

**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

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**TCP/11/16(523) – 17/01749/FLL – Erection of a  
dwellinghouse and stables on land 90 metres west of  
Findatie Farm, Kinross**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

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

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

Yes ☒ No ☐

Planning authority

**PERTH AND KINROSS COUNCIL**

Planning authority's application reference number

**17/01749/FL**

Site address

**FINDATIE FARM, KINROSS, KY13 9LY**

Description of proposed  
development

**ERECTION OF A DWELLINGHOUSE AND STABLES**

Date of application

**06/10/2017**

Date of decision (if any)

**13/12/2017**

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



**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**SITE ACCESS WOULD REQUIRE FARMER TO OPEN FIELD GATES**



**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 ENCLOSED 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.

PLANNING APPLICATION DOCUMENTS  
STATEMENT OF REVIEW  
APPROVED HOLIDAY LODGES PLAN

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

**Checklist**

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

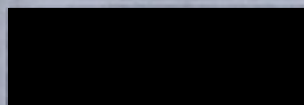
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

**Declaration**

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

Signed



Date

01/03/2018

**Statement of Review for the refusal of planning permission for erection of  
Erection of a dwellinghouse and stables on land at Findatie Farm, Kinross**



***March 2018***

**Job No: 1495**

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## **1 Introduction**

- 1.1 PPCA Ltd has been instructed by Ms. Shonagh Kinnaird to lodge an appeal with the Council Local Review Body against the refusal of planning permission for the erection of a dwelling house and stables on land at Findatie Farm, Kinross.
- 1.2 The planning application (Perth & Kinross Council reference 17/01749/FLL was refused by delegated decision on 13<sup>th</sup> December 2017.
- 1.3 This Statement sets out the appeal position for Ms. Kinnaird, seeks to rebut the reasons for refusal and obtain planning permission for the proposed development on appeal. The original planning application has been included and should be viewed in conjunction with this planning appeal statement.

## **2 The site and proposed development**

### The site

- 2.1 The planning appeal site covers an area of circa 0.51 hectares and is located between the existing principal building group at Findatie Farm comprising the main farmhouse and farm sheds and the landscape boundary of the consented chalet development at the farm to the north of the B9097.
- 2.2 The site is roughly rectangular and will be accessed from the former B9097 that remained following the reconstruction of the road in the early 1980s. The site is bounded to the north by the new B9097 and to the east by the existing farm buildings.



*Proposed Access*

- 2.3 To the north is agricultural land beyond the fenced site boundary. To the west is the consented holiday lodge development at Findatie Farm. This boundary comprises a post and wire fence and beech hedge landscaping planted within the holiday lodge development.
- 2.4 The Council planning application describes the site as “Land 90 metres west of Findatie Farm”. This is considered incorrect as the site is, clearly, immediately adjacent to the existing farm building group.
- 2.5 The site is, clearly, a gap site between the farm building group and the nearby holiday lodge development with a frontage onto the B9097 of approximately 50 metres. It also forms part of the roughly square farm building group and forms a logical extension to that.

#### The proposed development

- 2.6 The proposed development comprises an architect designed bespoke single storey three bed home with garden ground, access from the former B09097 as noted above and a small stable block to the rear.

#### The need for the proposed development

- 2.7 The proposed development of the house is required to allow the existing farmer to retire and, thereby, free up one of the two tied cottages to the south of the B9097 for a replacement farm worker.



*Tied cottages to the south of the B9097*



- 2.8 Mr. Kinnaird, the farmer, runs the farm, comprising sheep rearing and suckling cows, with his son and grandson. Mr. Kinnaird is 78 years old and lives with his wife in one of tied cottages to the south of the B9097. There are currently two such cottages although there used to be four. Two of the cottages, closest to the B9097, were demolished in the early 1980s to make way for the realigned B9097 replacement road.
- 2.9 Mr. Kinnaird requires to move from the cottage when he retires to allow his son to take over the business and hire a replacement farm worker. It is not the intention of the farm to sell this property on the open market.

### 3 Site planning history

3.1 The wider farm has a planning history as set out below.

- 02/02034/FUL – development of 17 chalets and roads, services, drains and sewage system: Withdrawn
- 04/01388/FUL - Development of 14 chalets and roads, services, drains and sewerage system: Granted 11 November 2014
- 0500717/FUL – Erection of an above ground slurry store – withdrawn
- 05/01144/FUL – Extension to dwelling house: Granted 19 August 2005
- 05/02425/PN – Erection of general agricultural building: Granted 19 January 2006
- 08/01177/FUL – Erection of toilet facilities, seated area, reception and small shop: Granted 26 August 2008
- 14/00587/IPL – Erection of 16 holiday lodges and associated works (in principle) on land 200 Metres North West Of Findatie Farm: Granted 10 July 2014
- 14/00798/FLL – Erection of Wind Turbine
- 15/00449/AML – Erection of 16 holiday lodges and associated works (matters specified by conditions 1 and 2 of 14/00587/IPL relating to levels, landscaping, access and drainage for the whole site and chalet details and siting for plots 2-5 inclusive) on land 200 Metres North West Of Findatie Farm: Granted 26 May 2015
- 15/01070/FLL – Erection of wind turbine: Refused 4 September 2015

3.2 The most significant applications above are the grant of planning permission in principle and approval of matters specified in conditions for the holiday lodges as, firstly, these influence the landscaping requirements on the western boundary of the appeal site and create the gap site. Secondly, the appeal site overlaps the holiday lodges consent in its northwest corner (see Appendix 1). Part of the landscaping required for the holiday lodge consent is located within the appeal site. The Council is invited to impose a planning condition on the appeal site requiring that the landscaping associated with the holiday lodge site that overlaps the appeal site be implemented as part of a permission for the appeal site. A suggested wording is set out below –

*“The dwelling shall not be occupied until such time as the landscaping associated with the adjacent holiday lodge development (permission reference 15/00449/AML) within the area of overlap of the planning permissions is implemented and maintained in accordance with that consent”*

## **4 Perth & Kinross Council Reasons for Refusal**

4.1 The Perth & Kinross Council Decision Notice of 13<sup>th</sup> December 2017 sets out four reasons for refusal of the planning permission in principle application as follows –

- 1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.
- 3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

4.2 Dealing with each of the above in turn –

### Reason for refusal one

4.3 The full Local Development Plan Policy RD3 is set out below –

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

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

(f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairstown Loch and the River Tay SACs.

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

#### 4.4 The Council Supplementary Guidance in Housing in the Countryside states –

##### 1. Building Groups

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

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

##### 2. Infill Sites

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

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

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

- 4.5 The Supplementary Guidance also requires that all new development complies with various requirements. Addressing each of the relevant points in turn, the site has satisfactory access from the B9097. The proposed development is an architect-designed bespoke house that, through design and layout, appropriately reflects its surroundings. It has been established through the planning application process that there is no conflict between the proposed development and the operational farm adjacent. The house could be used for homeworking purposes by its occupants if required. The proposed development will increase biodiversity by replacing an operational agricultural field of low value with garden ground and a variety of flora species. There is no adverse impact on protected locations as set out in the Supplementary Guidance.
- 4.6 Regarding the siting criteria set out in Category 3 referred to above, the proposed house blends in with and forms an appropriate extension to the existing farm building group. It uses these buildings and the landscaping required for the adjacent holiday lodge development as a setting and backdrop. It uses an identifiable site. The adjacent holiday lodges are of the size of a traditional small cottage as set out above so create the western edge of the site in accordance with the Supplementary Guidance.
- 4.7 The Council is invited to impose a planning condition (as suggested in draft form above) to ensure that the landscaping associated with the holiday lodge development is implemented as part of a planning permission for the appeal site. It has no detrimental impact upon the surrounding landscape. It is set in line with existing adjacent buildings being located on a generally flat piece of land adjacent to the B9097 before a break of slope towards Loch Leven. It is not ribbon development (it fills a gap) nor will it extend a settlement boundary.
- 4.8 The appeal site clearly forms part of the Findatie Farm building group comprising principal farmhouse and outbuildings. It also represents an infill site in that it fills the fifty-metre gap between the operational farm and the boundary of the adjacent holiday lodge development. The boundary of the existing farm and holiday lodge development are established boundaries. The individual lodges are of a scale equivalent to a small cottage.



*Proposed development site showing existing farm to the right (east) and holiday lodge boundary to the left (west)*

- 4.8 The proposed development plot has a road frontage equivalent to the adjacent Findatie Farmhouse. The proposed house is proportional to its overall plot size.
- 4.9 It must, therefore comply with parts (a) and (b) of the above Policy and the Supplementary Guidance.
- 4.10 From the above, it is respectfully requested that Reason for Refusal One be dismissed.

#### Reason for refusal two

- 4.11 The reason contends that the proposed development would not contribute positively to the surrounding built and natural environment. Policy PM1A states –

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

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

- 4.12 The proposed development is a bespoke architect-designed house that takes reference from surrounding residential development to deliver a traditional style development using modern materials.

4.13 The Council Report of Handling contends that the proposed location of the new house would be prominent in the surrounding landscape and is not considered of a sufficient design quality.

4.14 However, that Report also notes that the proposed locating and scale of the house will make it subservient to the main farmhouse and several of the surrounding farm buildings which are immediately adjacent to the plot. It notes that the new house ridge, at 135.5m asl will be lower than the main existing farmhouse at 136.25m asl. It is comparable to the nearest farm building cited as 131.8m asl. As such, the new house cannot be prominent in the locality. It forms, instead, an appropriate extension to the existing building group.

4.15 The proposed house has also been relocated within the plot as part of the application process to accommodate this concern and the point raised by the Community Council.



*Existing farmhouse*



*Adjacent farm building*

4.15 Similarly, the design concept and materials used for the building respects the rural location and character of the area.

4.16 From the above, it is respectfully requested that Reason for Refusal Two be dismissed.

#### Reason for Refusal three

4.17 Local Development Plan Policy PM1b states –

All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

4.18 The proposed development forms part of, and relates to, the existing farm building group. It considers the context of surrounding development and is subservient to the majority of existing farm buildings. It is designed in keeping with surrounding development.

4.19 From the above, it is respectfully requested that Reason for Refusal Three be dismissed.

#### Reason for refusal four

4.20 The proposed development of a single house at the appeal site will not adversely impact upon the landscaping associated with the adjacent holiday lodge development. The Council is invited to impose a planning condition upon consent for the appeal site (see above) to ensure that this is delivered within the appeal site.

