TO HOUSE (IN OUTLINE) AT 29 August 1994 Application Permitted

09/00728/OUT Erection of dwellinghouse in outline 15 July 2009 Application Refused

14/00151/IPL Conversion of existing building to form dwellinghouse (in principle) 17 March 2014

09/00728/OUT Erection of dwellinghouse in outline 15 July 2009 Application Refused

14/00151/IPL Conversion of existing building to form dwellinghouse (in principle) 17 March 2014

## **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, and a series of Circulars.

## **DEVELOPMENT PLAN**

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

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It 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 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 NE2B - Forestry, Woodland and Trees**

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

## **OTHER POLICIES**

Perth and Kinross Housing in the Countryside Guide 2012

Perth and Kinross Developer Contributions Policy 2012

## **CONSULTATION RESPONSES**

### **Transport Planning**

No objection subject to conditions.

### **Education And Children's Services**

Contribution required with regard to primary school provision as the catchment school will reach the 80% capacity threshold.

Perth - Airfield  
No response within timescale.

## REPRESENTATIONS

There have been no representations with regard to this application.

### Additional Statements Received:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not submitted.
Report on Impact or Potential Impact 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 2012 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 proposal is set within an area of countryside outwith any settlement boundary as defined in the adopted Perth and Kinross Local Development Plan 2014. Policy RD3 (housing in the countryside) is applicable. This seeks to encourage appropriate housing development in rural areas including the open countryside. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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



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

Category (a) Building Groups defines a building group 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.

Part of the wider site was assessed in 2009 as part of application no. 09/00728/OUT under the 2005 Housing in the Countryside Policy in operation at that time. This policy included a similar definition of building group and at that time the site did not fit with this category. This is still the case. The site does not constitute a building group as defined in the Housing in the Countryside policy 2012.

It is not an infill site as defined in category (b) which allows for 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.

It does not fit in to category (c ) that permits new houses on specific sites such as existing gardens associated with a country/estate house or in a walled garden. It is not being relocated due to flood risk (3.2), it is not required for economic activity or for a local applicant currently inadequately housed. It is not a pilot project creating an eco-friendly house.

Category (d) allows for the renovation or replacement of houses. This is not a proposal for the renovation or replacement of an existing house.

(e) Conversion or Replacement of Redundant Non-Domestic buildings  
The policy allows for replacement of non-domestic buildings subject to criteria and generally supports conversion rather than replacement. If the building due to structural deficiencies cannot be converted replacement may be possible but the new building should be generally faithful to the design form of the existing. This proposal does not comply with this part of the policy. Previous proposals have included the suggestion that the existing stable block/garage is structurally sound and could be converted into a dwelling. No justification or explanation has been submitted for its demolition.

The site is not category (f) rural brownfield.

## **Design and Layout**

The proposal is for a one bedroom dwelling partly single storey and partly one and a half storey formed in a T shape. A single storey wing contains the proposed dining room and bedroom. The space at first floor level above the kitchen/sitting area is proposed as a library.

The new dwellinghouse will be sited close to the existing house, at the nearest point it is around 10 metres away.

An existing garage/store building with attached greenhouse is to be demolished. Two mature lime trees are to be felled to accommodate the development.

## **Landscape**

The proposal is set within an existing grassed area which could be considered part of the curtilage of the existing dwellinghouse. There is a line of mature lime trees on the site, two of which are to be removed. No substantive details of the trees on the site have been provided. A tree survey would have been useful to assess any scope for built development on the site and to understand the rationale for felling two of the lime trees.

## **Residential Amenity**

The new dwellinghouse is proposed to be located approximately 10 metres from the existing house. Whilst I do not consider that the residential amenity of the existing dwellinghouse will be adversely affected by overlooking or overshadowing I do consider that the location of the proposed new house in such close proximity gives a somewhat unsatisfactory layout.

## **Visual Amenity**

The proposed new dwellinghouse is to be constructed of timber boarding and stone. There is a large amount of glazing proposed on the south east elevation and the house has a slightly unbalanced appearance, part of it being single storey and partly one and a half storey. It is not highly visible from any public viewpoints and would not have a particularly adverse visual impact although would also not enhance its surroundings.

## **Roads and Access**

The Council's Transport Planners have commented and have no objection to the proposal subject to various conditions. The site is to be accessed off a track from the main road. This would be partly upgraded as part of the proposal.

## **Drainage and Flooding**

The development will use a private drainage system. There have been no issues identified with regard to drainage and flooding.

## **Developer Contributions**

The Developer Contributions Guidance is applicable to this application. Education and Children's Services has requested that an education contribution with regard to the catchment school be provided. Whilst the plans for the proposed new dwellinghouse indicate that it only has one bedroom the space available would easily accommodate more bedrooms and I would consider that should permission be granted a contribution would be required.

## **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 not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application**

## **Reasons for Recommendation**

1 The proposal does not satisfy any of the criteria of the Policy RD3 (Housing in the Countryside) of the adopted Perth and Kinross Council Local Development Plan 2014 where a new dwellinghouse would be acceptable. It is therefore contrary to this policy and to the Council's Housing in the Countryside Guide 2012.

2 The proposal is contrary to policy NE2B (Forestry, Woodland and Trees) of the adopted Perth and Kinross Local Development Plan 2014. There are existing trees on the site and no tree survey has been submitted to enable a full assessment to be made of the impact of the development on the trees.

3 The proposal is contrary to Policy PM1 of the adopted Perth and Kinross Council Local Development Plan 2014 as due to its siting and design it does not contribute positively to the quality of the surrounding built and natural environment.

## **Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **Informatives**

None.

## **Procedural Notes**

Not Applicable.

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

14/00833/1

14/00833/2

14/00833/3

**Date of Report 03.07.2014**

**TCP/11/16(313)**

**Planning Application 14/00833/FLL – Demolition of outbuildings and erection of dwellinghouse, land 20 metres north west of The Cottage, Main Street, Balbeggie**

## **REPRESENTATIONS**

- Representation from Education and Children's Services, dated 28 May 2014
- Representation from Transport Planning, dated 6 August 2014



# Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Assistant Asset Management Officer
Your ref	14/00833/FLL	Our ref	GR/CW
Date	28 May 2014	Tel No	476308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Planning Application Ref No: 14/00833/FLL

I can confirm this development falls within the Balbeggie Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	73
Highest projected 7 year roll	64
Potential additional children from this and previously approved/yet to be determined applications	7.29
Possible roll	71.29
Potential % capacity	98%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please don't hesitate to contact me should you require any further information.

*Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact [ecssupportservices@pkc.gov.uk](mailto:ecssupportservices@pkc.gov.uk)*







# MEMORANDUM

To	Persephone Beer Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	14/00833/FLL	Date	06 August 2014

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

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 14/00833/FLL for planning consent for:- **Demolition of outbuildings and erection of dwellinghouse Land 20 Metres North West of The Cottage Main Street Balbeggie for Mr Archie McHardy**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- Visibility splays of 2.40m x 70.00m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the A94 public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

I trust these comments are of assistance.

