

TCP/11/16(466)
Planning Application – 16/01858/IPL – Erection of a dwellinghouse (in principle) Plot 2 on land 500 metres North West of Fracoch, Geal, Gask

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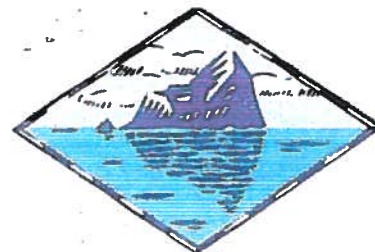
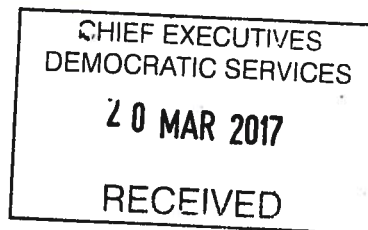
- (a) Papers submitted by the Applicant (***Pages 241-282***)
- (b) Decision Notice (***Pages 257-258***)
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 - Reference Documents (***Pages 259-261***)
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TCP/11/16(466)

**Planning Application – 16/01858/IPL – Erection of a
dwellinghouse (in principle) Plot 2 on land 500 metres
North West of Fracoch, Geal, Gask**

**PAPERS SUBMITTED
BY THE
APPLICANT**

The Secretary
Local Review Body
Perth & Kinross Council
Committee Services
2 High Street
Perth
PH1 5PH



ACRAIG
ARCHITECTURAL
CONSULTANT

17 March 2017
Ref: ADC/adc

Dear Sir/madam,

PLOT 2, LAND 500 METRES NORTH WEST OF FRACCOCH, GEAL, GASK – Ref: 16/01858/IPL

My client wishes to appeal against the decision of the planning authority in respect of the above application.

The following documents are enclosed:

- Notice of Review form including an attached statement
- Planning Application form
- Decision Notice
- Location & Site Plans – 3 pages
- Site History
- Planning Application Supporting Statement
- Report of Handling Ref: 11/00929/AML
- Report of handling Ref: 15/01171/FLL

I trust this meets with your approval and will allow the application to be processed.

Yours faithfully,

A.D.Craig

6 CLERK STREET
BRECHIN
ANGUS DD9 6AE

Telephone: (01356) 625500
07836 692314

Fax: (01356) 625572
email: info@adcraig.co.uk

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 2013

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.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.epianning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	David	Forename	Alex.
Surname	Huisman	Surname	Craig
Company Name		Company Name	A. Craig Arch. Consultant
Building No./Name	Morlich	Building No./Name	6
Address Line 1	Kinchurdy Road	Address Line 1	Clerk Street
Address Line 2		Address Line 2	
Town/City	Boat of Garten	Town/City	Breachin
Postcode	PH24 3BP	Postcode	DD9 6AE
Telephone		Telephone	01356 625500
Mobile		Mobile	07836 692314
Fax		Fax	01356 625572
Email		Email	adc@adcraig.co.uk

3. Application Details	
Planning authority	Perth & Kinross Council
Planning authority's application reference number	16/01858/IPL
Site address	
Plot 2 Land 500 metres North West of Fracoch Geal Gask PH3 1HZ	
Description of proposed development	
Erection of Dwelling House	

Date of application

31/10/16

Date of decision (if any)

21/12/16

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

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

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)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

Further written submissions

☒

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, 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 necessary.

The applicant is to forward a further statement

7. Site inspection

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

Can the site be viewed entirely from public land?

☐

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

☒

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

The applicant is on site at all times

8. Statement

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

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

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

See attached Statement

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

9. 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

Notice of Review Application & Statement
Planning Application Form & Refusal Document
Location & Site Drawings
Site History & Planning Application Supporting Statement
Report of Handling Ref: 11/00929/AML
Report of Handling Ref: 15/01171/FLL

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

A.D.Craig

Date:

17 March 2017

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

PLOT 2 – FRACCOCH, GEAL, GASK

Ref: 16/01858/IPL

STATEMENT

This application is one of three similar applications which were submitted together.

Referring to the reason for refusal, I comment as follows:

1. Contrary to Policy RD3 'Housing in the Countryside'

(1) Building Groups - 'a building group is defined as 3 or more buildings of a size of at least equivalent to a traditional cottage' – As this application was one of three applications submitted together with the dwelling house presently under construction it will form part of a cohesive building group.

(2) Infill Sites – There are no uses in the area which would prevent the achievement of an adequate standard of amenity for the proposed houses(s) and the amenity of the house under construction

(3) New Houses in the Open Countryside – The proposed house is not in a flood risk area. The location of the house under construction was originally approved in a different location and moved to this site as the original site was deemed later to be a flood risk area. It is intended for the house to be of outstanding architectural quality and eco-friendly

(4) Renovation or Replacement of Houses – Not relevant

(5) Conversion of Replacement of Redundant Non Domestic Buildings – Not relevant

(6) Rural Brownfield Land - The result if approved would be a house situated in a clearing in Silver Birch. This is in keeping with the Officers Report for the approved adjacent site Ref: 15/01171/FLL & The height of the house being far less than the 15-20m backdrop of the Silver Birch

2. Contrary to Policy PM1 'Placemaking'

The application is for a house situated adjacent to the existing house under construction. Surrounded by Silver Birch woodland the site is not an exposed location and would be of similar character, amenity and natural heritage of the house under construction and would undoubtedly contribute positively to the quality of the surrounding area.

3. Contrary to Policy NE2B 'Forestry, Woodland & Trees' as well as Scottish Planning Policy and the Scottish Woodland Removal Policy.

The site is in an "area of ground primarily of regenerated Birch woodland" as stated in the Report of Handling for Application 15/01171/FLL. The proposals will also respect the landscape setting.

4. Contrary to Policy NE2B 'Biodiversity'

A house in this location would respect the landscape setting by nestling into a woodland clearing, responding to the local vernacular by using a traditional restrained plan in a modern way to provide a 21st century dwelling with the potential to have minimal ecological and economical costs.

CONCLUSIONS

As with this application the house under construction was approved in a regenerated Silver Birch Woodland and was seen to conform to Policy RD3 and the Council's Housing in the Countryside Guide 2012.