4.21 From the above, it is respectfully requested that Reason for Refusal Four is dismissed.



## **5 Council Report of Handling for the planning application**

- 5.1 The Report of Handling confirms that there are no statutory third-party objections to the proposed development.
- 5.2 The statement within the Report that “the proposed site is very open” is disputed. The B9097 represents a strong boundary to the south. Similarly, the landscaping associated with the adjacent holiday lodge development, when slightly more mature will create a strong boundary along the western edge of the site that may be enhanced by planting or fencing within the proposed garden of the appeal development.
- 5.3 In respect of design and layout the Report of Handling states that “There have been representations submitted with regard to the siting of the house suggesting that it should be at a similar level to the existing farmhouse which is located at a lower level”. This comment, from Partook Community Council, is not a representation. The response from the Community Council states that it does not object in principle to the proposed development. The Community Council describes the response as a “letter of comment” only. The house has been relocated within the appeal site as part of the original planning application process to address this concern.
- 5.4 The Report of Handling states “The site boundary of the chalet development overlaps with this planning application site boundary and I would have concerns that if the housing proposal is approved it is unlikely that the chalet development landscaping will be implemented”. The Council is invited to impose a planning condition on the grant of planning permission for the appeal site to ensure that it implements the landscaping associated with the holiday lodge development in the part of the site that overlaps the lodge consent. This addresses the concern above.
- 5.5 Comments within the Report of Handling on the visual impact of the proposed house are disputed as existing farm buildings adjacent are higher than the ridge height of the proposed house.
- 5.6 Lastly, the Report of Handling states that “The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development”. This is considered inaccurate as the proposed development will allow for the farmer to retire and release a tied agricultural dwelling to be occupied by a future farm worker required for the ongoing operation of the farm. The proposed development, therefore, allows the ongoing operation of an existing farm business.

## **6 Other material considerations**

### Scottish Planning Policy (2014)

- 6.1 Scottish Planning Policy of 2014 sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The Scottish Planning Policy promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to the determination of planning applications and appeals.
- 6.2 It sets out policies in relation to housing in the countryside and rural development.
- 6.3 Paragraph 79 requires Development Plans to actively make provision for housing in rural areas.
- 6.4 Paragraph 75 goes on to state that the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 6.5 Paragraph 109 notes that the National Planning Framework "aims to facilitate new housing development ... through innovative approaches to rural housing provision". The proposed development meets the aims of both latter paragraph requirements and will deliver a sustainable extension to the existing building group.
- 6.6 In conclusion, the proposed development that is the subject of this appeal complies with the policy requirements set out in Scottish Planning Policy.

## **7 Conclusion**

- 7.1 In conclusion, the proposed of a new house at Findatie Farm as proposed through planning application 17/01749/FLL to Perth & Kinross Council represents a logical addition established farm building group and infills a gap site between the farm and nearby holiday lodge development.
- 7.2 It is a single house extension to the group that can be accessed and serviced using existing infrastructure arrangements that will not set a precedent for other such development elsewhere within the Council area. It will be located to protect the amenity and privacy of the existing building group.
- 7.3 It is necessary to allow the farmer to retire and pass his business on to younger family members and to recruit a new farm worker to replace him with appropriate accommodation.
- 7.4 All of the matters raised in the Reasons for Refusal can be addressed as set out above to allow the grant of planning permission for a house on the appeal site. From the above, it is respectfully requested that the Council Local Review Body overturn the refusal of planning permission for the proposed dwelling house at Findatie Farm.







## PERTH AND KINROSS COUNCIL

Ms Shonagh Kinnaird  
c/o Module Architects  
Mark Dowey  
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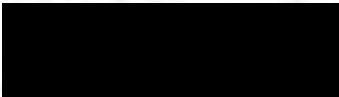
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 13th December 2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 17/01749/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 17th October 2017 for permission for **Erection of a dwellinghouse and stables Land 90 Metres West Of Findatie Farm Kinross** for the reasons undernoted.

  
Interim Development Quality Manager

### Reasons for Refusal

- 1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

- 3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

### **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**

17/01749/1

17/01749/2

17/01749/3

17/01749/4

17/01749/5

17/01749/6



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	17/01749/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	16.12.2017	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:**      Erection of a dwellinghouse and stables

**LOCATION:**      Land 90 Metres West Of Findatie Farm Kinross

### 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:** 20 November 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a single storey dwellinghouse and stables on land 90 metres west of Findatie Farm. The site measures 0.51 hectares which will include an area of paddock.

The site to the west is part of a holiday chalet development that was given in principle planning permission in 2014 for 16 chalets. An application for the detail of some of the plots and landscaping was approved in 2015 and some chalets have now been constructed. The proposals included landscaping of the ground which to date has not been undertaken. The approved site boundary for the chalets overlaps with that shown for this application.

## **SITE HISTORY**

14/00587/IPL Erection of 16 holiday lodges and associated works (in principle) Land 200 Metres North West Of Findatie Farm  
Kinross Approved July 2014

15/00449/AML Erection of 16 holiday lodges and associated works (matters specified by conditions 1 and 2 of 14/00587/IPL relating to levels, landscaping, access and drainage for the whole site and chalet details and siting for plots 2-5 inclusive) Land 200 Metres North West Of Findatie Farm  
Kinross Approved May 2015

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive*

*and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

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

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

## **OTHER POLICIES**

Housing in the Countryside

## **CONSULTATION RESPONSES**

Portmoak Community Council

Comments made in relation to siting of the house.

Community Waste Advisor - Environment Service  
No comments received.

The Coal Authority  
Site is not within a high risk area. No Coal Mining Risk Assessment is required. Coal Authority standing advice should be included as an informative note.

Scottish Gliding Centre  
No response received.

Transport Planning  
No objection.

Contributions Officer

Primary Education  
This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contribution is required.

Scottish Water  
Advice given. Developer should complete pre-development enquiry. No foul drainage in area.

Environmental Health  
No objections subject to conditions with regard wood burning stove. Informative note required with regard private water supplies.

## **REPRESENTATIONS**

The following points were raised in the 1 representation received from Portmoak Community Council.

The Community Council does not object to the proposals as they acknowledge that it may comply with criteria in the housing in the countryside policy. However it recommends that the position of the house be reviewed with a view to it being placed further north and down the hill so lessening the profile from the B9097 and bringing it more into line with the existing farm house.

These considerations will be addressed in the appraisal section of the report below.

#### **ADDITIONAL INFORMATION RECEIVED:**

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

#### **APPRAISAL**

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

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

#### **Policy Appraisal**

The site is within an area where the housing in the countryside policy (RD3) of the Perth and Kinross Local Development Plan applies. This, along with the associated Housing in the Countryside Guide, is the main policy consideration in the determination of this application.

The main thrust of the policy is to safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved.

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

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

(f) Development on rural brownfield land.

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

In this case the proposal should primarily be assessed in terms of parts a) Building groups and b) infill sites.

The existing farm contains a range of buildings and is considered to constitute a building group under the terms of the policy. The policy allows for proposals which extend a building group into a definable site formed by existing topography or well established landscape features which will provide a suitable setting. The proposed site is very open with a post and wire fence defining the boundary to the west and to the south along the road edge. The site does not meet the criteria set out in the policy of extending a building group.

The Housing in the Countryside policy also allows for infill development of up to two houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage. In this case the gap is between a farm shed and holiday chalets and does not meet the terms of the policy which requires the infill site to be between an established house and another substantial building. In this case the nearest buildings are holiday chalets to the west and a farm shed to the east. The site does not meet the terms of the infill section of the policy with regard to type and size of building that define the site.

Proposals must also meet other policies in the plan including PM1A and PM1B (placemaking) and policy ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes). These seek to ensure that development contributes positively to the quality of the surrounding built and natural environment and enhance landscape quality.

## **Design and Layout**

The proposal is for a single storey three bed dwellinghouse with integral garage finished in buff coloured render with Caithness effect quoins. The roof is proposed to be a slate effect fibre cement roof tile. The house is to be positioned around 30 metres to the north of the public road. The footprint of the proposed house measures around 25m x 11.6m.

There have been representations submitted with regard to the siting of the house suggesting that it should be at a similar level to the existing farmhouse which is located at a lower level. The plans show that the new house will be set around the 129m contour with a proposed new house ridge set at 135.5m. The ridge of the existing farmhouse is at a height of 136.25 metres. This is set at a lower level and has three storeys. The ridge of the nearest farm building to the proposal is set at 131.8 m. The new house will therefore be the dominant element of the building group if positioned as proposed.

The proposals also include a stable building to be constructed in a paddock to the north. This is proposed to be a small brick stables for three horses with dark grey roof and timber windows.

## **Landscape**

The site is within an area identified as part of the Loch Leven and Lomond Hills Special Landscape Area. The proposals indicate that some trees will be planted to the south east of the site with a beech hedge along the north side of the proposed access road. This access is also shown as linking through to the holiday lodge development.

There is an area of paddock proposed to the north of the house which will be bounded by a 1.2 metre ranch style timber fence. The other boundaries will be stock proof post and wire fencing. No soft landscaping of this area is proposed. This is in direct conflict with landscaping proposals approved as part of the adjacent chalet development. The site boundary of the chalet development overlaps with this planning application site boundary and I would have concerns that if the housing proposal is approved it is unlikely that the chalet development landscaping will be implemented.

## **Residential Amenity**

There are no immediate neighbours to the proposed house so there are no issues with regard potential overlooking or overshadowing. The site is adjacent to a working farm however the applicant is connected to the farm and this is not considered to be an issue. A stable block to the north of the site is proposed as part of the application. Environmental Health has been consulted and notes that there is the potential for existing residential properties to be affected by odours from the stables; however the closest neighbouring properties are all within the ownership of the applicant. A condition is requested with regard to any potential nuisance from the proposed wood burning stove included in the plans.

## **Visual Amenity**

The open nature of the site is likely to make the proposed house visually prominent. Whilst some landscaping to the front of the new house is proposed this is insufficient to provide an effective setting for the proposed development. In addition the siting of the proposed dwellinghouse on the higher part of the site will have an adverse visual impact and will be over dominant in relation to the existing farm buildings and farm house.

## **Roads and Access**

The proposed access is from an existing entrance into the farm. There are no objections from the Transport Planner.

## **Drainage and Flooding**

All foul drainage is proposed to septic tank with partial soakaway discharge. This is shown as entering a watercourse close to the site which will require SEPA authorisation. The site is close to but not within the Loch Leven Catchment Area. The plans state that rainwater will be stored and used where possible and that any additional surface water drainage will to an existing land drain in the paddock.

### **Water supply**

The existing water supply utilised by the farm will be used to serve the proposed property. Environmental Health has recommended an informative note be attached with regard to the protection of existing wayleaves.

## **Developer Contributions**

### **Primary Education**

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

This proposal is within the catchment of Portmoak Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are 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 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.



## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

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

1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

3 The proposal is contrary to Policy PM1B b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area.

4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise the implementation of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works).

### **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**

17/01749/1

17/01749/2

17/01749/3

17/01749/4

17/01749/5

17/01749/6

**Date of Report**

13 December 2017



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100068866-001

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

## Type of Application

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

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

## Description of Proposal

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

Provide new dwelling house, paddock and stable block on agricultural gap site west of Findatie Farm farmhouse including garden ground and revised access.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Module Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	
Last Name: *	Dowey	Building Number:	24
Telephone Number: *	01786 823753	Address 1 (Street): *	Anchorscross
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunblane
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK15 9JW
Email Address: *	mdowey@modulearchitects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

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

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Findatie Farm

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kinross

Post Code:

KY13 9LY

Please identify/describe the location of the site or sites

Northing

699111

Easting

317418

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☒ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussion relating to the Loch leven catchment area with David Rennie.

Title:

Mr

Other title:

-

First Name:

David

Last Name:

Rennie

Correspondence Reference  
Number:

-

Date (dd/mm/yyyy):

21/09/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.51

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)

Agricultural grazing land.

## Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right 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)? \*

4

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, cycles 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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

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: \*

Septic tank to partial soakaway to field drains ultimately resting in River Leven rather than the Loch.

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)

Domestic Wheelie bin provision shown on plans to east of house.

## 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? *	<div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; line-height: 20px;">1</div>
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.	
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>	
Does your proposal alter or create non-residential floorspace? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>	
<h2 style="margin: 0;">Schedule 3 Development</h2>	
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know         </span>	
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.	
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>	
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? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>	
<h2 style="margin: 0;">Certificates and Notices</h2>	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013	
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.	
Are you/the applicant the sole owner of ALL the land? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is any of the land part of an agricultural holding? *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you have any agricultural tenants? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you able to identify and give appropriate notice to ALL the other owners? *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<h2 style="margin: 0;">Certificate Required</h2>	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate B	

## Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Owners RJ Kinnaird

Address:

Findatie Farm Findatie Farm, Findatie Farm, Kinross, Scotland, KY13 9LY

Date of Service of Notice: \*

04/09/2017

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

or –

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

Name:

Address:

Date of Service of Notice: \*

Signed: Mark Dowey

On behalf of: Ms Shonagh Kinnaird

Date: 29/09/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

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

CGI views

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: Mr Mark Dowey

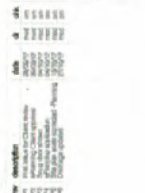
Declaration Date: 29/09/2017

## Payment Details



Created: 06/10/2017 09:12



[illegible]







## Design Statement

Proposed three bedroom dwelling house, paddock and stables at Findatie Farm, Kinross KY13 9LY

### 1.0 Introduction

The proposed site is located approximately four miles south-east of Kinross, in rural countryside to the south east shore of Loch Leven. The Kinnaird family have owned the farm for two generations and the site is located adjacent to the existing stone built farmhouse. There is a grouping of new farm cottages in a bungalow style over the B9097 adjacent to the farmhouse. Further, there is a large grouping of timber clad holiday chalets to the west of the proposed site. The site therefore forms a gap site between these chalets and the farmhouse.

Perth & Kinross Planning has confirmed that the site drains to the River Leven and is therefore not part of the Loch Leven Catchment Area relating to phosphorus discharge.

The local architectural style is that of the single stone or rendered farmhouse, shallow in plan and either single storey or one and a half storeys. The existing buildings along the B9097 Road vary in scale, form and age but most face the loch to optimise the vista.

Materials again vary dependant on the age of the development but locally-won stone or painted harling and 'Scottish' slate roofs predominate with small, punched fenestration to the main elevations.

The proposed design takes into account the guidance from Perth & Kinross Council in its 'Housing in the Countryside Design Guidance' document relating to massing and form. The dwelling house is of a modern idiom but in keeping with the guidance document's Design Principles this will be tied to a building that is wholly in keeping with the materials, form and massing of its rural context.

### 2.0 Planning Context

Under Perth & Kinross 'Housing in the Countryside Guide November 2012' guidance the application site is judged to meet the following criteria;

#### *1. Building Groups*

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



## 2. Infill Sites

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

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

The site would appear to meet all or some of the criteria listed in the above two clauses of the Perth & Kinross guidance for Housing in the Countryside.

## 2.0 The Building

### 2.1 Proposed Plot Area = 0.514Ha including paddock

Proposed House GIFA = 249m<sup>2</sup>

Of which 41m<sup>2</sup> is the garage

### 2.2 Dwelling House Layout

The house will single storey to reference similar sized properties in the locale and be of a footprint of approximately 250m<sup>2</sup> with integral garage. The house is 12 deg east of north-south axis to optimise the vista to the loch and to provide alignment with the neighbouring properties.

Access to the dwelling house is by the front elevation (south facade) into a connecting hallway through to a combined opened plan kitchen dining area. There is a standalone living room with views to the Loch and a double aspect woodburner in a stone chimney. The bedrooms are to the east end of the property comprising master with ensuite and two guest bedrooms with ensuite. A study is provided for home working. A utility room is provided to the rear entrance for accessing the garden and drying green.

The roof space will have attic trusses for storage.

### 2.3 Energy and Aspect

The building will be designed to achieve a Bronze Standard or better in Section 7 of the Scottish Building Regulations. It will be an energy efficient home with an air tightness under 5m<sup>3</sup>/h.m<sup>2</sup> @ 50 Pa and U-values to



individual element ensuring an EPC rating A-C dependant on the agreed insulation levels.

The building will be masonry built utilising a porous clay block with outstanding green credentials.

The building is north-south facing with the vista to the north. This has provided a challenge to perception of a thermally managed design. We have looked to overcome this by selectively placing glazing on the north elevation and increasing the amount of glazing on the south elevation to increase solar gain.

## 2.4 Materials and Form

The building takes the form of a traditional single storey rural dwelling of the area and is of a simple, single massing element with a shallow linear plan.

The house will have a traditional rendered harling buff in colour with grey Caithness effect quoins at the corners as shown on the elevation. Fenestration will be dark brown timber effect full height glazing with top opening lights.

The rear of the house has a frameless double glazed curved screen to maximise the view across to the Loch.

The roof will be covered with a slate effect fibre cement roof tile such as Marley Eternit Rivendale Fibre Cement slate, or equal approved.

## 3.0 **The Site**

### 3.1 Vehicular access

It is proposed that a new vehicular access be formed off of the old B9097 where it enters the farm. In essence the house will not be accessed from the main road but from an entry road running some five metres parallel to it. The main farm entrance is then utilised for access to the B9097 giving maximise visibility. This is the safest position for the new access, given the layout of the existing road

### 3.2 Amenity Space and Vehicular Parking

The house will have a hard standing tarmaced driveway to the south entrance area leading up to the house. This will allow for three visitor parking spaces adjacent to the main door and a further space near to the back door or this can be utilised for hammerhead turning. The rear of the property will comprise a grassed amenity space / family garden with some hardstanding to facilitate working the paddock beyond



### 3.3 Landscaping

The client has chosen to implement a five bar ranch style timber fence to the north boundary with the paddock. This will have a twelve foot five bar timber field gate to match the fence to provide access to the paddock.

The Client proposes to plan to plant a beech hedge to the south boundaries along the junction of the access road and the front garden as shown on the drawings. This will be young trees at 300mm centres around .75m in height. The front garden will be predominantly grassed with an orchard area of semi-mature planted fruit trees to the south west corner.

Further, a hedge off bin store is shown to the east side of the house.

Vehicular access is provided to the rear paddock via a tarmaced driveway to a gravelled area in the back garden. The gravelled area will act as a soakaway for surface water drainage from the tarmaced areas.

Existing boundary treatments – the 1.2m high post & wire fences to the east and west boundaries will remain in-situ. The east boundary fence will be extended and a new gate added to facilitate access for the farm to the fields beyond.

### 3.3 Additional ancillary buildings

The paddock area to the north of the garden ground requires a small brick built stables for three horses. The roof will be in dark grey single ply membrane and four timber windows will provide daylighting to the structure.

### 3.5 Existing trees and hedges

The proposal does not affect any existing trees (of which there are none on site) or hedges (to the southernmost boundary).

## **4.0 Utilities and Drainage**

### 4.1 Foul and surface water

There are no existing local authority sewers serving this part of the B9097. All foulwater drainage is to septic tank and subsequent 25m partial soakaway discharge. Please refer to submitted JIG Ltd document submitted with this application.

Rainwater will be stored and used where possible. Any additional surface water drainage will be via a new branch in connection to an existing land drain in the paddock, after the Septic tank and connecting into the soak away, subject to drainage consultant design.



#### 4.2 Water supply

The existing shared water supply should be utilised to serve the proposed property with an additional toby being installed at the point of connection, subject to Statutory approval.

#### 4.3 Electrical supply

There is an existing overhead electrical supply to Findatie Farmhouse. This will be extended to the new plot, subject to Utilities Consent.

MCD Module Architects

28/09/2017











**RESEARCH DESIGN AND METHODS**



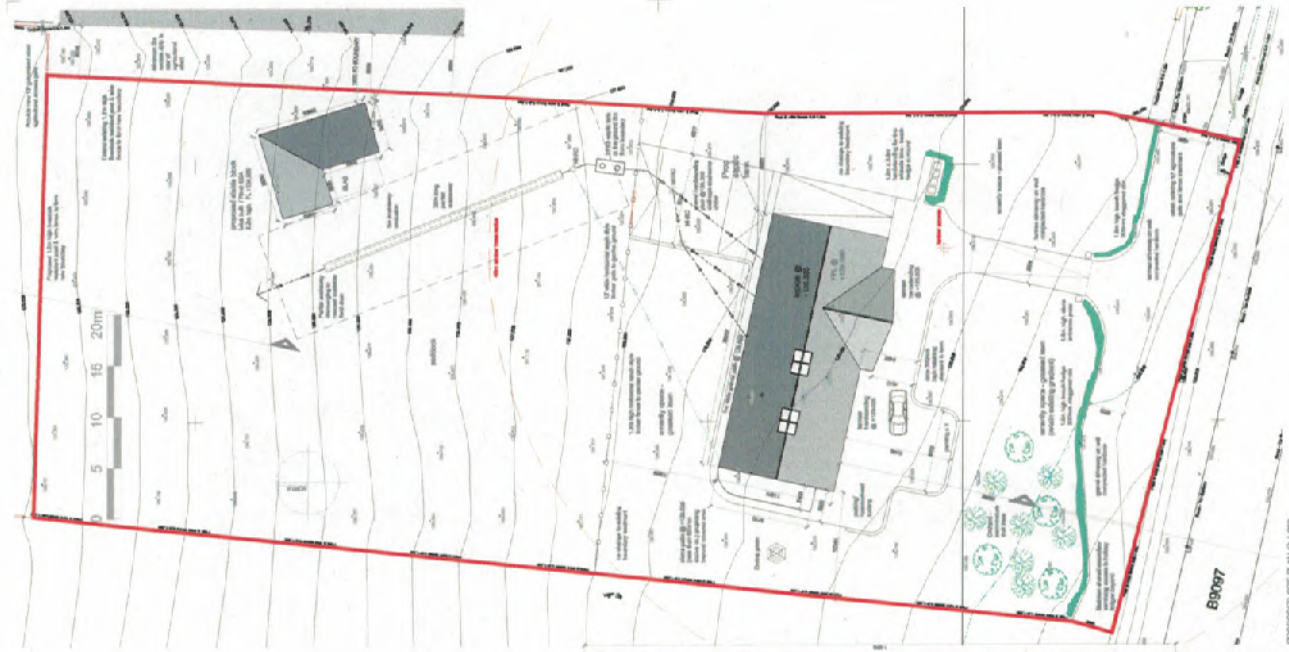
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Determining the degree of translation	
Untranslated	Accountants to put their feet to the ground to indicate where the major sources of risk to success in creating value among new ventures are common
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This finding may indicate a conservative approach to health and safety, but it also may indicate that the industry is not fully embracing the concept of a "total quality" approach to design, which recognizes that better products and work environments go hand in hand. The industry may need to be encouraged to make such changes, which also may be necessary to ensure that the industry remains competitive in the global market.