The application site would make the best of the views towards the south while respecting the landscape setting and local vernacular architectural tradition and sit below the 15-25m high Birch backdrop

The original house application states that it is regenerated Birch woodland, respects the landscape setting and has minimal ecological effect and economic costs

With regard to Policy NE2B, no reference was made to this in determining the existing approval and in my opinion is not relevant in this case.

I request the reasons for refusal be over turned due to a precedent having been set with the approval of application 15/01171/FLL.

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div>Mr & Mrs</div>	Ref No.	<div></div>
Forename	<div>David</div>	Forename	<div>Alex.</div>
Surname	<div>Huisman</div>	Surname	<div>Craig</div>
Company Name	<div></div>	Company Name	<div>A. Craig Arch. Consultant</div>
Building No./Name	<div>Morlich</div>	Building No./Name	<div>6</div>
Address Line 1	<div>Kinchurdy Road</div>	Address Line 1	<div>Clerk Street</div>
Address Line 2	<div></div>	Address Line 2	<div></div>
Town/City	<div>Boat of Garten</div>	Town/City	<div>Brechin</div>
Postcode	<div>PH24 3BP</div>	Postcode	<div>DD9 6AE</div>
Telephone	<div></div>	Telephone	<div>01356 625500</div>
Mobile	<div></div>	Mobile	<div>07836 692314</div>
Fax	<div></div>	Fax	<div>01356 625572</div>
Email	<div></div>	Email	<div>adc@adcraig.co.uk</div>

3. Postal Address or Location of Proposed Development (please include postcode)

New Orchard Site - Plot 2
 Gask
 Strathearn
 Perthshire PH3 1HZ

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
 What is the application for? Please select one of the following:

Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input checked="" type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <div>N/A</div>	Date: <div>27/05/16</div>
------------------------------	---------------------------

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Change of Use to form House and Garage Site

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

N/A

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started: N/A

Date completed: N/A

If yes, please explain why work has already taken place in advance of making this application

N/A

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☒ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name: D. Niven

Date: 27/05/16

Ref No.:

D. Niven advised on policy and forwarded Perth & Kinross - Housing in the Countryside Guide

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): 0.8 Site

Square Metre (sq.m.) 2000 Plot

8. Existing Use

Please describe the current or most recent use:

Sparse woodland and single house site

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 and explain 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?

N/A

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

4 per house site

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☐
No, proposing to make private drainage arrangements ☐
Not applicable – only arrangement for water supply required ☒

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 show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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 ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

N/A

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

N/A at this stage

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

3 additional houses

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

See Supporting Statement

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

N/A

If you are extending a building, please provide details of existing gross floorspace (sq.m):

N/A

Proposed gross floorspace (sq.m.):

N/A

Please provide details of internal floorspace(sq.m)

Net trading space:

N/A

Non-trading space:

N/A

Total net floorspace:

N/A

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☐ Don't Know ☒

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

N/A

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

A. D. Craig

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner 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 application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

On behalf of:

Mr & Mrs D. Huisman

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

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

PERTH AND KINROSS COUNCIL

Mr And Mrs David Huisman
c/o Alex Craig Architectural Consultant
6 Clerk Street
Breachin
DD 6AE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21.12.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 16/01858/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 31st October 2016 for permission for **Erection of a dwellinghouse (in principle) Plot 2 Land 500 Metres North West Of Fracoch Geal Gask** for the reasons undemoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy RD3 'Housing in the Countryside', of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land.
2. The proposal is contrary to Policy PM1 'Placemaking' of the adopted Perth and Kinross Local Development Plan 2014 the proposed development would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.

3. The proposal is contrary to Policy NE2B 'Forestry, Woodland and Trees' of the adopted Perth and Kinross Local Development Plan 2014, as well as Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy as the removal of the existing area of ancient woodland would result in the loss of an irreplaceable resource and would not achieve any significant and clearly defined additional public benefits.
4. The proposal is contrary to Policy NE2B 'Biodiversity' of the adopted Perth and Kinross Local Development Plan 2014 as the development would likely have a significant impact on the biodiversity value of the existing woodland habitat.