Further research needs to be conducted on behalf of all parties involved in the design process to ensure that the industry is fully embracing the concept of a "total quality" approach to design, which recognizes that better products and work environments go hand in hand. The industry may need to be encouraged to make such changes, which also may be necessary to ensure that the industry remains competitive in the global market.





**PROPOSED SITE PLAN @ 1:200**

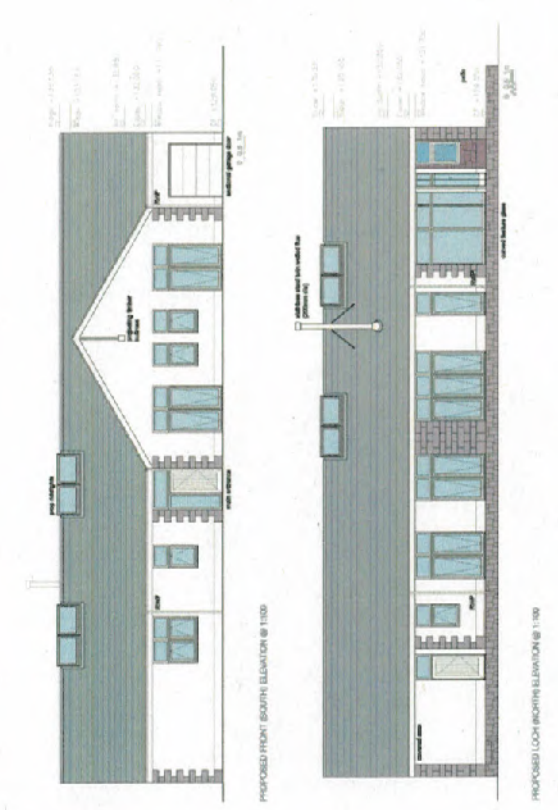
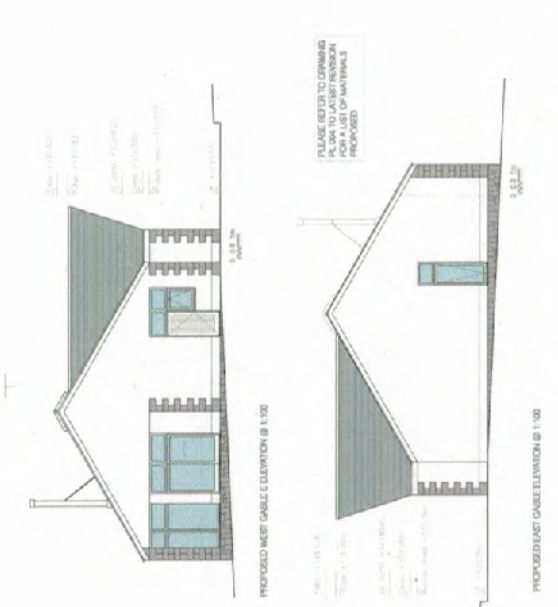
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**PROPOSED SITE PLAN @ 1:200**

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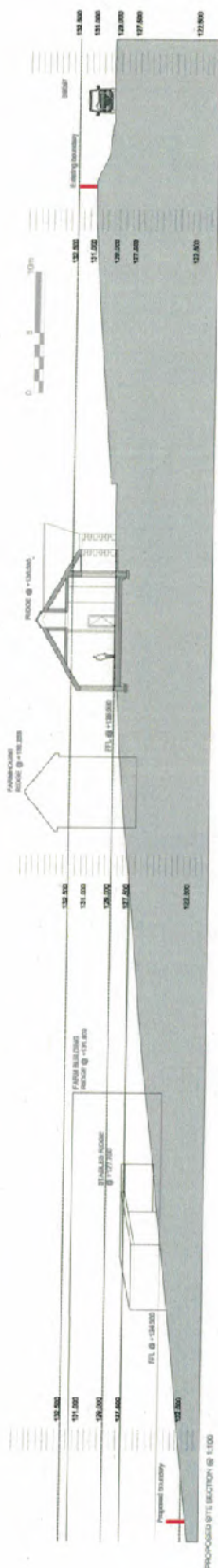
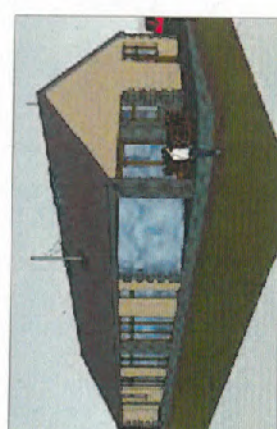
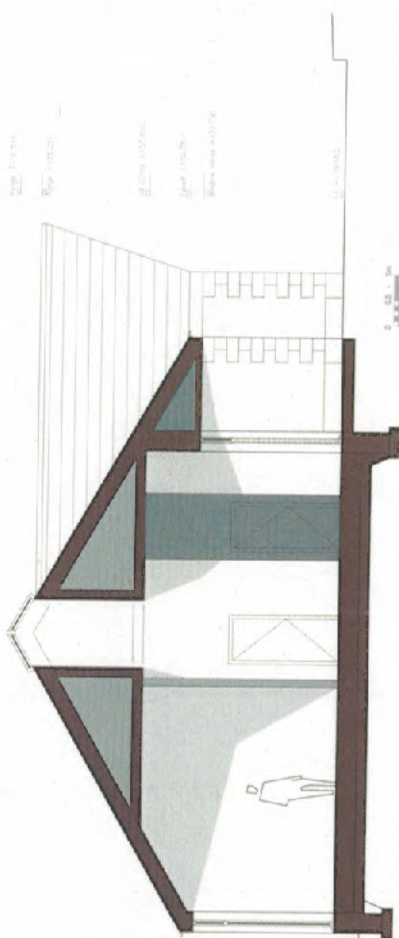
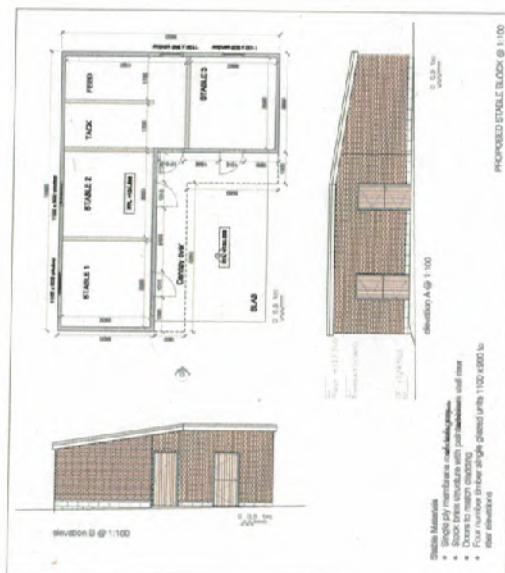


**PROPOSED GROUND FLOOR PLAN @ 1:50**

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Contribution	Contribution
<p><b>Conduct</b></p> <p>The following are some of the ways in which you can contribute to the success of the organization:</p> <ul style="list-style-type: none"> <li>• <b>Attendance:</b> Attend all meetings and events.</li> <li>• <b>Participation:</b> Participate in all activities and discussions.</li> <li>• <b>Communication:</b> Communicate effectively with others.</li> <li>• <b>Teamwork:</b> Work well with others in a team.</li> <li>• <b>Leadership:</b> Take initiative and lead by example.</li> <li>• <b>Problem Solving:</b> Identify and solve problems.</li> <li>• <b>Time Management:</b> Manage your time effectively.</li> <li>• <b>Flexibility:</b> Be adaptable to change.</li> <li>• <b>Respect:</b> Respect the views and feelings of others.</li> <li>• <b>Confidentiality:</b> Keep confidential information secure.</li> <li>• <b>Professionalism:</b> Maintain a professional attitude.</li> <li>• <b>Continuous Improvement:</b> Seek to improve yourself and the organization.</li> </ul>	<p><b>Conduct</b></p> <p>The following are some of the ways in which you can contribute to the success of the organization:</p> <ul style="list-style-type: none"> <li>• <b>Attendance:</b> Attend all meetings and events.</li> <li>• <b>Participation:</b> Participate in all activities and discussions.</li> <li>• <b>Communication:</b> Communicate effectively with others.</li> <li>• <b>Teamwork:</b> Work well with others in a team.</li> <li>• <b>Leadership:</b> Take initiative and lead by example.</li> <li>• <b>Problem Solving:</b> Identify and solve problems.</li> <li>• <b>Time Management:</b> Manage your time effectively.</li> <li>• <b>Flexibility:</b> Be adaptable to change.</li> <li>• <b>Respect:</b> Respect the views and feelings of others.</li> <li>• <b>Confidentiality:</b> Keep confidential information secure.</li> <li>• <b>Professionalism:</b> Maintain a professional attitude.</li> <li>• <b>Continuous Improvement:</b> Seek to improve yourself and the organization.</li> </ul>

Year	Classification	Score	Rank	Percentile	Comments
2017	2017-2018	100	1	100	Perfect Score
2016	2016-2017	98	2	98	Excellent Score
2015	2015-2016	95	3	95	Very Good Score
2014	2014-2015	92	4	92	Good Score
2013	2013-2014	88	5	88	Fair Score
2012	2012-2013	85	6	85	Fair Score
2011	2011-2012	82	7	82	Fair Score
2010	2010-2011	78	8	78	Fair Score
2009	2009-2010	75	9	75	Fair Score
2008	2008-2009	72	10	72	Fair Score
2007	2007-2008	68	11	68	Fair Score
2006	2006-2007	65	12	65	Fair Score
2005	2005-2006	62	13	62	Fair Score
2004	2004-2005	58	14	58	Fair Score
2003	2003-2004	55	15	55	Fair Score
2002	2002-2003	52	16	52	Fair Score
2001	2001-2002	48	17	48	Fair Score
2000	2000-2001	45	18	45	Fair Score
1999	1999-2000	42	19	42	Fair Score
1998	1998-1999	38	20	38	Fair Score
1997	1997-1998	35	21	35	Fair Score
1996	1996-1997	32	22	32	Fair Score
1995	1995-1996	28	23	28	Fair Score
1994	1994-1995	25	24	25	Fair Score
1993	1993-1994	22	25	22	Fair Score
1992	1992-1993	18	26	18	Fair Score
1991	1991-1992	15	27	15	Fair Score
1990	1990-1991	12	28	12	Fair Score
1989	1989-1990	8	29	8	Fair Score
1988	1988-1989	5	30	5	Fair Score
1987	1987-1988	2	31	2	Fair Score
1986	1986-1987	0	32	0	Fair Score





The drawing rate reflects responses to six statements that reflect a health and wellness risk management approach. Drawing, substituting, or rearranging the responses to the statements will cause problems for score calculation. The drawing rate is calculated by dividing the number of correct responses by the total number of responses. For example, if a participant answers all six statements correctly, the drawing rate would be 100 percent. If a participant answers only four statements correctly, the drawing rate would be 66.6 percent. The drawing rate is the number of correct answers divided by the number of total answers, rounded to one decimal place.