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

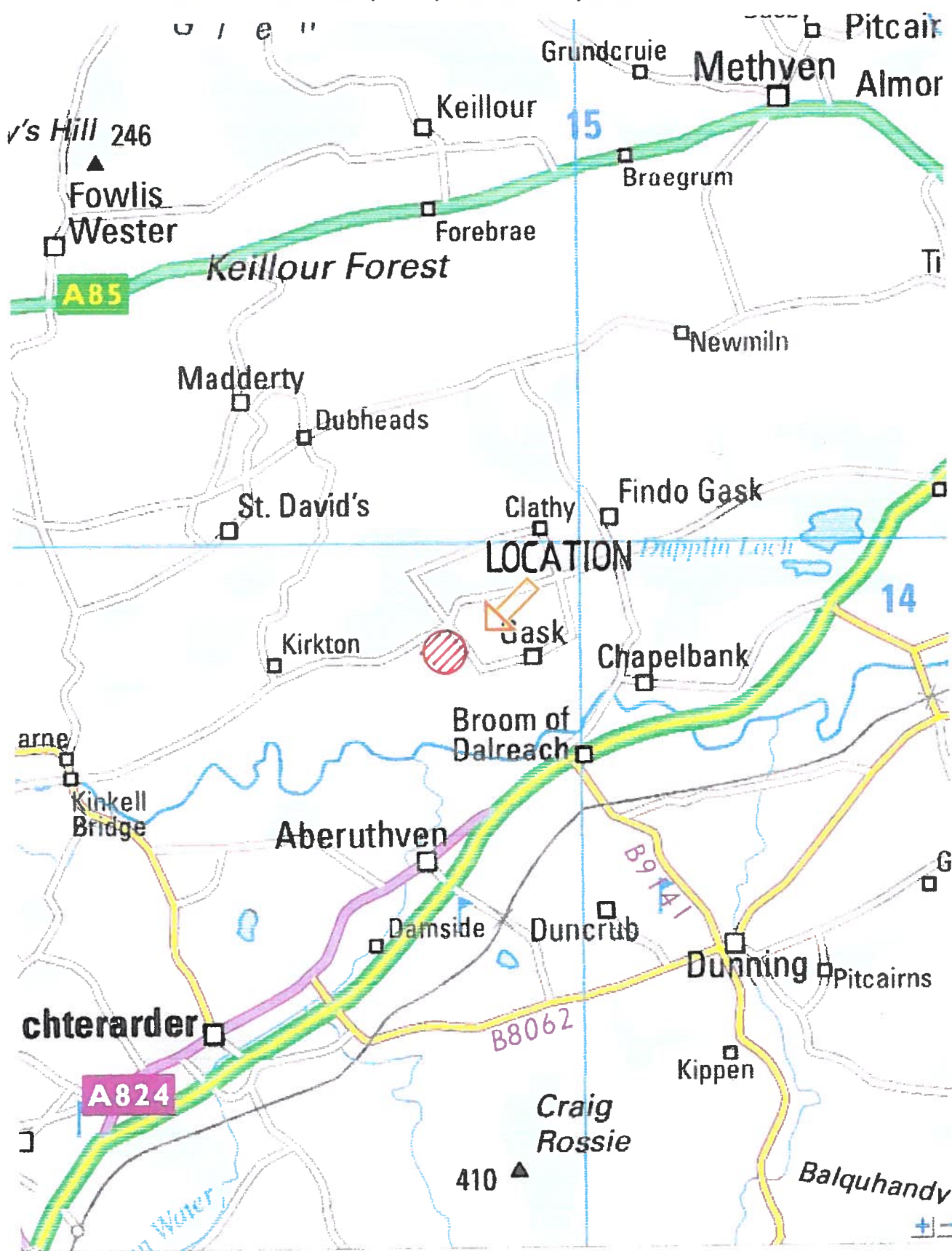
Plan Reference

16/01820/1

16/01820/2

16/01820/3

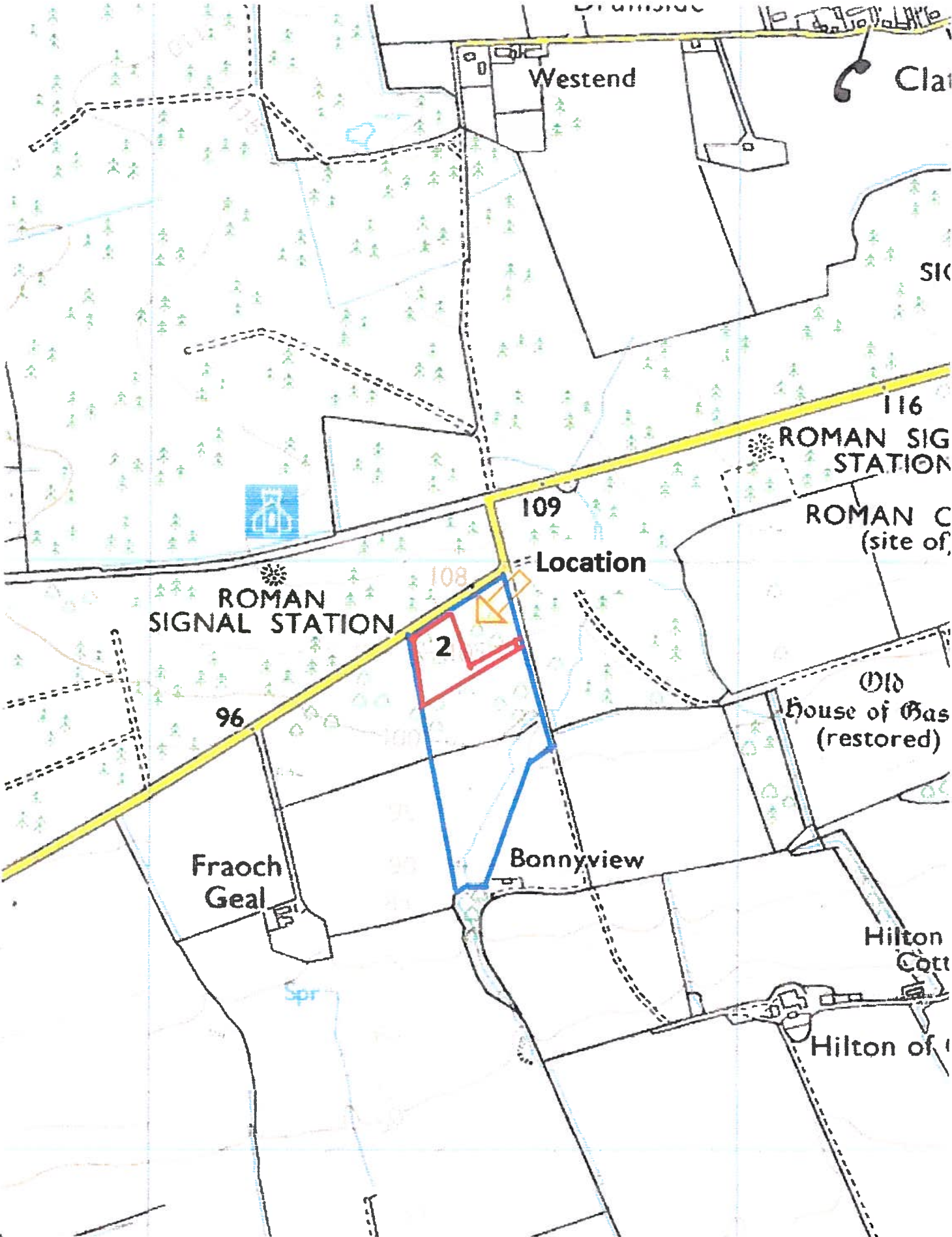
NEW ORCHARD SITE, GASK, STRATHEARN, PERTSHIRE PH3 1HZ



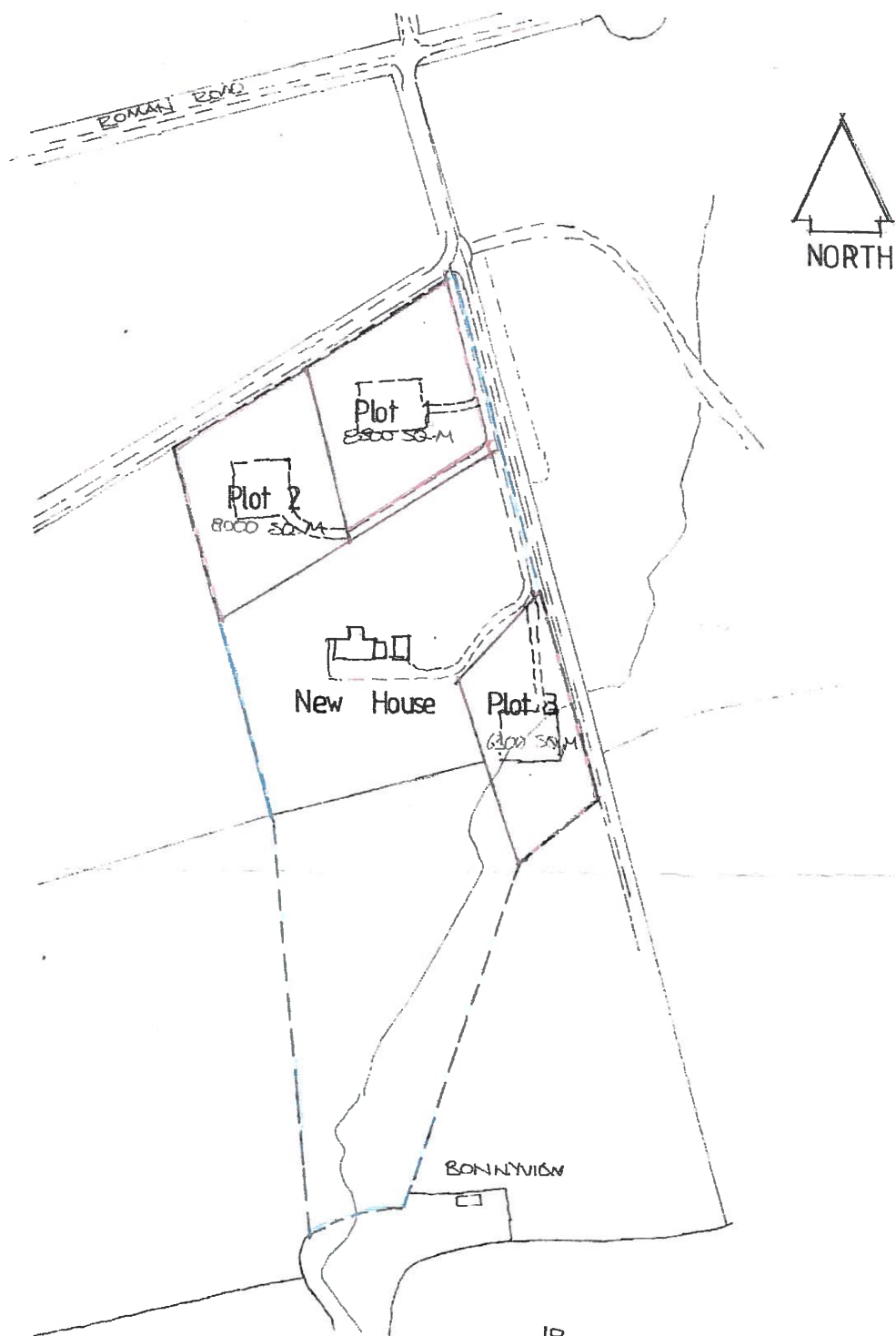
LOCATION PLAN

1 of 3

NEW ORCHARD SITE, STRATHEARN, PERTHSHIRE PH3 1HZ
PLOT 2



LOCATION PLAN



SITE PLAN

NEW ORCHARD SITE
GASK
STRATHEARN
PERTSHIRE
PH3 1HZ

10 0 50 100 200
SCALE OF METRES 1:2500 @ A3

ACRAIG
ARCHITECTURAL
CONSULTANT



6 CLERK STREET, BRUCHIN, ANGUS DD9 6AE
Tele: (01356) 625500 Fax: (01356) 625572

DRAWING 3 of 3
SCALE 1:2500
DATE JANUARY 2016

PROPOSED HOUSE SITES

**AT
NEW ORCHARD SITE**

GASK

STRATHEARN

PERTSHIRE

PH3 1HZ

SITE HISTORY

Previous Applications

Ref: 10/01047/IPL

Planning permission in principle for the erection of a dwelling house in the proposed site was granted on 18th November 2010, Ref: 10/01047/IPL. Subsequently, an application for approval of matters specified in conditions for the erection of a dwelling house was granted on 16th November 2011,

Ref: 11/00929/AML.

The above consent has been implemented in perpetuity as works to the access track had been carried out.

This was confirmed in writing by the planning officer on 16th April 2014.

Ref: 15/01171/FLL

The applicant, Mr and Mrs Huisman, had recently purchased the site with above consents attached to the sale of the land. Although detailed planning consent had been granted for a country house with courtyard outbuildings the applicants were looking to change the design of the house to suit their own needs and preferences.

A one and three quarter storey dwelling house with a detached single storey garage was proposed.

The proposed buildings were to incorporate traditional design characteristics and materials such as: natural stone cladding to the main elevation; natural slate roofing, and gable dormers.

To take advantage of the views the site has to offer extensive glazing was proposed to the first floor sitting area on the South elevation, along with a balcony area over the main entrance.

The location of the proposed house and garage were to be located within the footprint of the approved courtyard buildings.

Due to the location of the site there were no issues with regards to privacy and overlooking neighbouring properties. The nearest neighbours, Bonnyview and Fraoch Geal, are situated at least 300metres away from the proposed site, with a line of trees separating all the properties.

The access track, foul water drainage and surface water drainage will all remain as per the planning consent.

Sufficient space will be created for vehicles to enter and leave the site in forward gear, and parking and turning for two vehicles will be created. Planning Permission was granted.

Proposed Application

Planning Permission in Principle is now being sought for the erection of a further 3 dwelling houses and garages.