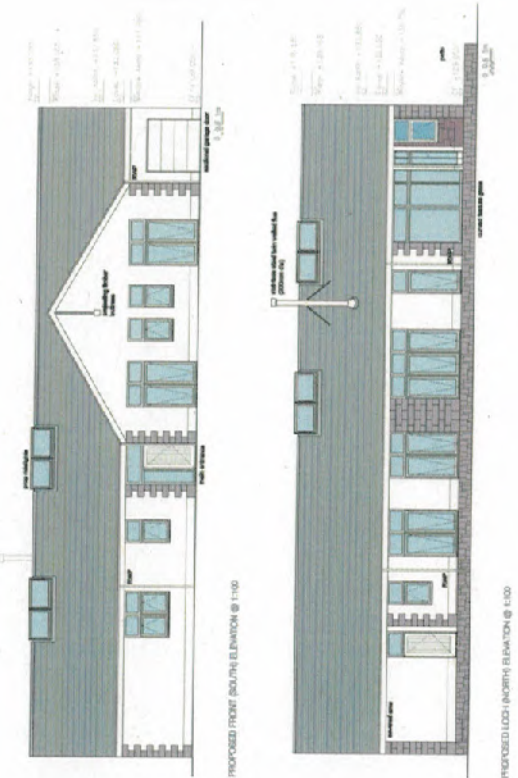
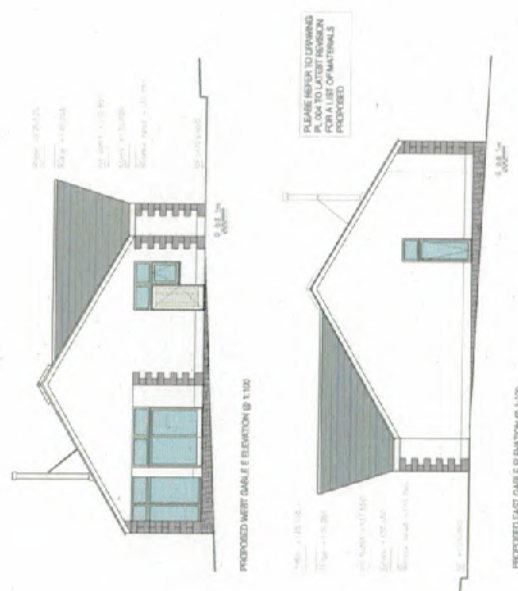
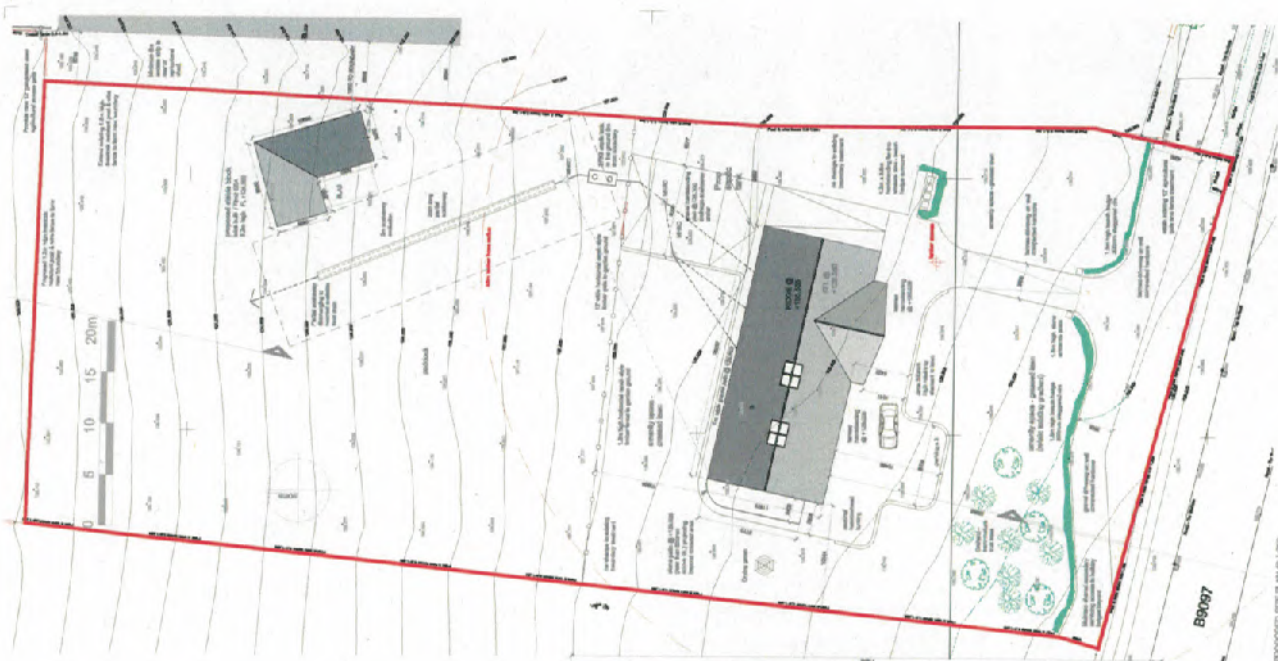
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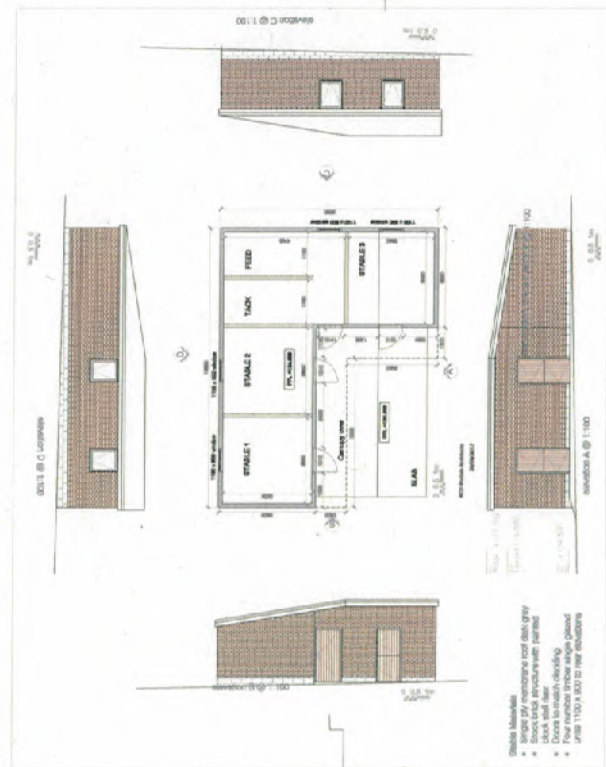
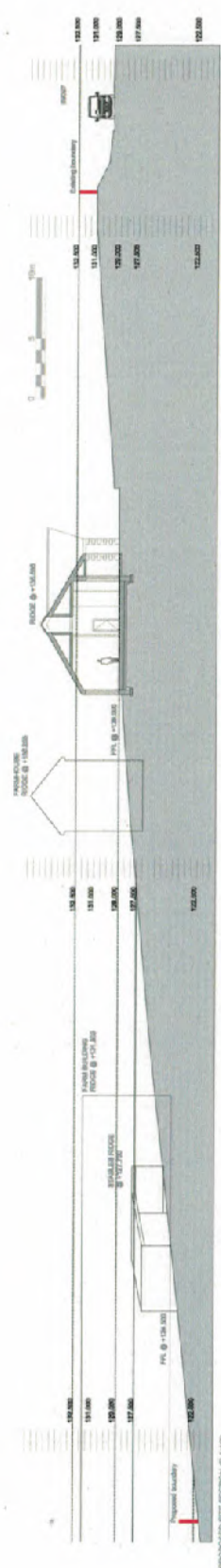
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05/08/2017	Mr & Mrs David Fletcher Farm, 40-acre KY13 8LY PLA-NAB4Q Easington	Sept 2017	1702

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D-40225 Düsseldorf  
FRG 15 02W

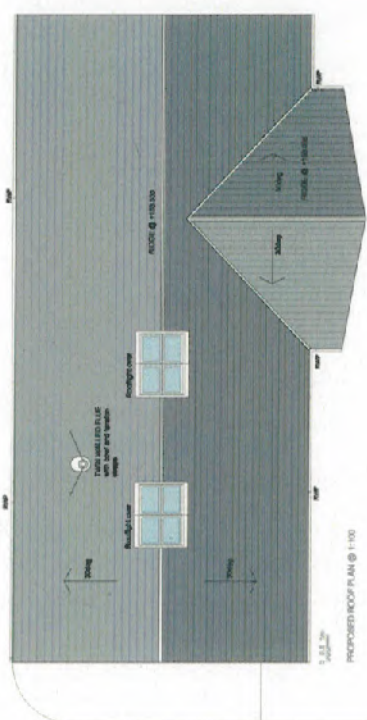


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- Single ply membrane roof deck grey
- Sock brick structure with painted black steel floor
- Doors to match cladding
- Four number timber signs placed until 1100 x 900 to rear sections



24 Acetoxypiprines  
 Turbidity  
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 T: 01708 023713  
 E: [info@artificialintelligence.com](mailto:info@artificialintelligence.com)  
 W: [www.artificialintelligence.com](http://www.artificialintelligence.com)

ref	description	date	size
16	First issue in 32 (Cheng number)	2002/12/7	1000
17	following China approval	2002/12/7	1000
18	China number - 1000	2002/12/7	1000
19	China number - 1000	2002/12/7	1000

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ing R-C dependent on the signal modulation levels.

The building takes the form of a traditional single-story house with a small porch at the rear and is of a simple, single-story construction with a wooden frame plan.

It is proposed that a new vehicle license be formed off of the old DMV's license fee base. To maintain the license fee of the amount from the cash fund but have an entry point raising more than income generated to it. The cash fees will be used to pay for the DMV's operating costs. The new license fee will be used to pay for the DMV's operating costs, plus the amount of the cash fund. This is the same practice for the same reason, plus the amount of the cash fund.

The house still has a hard-shedding Vermont shingle roof. The south entrance now leads up to the house. This will allow for more outdoor parking space adjacent to the main door and a further screen near to the back door as this can be achieved by a new stone wall. The new entrance will be a paved gravelled access / hardy garden with some hard-landscaping to screen the porch beyond.

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1.3. **Additional security findings**

The presenters were to the north of the ground required a small hole built stable for three hours. The road will be in place and any other maintenance and four corner windows are provided depending to the structure.

1.4. **Additional security findings**

1.8 systems and linkages

1.1 Fuel grid surface state

[illegible]

There is an existing overhead electrical supply to the study greenhouse. This will be extended to the new plot, subject to UKHSA consent.

**Design Statement**  
Inspired from ancient dwelling houses, individual and unique at Private Party House 1213 B27  
L.B International

John S. Kline, President, New Bedford Fish Ship Sales to the New Jersey and is President of the Fish Sales Commission Area selling to Philadelphia fishery.

[illegible]

Similar items to *Worms* Nurturing in the Curriculum's Guide November 2012 guidance for practitioners who is subject to review for following criteria:

The administration of up to 2 new licenses to grow between established licenses or 3 bonus and smaller subsidiary holdings of land transactions to add 0.1 hectare (smaller units are acceptable).

- (1) Other activities treated as transactions to take in the neighbouring immediate property (5%) and have a double rate of road charge
- (2) The proportion of each plot assigned to one holding must be no greater than that assigned to the other holding
- (3) There are no limits to this activity which would prevent the treatment of an excessive number of the assigned

The site would appear to consist of at least 500g of the ordinary kind of the earth (the stones of the earth) and the stones of the earth (the stones of the earth).