The intention being to reflect the style and character of the approved house Ref: 15/01171/FLL

ACRAIG
ARCHITECTURAL CONSULTANT
6 CLERK STREET
BRECHIN DD9 6AE

PROPOSED HOUSE SITES

AT

NEW ORCHARD SITE

GASK

STRATHEARN

PERTSHIRE

PH3 1HZ

PLANNING APPLICATION SUPPORTING STATEMENT

SEPTEMBER 2016

**PREPARED BY
A CRAIG ARCHITETURAL CONSULTANT
6 CLERK STREET
BRECHIN
DD9 6AE**

PROPOSALS:

Planning permission In principle is sought for 3 house sites at New Orchard Site, Gask adjacent to the existing dwelling house Planning Ref: 15/01171/FLL which is currently under construction and nearing completion.

A pre-application enquiry advised the development proposals would be considered primarily in relation to the policies of the Council and the guidance of Scottish Government, in particular the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan.

CRITERIA TO BE MET:

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.

Further to the above.

- (a) Proposals will be in keeping with the already approved house on site
- (b) Pre-application discussions were held which have resulted in this application being made. While the outcome of the discussions were not totally favourable a precedent has now been set and further development would undoubtedly enhance the area.
- (c) Existing access is to the satisfaction of Perth & Kinross Council Roads Department and all other services are now available on site.
- (d) This is not the site of a Listed Building
- (e) Affordable Housing is not required as the proposals would be limiting the development to less than 5 units
- (f) Design and materials to be agreed in consultation with Perth & Kinross Council Planning Department
- (g) Site materials where applicable will be used and the local character of the area retained. Otherwise the finish will reflect the previously approved dwelling.
- (h) This is not an application for an essential worker in an agricultural environment.
- (i) Home working will be encouraged by the developer.

- (j) The proposed development will be in keeping with the house Planning Ref: 15/01171/FLL which was approved against policies and proposals in the Local Plan
- (k) The proposals have no greater impact on potential protected habitats or species than at present and will not contribute to any loss of biodiversity.
- (l) The sites will all be self- contained and will not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tay Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairstown Lochs and the River Tay SACs
- (m) In terms of scale, layout and design the proposals will be in keeping with landscape character of the area and landscaping appropriate to the area would be provided.

THE BUILDING GROUP:

The proposals would provide a consolidated building group of 4 dwelling houses and garages. It would not form ribbon or backland development and would “round off” the area preventing further development.

The proposals do not constitute an infill or gap site

HOUSES IN THE OPEN COUNTRYSIDE:

- a) FLOOD RISK - The location of the proposed sites is not in a known flood risk area
- b) ECONOMIC ACTIVITY –The proposals will assist in bringing long term economic benefits to the area
- c) ECO-FRIENDLY HOUSES – It is intended to design houses which will be environmentally and eco-friendly

SITING OF HOUSES:

- a) Houses to be designed to blend in sympathetically with the present land form
- b) Existing trees, slopes and natural features will provide the aesthetically pleasing backdrop
- c) Proposals will not have a detrimental impact on the surrounding landscape
- d) Proposals are not visible from surrounding vantage points
- e) The siting is in sparse woodlands when minimal tree removal will be required.

CONCLUSIONS:

- a) The proposed development is not on a Rural Brownfield Site
- b) A precedent has been set by approving the original dwelling house
- c) Houses to have adequate plot sizes
- d) Access to a metalled road is existing
- e) Minimal alterations to the existing landscape is envisaged
- f) House design and finishes to be carried out in consultation with Perth & Kinross Council Planning Department
- g) All services currently exist on site

- h) An opportunity to design eco-friendly houses
- i) Proposals form a cohesive group of 4 houses
- j) Minimal disruptions to fauna and flora
- k) Assists in the Local Area Economy

The proposals will not have a detrimental effect on the area and will assist the Local Economy and the proposals are to be in accordance with the previous approval which states under the heading:

Justification:

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	11/00929/AML
Ward No	N9

PROPOSAL: Erection of a dwellinghouse (approval of matters specified in conditions 10/01047/IPL)

LOCATION: Land 50 Metres North West Of Fracoch Geal Farnton Gask

APPLICANT: Mr Jamie Roberts

RECOMMENDATION:approve the application

SITE INSPECTION:

OFFICERS REPORT:

Brief Description

The application site is a 3.7ha area of ground comprising primarily of regenerated birch woodland and an area of moorland situated on the south side of the public road 2.5km to the east of Trinity Gask. The site is bounded to the east by a farm track, to the west by woodland and to the south by open countryside looking south towards the River Earn.

Outline application for the erection of a single dwellinghouse on the 3.7ha site was granted in November 2010.(10/01047/IPL) The reason for the application relates to a previous consent for a house on the applicant's land 1km to the south near the River Earn at The Orchards, Mill of Gask. Planning consent was granted on 24 June 2002 for the erection of a single dwellinghouse on the site of a semi-derelict farmhouse and steading. This consent lapsed in June 2007 and since then SEPA's flooding criteria has changed from 1:100 to 1:200 return period for planning purposes. In these circumstances it is now clear that most of the Orchard site falls within the SEPA flood risk area and any subsequent application for a house on this land would be resisted on flood risk grounds and the applicant therefore will be unable to realise development on the site as originally consented. Against this background the application in principle was granted at the alternative location.

This detailed proposal is for the erection of a large 2 storey 6 bedroom house in a courtyard layout. Materials include render, timber cladding and stone to the external walls, slate to the roofs and timber windows and doors.

The plan is arranged with main living and sleeping accommodation on the south wing, garaging and plant on the ground floor of the west wing with a separate 'granny flat' on upper level, guest bedrooms are located in part of the east wing with stores forming the remainder of the east and all of the north wing.

The proposed design evolved out of the desire to achieve a low energy partially passively heated dwelling that makes the best of the views towards the south and west whilst respecting the landscape setting and the local vernacular architectural traditions.

The result is a dwelling which sits in an existing clearing in a silver birch forest, and makes use of a courtyard plan and largely simple pitched roof form with hipped ends and hipped dormers on the west wing.

The palette of materials consists a mix of stone walls (ideally reused from original Orchard site) is considered acceptable.

The footprint of the proposed dwelling is smaller than that of the buildings on the original Orchard site with a proposed footprint of approx 543sq m and an original footprint of approx 686sq m.

The highest proposed ridge level is approx 11 m above the existing adjacent ground level. The height of the silver birch backdrop ranges from 15-25m approximately.