- 2.1** Formatted *Ref Area* is 512 rows including padding.
- 2.2** Formatted *Stream ID's* is 20480
- 2.3** OF value aligned to five groups
- 2.4** Creating Stream Array

Access to the floating houses is by the third elevator. It is a connecting highway through a horizontal tunnel one window diving east. There is a distribution room next to the hall with a double aspect southward. It is a stone chimney. The southward is to the east and if the property connecting south with north and east buildings with south. A water is provided for house working. A utility room is provided in the new entrance for swimming the garden and every corner.

**2.3 Energy and demand**

The building will be designed to achieve a 30% reduction in better to Section 7 of the Scottish Building Regulations. It will be an energy efficient home with an air tightness value  $5 \text{ m}^3/\text{h}/\text{m}^2$  at 50 Pa and provision to reduce demand, including an air



CO. 1957 00 - MEAT ELEVATION FROM NORTH: WEST

[illegible]







## Drainage Assessment

For a New Dwelling at  
Findatie Farm, Kinross

October 2017

[www.jig.uk.com](http://www.jig.uk.com)

23 Westminster Terrace

Glasgow G3 7RU

Telephone: 0141 221 4747



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## **1. EXECUTIVE SUMMARY**

JIG Ltd was engaged by Ms S Kinnaird, via Module Architects, to undertake an assessment of the sewage treatment and effluent dispersal options for a proposed 3-bedroom dwelling to be erected on a site immediately adjacent to, and to the west of, Findatie Farm, by Ballingry, Kinross, Perth and Kinross. Surface water management was also to be considered. The systems would need to meet the requirements of the regulatory authorities and JIG's investigations were to assist in ensuring compliance.

### **SEWAGE TREATMENT**

JIG's investigations concluded that a favourable means of treating the sewage that would be generated by the proposed dwelling would be one based upon the provision of an EN12566 compliant biological treatment plant from which the effluent would be discharged to an unnamed tributary of the River Leven at a point to the northeast of the site via an outfall incorporating at least 25m<sup>2</sup> of partial soakaway. It was advised the treatment system chosen would need to be capable of producing a mean effluent quality of no more than 20mg/l BOD.

With regard to the choice of actual treatment system it was advised that a supplier and expert in the field such as Hutchinson Environmental Solutions (01434 220508 or 01896 860246) be contacted to discuss options and installation.

It was advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be approved by SEPA and an application for a "Registration" must be made and a Registration issued prior to the sewage treatment system being used.

### **SURFACE WATER**

JIG recommended the surface water from the impermeable areas associated with the proposed dwelling be directed to the same watercourse as the treated foul effluent. A common carrier pipe could be utilised, however, in such an instance the surface water should, ideally, be connected to the pipe at a point after the partial soakaway. As the incorporation of SUDS into the surface water drainage system of a single dwelling is not a legal requirement this would be compliant with General Binding Rule 10 of the Controlled Activities (Scotland) Regulations 2011.

## 2. INTRODUCTION

JIG Ltd was engaged by Ms S Kinnaid, via Module Architects, to undertake an assessment of the sewage treatment and effluent dispersal options for a proposed 3-bedroom dwelling to be erected on a site immediately adjacent to, and to the west of, Findatie Farm, by Ballingry, Kinross, Perth and Kinross. Surface water management was also to be considered. The systems would need to meet the requirements of the regulatory authorities and JIG's investigations were to assist in ensuring compliance.

### 2.1. Introduction to Sewage Treatment

The Building (Scotland) Regulations 2004 must be adhered to when a construction project is being undertaken. Regulation 3.7 of the Regulations, as reproduced in Box 1, states that:

Box 1.

**Every wastewater drainage system serving a *building* must be designed and constructed in such a way as to ensure the removal of wastewater from the *building* without threatening the health and safety of the people in and around the *building*, and:**

- (a) That facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided;
- (b) That discharge is to a public sewer or public wastewater treatment plant, where it is *reasonably practicable* to do so; and
- (c) Where discharge is to a public sewer or public wastewater treatment plant is not *reasonably practicable* that discharge is to a private wastewater treatment plant or septic tank.

**Limitation**

Standard 3.7(a) does not apply to a *dwelling*.

As a public sewer connection was not possible a private wastewater treatment system and traditional soakaway option had to be investigated as the preferred route for the treatment and final dispersal of the sewage that would be generated by the proposed dwelling. Section 3.9.1 of the Technical Handbook requires a preliminary "ground assessment" for such infiltration devices.

Under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, all activities concerning the discharge of sewage effluent to the water environment, either directly or indirectly via land, require the authorisation of the Scottish Environment Protection Agency (SEPA). This includes discharge activities to infiltration devices including soakaways and raised filtration mounds.

## 2.2. Introduction to Surface Water Management

With regard to surface water treatment and dispersal, Regulation 3.6 of the Building (Scotland) Regulations 2004, as reproduced in Box 2, states that:

Box 2.

**Every *building* and hard surface within the *curtilage* of a *building*, must be designed and constructed with a surface water drainage system that will:**

- (a) ensure the disposal of *surface water* without threatening the *building* and the health and safety of the people in and around the *building*; and**
- (b) have facilities for the separation and removal of silt, grit and pollutants.**

Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements of the authorities and following the results of the preliminary “ground assessment” JIG would report upon and advise on the best practicable means.

With regard to SEPA’s requirements, general binding rule (GBR) 10, in pursuance of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 states that a sustainable urban drainage system is not required for a single house.

**GBR10: Discharge of surface water run-off from a surface water drainage system to the water environment from construction sites, buildings, roads, yards and any other built-up areas.**

**Rules:**

- a) If the surface water run-off is from areas constructed after 1 April 2007, the site must be drained by a Sustainable Urban Drainage System (SUDS). If the surface water run-off is from a construction site operated after 1 April 2007, the site must be drained by a SUD system or equivalent. The only exceptions are if the run-off is from a single dwelling and its curtilage, or if the discharge is to coastal water.
- b) All reasonable steps must be taken to ensure that the discharge will not result in pollution of the water environment.
- c) The discharge must not contain any trade effluent or sewage and must not result in visible discolouration, iridescence, foaming or sewage fungus in the water environment.
- d) The discharge must not result in the destabilisation of the banks or bed of the receiving surface water.
- e) The discharge must not contain any water run-off from any of the following areas constructed after 1 April 2007:
  - fuel delivery areas and areas where vehicles, plant and equipment are refuelled;
  - vehicle loading or unloading bays where potentially polluting matter is handled;
  - oil and chemical storage, handling and delivery areas.
- f) All treatment systems (including oil interceptors, silt traps and SUDS) must be maintained in a good state of repair.
- g) All reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the SUDS is prevented from entering the system.
- h) The construction and maintenance of the outfall must not result in pollution of the water environment.

(Source; SEPA, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 7.3 June 2016.

### **3. SITE PROFILE AND GROUND ASSESSMENT**

The site was visited on the 7<sup>th</sup> October 2017 with the intent of conducting intrusive investigations, including percolation tests if deemed appropriate, with a view to utilising infiltration as a means of disposing of treated foul drainage from the dwelling.

#### **3.1. Topography, Local Drainage and Flooding**

The site of the proposed dwelling is immediately to the west of, and adjacent to, Findatie Farm, Ballingry, by Kinross, Perth and Kinross. The site, which is a field laid to grass, is at an altitude of approximately 130m above sea and slopes fairly steeply to the north towards the River Leven.

The nearest watercourse is a tributary of the River Leven which lies approximately 150m the northeast of the site while the River Leven lies approximately 210m to the north.

Given the location of the development, the site gradient and the position of the nearest watercourse, the risk of flooding of the site or elsewhere downstream as a result is not considered to be an issue.

#### **3.2. Geology, Groundwater and Abstraction**

According to the geological record the underlying solid geology is Sandstone of the Stratheden and Inverclyde Group. The superficial deposits are recorded as Diamicton (boulder clay). This was confirmed on the day by Mr R Kinnaird who has farmed at Findatie for 60 years.

Depth to ground water is unknown as no intrusive investigations were carried out.

There are no wells marked within 50m of the site on current maps, however, as infiltration will not be used as a means of dispersing foul drainage the presence of wells nearer to the site would not be a constraint.

#### **3.3. Location of Services**

The developer knows the locations of all services and any treatment system location would be sited accordingly with due care and attention taken to avoid any inadvertent disturbance during development works.

#### **3.4. Other Implications of Plot Size or Vegetation**

With regard to any infiltration device for sewage or wastewater it must be located;

- at least 50m from any spring, well or borehole used as a drinking water supply; and
- At least 10m horizontally from any watercourse (including any inland or coastal waters), permeable drain, road or railway.

Any infiltration system and any treatment plant must also be located;

- at least 5m from a building; and
- at least 5m from a boundary.

The location of any septic tank or treatment plant must ensure that a desludging tanker can gain access to a working area that:

- will provide a clear route for a suction hose from the tanker to the tank; and
- is not more than 25 m from the tank where it is not more than 4m higher than the invert level of the tank; and
- is sufficient to support a vehicle axle load of 14 tonnes.

With regard to any infiltration device for surface water, it must be located;

- at least 5m from any building or boundary.

Following clearance of the site for construction there will be no notable vegetation that might interfere with any system proposed or vice versa.

### **3.5. Porosity Testing**

Intrusive ground investigations were not undertaken during the site visit on the 7<sup>th</sup> October 2017 due to the fact that previous deep excavations previously undertaken by Mr R Kinnaird had revealed unsuitable ground conditions. This, compounded by the steep site contours, meant that a soakaway was discounted due to the inability to specify a design that would be compliant with BS6297:2007 on foul soakaway design, SEPA guidance, or the Technical Handbook to the Building Regulations. As a result, an alternative solution based on achieving a discharge of appropriately treated sewage effluent to an unnamed tributary of River Leven to the northeast was to be investigated.



## 4. SEWAGE TREATMENT

### 4.1. Minimum System Requirements

The size of treatment plant required to treat the sewage that would be generated by the 3-bedroom dwelling was calculated according to recognised industry figures as shown in Table 1.

Table 1. Effluent Flow Figures

Development	Maximum Occupancy	Total Daily Flow (150litres/ person)	BOD loading per person (g/day)	Treatment capability required (kg/BOD)
New Dwelling	5 (based on 3 bedrooms)	150	60	0.3

Sized in accordance with British Water "Code of Practice - Flows and Loads 4 - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems". 2013

Based on the above information, a treatment plant capable of treating at least 0.3kg BOD per day would be required.

### 4.2. Discharging to a Watercourse

A soakaway is not considered a realistic solution at the site due to poor ground conditions and steep contours. As a result, JIG consulted SEPA by way of an email submission dated 10<sup>th</sup> October 2017 proposing a solution based on achieving a discharge of appropriately treated sewage effluent to an unnamed tributary of the River Leven to the northeast of the site. The proposal was based on making a discharge of treated effluent from a BS EN12566 compliant sewage treatment plant capable of achieving an effluent quality of 20mg/l BOD to this watercourse. SEPA responded by way of an e-mail on the 16<sup>th</sup> October 2017 agreeing to the principle of the proposal, see Appendix 3.