Although the services have not been designed at this stage, the design has the potential to be energy efficient, with potential for solar thermal and/or photovoltaic and potential for ground source heat pump and the resulting CO2 and cost benefits that they would bring.

In summary the proposed dwelling respects the landscape setting by nestling into a woodland clearing, responds to the local vernacular by using a traditional restrained plan and form with simple hipped pitched roof whilst at the same time using traditional materials in a modern way to provide a 21st century dwelling with the potential to have minimal ecological and economical costs

There are no objections from the main consultees subject to conditions. There are no educational capacity issues at the local primary school at Auchterarder .

The proposed scale and design is considered to be acceptable in this setting and the detail respects the previous approval in principle.

DEVELOPMENT PLAN

Perth Area Local Plan 1995

The application site is within the landward area.

Main policies:-

Policy 2: Development Criteria

Policy 5: Design

Policy 7: Flood Risk

Policy 54: Housing in the Countryside

Other policies:

Perth _ Kinross Council's Housing in the Countryside Policy 2009

Perth _ Kinross Council's Planning Guidance Note - Primary Education and New Housing Development
May 2009

SITE HISTORY

10/01047/IPLErection of a dwellinghouse (in principle)18.11.2010

CONSULTATIONS/COMMENTS

Education And Children's Services	No objections
Scottish Water	No objections
Environmental Health	No objections

TARGET DATE: 22 August 2011

REPRESENTATIONS RECEIVED:

Number Received: 0

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
Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment
Not required

Legal Agreement Required:
Not required

Direction by Scottish Ministers

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application

Conditions:-

- 1 The Planning Permission in Principle for this development lapses on the expiration of 2 years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 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.
- 4 The vehicular access shall be located at the North East corner of the site to the satisfaction of the Planning Authority.
- 5 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.
- 6 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reasons:-

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 4 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 5 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 6 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

Justification

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

Notes

1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

3 No work shall be commenced until an application for building warrant has been submitted and approved.

4 The applicant is advised that in terms of Sections 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.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/01171/FLL	
Ward No	N9- Almond And Earn	
Due Determination Date	14.09.2015	
Case Officer	Mark Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: Land 50 Metres North West Of Fracoch Geal Farnton Gask

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 11 September 2015

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site has the benefit of previous residential planning consents and is a 3.7ha area of ground comprising primarily of regenerated birch woodland and an area of moorland situated on the south side of the public road 2.5km to the east of Trinity Gask. The site is bounded to the east by a farm track, to the west by woodland and to the south by open countryside looking south towards the River Earn.

Outline application for the erection of a single dwellinghouse on the 3.7ha site was granted in November 2010.(10/01047/IPL) The reason for the application relates to a previous consent for a house on the applicant's land 1km to the south near the River Earn at The Orchards, Mill of Gask. Planning consent was granted on 24 June 2002 for the erection of a single dwellinghouse on the site of a semi-derelict farmhouse and steading. This consent lapsed in June 2007 and since then SEPA's flooding criteria has changed from 1:100 to 1:200 return period for planning purposes. In these circumstances it is now clear that most of the Orchard site falls within the SEPA flood risk area and any subsequent application for a house on this land would be resisted on flood risk grounds and the applicant therefore will be unable to realise

development on the site as originally consented. Against this background the application in principle was granted at the alternative location.

Detailed planning consent for the erection of a large 2 storey 6 bedroom dwellinghouse in a courtyard layout was granted under application 11/00929/AML in November 2011. This consent was implemented with the construction of the access road in February 2102. Materials include render, timber cladding and stone to the external walls, slate to the roofs and timber windows and doors.

This is an application for a change of house type on the site. The applicants are looking to change the design of the house to suit their own needs and preferences. A one and three quarter storey dwelling house with a detached single storey garage is proposed. The proposed buildings look to incorporate traditional design characteristics and materials such as natural stone cladding to the main elevation; natural slate roofing, and gable dormers. To take advantage of the views the site has to offer extensive glazing is proposed to the first floor sitting area on the south elevation, along with a balcony area over the main entrance. The proposed house and garage will be located within the footprint of the previously approved courtyard buildings.

SITE HISTORY

10/01047/IPL Erection of a dwellinghouse (in principle) 18 November 2010
Application Permitted

11/00929/AML Erection of a dwellinghouse (approval of matters specified in conditions - 10/01047/IPL) 16 November 2011 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: 14/00819/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The principal policies are, in summary:

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.

Perth and Kinross Council Housing in the Countryside Guide 2012

Perth and Kinross Council Developer Contributions Policy 2014

Environmental Health	No objections
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Education and Children's Services **No objections**

None

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and	Not Required

Access Statement	
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 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 principle of residential use on the site has already been established through the granting of previous consents, where it was considered that a dwellinghouse on this site was in accordance with the Council's Housing in the Countryside Policy Guidance.

Scale and design

The design of the proposed dwellinghouse is traditional in character and is considered to be appropriate within this context and in relation to the previously consented dwellinghouse which had some common features. The scale of the proposal is acceptable and is smaller in footprint than the previously consented courtyard development.

Residential Amenity

The proposed dwellinghouse sits in an isolated wooded location and does not impact on any neighbouring amenity. The proposed dwellinghouse will be situated within an extensive garden ground which affords a suitable level of amenity for occupiers of the development.

Visual Amenity

As a consequence of the site location within this wooded context and the traditional design of the dwellinghouse the proposal will not have any adverse impact on the visual amenity of the wider countryside.

Roads and Access

There are no objections to the proposal on access, parking and road safety from the Council's Transport Planners subject to conditions being attached to any consent.

Drainage and Flooding

The foul drainage for the development will be to a private treatment plant which will require a suitable CAR licence from SEPA. There are no flood risk issues at this site. The proposed development is in a rural area with private water supplies believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance a condition and informatives are recommended on any consent. No public objections relating to the water supply were noted.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 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 approval subject to conditions.

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

Approve the application

Conditions and Reasons for Recommendation

1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

2 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.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

3 The vehicular access shall be located at the North East corner of the site to the satisfaction of the Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

4 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.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

5 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

6 Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason - In the interests of private water supplies.

Justification

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

Informatives

- 1** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3** As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4** The applicant is advised that in terms of Sections 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.
- 5** No work shall be commenced until an application for building warrant has been submitted and approved.

- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 7 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/01171/1

15/01171/2

15/01171/3

15/01171/4

15/01171/5

15/01171/6

15/01171/7

15/01171/8

15/01171/9

15/01171/10

Date of Report 18.09.2015

TCP/11/16(466)

Planning Application – 16/01858/IPL – Erection of a dwellinghouse (in principle) Plot 2 on land 500 metres North West of Fracoch, Geal, Gask

PLANNING DECISION NOTICE *(included in applicants submission, see pages 257-258)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicants submission, see pages 259-261)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01858/IPL	
Ward No	N9- Almond And Earn	
Due Determination Date	30.12.2016	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Plot 2 Land 500 Metres North West Of Fracoch Geal Gask

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: 18 November 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to an area of woodland located to the north of the property at Orchard Brae which is presently under construction. The site is a relatively flat area of densely wooded ground which extends to approximately 0.82ha.

Planning permission in principle is being sought for the erection of a single dwellinghouse within the site. The applicant has provided very basic indicative layout but no elevational plans for the proposed house have been submitted. Access to the proposed plot will be taken from the existing private access from the public road.

Two further applications for planning permission in principle are being sought for dwellinghouses on adjacent plots of land (Planning Ref: 16/01820/IPL & 16/01857/IPL)

SITE HISTORY

10/01047/IPL Erection of a dwellinghouse (in principle) 18 November 2010
Application Permitted

11/00929/AML Erection of a dwellinghouse (approval of matters specified in conditions - 10/01047/IPL) 16 November 2011 Application Permitted

15/01171/FLL Erection of a dwellinghouse and garage 21 September 2015
Application Permitted

16/01820/IPL Erection of a dwellinghouse (in principle) Recommended for Refusal

16/01857/IPL Erection of a dwellinghouse (in principle) Recommended for Refusal

PRE-APPLICATION CONSULTATION

Pre application Reference: 16/00295/PREAPP

Applicant advised that the proposals do not comply with the Housing in the Countryside Guide (HICG) and would not be supported by the Planning Authority. A further subsequent meeting was held with the applicant where he was again advised that the proposals do not comply with the HICG.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 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 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy RD3 - Housing in the Countryside

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

Policy NE2A - Forestry, Woodland and Trees

Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

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.

Policy NE3 - Biodiversity

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

OTHER POLICIES

Developer Contributions and Affordable Housing Guide 2016

Housing in the Countryside Guide 2012

The Scottish Government's Policy on Control of Woodland Removal, February 2009

Perth and Kinross Forestry and Woodland Strategy 2014

CONSULTATION RESPONSES

Internal:

Transport Planning
No objection.

Contributions Officer
Recommends condition requiring compliance with the Council's
Supplementary Guidance relating to Primary Education Developer
Contributions.

Biodiversity Officer
Insufficient information to allow a full assessment of the application on the
biodiversity of the site.

External:

Scottish Water
No comments received.

Forestry Commission
No comments received

REPRESENTATIONS

No letters of representation have been received.

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	Supporting Statement submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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

As the site lies within the landward area within the adopted Local Development Plan 2014, the proposal falls to be principally considered against Policy RD3: Housing in the Countryside and its associated SPG on Housing in the Countryside 2012 (HICG), which is the most recent expression of Council policy towards new housing in the open countryside.

In this particular instance, it is considered that the proposed site cannot comply with any of the accepted categories of development outlined within the HICG. The site is basically an area of dense woodland which is not located adjacent to any existing building group and is not identifiable as a viable development plot. It is noted that the applicants supporting statement suggests that the proposals comprising of this proposed plot and two other plots (Ref: 16/01820/IPL & 16/01857/IPL) would essentially establish a building group. However the HICG specifically states an existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage. In this instance the only property within the vicinity of the site is the house which the applicant is presently constructing on the adjacent site. As such the proposals, including the two other proposed plots, cannot be considered an extension to a building group given that there is no existing building group present in the first instance.

The guidance also further outlines that proposals under this category may be supported if they extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. As outlined above this site is an area of woodland which is not identifiable as a viable building plot. The proposed plot would effectively be artificially created by felling the existing native woodland which is not only considered to be highly contrived but will also result in a significant adverse impact on the landscape character of the area.

It is also noted that the applicants supporting statement suggests that a precedent has been set by the house presently being developed on the site by the applicant. The house that the applicant is presently constructing was justified under category 3.2 of the HICG by the previous landowner as the best and nearest alternative site to relocate the property known as The Orchards located 1km to the south near the River Earn which was determined as not being viable for redevelopment due to flood risk (Planning Ref: 10/01047/IPL).

As such the existing house on the site has not set any sort of the principle for further development on the surrounding land. In fact the approval of this proposed development would actually set a precedent for further such

unsustainable development both in this location and elsewhere across rural areas of Perth and Kinross.

In addition to the above the site is also not an infill development; does not conform to any accepted categories for new housing (including economic need); is not renovation or replacement of an existing house; is not conversion or replacement of redundant non domestic buildings; and is not an area of rural brownfield land.

As such it is considered that, in principle, the proposed site fails to comply with the requirements of Policy RD3 and the associated Housing in the Countryside Guide 2012.

Landscape/Visual Amenity

As discussed above, the site is presently a dense area of native woodland which provides important landscape containment to the existing house at Orchard Brae and screens the site from the public road.

The development of this proposed plot will require the felling of a larger number of trees across the entire site which will not only result in the loss of visual containment to the existing house but also introduce additional built development in a remote and exposed location which have a significant adverse impact on the character and visual amenity of the surrounding rural area.

As such it is considered that the proposals fail to comply with the requirements of Policy PM1 of the local development plan.

Loss of Native Ancient Woodland

The site is a dense area of native woodland which is listed as an area of Native Ancient Woodland. As outlined in Policy NE2B 'Forestry, Woodland and Trees', there is a presumption in favour of protecting woodland resources. Paragraph 216 of the Scottish Planning Policy (SPP) also highlights the important of ancient semi-natural woodland as an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value should be protected from adverse impacts resulting from development.