JIG was advised by Mr R Kinnaird that a drain existed adjacent to the shed on the western boundary of the site and that this drain, to which access could be gained from this site, discharged to the tributary of the River Leven at a point just above where the watercourse came back out of culvert into open cut. It is via this drain that JIG envisions a discharge to the tributary being achieved.

### 4.3. Recommendation – Sewage Treatment

JIG recommends the foul drainage arising from the proposed dwelling be treated by way of an EN12566 compliant biological treatment plant from which the effluent would be discharged to an unnamed tributary of the River Leven at a point to the northeast of the site via an outfall incorporating at least 25m<sup>2</sup> of partial soakaway. It is advised the treatment system chosen would need to be capable of producing a mean effluent quality of no more than 20mg/l BOD.

With regard to the choice of actual treatment system it is advised that a supplier such as Hutchinson Environmental Solutions (01434 220508 or 01896 860246) be contacted to discuss options and installation.

It is advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be authorised by SEPA and a Registration must be obtained prior to the sewage treatment system being used. A Registration application was made on the 19<sup>th</sup> October 2017.

## **5. SURFACE WATER MANAGEMENT**

### **5.1. Minimum System Requirements**

In pursuit of compliance with Regulation 3.6 of the Building (Scotland) Regulations 2004, Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements:

- a. a SUDS system designed and constructed in accordance with clause 3.6.4:  
or
- b. a soakaway constructed in accordance with:
  - clause 3.6.5; or
  - the guidance in BRE Digest 365, 'Soakaway Design'; or
  - National Annex NG 2 of BS EN 752-4: 1998; or
- c. A public sewer provided under the Sewerage (Scotland) Act 1968; or
- d. An outfall to a watercourse, such as a river, stream or loch or coastal waters, that complies with any notice and/or consent by SEPA; or
- e. If the surface water is from a dwelling, to a storage container with an overflow discharging to either [sic] of the 4 options above.

The impermeable surfaces to be drained will consist of the roof and ancillary impermeable surfaces only.

### **5.2. Investigations & Results**

Site investigations revealed that due to impermeable ground conditions and space constraints trench or pit soakaways, or other infiltration devices, would not be an appropriate means of disposing of surface water from the development. The surface water could however, readily be taken to the unnamed tributary of the River Leven at a point to the northeast of the site.

### **5.3. Recommendation – Surface Water**

JIG recommends the surface water from the impermeable areas associated with the proposed dwelling be directed to the same watercourse as the treated foul effluent. A common carrier pipe could be utilised, however, in such an instance the surface water should, ideally, be connected to the pipe at a point after the partial soakaway. As the incorporation of SUDS into the surface water drainage system of a single dwelling is not a legal requirement this would be compliant with General Binding Rule 10 of the Controlled Activities (Scotland) Regulations 2011.

## **6. DISCLAIMER**

The content of this assessment is for internal use only, and should not be distributed to third parties unless under the expressed authority of our client. The designs, recommendations and outline proposals shall remain the property of JIG Ltd, and shall not be plagiarised in any form without authority to do so. The comments and recommendations stipulated are solely those expressed by JIG Ltd, and both parties understand that the comments and recommendations expressed are not binding. JIG Ltd. confirms that all reasonable skill, care, and diligence have been applied and that any design element has been carried out using verifiable and approved reference documentation. No responsibility shall be assumed by JIG for system failure as a result of incorrect installation work by contractors assigned by the client or incorrect or inappropriate implementation of JIG's recommendations.

## **7. REFERENCES**

Building (Scotland) Regulations 2004.

Building Standards (Scotland) Regulations 1990.

British Water Code of Practice: Flows and Loads 4 – Sizing Criteria, Treatment Capacity for Small Sewage Wastewater Treatment Systems, 2013

British Standard BS 6297: 2007

Environment Act 1995.

Phelps, D.S. and Griggs, J. Mound Filter Systems for the Treatment of Domestic Wastewater. BRE Bookshop, Waterford, 2005.

SEPA, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide. Version 7.3 June 2016.

Scottish Building Standards: Technical Handbook: Domestic.

Water Environment (Controlled Activities) (Scotland) Regulations 2011

SEPA guidance: WAT-RM-03: Regulation of Sewage Discharges to Surface Waters

8. APPENDICES

8.1. Appendix 1: Site Location



## 8.2. Appendix 2: Discharge location



### 8.3. Appendix 3: Submission to SEPA

**From:** Isaacs, Pamela [mailto:pamela.isaacs@sepa.org.uk]  
**Sent:** 16 October 2017 12:01  
**To:** Ian Corner <Ian@jig.uk.com>  
**Subject:** RE: Loch Leven Cut

Hi Ian,

Apologies for the late reply. Busy as always!

If there is adequate flow in the burn for the discharge SEPA would not have an issue with this in principle if ground conditions could not merit a soakaway. We may require evidence of this thought at the application stage.

If this was going straight to the River Leven there should be enough dilution for the discharge however as this is going to a small burn if dilution is not sufficient then secondary treatment may be required. Is this still proposed to be a septic tank?

I am sure you will have seen this before but the table below is taken from pg. 17 of Wat-RM-03 Sewage discharges to Surface Waters (available here: <https://www.sepa.org.uk/regulations/water/pollution-control/pollution-control-guidance/>)

**Table 1 Registration look up table for sewage discharges to watercourses**

Dilution range:		Treatment / standards required
Anticipated/Existing Pollution Pressure	No Anticipated/Existing Pollution Pressure	
>400:1	>400:1	Primary / Septic tank (with partial soakaway)
100:1 - 400:1	30:1 - 400:1	Secondary treatment <b>designed</b> to produce effluent with a mean BOD concentration ≤20mg/l
30:1 - 100:1	10:1 - 30:1	Secondary: <b>designed</b> to produce effluent with a mean ammonia concentration ≤5mg/l
<30:1	<10:1	Enhanced treatment or refuse

Usually dilution would need to be greater than 400:1 for septic tank to discharge to surface water. This would more than likely be met by the River Leven but as this is being proposed to go to a burn justification would be required if dilution is lower than this.

I would like to take the most pragmatic approach to this as it is for a single property so impact will be much less than a large development however justification would be needed if dilution was not sufficient.

Regards

Pamela Isaacs  
 Environment Protection Officer



---

**From:** Ian Corner  
**Sent:** 10 October 2017 18:03  
**To:** Isaacs, Pamela <pamela.isaacs@sepa.org.uk>  
**Subject:** RE: Loch Leven Cut

Pamela,

Apologies for delay in getting this to you but I was out on site all day yesterday as a job over ran.

I met Mr Kinnaird, the farmer and father of our client, on Sat. I became abundantly clear early on in our discussions that there was little point in putting a digger on the site.

Mr Kinnaird advised that a number of years ago he had reason so conduct a deep excavation within the field where the 3-bedroom house will be located. The excavation was at least 8ft deep and at no time did they encounter what he would have considered permeable ground conditions. Bearing in mind that Mr Kinnaird has farmer here for 60 years and is one of 3 shareholders in the adjacent chalet development and has intimate knowledge of the soakaway that apparently serves that development, it was apparent that he knew what he was talking about when it came to understanding the type of ground that is needed for a successful soakaway. He further advised that, just as indicated on the Geological map of the area, the more permeable ground lies somewhat to the NE of Findatie Farm. Unfortunately this area of land is all but inaccessible from our client's site as it lies on the other side of the farm and some distance from it.

As a result of his input, and giving consideration to the contours of the site, which slopes quite steeply to the North (see attached photo), I decided that there was little point in attempting percolation tests as the evidence indicated this would have been a complete waste of time. Bearing in mind that a soakaway makes our job so much easier, and the client generally ends up with the cheapest drainage solution, you might imagine this was not a decision that was taken lightly.

As a result of this we discussed the possibility of achieving a discharge to the Leven Cut directly but this appears not to be a feasible solution based on land ownership and the physical difficulty of getting an outfall to the Rive Leven. Apparently no field drains go in that direction either.

We are therefore required to propose an alternative solution to that initially proposed and that is to achieve a discharge to a watercourse that is culverted through the farm. This can be seen on SEPA's NGR Tool. This once served an undercut water wheel associated with a mill that once existed at the farm. It arises as a spring some distance to the south of the farm and is known to have a flow 52 weeks of the year. Which seems reasonable if it was used as a supply to a mill.

The flow in this watercourse, as can be seen from the attached photo, was reasonably substantial on Sat, 7<sup>th</sup> October and seemed to offer well in excess of 30:1 dilutions (for SPE this equates to 0.24 litres/sec flow in the watercourse) and we would have estimated the flow on the day to be at least several litres /sec.. While we accept this is not the driest time of the year this does allow a great deal of latitude in terms of flow in the watercourse with even a 50% drop in flow still offering something like 100 dilutions. This would suggest an effluent quality of 20mg/l BOD as a mean could be appropriate. The effluent would be discharged to the watercourse via an existing field drain that exists adjacent to the site and to which the client can gain access. The outfall from the treatment plant prior to connection to the field drain would incorporate 25m<sup>2</sup> of constructed p.s.a. The outfall location to the watercourse would be at NGR NT17447 99255.

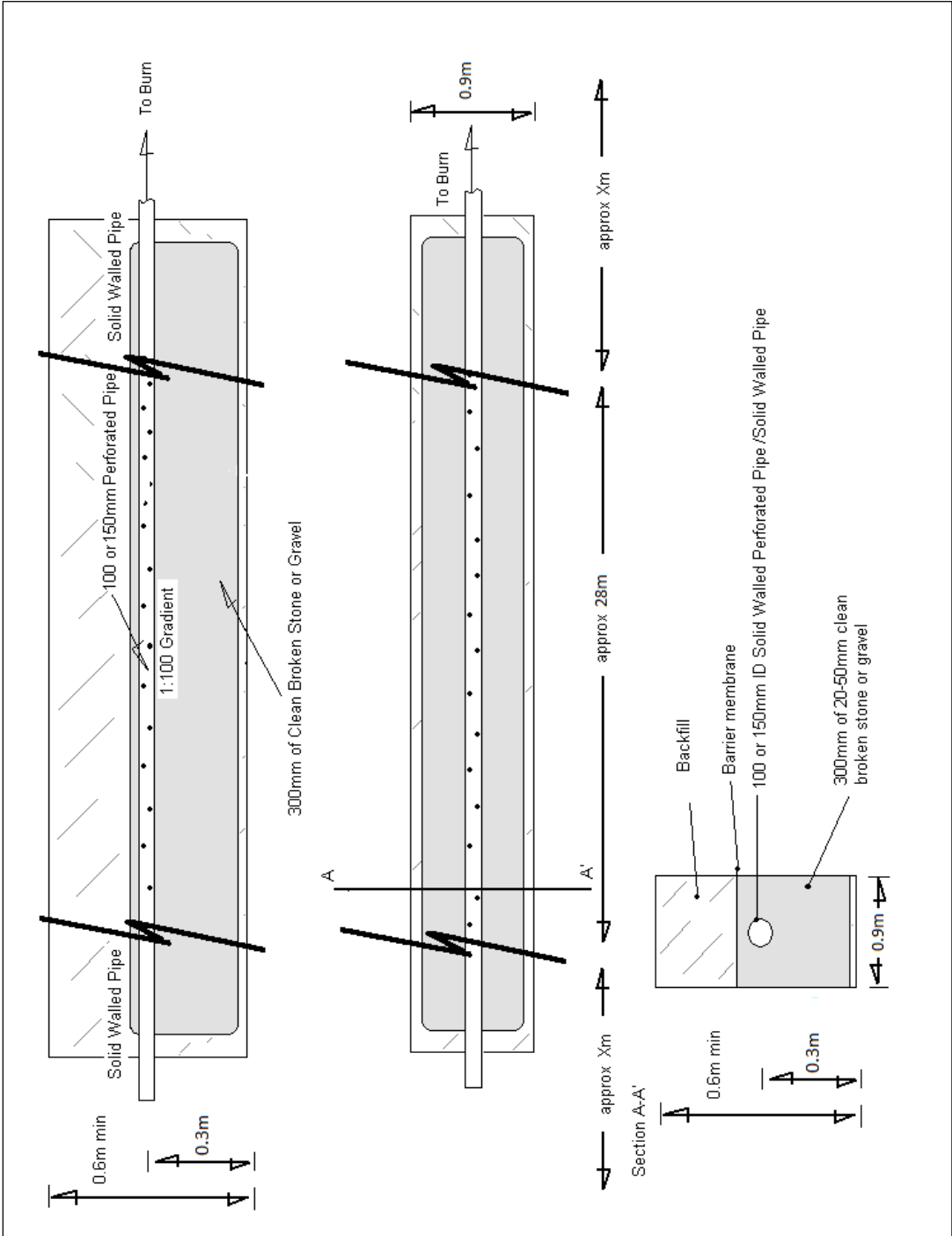
We would be obliged if you would give this proposal due consideration and advise whether the effluent quality proposed is likely, at least in principle, to meet with SEPA's approval.