Furthermore the Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. It states that the removal of woodland should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.

Whilst the applicants original submission makes no reference to removal of the woodland it is noted that they have suggested that compensatory planting could be achieved elsewhere. However as discussed in greater detail above

the principle of felling woodland to form development plots is highly contrived and does not comply with Policy RD3 of the LDP. I also do not consider that the removal of the existing area of ancient woodland would achieve any significant and clearly defined additional public benefits.

It is therefore considered that the proposals fail to comply with Policy NE2B of the LDP. In addition the proposals are also contrary to the objectives of Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy.

Biodiversity

The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

In this instance it is possible that the site is valuable habitat for ground flora as it is natural open woodland that has not been modified and the proposed redevelopment of the site would result in a significant impact on the biodiversity value of the site. In any case a full ecological survey would need to be undertaken to ensure a full understanding of the potential impact of the proposals is assessed and in the absence of this survey it is considered that there is insufficient information to allow a full assessment of the application on the biodiversity of the site.

As such it is considered that the proposals fail to comply with the requirements of Policy NE3 of the local development plan.

Residential Amenity

It is considered that the approval of a house on this site would not result in any adverse impact on existing or proposed residential amenity.

Roads and Access

The Council's Transport Planning Officer has been consulted and he has raised no concerns in relation to the proposed development.

Flooding

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

Developer Contributions

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.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however if this application were to be approved a condition should be applied to ensure that any future detailed development complies with the requirements of the Developer Contributions and Affordable Housing Guide 2016.

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 does not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014, specifically in regards to *Policy RD3: Housing in the Countryside*, *Policy PM1: Placemaking*, *Policy NE2B: Forestry, Woodland and Trees* and *Policy NE2B 'Biodiversity'*. It is also considered that the proposals are contrary to the Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to Policy RD3 'Housing in the Countryside', of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1 'Placemaking' of the adopted Perth and Kinross Local Development Plan 2014 the proposed development would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.
- 3 The proposal is contrary to Policy NE2B 'Forestry, Woodland and Trees' of the adopted Perth and Kinross Local Development Plan 2014, as well as Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy as the removal of the existing area of ancient woodland would result in the loss of an irreplaceable resource and would not achieve any significant and clearly defined additional public benefits.
- 4 The proposal is contrary to Policy NE3 'Biodiversity' of the adopted Perth and Kinross Local Development Plan 2014 as the development would likely have a significant impact on the biodiversity value of the existing woodland habitat.

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/01858/1

16/01858/2

16/01858/3

Date of Report 20.12.2016

TCP/11/16(466)

**Planning Application – 16/01858/IPL – Erection of a
dwellinghouse (in principle) Plot 2 on land 500 metres
North West of Fracoch, Geal, Gask**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01858/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	Plot 2, Land 500 Metres North West Of Fracoch Geal, 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 Community School of Auchterarder 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, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	07 November 2016		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01858/IPL	Comments provided by	David Williamson
Service/Section	Strategy and Policy	Contact Details	[REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Plot 2 Land 500 Metres North West Of Fracoch Geal Gask		
Comments on the proposal	<p>Part 214 of the Scottish Planning Policy states:</p> <p>The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.</p> <p>The RTPi GOOD PRACTICE GUIDE - PLANNING FOR BIODIVERSITY provides the following guidance:</p> <p>The presence of a protected species is a material consideration in planning decisions. It is important to bear in mind that the granting of planning permission can provide a legal justification for Undertaking operations that would harm a protected species.</p> <p>In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites where they are known to breed, roost, rest or hibernate. They may be equally</p>		

dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and bats).

The Association of Local Government Ecologists Guidance on Validation of Planning Applications provides the following guidance:

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a **Protected Species Survey and Assessment**.

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternatives designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Scottish Natural Heritage for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

	<p>BIODIVERSITY OFFICERS COMMENTS</p> <p>I understand this is an in principle application but wish to highlight the Site is an area of woodland considered to be of native woodland by the Forestry Commission and it is also on the ancient woodland inventory.</p> <p>As there is a presumption against building in ancient woodland as an important and irreplaceable resource as referred to in Scottish Planning Policy paragraph 216.</p> <p>A full tree survey would be required to assess the impact of any development on this valuable resource. The survey should be in accordance with BS 5837 2012 Trees in Relation to design demolition and Construction and include a plan with numbered trees which relates to a schedule of trees included in the tree survey report.</p> <p>The site is possible valuable for ground flora as it is natural open woodland that has not been modified and a full ecological survey should also be provided to ensure a full understanding of the potential impact of the proposals is assessed.</p> <p>All trees to be retained should be clearly identified and the appropriate tree protection should be in place prior to work commencing on site.</p>
<p>Recommended planning condition(s)</p>	<p>It is my opinion that there is insufficient information to allow a full assessment of the application on the biodiversity of the site.</p> <p>However if you are minded to approve the application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • As part of further information required a Tree Survey shall be submitted for the approval of the Council as Planning Authority. The Tree Survey shall include: <ul style="list-style-type: none"> (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and (b) in relation to every tree identified a schedule listing: <ul style="list-style-type: none"> i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction; ii. any proposed pruning, felling or other work; and (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of: <ul style="list-style-type: none"> i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837

	<p>2012: Trees in Relation to Design, Demolition and Construction), and (d) areas of existing landscaping to be protected from construction operations and the method of protection.</p> <p>RNE00 Reason - In the interests of protecting environmental quality and of biodiversity.</p> <p>TR04 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.</p> <p>RNE00 Reason - In the interests of protecting environmental quality and of biodiversity.</p> <ul style="list-style-type: none"> • As part of further information required a full ecological survey of the site shall be undertaken in accordance with CIEEM survey guidelines and submitted to the planning authority for approval. <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p> <ul style="list-style-type: none"> • No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for approval. <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p> <p>NE01 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or</p>
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	<p>by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.</p> <p>RNE02 Reason - In order to prevent animals from being trapped within any open excavations.</p>
Recommended informative(s) for applicant	<ul style="list-style-type: none"> • The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. • The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
Date comments returned	25 November 2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01858/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Plot 2 Land 500 Metres North West Of Fracoch Geal Gask		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	02 December 2016		