Regards

Ian Corner



8.4. Appendix 4: Partial Soakaway Layout (indicative)



## 8.5. Appendix 5: Photographs

Photo No 1 - Site overview looking north



Photo No 2 – Watercourse at location of proposed discharge via existing drain











# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01749/FLL

Our ref LRE/MA

Date 1 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK17/01749/FLL RE: Erection of a dwellinghouse and stables land 90 metres West of Findate Farm Kinross for Ms Shonagh Kinnaird**

I refer to your letter dated 20 October 2017 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –01/11/17)

### **Recommendation**

**I have no adverse comments to make in relation to the application.**

### **Comments**

This application is for the erection of a dwelling house and the plans submitted with the application indicates that the applicant proposes to install a double sided inset log burner between the living and dining area and a stainless steel twin walled flue is to be exhausted out through the roof of the dwelling house and will sit about one metre above the roof ridge.

The applicant also proposes to erect a stable block which will consist of three stables, tack room and a feed store.

The closest residential properties to the application site are all within the ownership of the applicant and the closest one outwith is Sluice House which is approximately 325 metres away.

### **Air Quality**

Biomass has the potential to increase ambient air concentrations of nitrogen dioxide and particulate matter. The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical guidance LAQMA.TG09 which accompanies this Act, advises that biomass boiler within the range of 50kW to 20MW should be assessed. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

The proposed biomass double sided log burner to be installed will be well below the range to be assessed and as an individual installation I have no adverse comments to make with regards to local air quality.

However there is the potential for small biomass installations, whilst individually acceptable, could in combination lead to unacceptably high PM concentrations, particularly in areas where concentrations are close to or above objectives.

I have undertaken a screening assessment and it is my contention that the combined installation of all four stoves will not have an adverse impact of local air quality, as the background maps indicate low PM and NO<sub>2</sub> concentrations for the area.

### **Nuisance**

However this Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

As the exhaust for the flue is up through the roof and is to sit above the roof ridge, the emissions should be adequately dispersed. Therefore I have no adverse comments to make with regards to loss of amenity, however I do recommend that the undernoted condition be included on any given consent to protect residential amenity.

### **Odour**

There is the potential for existing residential properties to be affected by odours from the stables; however the closest neighbouring properties are all within the ownership of the applicant.

There are no letters of representation at the time of writing this memorandum.

**Water** (assessment date – 26/10/17)

### **Recommendation**

**I have no objections to the application but recommend the undernoted informative be included in any given consent.**

### **Comments**

The development is for a dwelling house in a rural area with private water supplies (including Findatie Dairy Farm Supply) believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply. To ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informative. No public objections relating to the water supply were noted at the date above.

### **WAYL - Informative 1**

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.

**Tracy McManamon**

*Response from Portmoak Community Council*

**From:** Robin Cairncross <[REDACTED]>  
**Sent:** 08 November 2017 17:23  
**To:** Nick Brian; Development Management - Generic Email Account  
**Cc:** tomandnorma.smith@gmail.com; steel@greenheadfarm.co.uk; Robin Cairncross; susanforde@fons-scotiae.scot; davemorris2@btinternet.com; alineil@btinternet.com; the.calderwoods@btinternet.com; andrew.muszynski@icloud.com  
**Subject:** Letter of Comment. Planning Application 17/01749/FLL Sweeling House and Stables at Findatie Farm Kinross  
**Attachments:** Letter of Comment re Fidatie application 17 01749 FLL.docx

Nick Brian  
Development Control  
Perth & Kinross Council

Dear Mr Brian

**Letter of Comment. Planning Application 17/01749/FLL Sweeling House and Stables at Findatie Farm Kinross**

Please see attached a letter of comment from Portmoak Community Council

Yours sincerely

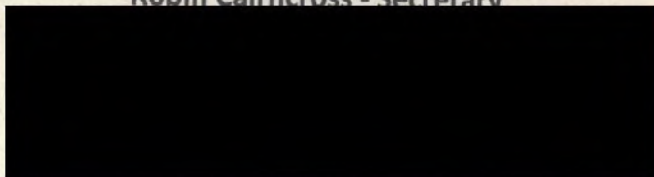
Robin Cairncross  
Secretary  
Portmoak Community Council





# Portmoak Community Council

Robin Cairncross - Secretary



8<sup>th</sup> November 2017

Mr Nick Brian  
Perth and Kinross Council  
Development Control  
Pullar House  
35 Kinnoull Street  
PERTH PH1 5GD

Dear Mr Brian

**17/01749/FLL Land 90 metres west of Findatie Farm, Kinross. Erection of a dwellinghouse and stables.**

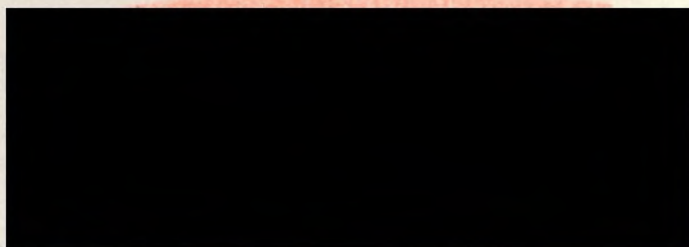
## **Notice of Comment**

This application is for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm Kinross. .

The Community Council does not in principle object to this application. It acknowledges that it may comply with criteria set out in the Council's policy document Housing in the Countryside.

It recommends that the position of the house be reviewed with a view to it being placed further north and down the hill so lessening the profile from the B9097 and bringing it more into line with the existing farm house.

Yours sincerely



Robert G Cairncross  
for  
Portmoak Community Council



**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 403-404)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 405-414)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 427-458)*



**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **REPRESENTATIONS**



24/10/2017

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



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

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

Dear Local Planner

**KY13 Kinross Findate Farm Land 90 Metres West Of**  
**PLANNING APPLICATION NUMBER: 17/01749/FLL**  
**OUR REFERENCE: 752610**  
**PROPOSAL: Erection of a dwellinghouse and stables**

**Please quote our reference in all future correspondence**

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

#### **Water**

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

#### **Foul**

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

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

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

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

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

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**  
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)
- **Trade Effluent Discharge from Non Dom Property:**  
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities

including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

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

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

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

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

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

Yours sincerely

**Angela Allison**

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



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

<b>Planning Application ref.</b>	17/01749/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse and stables		
<b>Address of site</b>	Land 90 Metres West Of Findate Farm, Kinross		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	01 November 2017		





The Coal  
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG



Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Ms Persephone Beer

Perth and Kinross Council

[By Email: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) ]

03 November 2017

Dear Ms Persephone Beer

**PLANNING APPLICATION: 17/01749/FLL**

**Erection of a dwellinghouse and stables; LAND 90 METRES WEST OF  
FINDATIE FARM, KINROSS, KY13 9LY**

Thank you for your consultation notification of the 20 October 2017 seeking the views of The Coal Authority on the above planning application.

**The Coal Authority Response: Material Consideration**

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

**The Coal Authority Recommendation to the LPA**

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Yours sincerely

**Rachael A. Bust**

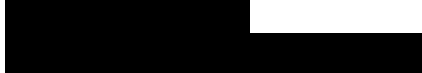
*B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*

**Chief Planner / Principal Manager**

**Planning and Local Authority Liaison**



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

<b>Planning Application ref.</b>	17/01749/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin 
<b>Description of Proposal</b>	Erection of a dwellinghouse and stables		
<b>Address of site</b>	Land 90 Metres West Of Findate Farm, Kinross		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Portmoak Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total: £0</u></b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments</b>	08 November 2017		



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK17/01749/FLL

Our ref LJ

Date 14 November 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### PK17/01749/FLL RE: Erection of a dwellinghouse and stables Land 70m west of Findatie Farm Kinross for Ms Shonagh Kinnaird

I refer to your letter dated 20 October 2017 in connection with the above application and have the following comments to make.

#### Contaminated Land (assessment date – 14/11/2017)

##### Informative

An inspection of the proposed development site did not raise any real concerns, although the site is adjacent to a farm steading which used to contain a sheep wash area. The applicant is advised that, given the current and historical use of the adjacent land, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.







**TCP/11/16(523) – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross**

## **FURTHER INFORMATION**





PPCA Ltd

Town Planning Consultants

39 Dunipace Cres. Dunfermline KY127LZ

0131 225 1225

robin@ppca.co.uk

www.ppga.co.uk

Our Ref: 1495  
Your ref: 17/01749/FLL

18<sup>th</sup> April 2018

FAO Gillian A Taylor,  
Clerk to the Local Review Body,  
Perth & Kinross Council,  
Committee Services,  
Council Building,  
2 High Street,  
PERTH PH1 5PH

Dear Ms Taylor,

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

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

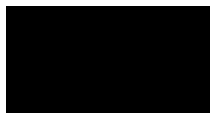
**Application Ref: 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – Ms S Kinnaird**

Following on from your letter dated 18<sup>th</sup> April 2018 in respect of the above, and in response to point (ii) therein, I can confirm that the siting and positioning of the proposed house is as per the original planning application as submitted for consideration to the Council.

As requested, I have attached an electronic version of the original site plan as prepared by the architects which shows the position of the proposed dwellinghouse.

I trust that this clarifies the matter and will allow the consideration of the Review at the 1<sup>st</sup> May 2018 Local Review Body.

Yours sincerely,



Robin Matthew  
Director





